

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 4, 2016 beginning at 3:30 p.m.

PRESENT: ANNE LAMBERTON, Chairperson
DONALD MOYER, Vice-Chairperson
JOHN J. HOLAHAN, III, 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. ARMSTRONG: We'll open the
2 January 4, 2016 Tobyhanna Township Board of
3 Supervisors reorganization meeting with the pledge
4 of allegiance.

5 (Pledge of allegiance was
6 recited.)

7 MR. ARMSTRONG: Thank you and
8 welcome to the Tobyhanna reorg of January 4, 2016.

9 With that, the first nomination,
10 if there is someone to nominate someone on the
11 board to serve as the chair of the board of
12 supervisors for the year 2016?

13 MS. PICKARD: I'll nominate --

14 MR. KERRICK: I'd like to
15 nominate Anne Lamberton.

16 MR. MOYER: I'll second.

17 MR. ARMSTRONG: Motion made for
18 Anne Lamberton and seconded.

19 Any questions or comments from
20 the board?

21 MR. HOLAHAN: Yeah, I do.

22 Anne, with things that are going
23 on with the Kalahari and with Papillion and Moyer,
24 are you going to be able to have those
25 conversations with these meetings?

3

1 MS. LAMBERTON: I think I've
2 been pretty clear on my conflicts and my ethically
3 stating that I work for them.

4 MR. HOLAHAN: I guess my
5 concern is, in the -- how much discussion can they
6 have when they've got a conflict?

7 MR. ARMSTRONG: Yeah. I mean,
8 that's -- when someone has a conflict with respect
9 to a matter before the board, clearly they should
10 not be voting and they should recuse themselves
11 from the actual vote itself. When it comes to
12 deliberating with the board, it usually makes sense
13 for those who are deliberating to step back. I've
14 seen -- I've seen individuals do both, so long as
15 they're recusing themselves from the actual vote

16 being made. I tend to err on the side of caution
17 and suggest, you know, if there's actual active
18 deliberations going back and forth, you know,
19 sometimes it makes sense not to get too involved
20 with those discussions.

21 As to what's going to be before
22 this board in 2016 with Kalahari, I don't know. I
23 mean, they're -- I don't know how much is going to
24 be before this board for actual action in 2016, but
25 if that's a concern --

4

1 MS. LAMBERTON: I think that
2 there's a difference between deliberation and
3 discussion. I mean, deliberation is how I would
4 vote on something, which I don't vote on anything.

5 MS. PICKARD: I'm confused now
6 about deliberation and -- and discussion, isn't
7 that the same thing? You're deliberating on the
8 vote, it's what you have a discussion on?

9 MS. LAMBERTON: Well, discussion
10 is to bring the information forward.

11 MR. ARMSTRONG: The discussion

12 I think is --

13 MS. LAMBERTON: That's how I'm
14 looking at it.

15 MR. ARMSTRONG: -- what Anne is
16 referring to, a discussion is like an informative
17 kind of discussion --

18 MS. LAMBERTON: Right.

19 MR. ARMSTRONG: -- as to -- as
20 to the separate issues. Deliberating is actual
21 deliberation between members of the board with the
22 intent of coming up with a decision. You know,
23 it's a fine line before -- between the point of dec
24 -- discussion and deliberations. I mean, is there
25 -- this is kind of catch -- catch me a little bit

5

1 off guard, but is there going to be a lot of
2 discussions or action with Kalahari in 2016? That
3 I don't know. They're in the pro -- I mean,
4 they've done their land development app --
5 approvals, so they're proceeding with phases --
6 well, stages, however they're characterizing them
7 at this point.

8 MR. HOLAHAN: Well, that's all

9 right. If you don't feel it's going to be an
10 issue.

11 MS. LAMBERTON: I personally do
12 not.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: And what I -- I
15 mean, now that I realize that there's a current
16 concern, I guess, when there is something before
17 this board for Kalahari, if the board would like --
18 well, I'm sorry.

19 There is a motion and a second
20 at this point.

21 MS. PICKARD: I'm confused. I
22 would like to know what you were going to say now.

23 MR. ARMSTRONG: What do you
24 mean? The mo -- the motion is -- the motion before
25 the board is the appointment -- or the nomination

6

1 of the chair of the board of supervisors. There's
2 nothing before the board with respect to Kalahari
3 at this point in time, with this motion.

4 In generally -- generally

5 speaking, my understanding was the question as to
6 if there's a conflict with a member of this board
7 and a member needing to recuse themselves from
8 actual action, should they be actually
9 participating in deliberations on the topic. And,
10 you know, I may have said this, but probably not if
11 it's actual significant -- actual deliberations for
12 the point of coming up with an action of the board.

13 If it's informative, you know, I
14 don't know if there's anything preventing a member
15 of the board from participating in informative
16 discussions. But when the board is actually
17 deliberating for the purpose of taking action on a
18 particular item brought before it by -- doesn't
19 have to be Kalahari, could be anyone, you know,
20 they probably should not participate in the active
21 deliberations.

22 MR. HOLAHAN: So what's the
23 difference between deliberation and discussion?

24 MR. ARMSTRONG: That's a good
25 question.

1 MS. PICKARD: That's what I had

2 asked before.

3 MS. LAMBERTON: Well, I guess
4 my -- my question is the -- really the action of
5 the chair is to run a meeting. That's the only
6 difference between that person and any other
7 member.

8 MR. MOYER: Yeah. The vote
9 would come up anyway really.

10 MS. LAMBERTON: Yeah, which I
11 would -- I would state my ethical obligation if
12 there was one at that point, just like I do now.

13 MR. ARMSTRONG: We're kind of
14 getting off topic, but I'm trying think this
15 through in my head. Deliberation --

16 MS. PICKARD: So when you
17 started to say --

18 MR. ARMSTRONG: Deliberation
19 would be someone -- an applicant comes before this
20 board for action and the board has an active
21 discussion as to okay, well, what are they asking
22 for and describe actually what's before the board.
23 Deliberation would be for an individual on this
24 board that would clearly have a conflict lobbying
25 or trying to push for a certain action --

1 MS. LAMBERTON: Sure.

2 MR. ARMSTRONG: -- for purposes
3 of moving forward with that action, with the
4 knowledge that they're going to have to recuse
5 themselves at the time of the vote; that would be,
6 in my mind, inappropriate. And I don't think that
7 happens here, not at least to my understanding.
8 But that's that particular question.

9 MS. PICKARD: Well, you just
10 started to say, I guess we could and then you
11 stopped yourself. And I was just wondering what --
12 where you were going with that.

13 MR. HOLAHAN: That was a while
14 ago.

15 MR. ARMSTRONG: So the
16 nomination, as far as I understand, is for Anne
17 Lamberton to serve as chair. There is a second.

18 Are there any other further
19 comments or questions from the board at this time?

20 Any other comments from the
21 public?

22 Seeing none.

23 All those in favor?

24 MR. KERRICK: Aye.

25 MS. PICKARD: Aye.

9

1 MR. MOYER: Aye.

2 MS. LAMBERTON: I'll abstain.

3 MR. ARMSTRONG: And the ayes

4 were? John Kerrick?

5 MR. KERRICK: Yes.

6 MR. ARMSTRONG: Heidi? Donny?

7 All those opposed?

8 MR. HOLAHAN: Nay.

9 MR. ARMSTRONG: Motion carries.

10 Anne, would you like to take --

11 MS. LAMBERTON: I will take it

12 from here.

13 I'll accept a nomination for a

14 member to serve as vice-chair of the board of

15 supervisors.

16 MS. PICKARD: I'll nominate

17 John Holahan.

18 MS. LAMBERTON: I have a

19 motion.

20 Do I have a second?
21 MR. HOLAHAN: Can I second?
22 I'll second.
23 MS. LAMBERTON: I have a motion
24 and a second.
25 Any questions or comments from

10

1 the board?
2 Questions or comments from the
3 public?
4 Call the vote. John?
5 MR. KERRICK: Opposed.
6 MS. LAMBERTON: Heidi?
7 MS. PICKARD: I vote in favor.
8 MS. LAMBERTON: Donny?
9 MR. MOYER: Nay.
10 MS. LAMBERTON: John?
11 MR. HOLAHAN: I vote in favor.
12 MS. LAMBERTON: And I will vote
13 no.
14 I'll accept another nomination
15 for the vice-chair for the board of supervisors.

16 MR. KERRICK: Donald Moyer.
17 MR. HOLAHAN: I'll second.
18 MS. LAMBERTON: I have a motion
19 and a second.
20 Any questions or comments from
21 the board?
22 Questions or comments from the
23 public?
24 Seeing none. Call the vote.
25 John?

11

1 MR. KERRICK: In favor.
2 MS. LAMBERTON: Heidi?
3 MS. PICKARD: I vote in favor.
4 MS. LAMBERTON: Donny?
5 MR. MOYER: I'll abstain.
6 MS. LAMBERTON: John?
7 MR. HOLAHAN: I vote in favor.
8 MS. LAMBERTON: I vote in
9 favor. Motion carries.
10 I'll accept a nomination for an
11 appointment for township secretary.
12 MR. KERRICK: Nominate Phyllis

13 Haase.

14 MS. LAMBERTON: I have a
15 motion.

16 MS. PICKARD: I second the
17 motion.

18 MS. LAMBERTON: I have a
19 second.

20 Any questions or comments from
21 the board?

22 Any questions or comments from
23 the public?

24 Call the vote. John?

25 MR. KERRICK: In favor.

12

1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: I vote in favor.

3 MS. LAMBERTON: Donny?

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

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: I vote in favor.

7 MS. LAMBERTON: I vote in
8 favor. Motion carries.

9 I'll accept a nomination for an
10 appointment for someone to serve as assistant
11 township secretary; to assist and perform duties of
12 the township secretary in the absence of or
13 disability of the township secretary.

14 MR. KERRICK: Nominate Margie
15 Argot.

16 MS. LAMBERTON: I have a motion.

17 MS. PICKARD: I'll second.

18 MS. LAMBERTON: I have a motion
19 and a second for Margie Argot.

20 Any questions or comments from
21 the board?

22 Any questions or comments from
23 the public?

24 Call the vote. John?

25 MR. KERRICK: In favor.

13

1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: Vote in favor.

3 MS. LAMBERTON: Donny?

4 MR. MOYER: I vote in favor.

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: I vote in favor.
7 MS. LAMBERTON: I vote in
8 favor. Motion carries.
9 I will accept a nomination to
10 appoint someone to serve as the township treasurer.
11 MR. KERRICK: Nominate Heidi
12 Pickard.
13 MS. LAMBERTON: I have a
14 motion.
15 MR. HOLAHAN: I'll second.
16 MS. LAMBERTON: I have a motion
17 and a second.
18 Any questions or comments from
19 the board?
20 Questions or comment from the
21 public?
22 Call the vote. John?
23 MR. KERRICK: In favor.
24 MS. LAMBERTON: Heidi?
25 MS. PICKARD: I'll abstain.

1 MS. LAMBERTON: Donny?

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

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: I vote in favor.

5 MS. LAMBERTON: I vote in

6 favor. Motion carries.

7 I will accept a nomination for

8 an appointment for the assistant township

9 treasurer.

10 MS. PICKARD: I'll nominate

11 Janice Finnochio.

12 MS. LAMBERTON: I have a

13 motion.

14 MR. KERRICK: Second.

15 MS. LAMBERTON: I have a

16 second.

17 Questions or comments from the

18 board?

19 Questions or comment from the

20 public?

21 Call the vote. John?

22 MR. KERRICK: In favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: Vote in favor.

25 MS. LAMBERTON: Donny?

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

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: I vote in favor.

4 MS. LAMBERTON: I vote in

5 favor. Motion carries.

6 I will accept a nomination to

7 serve as the chief administrator of the township

8 nonuniformed pension plan.

9 MR. KERRICK: Nominate Phyllis

10 Haase.

11 MS. PICKARD: I'll second.

12 MS. LAMBERTON: I have a motion

13 and a second.

14 Questions or comments from the

15 board?

16 Questions or comment from the

17 public?

18 Seeing none.

19 Call the vote. John?

20 MR. KERRICK: In favor.

21 MS. LAMBERTON: Heidi?

22 MS. PICKARD: Vote in favor.

23 MS. LAMBERTON: Donny?

24 MR. MOYER: I vote in favor.

25 MS. LAMBERTON: John?

16

1 MR. HOLAHAN: I vote in favor.

2 MS. LAMBERTON: I vote in

3 favor. Motion carried.

4 I will accept a nomination to
5 appoint someone to serve as the township emergency
6 management deputy.

7 MR. KERRICK: Deputy or --

8 MS. PICKARD: Deputy or the --

9 MS. LAMBERTON: Oh, emergency
10 management. I apologize.

11 MS. PICKARD: I'll nominate --

12 MS. LAMBERTON: Emergency
13 management coordinator. I apologize.

14 MS. PICKARD: I'll nominate Ed
15 Tutrone.

16 MR. KERRICK: I'll second that.

17 MS. LAMBERTON: I have a
18 nomination and a motion and a second.

19 Any questions or comments from

20 the board?

21 Questions or comments from the
22 public?

23 Seeing none.

24 Call the vote. John?

25 MR. KERRICK: In favor.

17

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: John?

6 MR. HOLAHAN: I vote in favor.

7 MS. LAMBERTON: I vote in

8 favor. Motion carried.

9 I will accept a nomination for
10 an appointment for the township emergency
11 management deputy.

12 MR. KERRICK: Nominate John
13 Holahan.

14 MS. LAMBERTON: I have a
15 motion.

16 MR. MOYER: Second.

17 MS. LAMBERTON: I have a
18 second.
19 Any questions or comments from
20 the board?
21 MR. HOLAHAN: Yeah, I do.
22 Phyllis is the current emergency
23 management deputy and I would suggest that Phyllis
24 continue in that.
25 MR. KERRICK: My paper here

18

1 says your name, John.
2 MR. MOYER: Yeah, that's what I
3 had.
4 MS. PICKARD: It was changed
5 when we --
6 MR. HOLAHAN: That was last
7 year and then we switched it during the year.
8 MR. KERRICK: I apologize. I
9 rescind my motion.
10 MR. HOLAHAN: Yes.
11 MR. MOYER: I'll rescind my
12 second.

13 MR. KERRICK: I'll nominate
14 Phyllis.
15 MR. MOYER: And I'll second
16 again. I think I second that.
17 MS. LAMBERTON: Motion and a
18 second.
19 Questions or comments from the
20 board?
21 Questions or comment from the
22 public?
23 Seeing none.
24 John, call the vote?
25 MR. KERRICK: In favor.

19

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: John?
6 MR. HOLAHAN: I vote in favor.
7 MS. LAMBERTON: I vote in
8 favor. Motion carried.
9 I will accept a nomination for

10 someone to serve as a township representative to
11 the Pocono Mountain Regional Police Commission.

12 MS. HAASE: We skipped No. 12.

13 MS. LAMBERTON: I will accept a
14 nomination to appoint someone to serve as the
15 township safety coordinator.

16 MR. KERRICK: I nominate
17 Phyllis Haase.

18 MS. PICKARD: Second.

19 MS. LAMBERTON: I have a motion
20 and a second.

21 Any questions or comments from
22 the board?

23 Questions or comments from the
24 public?

25 Seeing none.

20

1 Call the vote. John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: Donny?

6 MR. MOYER: I vote in favor.
7 MS. LAMBERTON: John?
8 MR. HOLAHAN: I vote in favor.
9 MS. LAMBERTON: I vote in favor.
10 Motion carried.
11 I'll accept a nomination to
12 appoint someone to act as the township supervisor
13 to serve as the township representative to the
14 Pocono Mountain Regional Police Commission.
15 MR. KERRICK: I'd like to put
16 13, 14 and 15 together and nominate Anne Lamberton,
17 Donald Moyer and Dave Moyer.
18 MS. LAMBERTON: I have a
19 motion.
20 MR. MOYER: I'll second.
21 MS. LAMBERTON: I have a
22 second.
23 Any questions or comments from
24 the board?
25 MS. PICKARD: Shouldn't they be

21

1 separate motions?
2 MR. HOLAHAN: Yep, I want them

3 separate motions as well. I speak against the
4 motion.

5 MS. LAMBERTON: Okay.

6 MR. KERRICK: Let's vote on it.

7 MS. LAMBERTON: It looks like
8 you could --

9 MR. HOLAHAN: I'm just speaking
10 against the motion.

11 MS. LAMBERTON: Okay. So --

12 MR. ARMSTRONG: My
13 understanding is it's just against --

14 MS. LAMBERTON: Take them
15 individually.

16 MR. ARMSTRONG: -- putting them
17 all together. Take them individually.

18 MS. LAMBERTON: John, if that is
19 okay with you, we'll take it individually?

20 MR. KERRICK: I don't see what
21 the issue is, but no problem.

22 MS. LAMBERTON: I could see
23 where you could take 13 and 14 and then the third
24 is a resident, if you'd like to do it --

25 MR. KERRICK: I'll do one at a

1 time.

2 MS. LAMBERTON: Okay. I would

3 accept a --

4 MR. KERRICK: I'll start with

5 Anne Lamberton.

6 MS. LAMBERTON: Okay. I have a

7 motion.

8 MR. MOYER: I'll second.

9 MS. LAMBERTON: I have a motion

10 and a second.

11 Any questions or comments from

12 the board?

13 Any questions or comments from

14 the public?

15 Seeing none.

16 Call the 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: John?

23 MR. HOLAHAN: I vote in

24 opposition.

25 MS. LAMBERTON: And I will

23

1 abstain. Motion carries.

2 I will accept a nomination to
3 appoint a township supervisor or township manager
4 to serve as a township representative to the Pocono
5 Mountain Regional Police Commission.

6 MR. KERRICK: I nominate Donald
7 Moyer.

8 MS. PICKARD: I'll second the
9 motion.

10 MS. LAMBERTON: I have a motion
11 and a second.

12 Any questions or comments from
13 the board?

14 Questions or comments from the
15 public?

16 Seeing none.

17 Call the vote. John?

18 MR. KERRICK: In favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: Vote in favor.

21 MS. LAMBERTON: Donny?
22 MR. MOYER: I'll abstain.
23 MR. HOLAHAN: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carried.

24

1 I will accept a nomination to
2 appoint a resident/taxpayer to serve -- Tobyhanna
3 Township resident/taxpayer to serve as a township
4 representative to the Pocono Mountain Regional
5 Police Commission.
6 MR. KERRICK: Nominate Dave
7 Moyer.
8 MS. LAMBERTON: I have a
9 motion.
10 MR. HOLAHAN: I'll second.
11 MS. LAMBERTON: I have a
12 second.
13 Any questions or comments from
14 the board?
15 Questions or comment from the
16 public?

17 Seeing none.
18 Call the vote. John?
19 MR. KERRICK: In favor
20 MS. LAMBERTON: Heidi?
21 MS. PICKARD: Vote in favor.
22 MS. LAMBERTON: Donny?
23 MR. MOYER: I'll vote in favor.
24 MS. LAMBERTON: John?
25 MR. HOLAHAN: I vote in favor.

25

1 MS. LAMBERTON: I vote in
2 favor. Motion carries.
3 I will accept a nomination to
4 appoint a member of the board of supervisors to
5 serve as a township representative for the Pocono
6 Mountain Council of Government.
7 MR. KERRICK: Anne Lamberton.
8 MR. MOYER: I'll second.
9 MS. LAMBERTON: I have a motion
10 and a second.
11 Any questions or comments from
12 the board?
13 Any questions or comments from

14 the public?
15 Seeing none.
16 Call the 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'll vote in favor.
22 MS. LAMBERTON: John?
23 MR. HOLAHAN: I vote in favor.
24 MS. LAMBERTON: I will abstain.
25 Motion carries.

26

1 MR. MOYER: Do we have to do
2 alternates for that?
3 MS. LAMBERTON: Oh, yeah. Don't
4 we have to have alternates? Didn't we make the
5 whole board --
6 MS. PICKARD: It's on the next
7 page.
8 MR. MOYER: It is on the next
9 page.

10 MS. HAASE: You have to
11 designate one.
12 MS. PICKARD: We had it in the
13 bylaws --
14 MS. LAMBERTON: That we can't
15 do that.
16 I will accept a nomination to
17 appoint a member of the board of supervisors to
18 serve as an alternate township representative to
19 the Pocono Mountain Council of Government.
20 MR. MOYER: I'll nominate Heidi
21 Pickard.
22 MS. LAMBERTON: I have a
23 motion.
24 Do I have a second?
25 MR. HOLAHAN: I'll second.

27

1 MS. LAMBERTON: I have a motion
2 and a second.
3 Questions or comments from the
4 board?
5 Questions or comment from the
6 public?

7 Seeing none.
8 Call the vote. John?
9 MR. KERRICK: In favor.
10 MS. LAMBERTON: Heidi?
11 MS. PICKARD: I'll abstain.
12 MS. LAMBERTON: Gracefully?
13 Donny?
14 MR. MOYER: I'll vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: I vote in favor.
17 MS. LAMBERTON: I vote in
18 favor. Motion carries.
19 It's me and you, Heidi.
20 I'll accept a nomination to
21 appoint a township supervisor to serve as a
22 representative to Pocono Mountain Regional
23 Emergency Medical Services.
24 MR. KERRICK: Nominate Heidi
25 Pickard.

28

1 MR. MOYER: I'll second.
2 MS. LAMBERTON: I have a motion

1 MR. KERRICK: Heidi Pickard.

2 MS. LAMBERTON: I have a

3 motion.

4 MR. MOYER: I'll second.

5 MS. LAMBERTON: I have a motion

6 and a second.

7 Any questions or comments from

8 the board?

9 Questions or comments from the

10 public.

11 Seeing none.

12 Call the vote. John?

13 MR. KERRICK: In favor.

14 MS. LAMBERTON: Heidi?

15 MS. PICKARD: I'll abstain.

16 MS. LAMBERTON: Donny?

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

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: I vote in favor.

20 MS. LAMBERTON: I vote in

21 favor. Motion carries.

22 I will accept a nomination to

23 appoint someone to serve as open records officer in

24 accordance with the Pennsylvania Right-To-Know Law.

25

MR. KERRICK: Nominate Phyllis

30

1 Haase.

2 MS. LAMBERTON: I have a
3 motion.

4 MR. HOLAHAN: I have a second.

5 MS. HAASE: If I can just
6 interject. The officer was appointed to Heidi and
7 I was the deputy in the past.

8 MR. KERRICK: I'm sorry. I'm
9 going off what we had. Apologize.

10 MS. LAMBERTON: Yeah, mine's
11 backwards too.

12 MR. KERRICK: Withdraw my
13 motion and --

14 MS. HAASE: No. 19 on 2015 has
15 Heidi as the open records officer.

16 MS. PICKARD: Yeah, the numbers
17 are --

18 MS. LAMBERTON: Oh, I was with
19 you, John. Sorry about that. Okay. So we're
20 going to amend your motion, John?

21 MR. KERRICK: Yeah. Whoever
22 did the second, if they amend it, I'll amend it to
23 Heidi.

24 MR. HOLAHAN: I accept that
25 amendment.

31

1 MR. MOYER: I'll amend my
2 second.

3 MS. LAMBERTON: Motion and a
4 second amended to state Heidi Pickard.

5 MR. MOYER: Are these numbers
6 all the way off?

7 MS. LAMBERTON: I don't know.
8 I think so, I think we're good.

9 MS. HAASE: They're off because
10 we had to add an alternate --

11 MR. MOYER: Okay.

12 MS. HAASE: -- that's why it's
13 off.

14 MS. LAMBERTON: Thank you.
15 Okay.

16 MR. MOYER: All right. Got it.

17 MS. LAMBERTON: I have a motion

18 and a second.
19 Any questions or comments from
20 the board?
21 Questions or comments from the
22 public?
23 Seeing none.
24 Call the vote. John?
25 MR. KERRICK: In favor.

32

1 MS. LAMBERTON: Heidi?
2 MS. PICKARD: I'll abstain.
3 MS. LAMBERTON: Donny?
4 MR. MOYER: I'll vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: I vote in favor.
7 MS. LAMBERTON: I vote in
8 favor. Motion carries.
9 I'll accept a nomination to --
10 where's the deputy --
11 MS. PICKARD: Assistant.
12 MS. LAMBERTON: Oh, the
13 assistant, okay. I'm looking for deputy.

14 MS. HAASE: Sorry.
15 MS. LAMBERTON: That's okay.
16 I'll accept a nomination to
17 appoint someone to serve as an assistant open
18 records officer in accordance with the Pennsylvania
19 Right-to-Know Law.
20 MS. PICKARD: I'll nominate
21 Phyllis Haase.
22 MS. LAMBERTON: I have a
23 motion.
24 MR. KERRICK: Second.
25 MS. LAMBERTON: And a second.

33

1 Any questions or comments from
2 the board?
3 Questions or comments from the
4 public?
5 Seeing none.
6 Call the vote. John?
7 MR. KERRICK: In favor.
8 MS. LAMBERTON: Heidi?
9 MS. PICKARD: I vote in favor.
10 MS. LAMBERTON: Donny?

11 MR. MOYER: I vote in favor.
12 MS. LAMBERTON: John?
13 MR. HOLAHAN: I vote in favor.
14 MS. LAMBERTON: I vote in
15 favor. Motion carried.
16 I'll accept a nomination to
17 appoint a township supervisor to serve as a
18 representative to the Monroe County Tax Collection
19 Committee.
20 MR. KERRICK: I'll appoint
21 Heidi Pickard.
22 MS. LAMBERTON: I have a motion.
23 MR. KERRICK: Or nominate,
24 excuse me.
25 MR. MOYER: I'll second.

34

1 MS. LAMBERTON: And a second.
2 Motion and a second.
3 Any questions or comments from
4 the board?
5 Any questions or comments from
6 the public?

7 Seeing none.

8 Call the vote. John?

9 MR. KERRICK: In favor.

10 MS. LAMBERTON: Heidi?

11 MS. PICKARD: I vote in favor.

12 MS. LAMBERTON: Donny?

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

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: I vote in favor.

16 MS. LAMBERTON: I vote in

17 favor. Motion carries.

18 I will accept a nomination to

19 appoint someone to serve as the chair of the

20 vacancy board.

21 MR. KERRICK: Nominate Mark

22 Argot.

23 MS. LAMBERTON: I have a

24 motion.

25 MR. MOYER: I'll second.

35

1 MS. LAMBERTON: And a second.

2 Any questions or comments?

3 Has he been asked, do we know

4 or --

5 MS. HAASE: He has been in this
6 position for 10 years.

7 MS. LAMBERTON: Forever, okay.
8 I didn't know if that's something we needed to ask
9 him.

10 MR. MOYER: I don't know if we
11 ever ask him.

12 MS. LAMBERTON: I don't know if
13 we ever ask him.

14 Any questions or comments from
15 the board?

16 Questions or comments from the
17 public?

18 Seeing none.

19 Call the vote. John?

20 MR. KERRICK: Vote in favor.

21 MS. LAMBERTON: Heidi?

22 MS. PICKARD: Vote in favor.

23 MS. LAMBERTON: Donny?

24 MR. MOYER: I vote in favor.

25 MS. LAMBERTON: John?

1 MR. HOLAHAN: I vote in favor.

2 MS. LAMBERTON: I vote in favor.

3 Motion carries.

4 I'll accept a nomination to
5 appoint someone as recording secretary to the board
6 of supervisors.

7 MS. PICKARD: I'll nominate
8 Panko Recording (sic).

9 MR. KERRICK: Second.

10 MS. LAMBERTON: I have a motion
11 and a second.

12 Any questions or comments from
13 the board?

14 Questions or comments from the
15 public?

16 Seeing none.

17 Call the vote. 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: John?

24 MR. HOLAHAN: I vote in favor.

25

MS. LAMBERTON: I vote in

37

1 favor. Motion carries.

2 I will accept a nomination to
3 appoint someone to act as the township solicitor
4 and I guess we would state their rate at the time
5 of nominating someone.

6 MR. KERRICK: I nominate Grim,
7 Beef and Thatcher -- Biehn and Thatcher, excuse me.

8 MR. MOYER: I'll second.

9 MS. LAMBERTON: I have a
10 nomination and a second.

11 Am I assuming that -- I saw that
12 -- your email, Patrick, your rate will remain the
13 same?

14 MR. ARMSTRONG: That's correct.

15 MS. HAASE: That would be 155.

16 MS. LAMBERTON: 155 per hour and
17 not per meeting?

18 MR. ARMSTRONG: Correct.

19 MS. LAMBERTON: Any questions
20 or comments from the board?

21 MS. PICKARD: Do we need that

22 for litigation and land development rates?

23 MS. LAMBERTON: I did see
24 different numbers on --

25 MS. PICKARD: Yeah.

38

1 MS. LAMBERTON: -- on the
2 email.

3 MS. HAASE: The land
4 development would be 26, planning commission --

5 MS. PICKARD: Okay.

6 MS. LAMBERTON: Very good.
7 Anything else, Heidi?

8 MS. PICKARD: No.

9 MS. LAMBERTON: Any questions
10 or comments from the public?

11 Seeing none.

12 Call the vote. John?

13 MR. KERRICK: In favor.

14 MS. LAMBERTON: Heidi?

15 MS. PICKARD: I vote in favor.

16 MS. LAMBERTON: Donny?

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

18 MS. LAMBERTON: John?
19 MR. HOLAHAN: I vote in favor
20 MS. LAMBERTON: I vote in
21 favor. Motion carries.
22 I will accept a nomination to
23 appoint a firm to act as the township planning
24 commission solicitor.
25 MR. KERRICK: I'll appoint

39

1 Grim, Biehn and Thatcher.
2 MS. PICKARD: I second the
3 motion.
4 MS. LAMBERTON: I have a motion
5 and a second.
6 Any questions or comments from
7 the board?
8 MS. PICKARD: Just that that's
9 also 155.
10 MS. LAMBERTON: We're going to
11 do the 155 an hour, at --
12 MS. HAASE: That is at 180, is
13 the planning commission, correct?
14 MS. PICKARD: For land

15 development.

16 MR. ARMSTRONG: No. The way --
17 the way our fee has been since we've been here is,
18 there's a general municipal rate, which is 155, and
19 then the -- the one --

20 Is it 180?

21 MS. HAASE: Umm-hmm.

22 MR. ARMSTRONG: The 180 is for
23 real estate related matters.

24 MR. MOYER: Oh.

25 MS. HAASE: Okay.

40

1 MR. ARMSTRONG: But when we're
2 talking general municipal law, it's 155.

3 MS. LAMBERTON: Very good.

4 So we're all clear, it's at the
5 155?

6 MR. MOYER: Yep

7 MS. LAMBERTON: Very good.

8 Any other questions and comments
9 from the board?

10 Questions or comments from the

11 public?
12 Seeing none.
13 Call the vote. John?
14 MR. KERRICK: In favor.
15 MS. LAMBERTON: Heidi?
16 MS. PICKARD: I vote in favor.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I vote in favor.
19 MS. LAMBERTON: John?
20 MR. HOLAHAN: I vote in favor.
21 MS. LAMBERTON: I vote in
22 favor. Motion carries.
23 I'll entertain a motion
24 establishing the payment of employee salaries and
25 wages on a biweekly basis.

41

1 MR. KERRICK: So moved.
2 MS. LAMBERTON: I have a
3 motion.
4 MR. MOYER: I'll second.
5 MS. LAMBERTON: I have a motion
6 and a second.
7 Questions and comments from the

8 board?
9 Questions and comment from the
10 public?
11 Seeing none.
12 Call the vote. John?
13 MR. KERRICK: In favor.
14 MS. LAMBERTON: Heidi?
15 MS. PICKARD: I vote in favor.
16 MS. LAMBERTON: Donny?
17 MR. MOYER: I vote in favor.
18 MS. LAMBERTON: John?
19 MR. HOLAHAN: I vote in favor.
20 MS. LAMBERTON: I vote in
21 favor. Motion carries.
22 I'll entertain a motion
23 establishing the 2016 holiday schedule for township
24 employees.
25 MR. KERRICK: So moved.

42

1 MS. LAMBERTON: I have a
2 motion. I'll second their holiday schedule.
3 MR. MOYER: Okay. Sorry.

4 MS. LAMBERTON: That's okay.
5 I have a motion and second.
6 Any questions or comments from
7 the board?
8 Questions or comments from the
9 public?
10 Seeing none.
11 Call the vote. John?
12 MR. KERRICK: In favor.
13 MS. LAMBERTON: Heidi?
14 MS. PICKARD: I vote in favor.
15 MS. LAMBERTON: Donny?
16 MR. MOYER: I vote in favor.
17 MS. LAMBERTON: John?
18 MR. HOLAHAN: I vote in favor.
19 MS. LAMBERTON: I vote in
20 favor. Motion carries.
21 I will entertain a motion
22 establishing the tax assessor's bond at \$40,000 per
23 year.
24 MS. PICKARD: Make that motion.
25 MS. LAMBERTON: I have a

1 motion.

2 MR. MOYER: I'll second.

3 MS. LAMBERTON: I have a motion

4 and a second.

5 Any questions or comments from

6 the board?

7 Questions or comments from the

8 public?

9 Seeing none.

10 Call the vote. John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: Donny?

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

16 MS. LAMBERTON: John?

17 MR. HOLAHAN: I vote in favor.

18 MS. LAMBERTON: I vote in

19 favor. Motion carries.

20 I'll entertain a motion

21 establishing the 2016 mileage rate.

22 MR. MOYER: Now, that's the

23 same as the IR --

24 MS. PICKARD: Yes, we use the

25 IRS, which is reduced this year. It's going down

1 to --

2 MR. HOLAHAN: It's 54 cents.

3 MS. PICKARD: -- 54 cents.

4 MR. MOYER: Fifty-four, it went

5 down.

6 MS. LAMBERTON: Fifty-four cents

7 a mile.

8 MS. PICKARD: Did you make that

9 motion, Donny?

10 MR. MOYER: Yeah.

11 MS. PICKARD: I'll second the

12 motion.

13 MS. LAMBERTON: I have a motion

14 and a second.

15 Any questions or comments from

16 the board?

17 Questions or comments from the

18 public?

19 Seeing none.

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.

45

1 MS. LAMBERTON: John?
2 MR. HOLAHAN: I vote in favor.
3 MS. LAMBERTON: I vote in
4 favor. Motion carries.
5 Are these motions that are
6 needed to certify --
7 MS. PICKARD: Yeah.
8 MS. LAMBERTON: -- the five
9 township board of supervisors and the township
10 managers?
11 I'll accept a motion to certify
12 the five township board of supervisors, township
13 manager and township solicitor as delegates to the
14 Pennsylvania Township Supervisors 2016 Annual
15 Convention.
16 MR. MOYER: So moved.
17 MS. PICKARD: Second.
18 MS. LAMBERTON: I have a motion

19 and a second.

20 Questions or comments from the
21 board?

22 Questions or comments from the
23 public?

24 Seeing none.

25 Call the vote. John?

46

1 MR. KERRICK: In favor.

2 MS. LAMBERTON: Heidi?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: Don?

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

6 MS. LAMBERTON: John?

7 MR. HOLAHAN: I vote in favor.

8 MS. LAMBERTON: I vote in

9 favor. Motion carries.

10 I'll entertain a motion to
11 certify that someone serves as the voting delegate
12 to the Pennsylvania State Association of Township
13 Supervisors 2016 Annual Convention.

14 MR. HOLAHAN: Make a motion

15 Anne Lamberton.
16 MR. MOYER: I'll second.
17 MS. LAMBERTON: I -- I would --
18 I would like to not change your motion, but I'm not
19 sure if I'm going to be attending, so --
20 MR. MOYER: Heidi.
21 MS. LAMBERTON: If I know you
22 or Heidi would be --
23 MR. MOYER: Heidi can do that,
24 right?
25 MR. HOLAHAN: I'll withdraw my

47

1 motion and offer a new motion to appoint Heidi.
2 MR. MOYER: I'll second.
3 MS. LAMBERTON: I have a motion
4 and a second.
5 Any questions or comments from
6 the board?
7 Questions or comments from the
8 public?
9 Seeing none.
10 Call the vote. John?
11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?
13 MS. PICKARD: I'll abstain.
14 MS. LAMBERTON: Donny?
15 MR. MOYER: I'll vote in favor.
16 MS. LAMBERTON: John?
17 MR. HOLAHAN: I vote in favor.
18 MS. LAMBERTON: I vote in
19 favor. Motion carries.
20 I'll accept a motion to approve
21 agreement to retain Brian Oram, PG for the year
22 2016 as professional soil scientist for the
23 township at the rates set forth in the agreement.
24 MR. MOYER: Is that the same
25 one we've been with?

48

1 MS. PICKARD: Yeah.
2 MR. MOYER: Okay.
3 I'll make that motion.
4 MR. KERRICK: Second.
5 MS. LAMBERTON: I have a motion
6 and a second.
7 Any questions or comments from

8 the board?

9 MR. HOLAHAN: Yes. Are we
10 going to refer to their letter to us establishing
11 the rates of -- as they've outlined 125, 135, 55 --
12 and 55 cents a mile? Is that what we're using?

13 MS. LAMBERTON: Yes.

14 MR. HOLAHAN: Okay.

15 MS. LAMBERTON: I'll add that
16 to your motion, will you --

17 MR. KERRICK: I'll add that to
18 my second.

19 MS. LAMBERTON: And you'll amend
20 your motion to include those rates?

21 MR. MOYER: Do we want to set
22 the 55 cents to the 54?

23 MR. HOLAHAN: Well, it's 55.5,
24 is what they want.

25 MR. MOYER: Oh, okay.

49

1 MS. LAMBERTON: Theirs is
2 separate.

3 MS. PICKARD: That's what
4 they're charging.

5 MR. MOYER: It's different,
6 okay.
7 MS. LAMBERTON: That's what
8 they're charging.
9 MR. MOYER: Got it.
10 MS. LAMBERTON: Okay?
11 Any other questions or comments
12 from the board?
13 Questions or comments from the
14 public?
15 Seeing none.
16 Call the vote. 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'll vote in favor.
22 MS. LAMBERTON: John?
23 MR. HOLAHAN: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

1 Last page. I'll entertain a
2 motion to approve L&V Engineering proposal for
3 traffic engineering services as an -- on an
4 as-needed basis for the year 2016.

5 MR. MOYER: So moved.

6 MR. KERRICK: Second.

7 MS. LAMBERTON: I have a motion
8 and a second.

9 Questions or comments from the
10 board?

11 MS. PICKARD: Just to note that
12 it's \$90 per hour per staff member and data
13 collection \$50 per hour and mileage at 58 cents.

14 MR. KERRICK: Fifty-eight?

15 MS. PICKARD: Yeah.

16 MR. MOYER: It's 90, you said?

17 MS. PICKARD: \$90 an hour.

18 MS. LAMBERTON: You amend our
19 motion to include those rates?

20 MR. KERRICK: I'll amend my
21 second.

22 MS. LAMBERTON: You amend your
23 motion, Don?

24 MR. MOYER: I do.

25 MS. LAMBERTON: Very good.

1 I have a motion and a second.
2 Any other questions or comments
3 from the board?
4 Questions or comments from the
5 public?
6 Seeing none.
7 Call the vote. John?
8 MR. KERRICK: In favor.
9 MS. LAMBERTON: Heidi?
10 MS. PICKARD: I vote in favor.
11 MS. LAMBERTON: Donny?
12 MR. MOYER: I vote in favor.
13 MS. LAMBERTON: John?
14 MR. HOLAHAN: I vote in favor.
15 MS. LAMBERTON: I vote in favor.
16 Motion carries.
17 Ill entertain a motion to
18 approve someone for proposal for alternate township
19 engineering services.
20 MR. HOLAHAN: I make a motion
21 that we retain RETTEW as the alternate, the rates
22 are a hundred and fifty dollars regardless of

23 length of meeting, capped at a hundred and thirty
24 dollars an hour.

25 MR. MOYER: I'll second.

52

1 MS. LAMBERTON: I have a motion
2 and a second.

3 Any questions or comments from
4 the board?

5 MS. PICKARD: Was that the only
6 proposal we had?

7 MS. HAASE: We did receive a
8 proposal from T&M. Riley Associates was asked, we
9 did not receive anything back from them.

10 MS. LAMBERTON: Any other
11 questions or comments?

12 Any questions or comments from
13 the public?

14 Seeing none.

15 Call the vote. John?

16 MR. KERRICK: In favor.

17 MS. LAMBERTON: Don -- or
18 Heidi?

19 MS. PICKARD: Vote in favor.
20 MS. LAMBERTON: Donny?
21 MR. MOYER: I vote in favor.
22 MS. LAMBERTON: John?
23 MR. HOLAHAN: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

53

1 I'll accept a nomination to
2 appoint someone as an alternate sewage enforcement
3 officer for the year 2016.
4 MR. HOLAHAN: Make a motion
5 that we appoint Jeryl Rinehart.
6 MS. LAMBERTON: I have a motion.
7 MS. PICKARD: Second.
8 MS. LAMBERTON: I have a motion
9 and a second.
10 Any questions or comments from
11 the board?
12 Questions or comments from the
13 public?
14 Seeing none.
15 Call the vote. John?

16 MR. KERRICK: In favor.
17 MS. LAMBERTON: Heidi?
18 MR. CHAD KNECHT: Annie?
19 MS. PICKARD: I vote in favor.
20 MS. LAMBERTON: Oh, I am so
21 sorry.
22 MR. CHAD KNECHT: That's okay.
23 MS. LAMBERTON: I didn't see
24 you.
25 MR. CHAD KNECHT: Chad Knecht,

54

1 Pocono Pines.
2 Is there another person that you
3 can appoint besides Jeryl, like a third one?
4 MS. LAMBERTON: Like a third
5 alternate if Jeryl is not available, is that
6 your --
7 MS. PICKARD: She has conflicts
8 'cause she does a lot of the work, but we don't
9 have anybody else, I don't think.
10 MR. CHAD KNECHT: A third one
11 for that 'cause Maureen can't --

12 MS. PICKARD: I know you have
13 prob -- you know.
14 MR. KERRICK: What does she do,
15 designs?
16 MS. PICKARD: Yeah, she does a
17 lot of designs.
18 MR. KERRICK: Then she can't.
19 MR MOYER: Do you have anybody?
20 MR. KERRICK: She does designs
21 for you?
22 MS. LAMBERTON: Well, we have
23 Maureen.
24 MS. HAASE: We have Maureen and
25 I believe we've only called Jeryl in once this

55

1 year. I certainly can look for --
2 MS. LAMBERTON: Well, who was
3 --
4 MR. CHAD KNECHT: What about,
5 would Terry Martin be able to do it?
6 MS. LAMBERTON: Is he an SEO?
7 MS. HAASE: I don't know.
8 MR. CHAD KNECHT: He does

9 designs.

10 MS. LAMBERTON: Do you have to
11 have this SEO? I'm not sure.

12 MR. MOYER: He already does
13 engineering, right? Who is he with?

14 MR. KERRICK: Himself.

15 MS. LAMBERTON: Yeah, Martin &
16 Robbins.

17 MR. MOYER: Okay.

18 MS. LAMBERTON: I mean, we can
19 certainly --

20 MS. PICKARD: I thought he
21 wasn't doing it anymore, no?

22 MR. KERRICK: I don't know.

23 MS. HAASE: But I don't --

24 MR. CHAD KNECHT: I know he
25 does design -- I don't know if he's qualified to --

56

1 MS. HAASE: I don't believe
2 he's an SEO.

3 MS. LAMBERTON: I don't believe
4 he's an SEO either, that's my only question. Can

5 we make it specific that Maureen deals directly
6 with --

7 MS. PICKARD: If she's not
8 here, it's a problem.

9 MR. CHAD KNECHT: Yeah, but if
10 Maureen's not here and then --

11 MS. HAASE: This is the
12 alternate.

13 MS. LAMBERTON: Oh, I see what
14 you're saying.

15 Can we leave this? I mean, this
16 is something we can leave open?

17 MS. PICKARD: Yeah, we can
18 revisit it.

19 MS. HAASE: You can --

20 MR. ARMSTRONG: How often do
21 you use the alternate sewage --

22 MR. MOYER: Once.

23 MS. HAASE: In 2015 we used her
24 once.

25 MR. CHAD KNECHT: We did and

1 she wasn't able --

2 MS. LAMBERTON: And you weren't
3 able to use her?
4 MS. PICKARD: Yeah.
5 MS. LAMBERTON: I understand
6 your concern.
7 MS. PICKARD: Yeah, they just
8 had a problem
9 MS. HAASE: So the board
10 certainly could appoint this individual and then I
11 could look --
12 MS. LAMBERTON: Find another
13 alternate.
14 MS. PICKARD: Is Kate going to
15 do her --
16 MR. KERRICK: You also have
17 your soil scientist, he's an SEO.
18 MS. PICKARD: Yeah, that's
19 true.
20 MR. MOYER: The one that we
21 have on there, Oram.
22 MS. PICKARD: Brian Oram.
23 MS. LAMBERTON: So maybe we
24 could name him with Jeryl as alternates.
25 MR. ARMSTRONG: Well, first I

1 think you should find out if --

2 MS. PICKARD: We'd have to find
3 out.

4 MS. HAASE: If he's an SEO.

5 MS. PICKARD: Was Kate going to
6 get certified?

7 MS. LAMBERTON: Would that
8 satisfy --

9 MR. CHAD KNECHT: You don't have
10 to figure it out now, but as long as it's known
11 that --

12 MS. HAASE: I could -- it's
13 something I could look into.

14 MS. LAMBERTON: We'll have
15 Phyllis reach out to him to see if that's something
16 he's interested in since he's already somebody --

17 Or maybe anyone, Phyllis, that
18 you can think of that would be able to suit that
19 need.

20 MR. MOYER: And I think if they
21 know it might only be once a year or twice a year.

22 MR. CHAD KNECHT: I just know

23 Maureen's busy doing other stuff, so when she's out
24 we're out essentially.

25 MS. LAMBERTON: So, yeah, you

59

1 shouldn't have to wait. I understand that.

2 Thank you for bringing that to
3 our attention.

4 MR. CHAD KNECHT: You're
5 welcome.

6 MS. LAMBERTON: So going back,
7 I have a motion and a second on the table for Jeryl
8 Rinehart.

9 Any other questions or comments
10 from the board?

11 Any others from the public?

12 Seeing none.

13 Call the vote. John?

14 MR. KERRICK: In favor.

15 MS. LAMBERTON: Heidi?

16 MS. PICKARD: I vote in favor.

17 MS. LAMBERTON: Donny?

18 MR. MOYER: I vote in favor.

19 MS. LAMBERTON: John?

20 MR. HOLAHAN: I vote in favor.

21 MS. LAMBERTON: I vote in
22 favor. Motion carries.

23 As a side note, we'll have
24 Phyllis follow through with an additional
25 alternate.

60

1 (Discussion off the record.)

2 MS. LAMBERTON: I'll entertain
3 a motion to appoint someone as a sewage hearing
4 board member for the year 2016.

5 MR. KERRICK: We had George
6 Ewald.

7 MR. MOYER: I'll second.

8 MS. LAMBERTON: I have a motion
9 and a second.

10 Any questions or comments from
11 the board?

12 Questions or comment from the
13 public?

14 Seeing none.

15 Call the vote. 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'll vote in favor.
21 MS. LAMBERTON: John?
22 MR. HOLAHAN: I vote in favor.
23 MS. LAMBERTON: I vote in
24 favor. Motion carries.
25 I'll entertain a motion to

61

1 consider for enactment Resolution No. 2016 dash
2 001, setting the dates, times and place for
3 township public meetings to be held.
4 MS. PICKARD: I'll make that
5 motion to approve Resolution 2016 dash 001.
6 MR. MOYER: Second.
7 MS. LAMBERTON: I have a motion
8 and a second.
9 Any questions or comments from
10 the board?
11 MR. HOLAHAN: Are we going to --
12 we'll be posting the regular business meetings on

13 the website?

14 MS. HAASE: Yes, sir. It'll be
15 advertised in the Pocono Record as well.

16 MS. LAMBERTON: Very good.

17 Any other questions or comments
18 from the board?

19 Questions or comments from the
20 public?

21 Seeing none.

22 Call the vote. John?

23 MR. KERRICK: In favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

62

1 MS. LAMBERTON: Donny?

2 MR. MOYER: I vote in favor.

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: I vote in favor.

5 MS. LAMBERTON: I vote in
6 favor. Motion carries.

7 I'll entertain a motion to
8 consider for enactment Resolution No. 2016 dash

9 002, designating certain financial institutions as
10 depositories for township monies.

11 MR. HOLAHAN: I'll make a
12 motion we approve Resolution 2016 dash 002 and
13 we're using the following list of banks:
14 Pennsylvania Local Government Investment Trust,
15 PLGIT; PNC; First National Bank; First Northern
16 Bank & Trust Company; Morgan Stanley; East
17 Stroudsburg Savings; and Landmark Community Bank.

18 MS. PICKARD: I'll second that
19 motion.

20 MS. LAMBERTON: I have a motion
21 and a second.

22 Any other questions or comments
23 from the board?

24 Questions or comments from the
25 public?

63

1 Seeing none.

2 John, call the vote?

3 MR. KERRICK: I'll abstain. I
4 have a conflict with Landmark.

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: John?
10 MR. HOLAHAN: I vote in favor.
11 MS. LAMBERTON: I vote in favor.
12 Motion carries.
13 I will entertain a motion to
14 consider for enactment Resolution No. 2016 dash
15 003, appointing someone as public accounting firm
16 to the township replacing the elected/appointed
17 township auditor.
18 MS. PICKARD: I'll make a
19 motion we approve Resolution 2016 dash 003.
20 MR. KERRICK: I'll second it.
21 MS. LAMBERTON: Who are we
22 appointing?
23 MS. PICKARD: Riley.
24 MS. LAMBERTON: Riley and
25 Company.

1 I have a motion and a second.

2 Any questions or comments from
3 the board?

4 Questions or comments from the
5 public?

6 Seeing none.

7 Call the vote. John?

8 MR. KERRICK: In favor.

9 MS. LAMBERTON: Heidi?

10 MS. PICKARD: I vote in favor.

11 MS. LAMBERTON: Donny?

12 MR. MOYER: I vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: I vote in favor.

15 MS. LAMBERTON: I vote in
16 favor. Motion carries.

17 I'll entertain a motion to
18 consider for enactment Resolution No. 2016 dash
19 004, establishing tax rates for the calendar year
20 2016.

21 MR. HOLAHAN: Make a motion that
22 we adopt Resolution 2016 dash 004, earned income
23 tax rate at one percent; half to the township, half
24 to Pocono Mountain School District; local services
25 tax of \$52 to the township; and that the tax rate

1 for general fund will be 13.74 mills per dollar;
2 tax rate for library purposes shall be .75 mills
3 for each dollar; and tax rate for fire equipment
4 and apparatus will be .7 mills for each dollar.

5 That's my motion.

6 MS. LAMBERTON: I have a motion.

7 MS. PICKARD: I second the
8 motion.

9 MS. LAMBERTON: And I have a
10 second.

11 Any questions or comments from
12 the board?

13 Questions or comments from the
14 public?

15 Seeing none.

16 Call the vote. 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: John?

23 MR. HOLAHAN: I vote in favor.

24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

66

1 I will entertain a motion to
2 consider for enactment Resolution No. 2016 dash
3 005, appointing someone to serve as special counsel
4 to the board on any legal matter that becomes a
5 conflict with the township solicitor at a dollar
6 amount per hour or a dollar amount for meeting.

7 MS. PICKARD: I make a motion
8 we appoint McNamara, Bolla and Panzer at the rate
9 of 190 per hour with a flat travel fee of a hundred
10 dollars per event.

11 MS. LAMBERTON: I have a
12 motion.

13 Do I have a second?

14 MR. MOYER: Second.

15 MS. LAMBERTON: I have a motion
16 and a second.

17 Any questions or comments from
18 the board?

19 Questions or comments from the

20 public?

21 Seeing none.

22 Call the vote. John?

23 MR. KERRICK: Favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

67

1 MS. LAMBERTON: Donny?

2 MR. MOYER: I vote in favor.

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: I vote in favor.

5 MS. LAMBERTON: I vote in

6 favor. Motion carries.

7 I will entertain a motion to

8 consider for enactment Resolution No. 2016 dash

9 006, setting a fee schedule for subdivision and

10 land development, planned residential development,

11 zoning hearing board, board of supervisors and

12 other miscellaneous fees.

13 MR. HOLAHAN: I make a motion

14 that we adopt Resolution 2016 dash 006 outlining

15 the fees that we charge for subdivision and land

16 development fees and escrows, planned residential

17 development, board of supervisor hearing fees,
18 zoning board hearing fees, professional fees --
19 professional fees and zoning fees, sewage, building
20 rentals and miscellaneous.

21 MS. LAMBERTON: I have a
22 motion.

23 Do I have a second?

24 MR. MOYER: Second.

25 MR. HOLAHAN: Did you get that,

68

1 Tara?

2 MS. LAMBERTON: I have a motion
3 and a second.

4 Any questions or comments from
5 the board?

6 Questions or comments from the
7 public?

8 Seeing none.

9 Call the vote. John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I vote in favor.

13 MS. LAMBERTON: Donny?
14 MR. MOYER: I vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: I vote in favor.
17 MS. LAMBERTON: I vote in
18 favor. Motion carries.
19 That concludes our wonderful
20 reorganizational meeting.
21 MR. HOLAHAN: Make a motion
22 that we adjourn.
23 MS. LAMBERTON: I have a motion
24 MS. PICKARD: Second.
25 MR. MOYER: Second.

69

1 MS. LAMBERTON: I have a motion
2 and a second.
3 All those in favor?
4 BOARD MEMBERS: Aye.
5 MS. LAMBERTON: Motion to
6 adjourn -- motion carried.
7 (Reorganization meeting
8 concluded at 4:21 p.m.)
9 ---

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

70

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, January 4, 2016 beginning at 4:30 p.m.

PRESENT: ANNE LAMBERTON, Chairperson
DONALD MOYER, Vice-Chairperson
JOHN J. HOLAHAN, III, 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 MS. LAMBERTON: Okay. We'll
2 roll right into this. I'd like to call the meeting
3 of the board of supervisors, regular business
4 meeting, January 4, 2016, to order. We can all
5 start with the pledge of allegiance.

6 MR. MOYER: Again?

7 MS. LAMBERTON: Yeah.

8 MR. MOYER: All right.

9 (Pledge of allegiance was
10 recited.)

11 MS. LAMBERTON: We'll start
12 with announcements.

13 Phyllis?

14 MS. HAASE: I do not have any
15 at this time.

16 MS. LAMBERTON: We don't have
17 any current meetings -- or minutes either, correct?

18 MS. HAASE: No, ma'am. We've

19 not received them as of this date.

20 MS. LAMBERTON: Okay. I will
21 consider the treasurer's report, which I don't have
22 an amount either.

23 MS. HAASE: Heidi, do you have
24 the amount?

25 MS. PICKARD: The full amount

3

1 is \$213,494.07.

2 MS. LAMBERTON: Was that the
3 email that you had listed over the hol -- like
4 12/30?

5 MS. PICKARD: Yeah.

6 MS. LAMBERTON: December 30
7 email?

8 MS. PICKARD: Yeah.

9 MS. LAMBERTON: I'll entertain a
10 motion to consider the treasurer's report in the
11 amount of \$213,494.07

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

14 MS. LAMBERTON: I have a
15 motion.

16 Do I have a second?
17 MR. MOYER: I'll second.
18 MS. LAMBERTON: I have a motion
19 and a second.
20 Any questions or comments from
21 the board?
22 Any questions or comment from
23 the public?
24 Seeing none. Call the vote.
25 John?

4

1 MR. KERRICK: Abstain.
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: John?
7 MR. HOLAHAN: I vote in favor.
8 MS. LAMBERTON: I vote in
9 favor. Motion carries.
10 Moving on to the solicitor
11 report.

12 Patrick?

13 MR. ARMSTRONG: Thank you.

14 The first -- well, there are no
15 items listed under my report. However, if the
16 board may recall, at your last meeting, perhaps the
17 meeting before, we've been talking about this
18 reimbursement agreement between PennDOT, the Monroe
19 County ICA -- or IDA, I'm sorry, the Monroe County
20 -- the Monroe -- the Pocono Mountains Industrial
21 Park Authority, not the IDA, and Tobyhanna
22 Township. This is in relation to the New Ventures
23 Park S.I.D.E. Corporation, Commercial Boulevard,
24 Crock Road -- Klock, I'm sorry, Klock Road. And
25 this is a grant agreement for purposes of funding

5

1 certain road improvements, traffic light
2 improvements over in that area.

3 The catch is, and we've talked
4 about this briefly before, is the way this is
5 written, Tobyhanna Township would be responsible
6 for the ongoing maintenance and repair on
7 Commercial Boulevard. We wouldn't be on the hook
8 for the design or the construction or the

9 improvements, but we would be on the hook for the
10 maintenance going forward, for not only Commercial
11 Boulevard but also Klock Road. It's my
12 understanding that Klock Road isn't currently a
13 township road, it's Commercial Boulevard that has
14 created because currently that's a private road
15 that we have no responsibility -- responsibility for
16 as of today.

17 So the question -- looks like
18 the township received this correspondence and
19 attached partially executed agreement from Charles
20 Leonard from the Pocono Mountain Industrial Park
21 Authority on December 7 of 2015. I believe they've
22 already inquired as to the status of this. So
23 really the question for the board at this point is,
24 are you going to be agreeable to accepting the
25 maintenance requirements and responsibilities

6

1 associated with not only with Klock Road, once this
2 is completed, but also Commercial Boulevard? And I
3 will note that based on this grant agreement,
4 there's an attachment with respect to the

5 maintenance requirements.

6 And in order to satisfy the
7 maintenance requirements of PennDOT which is,
8 according to the agreement, you have to have -- and
9 I actually marked it because it's -- a functional
10 traffic engineering unit within the township. What
11 does that mean? It means a competent and qualified
12 traffic engineer and a maintenance staff with at
13 least one licensed electrician, so on and so forth.
14 And if you don't qualify for that, you're going to
15 have to contract out with some kind of an entity to
16 insure that, you know, once these agreements are
17 completed, they're going to be maintained properly
18 within the four corners of this agreement.

19 So that being said, has the
20 board given much thought as to moving forward with
21 this agreement?

22 MS. PICKARD: Can we get a side
23 agreement with S.I.D.E.?

24 MR. ARMSTRONG: That's if -- if
25 -- well, first off, remember, this is between you,

1 the authority and the Commonwealth; so they're

2 going to look to you regardless of any side
3 agreement. If your response to me is yes, in order
4 to see this project move forward, we'd be agreeable
5 to this, my next conversation will be okay, well,
6 then we're going to have to -- we're going to look
7 to S.I.D.E. and probably New Ventures with a side
8 agreement with them maybe to -- to fund, if you do
9 have to go in with a third-party contract for the
10 maintenance responsibilities associated with these
11 improvements. And they're going to have to -- I
12 mean, right now that's a road owned by S.I.D.E.
13 Corp?

14 MS. HAASE: S.I.D.E. Corp.

15 MR. ARMSTRONG: So they're
16 going to have to grant you an easement, a
17 right-of-way over that road if you're going to be
18 responsible for the maintenance of it. So really
19 the first step is, does the township want to
20 entertain being responsible for the maintenance of
21 this road and almost -- you're going to be
22 accepting dedication of, at least, the right-of-way
23 easement over the road.

24 MR. McHALE: Pat, is that
25 limited to just where the traffic signal impacts

1 are or is it the entire road?

2 MR. ARMSTRONG: You know, I --
3 there's no exhibit plan. The way it's referenced
4 in here is Commercial Boulevard at State Route 115,
5 segment 340, offset 226, whatever that means.

6 MR. McHALE: I think that's just
7 the location off of State Route 115.

8 MR. ARMSTRONG: Okay.

9 MR. McHALE: I guess the
10 question would be based upon that agreement is, how
11 far into Commercial Boulevard does our
12 responsibilities lie or is it for the entire
13 boulevard? 'Cause it goes quite a ways back and
14 then there's a cul-de-sac, eventually it will loop
15 and --

16 MS. LAMBERTON: Who would be
17 responsible if we didn't take that responsibility?

18 MR. ARMSTRONG: Well, right now
19 it's S.I.D.E. Corp --

20 MR. MOYER: Right.

21 MR. ARMSTRONG: -- or their
22 tenants in that park.

23 MR. McHALE: Right.
24 MR. ARMSTRONG: So -- but
25 that's without this grant agreement --

9

1 reimbursement agreement.

2 MS. PICKARD: How much is for
3 -- what is for the grant agreement and what is it
4 for, and how much is it for?

5 MR. ARMSTRONG: The actual
6 amount --

7 MS. PICKARD: It's a shame
8 Michelle isn't still here.

9 MR. ARMSTRONG: -- according to
10 the exhibit to this agreement, is 1.5 million.

11 MR. McHALE: That's for all the
12 traffic signal roadway improvements associated with
13 that project?

14 MR. ARMSTRONG: Yes. If you
15 recall, probably six months ago, we -- we've had an
16 agreement with S.I.D.E. and New Ventures for years,
17 having them responsible for the stormwater and the
18 traffic signal if they proceed with their plan.
19 And they were going to be responsible for the

20 design --

21 MR. MOYER: Exactly.

22 MR. ARMSTRONG: -- and
23 construction of these improvements. Somewhere
24 along the line they've gone in conversation with
25 PennDOT and the Industrial Park Authority and they

10

1 came to us about six months ago wanting to amend
2 some of our agreements and we did so, but with the
3 condition nothing changed with respect to them
4 being responsible for the costs associated with
5 that. And we didn't know at the time that these --
6 this grant agreement was going to put us on the
7 hook for the maintenance. So now that we do --

8 MS. PICKARD: We need to have
9 somebody come in --

10 MR. ARMSTRONG: -- the question
11 is, do you want to proceed?

12 MS. PICKARD: -- Chuck or
13 somebody or Mark come in --

14 MS. HAASE: When we --

15 MS. PICKARD: -- I don't --

16 MS. HAASE: When we initially
17 received the paperwork, I want to say, almost a
18 year ago, I did reach out to Mr. Sincavage. And he
19 said at no time was it the intention of S.I.D.E.
20 Corp to turn the roads over to the township, or
21 have the township have it dedicated, and that was
22 Mr. Sincavage's response.

23 MS. LAMBERTON: But then they
24 -- will they not be entitled to the grant monies --

25 MS. PICKARD: Yes.

11

1 MS. LAMBERTON: -- unless we
2 do, is that the glitch?

3 MS. HAASE: My understanding
4 that that is an issue.

5 MR. HOLAHAN: So can we get the
6 -- do we need to move on this now?

7 MR. ARMSTRONG: You know --

8 MR. HOLAHAN: If we get -- I
9 guess to further that is, can we get the side
10 agreement prior to committing to something like
11 this?

12 MR. ARMSTRONG: Yeah. I can

13 reach out to -- I forget who it was, but I can
14 reach out to the representative for S.I.D.E. and
15 New Ventures and let -- they may -- I'm assuming
16 they know what's going on. But in the event that
17 they don't, you know, we'll -- we'll let them know
18 again that --

19 MS. LAMBERTON: I would think
20 that that's --

21 MR. ARMSTRONG: -- through this
22 grant they're holding us responsible and if we're
23 agreeable to that, you know, they're going to still
24 be on the hook for their end of it.

25 MR. MOYER: Right.

12

1 MR. ARMSTRONG: We're going to
2 -- they're going to need to grant us something.

3 MR. MOYER: Right.

4 MR. ARMSTRONG: -- you know,
5 right-of-way dedication of the road if we're going
6 to proceed in this fashion.

7 MR. HOLAHAN: But they don't
8 get the grant unless we --

9 MR. ARMSTRONG: And they -- and
10 they -- I -- I mean, they know it's coming because
11 when they came to us with the amendment -- maybe it
12 is close to a year, it's been a while -- we made
13 clear in that amendment --

14 MS. PICKARD: Yeah.

15 MR. ARMSTRONG: -- that they
16 are still responsible for all the design,
17 construction and maintenance regardless of whatever
18 grant agreements they got.

19 MR. MOYER: Yeah, I remember
20 that.

21 MR. ARMSTRONG: So S.I.D.E. and
22 New Ventures is well aware that we're not at the
23 point, it's probably -- maybe that message didn't
24 get carried over to the Commonwealth, as well
25 as S.I.D.E.

13

1 MS. HAASE: And there was
2 numerous changes that was stated needed to be made
3 in this agreement, which PennDOT didn't respond to.
4 However, when we received this beginning of
5 December, as it was mentioned in your December

6 meeting, it was S.I.D.E. signed without those
7 changes being made.

8 MR. ARMSTRONG: Yeah, this is
9 -- that's a good point. This is already signed by
10 at least one of the parties.

11 MR. MOYER: Wasn't there an
12 issue with the traffic signals and something else?

13 MS. HAASE: There was numerous
14 issues with the agreement.

15 MR. MOYER: Yeah.

16 MR. HOLAHAN: Do we have enough
17 to -- do we have enough to approve this? Do we
18 have enough to make a --

19 MS. LAMBERTON: I don't think
20 so.

21 MR. HOLAHAN: -- decision on
22 this?

23 MS. LAMBERTON: I think --

24 What's the pleasure of the
25 board? Would we like to have Patrick reach out --

1 MR. MOYER: Yeah.

2 MS. LAMBERTON: -- to S.I.D.E.
3 Corp, make sure that they have a profound
4 understanding that they'll have the financial
5 responsibility of maintenance?

6 MS. PICKARD: And the IDA has
7 to be involved in that, Chuck Leonard.

8 MR. MOYER: Chuck Leonard,
9 yeah.

10 MS. LAMBERTON: Yeah.

11 MR. ARMSTRONG: Since we
12 received this in early December, I think, Phyllis,
13 you may have forwarded me on an email that you had
14 gotten since, from Chuck Leonard or someone from
15 the authority --

16 MS. HAASE: From PennDOT, I
17 believe it was.

18 MR. ARMSTRONG: Okay. --
19 asking about the status. So now that we know where
20 the board stands, at least now where we want to go
21 going forward, we can reach back out to them and
22 say, listen, the board discussed it at their
23 January 4 meeting, this is where we're going to go
24 from here. They're still concerned with respect to
25 the maintenance and we'll follow up with this.

1 MS. LAMBERTON: Is that the
2 pleasure of the board?

3 MS. PICKARD: Yes.

4 MS. LAMBERTON: Yes.

5 MR. MOYER: That's good.

6 MS. LAMBERTON: Thank you.

7 MR. ARMSTRONG: Thank you.

8 I do have a very brief executive
9 session item after the public meeting with respect
10 to litigation. And I do have a comment or two
11 further on in the agenda specifically with the
12 conditional use adjudication for the transit
13 authority. But other than that, I don't think I
14 have anything at this time.

15 MS. LAMBERTON: Very good.

16 Thank you, Patrick.

17 MR. ARMSTRONG: Thank you.

18 MS. LAMBERTON: Manager report.

19 Phyllis?

20 MS. HAASE: Yes. My first item
21 I wanted to discuss with the board, Mr. Sonny Singh
22 purchased Lot 1 in New Ventures Park. If you
23 recall, I brought that forward to the board months

24 ago. And we're really excited about his project.
25 He did have a preapplication meeting with MCCD.

16

1 And out of the meeting he is actually going to be
2 encroaching in 25 -- 25,000 square foot of an
3 existing buffer of Spruce Run. And MCCD is
4 requiring them to offset the riparian buffer off of
5 the new regulations that have been put in place.

6 So what he needs to do is find
7 an area along the stream within Lehigh -- around
8 the Lehigh River Watershed to create now a forested
9 buffer. It was a suggestion of perhaps the
10 Blakeslee Natural Area; however, Mr. McHale looked
11 at an aerial shot of that and it's forested right
12 now.

13 So -- and, Bob, did you want to
14 add anything to that? We need to know kind of the
15 direction of where the board would like to go with
16 this.

17 MR. McHALE: They're really
18 looking for the -- the board's assistance in some
19 kind of public lands that would be adjoining water

20 body or anything within this watershed similar to
21 Goose Run or Tobyhanna Creek. If they have to go
22 to a private entity or a landowner, then they're
23 looking at having to buy the easement. Because
24 what has to happen is, this 25,000 square feet,
25 once it becomes a forested riparian buffer, it has

17

1 to be -- there has to be a deed restriction and
2 perpetuity on the land that it can't be used for
3 anything else, pretty much. So it's -- any ideas
4 you might have would be very helpful --

5 MS. PICKARD: So there's no
6 spot on the natural area on the savanna part up on
7 the higher end of it, past the falls, that they
8 could --

9 MS. LAMBERTON: 25,000 square
10 feet you need.

11 MR. McHALE: The forested buffer
12 has to fall within -- we could check and see what
13 the limit is, but typically that buffer is like a
14 hundred fifty feet off the edge of the bank.

15 MR. MOYER: That's going to put
16 them in a jam.

17 MS. HAASE: And we certainly
18 don't want to lose this project.
19 MR. MOYER: Where else is
20 there?
21 MS. LAMBERTON: Oh my gosh, no.
22 MR. McHALE: They are looking
23 to try to meet with the DEP or set up some kind of
24 a meeting to look for another option that they
25 might have, but --

18

1 MS. LAMBERTON: Could we go as
2 a representative of the township and show our
3 support that we would do whatever we could to help
4 these folks if we have land available?
5 MS. PICKARD: I don't think
6 that --
7 MS. HAASE: It's the new
8 regulations.
9 MS. PICKARD: It's -- yeah, I
10 think it is what it is.
11 MR. KERRICK: They're looking
12 for something that's not forested at all?

13 MS. LAMBERTON: Yes.
14 MS. PICKARD: We have too much
15 forested --
16 MS. LAMBERTON: We have too
17 many trees.
18 MS. PICKARD: We have too many
19 trees. Could we cut them down so they could
20 replant them?
21 MS. LAMBERTON: Yeah, let's cut
22 some so they can replant them.
23 MS. PICKARD: Can't you fly
24 over and find some stream from the air? Do you
25 know any place?

19

1 MS. LAMBERTON: I had mentioned
2 to Bob about down on the Lehigh by Butler's, John.
3 MR. KERRICK: What about the
4 boy scouts?
5 MS. PICKARD: It's all rock,
6 they can't.
7 MS. LAMBERTON: Well --
8 MR. KERRICK: Boy scout camp?
9 MS. HAASE: We did talk about

10 that as well, it's just the -- the catch to this is
11 there has to be an actual easement -- or a --

12 MS. PICKARD: There's a
13 conservation easement on Acahela.

14 MS. HAASE: -- conservation
15 easement to be put in place so nothing can be
16 developed on this. And that's -- that's the
17 concern that I think some of the private developers
18 would have.

19 MS. PICKARD: But isn't there
20 -- on Acahela, don't we have a conservation
21 easement in conjunction with the Natural Lands
22 Trust or the Wildlands Conservancy?

23 MS. HAASE: That I couldn't
24 answer.

25 MS. PICKARD: We have some kind

20

1 of -- we're party to something at Acahela, I don't
2 know whether it's on the stream or not.

3 MS. HAASE: If -- if in fact we
4 could find an area in the Blakeslee Natural Area,
5 would the township be -- would they consider

6 perhaps --

7 MR. MOYER: I'm okay with that.

8 MS. LAMBERTON: What's the

9 pleasure of the board? Anyone have any comments or

10 concerns with that?

11 MS. PICKARD: I don't have any

12 concerns with planting trees.

13 MR. KERRICK: How much was it,

14 Bob, 25,000?

15 MS. LAMBERTON: Yeah.

16 MR. McHALE: Yes.

17 MS. LAMBERTON: That's half an

18 acre.

19 MS. PICKARD: How much is this

20 going to cost him? I'm just kind of curious.

21 MS. HAASE: I'm sorry?

22 MS. PICKARD: I'm just

23 wondering what the cost of this would be.

24 MS. LAMBERTON: I think maybe,

25 Bob, you should -- and take a look around and see

21

1 whatever lands are out there and if the township --

2 I don't think anyone here is opposed to helping if

3 there's an area that needs to be planted and
4 deeded.

5 Am I correct in that comment?

6 MS. PICKARD: Yes.

7 MR. MOYER: Yeah, I'm okay with
8 it. I just don't know where they're going to get
9 it. I mean --

10 MR. HOLAHAN: I think that's
11 what we're -- I think that's what Bob ought to do.

12 MR. MOYER: -- the Blakeslee --

13 MS. LAMBERTON: Yeah, well,
14 exactly, we'll give you that task to search and
15 search and search, Bob, till you find that --

16 MR. KERRICK: I'll even take
17 you for a ride, Bob.

18 MS. LAMBERTON: -- one spot that
19 doesn't have any trees.

20 MS. PICKARD: Yeah.

21 MS. LAMBERTON: What's that?

22 MR. KERRICK: I said, I'll even
23 take Bob for the ride.

24 MS. LAMBERTON: There you go.

25 MR. MOYER: Do you have any

1 ideas over there?

2 MR. McHALE: Not for public
3 land.

4 MR. MOYER: Not a lot of
5 options.

6 MS. PICKARD: Does it have to
7 be in our township that -- if they can't find
8 anything?

9 MR. McHALE: I mean, there's a
10 lot of options for private land, but not for public
11 that we --

12 MR. MOYER: Right, yeah.

13 MS. LAMBERTON: Well, exhaust
14 the public and then we'll see if we have to go to
15 private owners, they might not be opposed to having
16 something developed on that corner.

17 MR. McHALE: Phyllis, were you
18 going to bring up about the sewage also?

19 MS. HAASE: We can bring that
20 up now, Bob, why don't you --

21 MR. McHALE: There was also a
22 DEP mailer for sewage facilities related to this
23 project also. New Ventures Park was allocated

24 about 18,500 gallons per day as an allocation that
25 over the years they've been utilizing for various

23

1 lots within New Ventures Park. Under the printout
2 that we had from 2008 which defined -- or depicted
3 their allocations, Lot 1 was about a thousand and
4 twenty-eight gallons per day, they're requesting
5 2,000. So for that difference of about 972 gallons
6 a day, if the board's amenable to acknowledging
7 that the 2,000's acceptable, then we can move
8 forward with having that mailer signed, forwarded
9 in to DEP and move on from there.

10 MS. LAMBERTON: What is that,
11 like three EDUs?

12 MR. McHALE: Just about. A
13 little over three, almost --

14 MS. LAMBERTON: Like how many
15 do we have in reserve for people?

16 MS. HAASE: There's a separate
17 agreement with New Ventures Park.

18 MR. McHALE: Correct. It would
19 be --

20 MR. KERRICK: New Ventures was

21 out of their additionally sewered area.

22 MR. MOYER: Yeah.

23 MR. McHALE: It would be beyond
24 that number with New Ventures Park, yeah.

25 MS. LAMBERTON: That is --

24

1 what's the board pleasure?

2 MR. KERRICK: You won't get
3 beyond -- with that additional, you won't get
4 beyond what's -- for any future projects in New
5 Ventures?

6 MR. MOYER: Yeah.

7 MR. McHALE: Well, New Ventures
8 had allocated, by each of their increments of each
9 lot, a certain amount that was allocated for sewage
10 capacity. And if you may recall, when Lot 100 and
11 Lot 110 came before the board, those numbers were
12 on the low end also. There was like maybe 4 or
13 5,000 gallons allocated for each of those lots and
14 the board opted to increase those numbers to be
15 able to accommodate the proposed developments. And
16 I think the combined numbers were somewhere in the

17 12 to 14,000 gallons per day.
18 MS. HAASE: And it was 1,000
19 allocated to Lot 1.
20 MR. McHALE: Correct.
21 MS. LAMBERTON: What's the
22 board's pleasure?
23 MR. HOLAHAN: Give it to them.
24 MS. PICKARD: I'm fine. Yeah.
25 MS. LAMBERTON: Okay. Yeah.

25

1 MR. MOYER: Yeah.
2 MS. LAMBERTON: Please let them
3 know that we have no issue with that.
4 MS. HAASE: As I notified the
5 board in the beginning of December, I was served
6 papers that the Commonwealth was going to be
7 holding a session to appoint Jacob Rybner as the
8 deputy council for Tobyhanna Township. I received
9 notification today that the Commonwealth had a
10 motion of continuance until February 1.
11 The township was also notified
12 the American Red Cross would be holding once again
13 the Run For The Red and that is going to be on May

14 15. So I will send the paperwork to them and they
15 will move forward with the permit from D -- or from
16 PennDOT.

17 MS. LAMBERTON: Is that the
18 same route?

19 MS. HAASE: Yes, ma'am.

20 Gary Hoffman, the director of
21 communications, notified all managers and
22 municipalities that there has been some major
23 changing that has been occurred with their mapping
24 and the designated areas, so there's been kind of
25 delay with that. The first change is going to

26

1 happen the beginning of January, I believe it's
2 going to the 6th or 7th, and there'll be additional
3 changes due to the mapping. This is also going to
4 come up later on in the agenda, we have Thornhurst
5 here to discuss some items with the board, so that
6 will affect their mapping as well.

7 I also had circulated an
8 application for conditional use for Lake Naomi,
9 they're going to expanding the community building.

10 So you will have a conditional use hearing at your
11 February meeting.

12 I also -- as I mentioned to the
13 board, when we had one of our budget meetings, that
14 I wanted to move forward with replacing the sign in
15 the front. And this certainly was hot off the
16 press, I printed this around quarter after two.
17 These were two samples that Barrett Signage had
18 provided to me this afternoon. Didn't know if the
19 board liked the font on either one of them or the
20 style, and/or the style.

21 MR. KERRICK: Can we ask
22 questions?

23 MS. LAMBERTON: Umm-hmm.

24 MR. KERRICK: The first one, on
25 the left, I should say, where the logo is above the

27

1 sign, would that be above -- the sign would go up
2 over that or --

3 MS. HAASE: Yes. It's kind of
4 like a -- the --

5 MR. KERRICK: Would go up over
6 top of that?

7 MS. HAASE: Correct. That is
8 more of a Victorian style while the other one would
9 not be.

10 MS. LAMBERTON: It's more
11 arched.

12 MR. MOYER: I kind of like them
13 both.

14 MR. KERRICK: I kind of like
15 the first one with the printing from the second.

16 MS. PICKARD: Yeah, I do too.

17 MS. HAASE: That?

18 MR. MOYER: Yeah. The sign --

19 MS. LAMBERTON: The sign on the
20 left --

21 MR. MOYER: But the --

22 MS. LAMBERTON: -- but the font
23 on the right.

24 MR. MOYER: -- on the right.

25 MS. HAASE: Okay.

28

1 MR. KERRICK: I think the font
2 on the right's easier to read, but that's only my

3 opinion.

4 MR. MOYER: Yeah, it is.

5 MS. HAASE: Okay. That was
6 easy.

7 MR. HOLAHAN: Wait.

8 MS. HAASE: That wasn't easy.

9 MR. HOLAHAN: Nothing we can't
10 talk about for another 20 minutes. I'm done.

11 MS. HAASE: Okay. As the board
12 may recall, we've had over the last few years some
13 discussions and also some comments from residents
14 with regarding the Jubilee Restaurant and parking
15 situation. Mr. Van Gilder has been very helpful in
16 trying to resolve that issue. He has met with Bob
17 McHale and myself on a few occasions now, they are
18 moving forward with a plan to try to ease the
19 traffic concerns there.

20 What they are proposing, they
21 have also contacted PennDOT, is closing off the
22 access, the open access onto 940, eliminating the
23 940 access and having the traffic come off of
24 Miller Drive, which we will be working on, at what
25 point they will access that because we don't want

1 to be too close to the stop sign. It's going to
2 result in a better control of traffic patterns and
3 it's going to allow them to have additional parking
4 as well, which will help.

5 MS. LAMBERTON: Are they going
6 to stripe it?

7 MS. HAASE: Yes.

8 MS. LAMBERTON: I think that's
9 half the confusion and they lose a lot of valuable
10 real estate with it not being striped.

11 MR. MOYER: Yeah --

12 MR. McHALE: They mentioned
13 also --

14 MR. MOYER: -- out on the
15 highway and everything.

16 MR. McHALE: -- about lighting
17 the parking areas with the new system.

18 MS. LAMBERTON: Wonderful.

19 MS. HAASE: The last board
20 meeting we had talked about having a town hall
21 meeting to discuss the extension of the 940 line.
22 I just wanted to make certain the board is still in
23 agreement with that and if you could set some dates
24 for me. If we could go to the last week in January

25 or the first week in February, if that would work

30

1 with the board's schedule.

2 MS. LAMBERTON: That's usually
3 the easiest one meetingwise.

4 How's the last week for
5 everyone?

6 MR. MOYER: In January?

7 MS. PICKARD: We have a meeting
8 on the 25th, I think, maybe, the village overlay,
9 at six.

10 MS. HAASE: Yes, you are
11 correct.

12 MS. LAMBERTON: I'm sorry,
13 Heidi, what day was that?

14 MS. PICKARD: That's that
15 Monday, the last week.

16 MS. LAMBERTON: The 25th. So
17 should we shoot for like a Tuesday, Wednesday,
18 Thursday.

19 MR. MOYER: Tuesday maybe?

20 MS. HAASE: Tuesday, the 26th?

21 MS. PICKARD: What time are we
22 doing --
23 MS. LAMBERTON: I'm better on a
24 Wednesday, Thursday.
25 MR. MOYER: You want to do

31

1 Wednesday or Thursday?
2 MS. LAMBERTON: Yeah. Are you
3 okay with that?
4 MR. MOYER: Yeah.
5 MS. PICKARD: Yeah.
6 MR. MOYER: I'm fine. I think
7 I'm good with both of them.
8 MS. HAASE: Wednesday, the
9 27th?
10 MS. LAMBERTON: Wednesday, the
11 27th?
12 MS. HAASE: And what time?
13 MS. LAMBERTON: You know, I
14 think 6 p.m., it gives people a chance --
15 MS. PICKARD: I'd like to --
16 MS. LAMBERTON: -- you know
17 like --

18 MS. PICKARD: Yeah, or have it
19 earlier, then -- and then if it goes --

20 MS. LAMBERTON: Like 5:30, 6,
21 just to give people a chance to get out of work and
22 get here?

23 MR. MOYER: Let's do six, yeah.

24 MS. LAMBERTON: Six o'clock.

25 MS. HAASE: Okay. So what the

32

1 intent is going to be, to advertise or put
2 something in the journal. We will also send out a
3 notification to property owners in that area. That
4 would give them a short synopsis of what is going
5 to be occurring, perhaps looking at a breakdown of
6 the cost that potentially could be incurred on
7 them. We'll also put a survey in there in case
8 they can't attend the meeting, if they could
9 respond if they're in favor or if they're opposed.

10 MS. LAMBERTON: Wonderful.

11 Yeah, the cost is a big item that should be
12 covered, that way people won't be shocked --

13 MS. PICKARD: Do we need

14 anything, any other information that we need to get
15 before then or are we good?

16 MS. HAASE: No. I think we're
17 good at this particular point.

18 MR. ARMSTRONG: I've stopped
19 going back and forth with the asset purchase
20 agreement until after the board knows what
21 direction they're going to go in. And I think I've
22 made that clear to them, I think Aqua's
23 understanding of that, 'cause it's hard to move
24 forward in either direction of that asset purchase
25 agreement before we know which way we're going to

33

1 go on the extension line.

2 MS. PICKARD: Would Aqua be
3 attending the meeting?

4 MS. LAMBERTON: Yeah, I think
5 they should. That way if there are any questions
6 --

7 MS. PICKARD: That's what I'm
8 ---

9 MS. LAMBERTON: And maybe have
10 them --

11 MS. HAASE: We can certainly --
12 MS. LAMBERTON: -- expect to
13 field some questions so they're --
14 MS. HAASE: I will ask them.
15 MS. LAMBERTON: -- they're aware
16 of that so it's not caught off-guard.
17 MS. HAASE: Sure.
18 MS. LAMBERTON: That would be
19 great.
20 MR. ARMSTRONG: And this is for
21 January 27?
22 MS. LAMBERTON: Yes.
23 MS. HAASE: Yes.
24 That is all I have at this
25 point.

34

1 MS. LAMBERTON: Very good.
2 Thank you.
3 Let's start with committee
4 reports. Pocono Mountain Regional EMS.
5 MS. PICKARD: Denise is here.
6 MS. DENISE DOREMUS: I'm sorry.

7 Denise from Pocono Mountain Regional EMS. My
8 reports are not complete yet.

9 MS. PICKARD: Yeah, ours is
10 kind of --

11 MS. DENISE DOREMUS: -- I'm
12 still waiting on a few trip sheets to be completed.
13 All I know right now is there was 503 calls in the
14 month of December, plus the end of the year calls
15 will be done too, so that's why it's taking a
16 little longer because it's the end of the year. I
17 should have them in a couple days, sorry about
18 that.

19 MS. LAMBERTON: No, that's
20 fine. Thank you.

21 MS. PICKARD: We should be
22 getting our two new vehicles this month.

23 MS. DENISE DOREMUS: Yes.
24 Well, at the end of January, yes, the two --

25 MS. PICKARD: At the end of

35

1 January, yeah, from our grants.

2 MS. DENISE DOREMUS: And cross
3 your fingers that they're here at the end of

4 January. Thanks.

5 MS. LAMBERTON: Thank you.

6 Pocono Mountain Regional Police
7 Commission.

8 MR. MOYER: We passed the
9 budget. We really haven't had anything new. We
10 have another meeting coming up, but --

11 MS. LAMBERTON: That was it.

12 MR. MOYER: Yeah.

13 MS. LAMBERTON: Any hope --

14 MR. MOYER: It was a quick
15 meeting.

16 MS. LAMBERTON: -- on the
17 horizon?

18 MR. MOYER: It was a quick
19 meeting, in and out.

20 MS. PICKARD: Did we get the --
21 what did Coolbaugh --

22 MR. MOYER: No.

23 MS. HAASE: Coolbaugh refused
24 to --

25 MR. MOYER: Yes.

1 MS. HAASE: -- add any
2 additional hours. In fact, they decreased by
3 almost 10 hours.

4 MR. MOYER: Correct. But we
5 needed to get the budget passed so --

6 MS. LAMBERTON: Sure. It
7 affects all of us.

8 MR. MOYER: We had to do what
9 we had to do with --

10 MR. CHAD KNECHT: So how does
11 that affect this township by them decreasing the
12 hours or whatever --

13 MS. PICKARD: We increased ours
14 by that 10.

15 MS. LAMBERTON: Yeah, we
16 increased ours 10.

17 MR. MOYER: Mount Pocono stayed
18 the same, Tunk --

19 MS. PICKARD: I think it was --

20 MR CHAD KNECHT: I don't get
21 it, they decreased 10 hours, as far as paying us --
22 or paying the regional police?

23 MR. MOYER: It's just hours
24 that they're not going to get service for.

25

MR. CHAD KNECHT: So who would

37

1 service them then?

2 MS. HAASE: They're going to
3 have less patrol hours.

4 MR. MOYER: Yeah. I mean, if I
5 -- if I was a resident there, I would be asking
6 them the same question.

7 MR. CHAD KNECHT: I just want
8 to make sure that we're not paying for them --

9 MR. HOLAHAN: We are.

10 MS. LAMBERTON: Well, no, we
11 get those hours, though.

12 MR. HOLAHAN: Do we increase
13 it? Yeah, we picked up the hours.

14 MR. CHAD KNECHT: So
15 essentially they're our hours.

16 MR. MOYER: They're our hours.

17 MS. PICKARD: But I think we
18 wanted more hours --

19 MR. KERRICK: That's not a true
20 statement.

21 MS. PICKARD: -- and more

22 officers, but --

23 MR. KERRICK: That's not a true
24 statement, John.

25 MS. PICKARD: Yeah.

38

1 MR. HOLAHAN: What?

2 MR. KERRICK: We're not paying
3 for somebody else's hours. It's monitored. That's
4 what -- that's what -- the chief monitors the hours
5 and if they go over, they either have to pay at the
6 end of the year or you work it out back and forth.

7 MR. MOYER: Right. Our 10 hours
8 will be --

9 MR. HOLAHAN: I guess we'll see
10 --

11 MR. MOYER: -- our service.

12 MR. HOLAHAN: We'll see that --
13 how this transpires this year.

14 MS. LAMBERTON: They'll be
15 billed for anything additional, which is --

16 MS. HAASE: Unfortunately, the
17 police commission stopped doing that years ago. It

18 is something that I brought up again this year,
19 that perhaps at the end of the year when they're so
20 out of whack, that someone has to ante up.

21 MR. MOYER: Right.

22 MS. LAMBERTON: Right.

23 MR. HOLAHAN: Well, who ante's
24 up then?

25 MS. HAASE: Well, the

39

1 municipality that is over. Because right now
2 what's happened is -- and I brought this concern to
3 the commission before is, if we have two or three
4 hundred hours in excess and Coolbaugh Township is
5 over severely, what happens is the chief, as John
6 Kerrick said, tries to balance it out. But what
7 happens then is we get our coverage on times
8 necessarily we may not need it. And then on the
9 weekends or on times that we do need it, now all
10 the officers are being pulled.

11 So it certainly was not the
12 intent of the representatives of Tobyhanna Township
13 that we were penalized in any way and that's what
14 some of the municipality members felt. So it's

15 going to be monitored this year and see how it ends
16 at the year of 2016.

17 MS. LAMBERTON: In the original
18 agreement wasn't there something that stated that
19 if they had overages that --

20 MS. HAASE: No, it doesn't
21 state that. The agreement states the police
22 commission may assess the municipality. So if in
23 fact the commission felt that a municipality did
24 not put in enough monies, they could assess them,
25 but it's something that has never been done.

40

1 MR. MOYER: Yeah, I mean it's
2 --

3 MS. LAMBERTON: 'Cause
4 everybody tried to stay amicable.

5 MR. KERRICK: The milestone in
6 the past was 500 -- if they were 500 hours over.
7 Historically, Tobyhanna Township sold a lot of
8 hours to Mount Pocono -- or Tunkhannock, excuse me.
9 Two, three hundred hours, the chief could always
10 work it out pretty quick. I don't know where they

11 are right now and I don't see it -- like you said,
12 monitor it and see how it works out.

13 MS. LAMBERTON: Trying to get
14 everybody to work together.

15 MR. CHAD KNECHT: Sorry.

16 MS. LAMBERTON: No, no. That's
17 a valid question.

18 Open space.

19 MS. PICKARD: I don't have
20 anything right now. I'll keep you informed.

21 MS. LAMBERTON: The overlay
22 committee?

23 MS. HAASE: We're going to be
24 meeting at the end of the month, the last Monday of
25 the month. We will be moving forward with looking

41

1 at our signage and a few other topics.

2 MS. LAMBERTON: Is that all?

3 MS. HAASE: Umm-hmm.

4 MS. LAMBERTON: Thank you.

5 Old business. Proposed zoning
6 ordinance, discussion related to signage.

7 What do we want to do with this?

8 Should we wait until you meet on the 25th, see what
9 you guys come up with --

10 MS. PICKARD: We have to do
11 something.

12 MS. LAMBERTON: -- as far as
13 the overlay? And then present it at the next
14 meeting and maybe we can start taking some action
15 and moving things forward.

16 Is that the pleasure of the
17 board? Sounds like a plan.

18 Potential sale of the wastewater
19 treatment plant.

20 MR. ARMSTRONG: As I just
21 indicated, I kind of -- we've held off on that
22 until your meeting, it looks like, January 27th, to
23 have a town hall type meeting to see what direction
24 the board wants to go.

25 MS. LAMBERTON: Fair enough.

42

1 The LERTA, have we done anything
2 with a designation of area?

3 MS. HAASE: I believe that was

4 discussed at the December meeting, that you were
5 going to hold off to see what the overlay looked
6 like.

7 MS. LAMBERTON: Sounds fair.

8 Thornhurst Ambulance, BLS
9 designation. I'll open that up for some
10 discussion.

11 MS HAASE: Yes. If you recall
12 at the December meeting, a motion was moved forward
13 by Ms. Pickard to designate Thornhurst for BLS
14 coverage in Arrowhead. Since then, we received
15 some notification with regards to their insurance.
16 I reached out to a representative of Thornhurst of
17 which she has insured me that has been taken care
18 of. I haven't received the certificate as of yet.

19 The mapping, as I had mentioned
20 in my report, control center has been overlogged
21 right now with changing the maps. So until the
22 board had the opportunity to speak with a
23 representative of Thornhurst and I receive their
24 notification of insurance, I've asked, as I
25 informed the board, control center to hold off on

1 changing the mapping for Tobyhanna Township. So we
2 do have a representative here today and she can
3 answer your questions and hopefully comfort some
4 concerns.

5 MS. SUE REMAK: I always come
6 prepared.

7 MR. MOYER: Just give her your
8 name and stuff.

9 MS. SUE REMAK: Sue Remak, was
10 captain of Thornhurst Ambulance.

11 MR. MOYER: Thank you.

12 MS. SUE REMAK: This is to show
13 the board that the state, who never makes mistakes,
14 made a big mistake, \$23,000 mistake. So our
15 representative, who is our treasurer, Dawn Warner,
16 went down to the office state building, which was
17 in Scranton. Where you can see on Page 2, they
18 wanted us to pay \$23,049, that's a lot. Where in
19 fact we're only supposed to pay \$1,042, which we
20 did, Check No. 200.

21 So I made her go down and get
22 these because they made a mistake, so I could bring
23 it to the board. And our annual estimate is about
24 \$11,000. This year it's up because we had a lot of
25 overtime, which I think came out to \$13,161, but it

1 was paid and we demanded them send you a letter.

2 But a \$23,000 mistake is pretty big.

3 MS. LAMBERTON: So you're
4 currently insured?

5 MS. SUE REMAK: Oh, yeah. Yes.
6 And on here is stated --

7 MS. HAASE: But -- I'm sorry.
8 The final audit detail says policy period July 9 of
9 2014 to 2015.

10 MS. SUE REMAK: Yeah. We do
11 annual payments with them.

12 MS. HAASE: Okay.

13 MS. SUE REMAK: Almost like
14 monthly, but it expired 1/12, which isn't here yet,
15 2016, 12:01 a.m., that's when it's supposed to
16 expire; but we paid them on the 18th when I made
17 her go down to the office. And if you want, I told
18 them to send you and Com Center a certificate
19 because it was their mistake. But I could have her
20 go down there and have them fax you one, if you
21 like.

22 MS. LAMBERTON: Yeah, I think
23 that would be the best --
24 MS. HAASE: We need to have a
25 certificate.

45

1 MS. LAMBERTON: That way
2 there's no question and it could be reinstated and
3 business as usual.
4 MS. SUE REMAK: Yeah, that's
5 fine.
6 MS. PICKARD: Well, Gary
7 Hoffman will need that too.
8 MS. SUE REMAK: Yeah. Well,
9 they usually automatically send it to everybody,
10 not just you guys. I mean, we deal a lot with
11 Lackawanna County too, so --
12 MS. LAMBERTON: Sounds fair
13 enough.
14 Any other questions from the
15 board?
16 MS. LAMBERTON: So I guess then,
17 Phyllis, you are to expect something in writing
18 that you know that this has been handled.

19 And if you can do that tomorrow
20 from your insurance company, I think that'll
21 resolve the issue.

22 MS. HAASE: And then I can move
23 forward with the redesignation.

24 MS. LAMBERTON: Yes, please.
25 That sound like a plan to the

46

1 board?

2 MR. MOYER: Yep.

3 MS. PICKARD: Yeah.

4 MS. LAMBERTON: Very good.

5 Thank you.

6 New business. Conditional use
7 adjudication, Monroe County Transit Authority,
8 Kalahari Resorts bus shelter.

9 MR. ARMSTRONG: If the -- if
10 the board recalls, you had a conditional use
11 application hearing before you last month. You
12 verbally gave conditional approval to the applicant
13 after the hearing and I circulated a written
14 decision shortly after that meeting. If there are

15 no comments or revisions to the proposed written
16 adjudication for the Monroe County Transit
17 Authority's conditional use application approval,
18 you can proceed with a motion approving the
19 conditional use application conditional upon the
20 written decision.

21 MR. HOLAHAN: So moved.

22 MS. PICKARD: Second.

23 MS. LAMBERTON: I have a motion
24 and a second.

25 Any questions or comments from

47

1 the board?

2 Any questions or comments from

3 the public?

4 Seeing none.

5 Call the vote. John?

6 MR. KERRICK: In favor.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I vote in favor.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I vote in favor.

11 MS. LAMBERTON: John?

12 MR. HOLAHAN: I vote in favor.
13 MS. LAMBERTON: I'll abstain.
14 Motion carries.
15 Consider Kalahari Resorts
16 request to release the remaining Kalahari Boulevard
17 escrow.
18 What's the pleasure of the
19 board?
20 MR. HOLAHAN: What's the
21 balance of the escrow?
22 MS. LAMBERTON: What do we
23 have, 70 --
24 MS. HAASE: \$73,040 and that
25 was the 10 percent contingency that the board was

48

1 holding.
2 MR. HOLAHAN: We were holding
3 that because of the seepage issue with the road?
4 MS. HAASE: Correct.
5 MR. HOLAHAN: Bob, have we
6 received anything that we've been requesting for
7 the -- I guess the -- either the engineering or the

8 proposal to solve the problem?

9 MR. McHALE: I haven't seen
10 anything, sir, not since the earlier emails that we
11 received from Pennoni.

12 MR. HOLAHAN: Nothing's
13 changed, I'm not in favor of releasing this money.

14 MS. PICKARD: Neither am I. I
15 wanted to see something. I thought they were going
16 to --

17 MR. HOLAHAN: Something. We
18 were just asking -- we were asking --

19 MS. PICKARD: We asked at the
20 last meeting.

21 MR. HOLAHAN: -- for anything
22 reasonable, anything reasonable to solve this and
23 we still haven't received anything.

24 MR. MOYER: I wasn't at the
25 last meeting.

49

1 MR. KERRICK: I want to
2 circulate some photos to you when I get the
3 opportunity or the time tomorrow. After a
4 rainstorm, it runs out of every one of those water

5 gardens and you can see it from the air. I'm not
6 saying that's what it is, but that's a huge issue
7 right there. I think that's where the issue is.

8 MR. HOLAHAN: And that may be
9 so --

10 MS. PICKARD: It still needs to
11 be fixed.

12 MR. HOLAHAN: -- if they would
13 address that.

14 MR. KERRICK: I'm just -- I just
15 want to -- I'll send -- I'll share the photos with
16 you.

17 MS. PICKARD: Yeah. I think I
18 just got something --

19 MS. HAASE: I did circulate two
20 -- a week and a half ago, Ed Tutrone was out and he
21 did take some pictures that show the three seepage
22 areas on the road. I believe I left that to the
23 board. I didn't circulate that 'cause there
24 appears to be a problem, I think, with some of the
25 board members opening that up, it's a JPEG and it's

1 very pixely. Bob tried to convert it on the
2 AutoCAD, but that didn't come through too well.

3 MS. LAMBERTON: Any comments
4 from Kalahari?

5 MR. HARRY FORBES: There's no
6 seepage today, the ground is starting to freeze up,
7 but I understand the issue.

8 And, John, your point's well
9 taken. I'll check with the engineer. My last
10 thought was that you and the engineering firm were
11 communicating because there was a difference in how
12 to fix this and I think that's the last that I've
13 heard. I've not heard anything different myself
14 from what we talked about last.

15 MR. HOLAHAN: Well, my concern
16 is I didn't want our engineer to tell -- and I
17 understand Kalahari doesn't want to just throw
18 money at a problem that maybe they're not -- maybe
19 it's not the right solution, but they need to give
20 us something.

21 MR. HARRY FORBES: I will take
22 that message back because I don't think anybody
23 really has a handle on where this issue is coming
24 from. And that was where we got into the
25 discussion about the pipes along the side --

1 MR. HOLAHAN: Right.

2 MR. HARRY FORBES: -- as to
3 whether it was coming from the center islands or
4 whether it's coming off of the ponds, which we
5 don't think it is now, but again, it's an issue
6 that still has to be explored. I'll follow back up
7 and see if we got anything from that standpoint,
8 John.

9 MS. LAMBERTON: Thank you,
10 Harry.

11 What's the pleasure of the board
12 at this time?

13 MR. MOYER: I guess we have to
14 -- I don't know. I wasn't here, don't ask me.

15 MR. KERRICK: Let's -- why
16 don't we -- we have the next two items we have to
17 discuss. We have a big thick packet that we didn't
18 even sit down and go through. Why don't we do all
19 three together?

20 MS. LAMBERTON: Okay.

21 Consider Kalahari Resorts
22 request to refund township engineer review fees for

23 Phase 1.

24 MR. HOLAHAN: Yeah, I have to
25 -- I have to speak against this. So Kalahari is

52

1 asking for a refund of -- now, is it 72,000 -- or
2 \$75,361.50? And they gave us a spreadsheet of the
3 fees that they think should be reimbursed to them.

4 Now, every other -- every other
5 company that comes in here and does land
6 development has to pay for the engineering and they
7 agree up front and sign a professional services
8 agreement outlining what the fees are. Kalahari's
9 come back and asked for all those fees back. I
10 speak against that.

11 MS. PICKARD: I agree.

12 MR. HOLAHAN: Now -- now, I've
13 looked at the packet and, John, you're right, you
14 said it's a --

15 MR. KERRICK: I didn't look at
16 it, to be honest with you.

17 MR. HOLAHAN: It's a thick
18 packet.

19 MR. KERRICK: I didn't even
20 open it, so I don't -- I don't --

21 MR. MOYER: I didn't look
22 either, to be honest.

23 MR. HOLAHAN: Alls you got to
24 do is read really the first page and last page, or
25 the first cover letter and then the last couple of

53

1 pages, but --

2 MS. PICKARD: There were some
3 errors in there, there were some duplicate things
4 and some fees that hadn't been paid yet.

5 MR. HOLAHAN: I wasn't even
6 going to justify the total of -- you know, go
7 through and pick out and say which ones are
8 reasonable and which ones weren't. They signed an
9 agreement.

10 MR. KERRICK: I say we owe it to
11 Kalahari or the taxpayer that we sit down and
12 review that packet together.

13 MR. HOLAHAN: Oh, certainly.
14 I'm not prepared to give them the -- I speak
15 against returning the fees, if that's what's come

16 before us right now. Now, if it's to table it and
17 let's look at it and then come back again, I'm okay
18 with that as well.

19 MS. LAMBERTON: I think too you
20 could take two different lessons away from this is,
21 yes, table it, understand what we are trying to
22 under -- you know, see what they are talking of as
23 far as the fee structure goes, but also in the
24 future, are we handling it the way it should be
25 handled or can, you know, something change or

54

1 should it stay the same? I think those are things
2 that need to be decided and then that way when an
3 issue like this is bought up --

4 MR. MOYER: Yeah.

5 MS. LAMBERTON: -- it's -- you
6 know, we have our answer.

7 MR. HOLAHAN: But -- I
8 understand that, but when we've got -- when we've
9 got a fee schedule -- we approved one tonight.

10 MS. LAMBERTON: Yes, we did.

11 MR. HOLAHAN: And I think it

12 was pretty clear on what the fees were. And then
13 the professional services agreement --

14 MS. PICKARD: And the
15 developers agreement.

16 MR. HOLAHAN: -- pretty much
17 details that out. So I don't see where there was
18 any confusion or -- is it buyer's remorse, I don't
19 -- I -- you know, and -- and I -- and I guess I
20 shouldn't be speculating and I shouldn't be
21 interjecting any kind of personal thoughts other
22 than signed an agreement and you honor the
23 agreement, so --

24 MS. PICKARD: That's all our
25 thoughts. I did call some other -- I called Stroud

55

1 Township who also have outside engineering firms
2 and the rates are much higher than Bob is.

3 MR. HOLAHAN: One of the things
4 they pointed out was --

5 MS. PICKARD: Some of them are
6 like a hundred and forty dollars.

7 MR. HOLAHAN: -- Bob was \$98.

8 MS. PICKARD: I mean, they're

9 using -- they're paying a hundred forty dollars an
10 hour, so I don't think our fees are very reasonable
11 compared to most other firms.

12 MR. HOLAHAN: Very
13 unreasonable.

14 MS. LAMBERTON: Are not
15 reasonable, yes.

16 MR. KERRICK: I'm not disputing
17 that, I'm just asking if we could get together and
18 look at it as a group and table it. I'm asking to
19 table it, so we can look it.

20 MR. HOLAHAN: Okay.

21 MS. LAMBERTON: Okay.

22 MR. HOLAHAN: Well, I guess --

23 MS. PICKARD: We've had it for
24 like a month.

25 MR. HOLAHAN: -- let me -- let

56

1 me bring to -- what point mine is, I did read it.
2 I did go through it.

3 MS. PICKARD: I did too.

4 MR. HOLAHAN: And what I read

5 --

6 MS. PICKARD: I did go through
7 it.

8 MR. HOLAHAN: -- the paperwork
9 that was delivered to me, I'm not in favor of it.
10 Now, if nobody else has been able to go through it,
11 then I understand tabling it. I'm okay with that.

12 MS. PICKARD: Yeah. I went
13 through it, so I mean that was -- I thought what we
14 were supposed to do because it was on the agenda.

15 MS. HAASE: If I could just
16 interject also. I did go through the fees to make
17 certain there wasn't anything. However, on a
18 biweekly basis with payroll, I do look at
19 everything and approve it at that time. I will say
20 that Mr. McHale is very diligent and keeps track of
21 everything and has spent a lot of time on this
22 project.

23 We -- I've also asked our
24 finance department to break down the fees so we
25 could see what was paid by public funds, what was

1 paid by private funds. The department found that

2 there was some mistakes, totaled almost \$9,000.
3 Some of the charges were put on Kalahari's
4 spreadsheet twice that they provided to us. So for
5 two years of work it came down to \$66,000 and
6 change, out of that, almost 20,000 was paid with
7 public funds.

8 I did reach out to Michelle
9 Bisbing to find out that if the board was to
10 consider refunding monies, how would that work.
11 And the response -- they were rather surprised
12 with the request. Michelle said that we'd have to
13 speak to Municap because she's never had something
14 like this presented. I spoke to Jim McGinty, who
15 again was rather surprised with it, and Mr. McGinty
16 said actually it's going to come down to a legal
17 issue, but he feels since they're TIF funds that it
18 would not reimbursed back to Kalahari, so --

19 MS. LAMBERTON: That's a
20 message we can relate to --

21 MS. HAASE: I did ask Mr.
22 McGinty so we didn't bring up any additional fees
23 that if -- I will get back to him once the board
24 makes a decision on how to move forward with that.

25 MR. MOYER: That's engineering

1 fees?

2 MS. HAASE: That's correct.

3 MS. PICKARD: That was all
4 engineering, that's what was in the request, that's
5 all that was in the request.

6 MR. MOYER: Yeah, I honestly
7 didn't get a chance --

8 MS. HAASE: There was questions
9 in regards to --

10 MR. MOYER: -- to look at it.

11 MS. HAASE: -- solicitor fees,
12 but I have not had a phone call back from Mr. Pine,
13 so we do need to go over that because my sheet was
14 not highlighted. I know the one he was working
15 off, he highlighted fees and mine was not.

16 MS. LAMBERTON: I think the
17 packets were highlighted, yeah.

18 MS. HAASE: Yeah. Mine is not.

19 MS. LAMBERTON: Okay. So I
20 guess I will -- do I need to entertain a motion to
21 table or just table the discussion until everyone
22 has an opportunity to take --

23 MR. HOLAHAN: I make a motion
24 that we table.

25 MS. LAMBERTON: I have a

59

1 motion.

2 MR. KERRICK: Second.

3 MS. LAMBERTON: And a second.

4 And any questions or comments
5 from the board?

6 Any questions or comments from
7 the public?

8 MR. CHAD KNECHT: I'm just not
9 sure how they can sign a contract and then come
10 back and ask for money back that they already
11 signed --

12 MS. LAMBERTON: That's the point
13 John's trying to make.

14 MR. ARMSTRONG: Just so the
15 board is clear and anyone in the audience, the MPC
16 has a provision in here covering land development
17 applicants to pay for the municipality's costs and
18 professional service fees, there's that. There's
19 the Tobyhanna Township SALDO Ordinance that has

16 it's a statute --

17 MS. LAMBERTON: Maybe that
18 response needs to --

19 MR. ARMSTRONG: -- it's in the
20 ordinance.

21 MS. LAMBERTON: -- inform of
22 those different documents and I think maybe we can
23 resolve this issue.

24 MS. PICKARD: And I had one
25 other comment that I wanted to make and maybe Bob

61

1 could speak to that as well 'cause he was the one
2 reviewing the engineering fees. But there were
3 many changes that were brought on by Kalahari
4 themselves, changing their plans multiple times and
5 phasewise and A, B, C and 1, 2, 3 and things like
6 that. And every time they would change those
7 things or move the hotel or add the chapel or
8 whatever, everything had to be reviewed again, so
9 --

10 MS. LAMBERTON: No, that's a
11 good point.

12 MR. CHAD KNECHT: Is there a

13 reason to table this then if what --

14 MS. LAMBERTON: We had

15 received --

16 MR. CHAD KNECHT: -- Patrick

17 said --

18 MS. LAMBERTON: We had received

19 a packet of information that I think everybody

20 would like to have a chance to go through and it's

21 about a two inch document.

22 MR. MOYER: Over the holiday

23 and I honestly didn't have time to look at it.

24 MR. CHAD KNECHT: I'm just

25 saying as far as what the laws are --

62

1 MS. LAMBERTON: And

2 understanding that.

3 MR. CHAD KNECHT: -- like

4 asking for money back.

5 MS. LAMBERTON: And

6 understanding that. But I think just to justify a

7 decision in fairness to receiving a document, I

8 just --

9 MR. MOYER: Harry, can I ask a
10 question?

11 MR. HARRY FORBES: I do. I was
12 waiting for the gentleman to --

13 MR. MOYER: Why are they asking
14 for the fees back? Could you give me a --

15 MR. HARRY FORBES: The question
16 when Steve reviewed this was, I guess -- nobody's
17 questioning Bob's work or Bob's review. The
18 question came up was when you look at, he gets a
19 paid a certain amount as a township employee and a
20 certain amount when he shifts his role, I guess, to
21 a certain review process, if I'm saying that right.
22 And that was where the question came in and I think
23 where Steve put this packet together and did the
24 review and asked you to consider it and look at it,
25 because --

63

1 And maybe it's just
2 clarification, but he put it out there for you guys
3 to review and asked for it. He came up with a
4 number looking at this one -- from one vision and
5 now when -- I think Phyllis and I --

6 You and I had a conversation,
7 Bob gets paid a certain rate when he reviews
8 certain stuff; and when he does work for the
9 township as a township person, he gets paid a
10 different rate, his employee rate, and the other's
11 above and beyond that. And I think that that came
12 in before when Steve put this together, so he's
13 asked you to take a look at it and go after it from
14 that standpoint.

15 MS. LAMBERTON: Thank you.

16 MR. MOYER: Okay.

17 MR. HARRY FORBES: All the
18 other outside engineers, they've paid for. It was
19 -- they were questioning when Bob came to
20 (inaudible).

21 MS. LAMBERTON: Thank you.

22 MR. MOYER: Thanks.

23 MS. LAMBERTON: All right. So
24 motion and a second is on the -- on the table to
25 table.

2 public?

3 John, call the vote?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I'm in favor.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I'm in favor.

9 MS. LAMBERTON: John?

10 MR. HOLAHAN: I vote in favor.

11 MS. LAMBERTON: And I'll

12 abstain. Motion carries.

13 And I believe that also will

14 trickle down to Item No. 10D to discuss the

15 township legal fees billed to Kalahari Resorts for

16 Phase 1, 'cause I know that was part of that packet

17 as far as some of the information. There were

18 bills in there that were included. So I will

19 entertain a motion to table that as well.

20 MR. MOYER: I apologize.

21 MS. PICKARD: So moved.

22 MR. KERRICK: Second.

23 MS. LAMBERTON: Have a motion

24 and a second.

25 Any questions from the board?

1 MR. CHAD KNECHT: Was there
2 anything assigned with this?

3 MS. LAMBERTON: It'll be all
4 the same agreements that are affected in the same
5 way.

6 MR. CHAD KNECHT: Okay.

7 MS. LAMBERTON: Yeah. You're
8 absolutely right.

9 Any other questions?

10 Call the vote. John?

11 MR KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: Donny?

15 MR. MOYER: In favor.

16 MS. LAMBERTON: John?

17 MR. HOLAHAN: I vote in favor.

18 MS. LAMBERTON: I'll abstain.

19 Motion carries.

20 Any comments from the board of
21 supervisors?

22 MR. KERRICK: Do we have to do
23 anything with Pocono Summit at this meeting?

24 MS. LAMBERTON: It's not on my
25 agenda.

66

1 MR. KERRICK: It's not on mine
2 either, but --

3 MS. HAASE: You did receive a
4 request for the board to acknowledge some of their
5 events. If you do recall, we did have an ordinance
6 put in place that basically does call out these
7 items.

8 I don't know if it's still
9 required, since you have that ordinance, to
10 recognize it in the minutes or not, Pat.

11 MR. MOYER: We just have to
12 acknowledge it, right?

13 MS. PICKARD: Yeah.

14 MR. MOYER: I mean, it's not --

15 MS. HAASE: It was something
16 that just came in. It was events, it was their
17 pancake breakfast.

18 MR. HOLAHAN: Yeah, we got that
19 list of events.

20 MS. LAMBERTON: Do we need to
21 -- we don't need to approve this, do we?
22 MS. PICKARD: No, we
23 acknowledge it.
24 MS. LAMBERTON: We just need to
25 make note that we're aware of their events for the

67

1 year of 2016?
2 MS. HAASE: The board did pass
3 the ordinance and basically know that that's where
4 these events could come into play.
5 MS. LAMBERTON: I know we were
6 trying to avoid anything with alcohol with
7 insurance reasons. So unless they're serving
8 whiskey with their pancakes --
9 MS. PICKARD: They don't have
10 anything on for the --
11 MS. LAMBERTON: Sorry.
12 MALE VOICE: Boring.
13 MS. PICKARD: They don't have
14 their --
15 MS. LAMBERTON: Yes, we've
16 turned very boring.

17 I'm sorry.
18 MS. PICKARD: -- parade and
19 festival on here?
20 MS. HAASE: No.
21 MS. PICKARD: Are they not
22 doing it? I'm just curious.
23 MS. HAASE: The festival is not
24 covered because they have the beer tent.
25 MS. PICKARD: Okay. All right.

68

1 MS. HAASE: And the parade that
2 --
3 MS. LAMBERTON: So these are the
4 ones that are covered, that's --
5 MS. PICKARD: Yeah.
6 MS. HAASE: The parade in
7 essence really is outside of Tobyhanna Township.
8 MS. LAMBERTON: So we will
9 acknowledge this list and make it part of our
10 minutes.
11 I would also just like to take a
12 moment and express our condolences for the board

13 for the family of Scott Fuller who passed away. He
14 was our township auditor for 2015 and our sympathy
15 goes to his family and friends.

16 I'll open it up for any public
17 questions or comments.

18 Seeing none.

19 I'll entertain a motion to
20 adjourn.

21 MR. HOLAHAN: I have something
22 here.

23 MS. LAMBERTON: Sorry.

24 MR. HOLAHAN: I'd like to
25 acknowledge the Tobyhanna Township DPW, the road

69

1 report and work report did turn in for December.

2 Thank you and thank the guys from me.

3 MR. ED TUTRONE: Thank you.

4 MR. HOLAHAN: You're welcome.

5 MS. LAMBERTON: You can thank
6 them from the entire board too. Thank you very
7 much. Yeah.

8 MS. PICKARD: Yeah.

9 MR. MOYER: Yes, absolutely.

10 Thanks for all the hard work.

11 MS. LAMBERTON: Anything else?

12 MR. HOLAHAN: Motion to

13 adjourn.

14 MS. LAMBERTON: I have a

15 motion.

16 MS. PICKARD: Second.

17 MS. LAMBERTON: And a second.

18 All those in favor?

19 MR. HOLAHAN: Wait.

20 MR. ARMSTRONG: Just a brief

21 executive --

22 MS. LAMBERTON: I'm sorry.

23 Oh, should we not --

24 MR. ARMSTRONG: No, you can

25 adjourn. I just --

70

1 MS. LAMBERTON: We'll be going

2 into a brief executive session.

3 Thank you.

4 (Meeting concluded at 5:11 p.m.)

5 ---

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2

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

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

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

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

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

JONATHAN REISS, 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

***Index regarding the public hearing on the
conditional use application of Lake Naomi Club
Association for renovations.

INDEX TO EXHIBITS

BOARD EXHIBIT NO.	PAGE	FOR I.D.
1.....Application.....	12.....	
2.....Correspondence.....	12.....	
3.....Legal Notice.....	12.....	
4.....Certification of Posting.....	12.....	
5.....Proof of Publication.....	12.....	

APPLICANT EXHIBIT NO.	
1.....Statement.....	13
2.....Site Plan.....	13

* Exhibits not provided to the reporter.

3

1 MS. LAMBERTON: Good evening
2 everyone. Thank you for coming. I'd like to call
3 the board of supervisors regular business meeting
4 February 8, 2016 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 We'll start with announcements.

10 MS. HAASE: Yes, ma'am. I have
11 a few announcements. The board of supervisors met
12 on January 4 in executive session from 5:20 to 5:35
13 for litigation; and on January 6 from 9 a.m. to 10
14 a.m. for personnel.

15 I also want to mention the
16 unfortunate travesty we had in the township with
17 the loss of the Blakeslee Inn that occurred on the

18 3rd of February. What did happen, though, is we
19 had mutual aid that came from all over. On behalf
20 of the board supervisors and my staff, I'd like to
21 thank the following departments:

22 From Monroe County: Barrett
23 Township, Blue Ridge Hook and Ladder, Coolbaugh
24 Township, Jackson Township, Pocono Mountain Fire
25 Department, Pocono Summit, Pocono Township, Polk

4

1 Township, Stroudsburg, of course Tobyhanna,
2 Tunkhannock, West End, Tobyhanna Army Depot and
3 Monroe County Office of Emergency Management.

4 For Monroe County EMS and
5 police: Pocono Mountain Regional EMS, the Pocono
6 Mountain Regional Police Department and the State
7 Police Fire Marshals.

8 Carbon County: Albrightsville,
9 Lake Harmony, Penn Forest.

10 Lackawanna County: Thornhurst,
11 Luzerne, Hazle Township, White Haven, Foster,
12 Dennison, Sugarloaf, Wright Township, Valley
13 Regional, Freeland and Bear Creek.

14 We also would like to thank
15 Pocono Transcrete, who helped transport water;
16 Salvation Army; and Locust Ridge Quarry.
17 It was a horrible situation, but
18 it was, a community came together to assist. Thank
19 you.
20 That's all I have.
21 MS. LAMBERTON: Wow. Are you
22 sure?
23 MS. HAASE: Just for
24 announcements.
25 MS. LAMBERTON: Okay. Okay.

5

1 Moving on to Item No. 4. I'll
2 entertain a motion to consider the minutes of the
3 December 14, 2015 regular business meeting.
4 MS. PICKARD: So moved.
5 MS. HAASE: I do have two
6 corrections, Page 21, Line 2, matt, M-a-t-t should
7 be capitalized; and Page 22, Line 1, that would be
8 the same correction.
9 MS. PICKARD: I'll make that
10 motion.

11 MS. LAMBERTON: I have a
12 motion.
13 MR. MOYER: Second.
14 MS. LAMBERTON: I have a motion
15 and a second.
16 Any questions or comments from
17 the board?
18 Questions or comments from the
19 public?
20 Seeing none. Call the vote.
21 John?
22 MR. KERRICK: In favor.
23 MS. LAMBERTON: Heidi?
24 MS. PICKARD: I vote in favor.
25 MS. LAMBERTON: John?

6

1 MR. HOLAHAN: I vote in favor.
2 MS. LAMBERTON: Donny?
3 MR. MOYER: I'll vote in favor.
4 MS. LAMBERTON: I vote in
5 favor. Motion carries.
6 I'll entertain a motion to

7 consider the minutes for the January 4, 2016
8 reorganizational meeting.

9 MS. HAASE: I had one
10 correction; Page 56, Line 23, 2105 should be 2015.

11 MR. HOLAHAN: With that
12 correction, I'll make the motion that we accept the
13 minutes from January 4 reorg meeting.

14 MS. PICKARD: I'll second that.

15 MS. LAMBERTON: I have a motion
16 and a second.

17 Questions or comments from the
18 board?

19 Questions or comments from the
20 public?

21 Seeing none. Call the vote.
22 John?

23 MR. KERRICK: In favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

7

1 MS. LAMBERTON: John?

2 MR. HOLAHAN: Yes.

3 MS. LAMBERTON: Donny?

4 MR. MOYER: I vote in favor.

5 MS. LAMBERTON: I vote in
6 favor. Motion carries.

7 I'll entertain a motion to
8 consider the minutes of the January 4, 2016 regular
9 business meeting.

10 MS. HAASE: I have one
11 correction, please. On Page 25, Line 21 should
12 read, all managers. And that is the only other --
13 I have no other corrections.

14 MS. LAMBERTON: Thank you.

15 MR. HOLAHAN: With that
16 correction, I'll make that motion to approve the
17 January 4 regular business meeting.

18 MR. MOYER: Second.

19 MS. LAMBERTON: I have a motion
20 and a second.

21 Questions or comments from the
22 board?

23 Questions or comments from the
24 public?

25 Seeing none. Call the vote.

1 John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: Yes.

7 MS. LAMBERTON: Donny?

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

9 MS. LAMBERTON: I vote in
10 favor. Motion carries.

11 I'll entertain a motion to
12 consider the treasurer's report in the amount of
13 \$921,473.86.

14 MR. HOLAHAN: I'll make that
15 motion that we approve the treasurer's report in
16 that -- I don't want to say the number, but I will,
17 \$921,473.86.

18 MS. PICKARD: I'll second that
19 motion.

20 MS. LAMBERTON: I have a motion
21 and a second.

22 Any questions or comments from
23 the board?

24 Any questions or comments from

25 the public?

9

1 MR. ARAM CALFAYAN: Is that the
2 amount that's on hand or cash or what?

3 MS. LAMBERTON: That's actually
4 --

5 THE REPORTER: May I just --

6 MS. LAMBERTON: I'm sorry.

7 THE REPORTER: I'm sorry.

8 May I just have your name,
9 please?

10 MS. LAMBERTON: Your name, sir,
11 for the record, if you will please.

12 MR. ARAM CALFAYAN: Oh, I'm
13 sorry.

14 MS. LAMBERTON: That's okay.

15 MR. ARAM CALFAYAN: Calfayan,
16 Arrowhead Lake.

17 Is that the amount that's in
18 cash or securities or what?

19 MS. HAASE: That was a payment
20 for our expenses for the month.

21 MS. PICKARD: That was for two

22 months and also --

23 MS. LAMBERTON: That was two
24 months.

25 MS. PICKARD: And also the

10

1 bridge, the final payment on the bridge repair.

2 MS. LAMBERTON: That will come
3 right out of our general account.

4 Any other questions or comments
5 from the public?

6 Seeing none. Call the vote.
7 John?

8 MR. KERRICK: Abstain.

9 MS. LAMBERTON: Heidi?

10 MS. PICKARD: I vote in favor.

11 MS. LAMBERTON: John?

12 MR. HOLAHAN: And I vote in
13 favor.

14 MS. LAMBERTON: Donny?

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

16 MS. LAMBERTON: I'll abstain
17 due to a conflict. I am employed by Papillion and

18 Moyer and there's a check made payable to them in
19 the bill pack, so I will abstain.
20 Motion carried.
21 Solicitor's report.
22 MR. REISS: Other than what's
23 on the agenda, the conditional use hearing, I don't
24 have anything in addition to that.
25 Is the applicant here for the

11

1 Lake Naomi Club?
2 MR. TERRY MARTIN: Yes.
3 MR. REISS: Generally where do
4 you like to have the conditional use hearing people
5 to present from?
6 MS. HAASE: Present from the
7 floor.
8 MR. REISS: So this is a
9 conditional use hearing before the board of
10 supervisors on the application to put an addition
11 on the clubhouse at Lake Naomi. For those of you
12 present tonight, the applicant will present their
13 testimony, the board will ask questions if they
14 need any clarifications. You as the residents of

15 the township can participate in this hearing in two
16 ways.

17 One way is you can become a
18 party to the hearing tonight, request party status.
19 And that would give you the right to question
20 witnesses and to present any testimony that you
21 would want to present. If you don't want to become
22 a -- and it would also give you the right to appeal
23 any decision that the supervisors make on the
24 application. If you don't want to participate at
25 that level, you will still have the ability to

12

1 comment upon the application when the evidence has
2 all been presented and before the board deliberates
3 and makes a decision on the application.

4 So with that information, is
5 there anyone in the audience who wishes to be a
6 party to the proceeding tonight?

7 Let the record reflect that
8 nobody has so indicated.

9 There's a court reporter present
10 to record everything that's said at this hearing,

11 so only one person can speak at a time. And
12 everything has to be verbalized, you can't just
13 shake your head or motion with your hand.

14 So with the applicant present,
15 do you want to present your case?

16 I do have for you, if you want
17 to come up here, an exhibit list of board exhibits.
18 And we'll have B-1, which is the conditional use
19 application including the plan; B-2, which is the
20 review by the township engineer. B-3 is the legal
21 notice of -- that was posted at the property and
22 advertised. B-4 is the certification of that
23 posting and B-5 is the proof of publication.

24 THE REPORTER: Name, and I guess
25 who's giving testimony, you can be sworn.

13

1 (Terry Martin was duly sworn by
2 the reporter.)

3 THE REPORTER: Would you state
4 and spell first and last name?

5 MR. TERRY MARTIN: Terry
6 Martin, T-e-r-r-y M-a-r-t-i-n.

7 (Robert Jones was duly sworn by

8 the reporter.)

9 MR. ROBERT JONES: Robert,
10 R-o-b-e-r-t, Jones, J-o-n-e-s.

11 THE REPORTER: Thank you.

12 MR. TERRY MARTIN: We do have
13 two exhibits we'd like to place. The first is the
14 statement, which is required in your zoning
15 ordinance, which outlides -- outlines the need,
16 purpose of the proposed additions.

17 Do you mark those or --

18 MR. REISS: We'll mark that A-1.

19 (Statement was marked for
20 identification as Applicant Exhibit No. 1.)

21 MR. TERRY MARTIN: And the
22 second exhibit is a site plan, which is also
23 required in your zoning ordinance.

24 (Site Plan was marked for
25 identification as Applicant Exhibit No. 2.)

14

1 MR. TERRY MARTIN: As your
2 solicitor explained, this is a conditional use
3 application being made by the Lake Naomi Club who

4 is the owner of the property. It's for property
5 that they own on Route 423. It's the site of the
6 Logan Steel Community Center. And they're
7 proposing to put several additions onto the
8 existing building. Two will actually enlarge the
9 footprint of the existing building, a third will
10 enclose a covered area and the fourth is an outdoor
11 pavilion. Your zoning ordinance requires that a
12 conditional use be granted for this because it is a
13 development amenity.

14 On this site, we came before the
15 board back in 2005 or '6 with a conditional use
16 application for the original development. It was
17 approved by the township, land development plans
18 were submitted, which were reviewed and approved.
19 And the site was constructed in 2006, 2007; opened,
20 I believe, in 2007. Since that time, the community
21 members have come back to the administration with
22 some recommendations on how they could improve and
23 enhance the facility.

24 One addition is to the existing
25 swimming pool area. Mr. Jones can provide

1 testimony when you need for that. Another one is
2 for the fitness center and then the outdoor
3 pavilion will be mainly used by the kids' clubs to
4 get them away from the existing building that's
5 there. We submitted it to the planning commission,
6 engineer reviewed it, planning commission has
7 recommended approval of the conditional use.

8 We've also prepared land
9 development plans. Those we have just recently
10 submitted to the planning commission along with the
11 Monroe County Planning Commission and the Monroe
12 County Conservation District.

13 Be glad to answer any questions
14 you may have or Mr. Jones can expand on the actual
15 use and purpose of the additions.

16 MR. REISS: Are there any
17 questions from the board?

18 MR. HOLAHAN: I don't have any.

19 MS. LAMBERTON: I have none.

20 MR. MOYER: No, I have none.

21 MR. KERRICK: It's pretty
22 straightforward.

23 MS. LAMBERTON: It's pretty cut
24 and dry, yeah.

25 MR. REISS: Section 155 dash 101

1 of the zoning ordinance, can you just go through --
2 I can ask you these questions if you want. I just
3 need yep answers to say you comply.

4 MR. TERRY MARTIN: I think on
5 the plan we've outlined those, the conditional use
6 notes --

7 MR. REISS: Okay.

8 MR. TERRY MARTIN: -- which are
9 on the bottom portion of the site development plan.
10 We've gone right down through those, I think, and
11 addressed all those, but I'd be happy to --

12 MR. REISS: No, that's fine.

13 MR. HOLAHAN: Mr. McHale, did
14 you have anything on this?

15 MR. McHALE: No, sir.

16 MR. HOLAHAN: Everything's
17 fine?

18 MR. McHALE: Yes, it is.

19 MR. REISS: And you had seen
20 Mr. McHale's letter and that's a will-comply, I
21 assume?

22 MR. TERRY MARTIN: We did. The
23 only thing that we've changed or added since the
24 planning commission was the -- we didn't have the
25 owner's acknowledgement and certification of the

17

1 plan. That's been added and notarized and that is
2 on the updated plans.

3 MR. REISS: Do you wish to hear
4 from Mr. Jones at all?

5 MS. LAMBERTON: I don't have
6 anything.

7 MR. HOLAHAN: I'll make a
8 motion that we close the hearing.

9 MS. LAMBERTON: I have a motion.
10 Do I have a second?

11 MS. PICKARD: Second.

12 MR. REISS: Well, let me -- I'm
13 sorry.

14 MR. HOLAHAN: Okay.

15 MR. REISS: Let's ask for any
16 comments --

17 MS. LAMBERTON: Oh, I'm sorry.

18 MR. REISS: -- from the public.

19 Are there any comments from the
20 public on the application?

21 Yes? You just have to stand up
22 and identify yourself for the record.

23 MS. MARGARET YONIACK: Margaret,
24 M-a-r-g-a-r-e-t, Yoniack, Y-o-n-i-a-c-k.

25 We're going to continue to

18

1 discuss this or it's totally done with Mr. Jones
2 explaining anything further about the expansion?

3 MR. REISS: Well, since there's
4 some questions I think from the audience as to what
5 this application involves, Mr. Jones, if you just
6 want to give a brief description.

7 MR. ROBERT JONES: Correct.
8 I'm not sure, Meg, if you're referring to, is this
9 a done deal for the club to go forward --

10 MS. MARGARET YONIACK: No, no,
11 no. I'm asking about -- 'cause I thought I just
12 heard something about explaining why it would be
13 necessary to expand the pool or why we need the
14 expansion done.

15 MR. ROBERT JONES: And that
16 would be -- I would report to them if they had any
17 questions about it. I will report to the
18 membership separately as we go forward. But with
19 the club, you have to go through this process
20 before you can go to the club membership for a vote
21 to see if you're going to do those particular
22 things. So I'd be more than pleased to go over
23 that with you at any time. But if they don't have
24 any questions about it, we're just going to move
25 forward.

19

1 MS. MARGARET YONIACK: Okay.

2 MR. REISS: Any other questions
3 or comments?

4 Let the record reflect there are
5 no more.

6 Now, you can close the hearing.

7 MS. LAMBERTON: I'll entertain a
8 motion to close the hearing?

9 MR. HOLAHAN: So moved.

10 MS. PICKARD: Second.

11 MS. LAMBERTON: I have a motion

12 and a second.
13 Questions or comments from the
14 board?
15 Questions or comments from the
16 public?
17 Seeing none. Call the vote.
18 John?
19 MR. KERRICK: In favor.
20 MS. LAMBERTON: Heidi?
21 MS. PICKARD: I vote in favor.
22 MS. LAMBERTON: John?
23 MR. HOLAHAN: Yes.
24 MS. LAMBERTON: Donny?
25 MR. MOYER: I vote in favor.

20

1 MS. LAMBERTON: I vote in favor.
2 Motion carries.
3 MR. TERRY MARTIN: Thank you
4 very much.
5 MS. HAASE: That was just to
6 close the hearing.
7 MS. LAMBERTON: Right.

8 I'll entertain a motion
9 considering approving the Lake Naomi Club
10 conditional use subject to Bob's comment letter.
11 MR. HOLAHAN: I'll make that
12 motion.
13 MS. LAMBERTON: I have a motion.
14 MR. MOYER: Second.
15 MS. LAMBERTON: I have a motion
16 and a second.
17 Questions or comments from the
18 board?
19 Questions or comments from the
20 public?
21 Seeing none. Call the vote.
22 John?
23 MR. KERRICK: In favor.
24 MS. LAMBERTON: Heidi?
25 MS. PICKARD: I vote in favor.

21

1 MS. LAMBERTON: John?
2 MR. HOLAHAN: Yes.
3 MS. LAMBERTON: Donny?
4 MR. MOYER: I vote in favor.

5 MS. LAMBERTON: I vote in favor.
6 Motion carries.
7 Good luck, gentlemen.
8 MR. ROBERT JONES: Thank you.
9 MS. LAMBERTON: You're welcome.
10 We'll move on to the manager's
11 report.
12 Phyllis?
13 MS. HAASE: Yes, ma'am. I've
14 recently circulated the park lease agreement with
15 Pocono Mountain West Little League. Their two-year
16 agreement has expired, so if the board so chooses,
17 I would ask to authorize the chairperson to execute
18 the agreement.
19 MR. HOLAHAN: Make a motion
20 that we authorize the chair to execute the
21 agreement for the -- for the field.
22 MR. MOYER: Second.
23 MS. LAMBERTON: I have a motion
24 and a second.
25 Questions or comments from the

1 board?

2 Questions or comments from the

3 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: John?

10 MR. HOLAHAN: Yes.

11 MS. LAMBERTON: Donny?

12 MR. MOYER: I vote in favor.

13 MS. LAMBERTON: I vote in

14 favor. Motion carries.

15 Oh, I'm sorry. Sir?

16 MALE VOICE: What's this field?

17 Was this for the football, I couldn't hear?

18 MS. LAMBERTON: It's for the

19 baseball fields that they have a contract every two

20 years.

21 MR. MOYER: The township

22 baseball field, the little league.

23 MALE VOICE: Oh. Over here?

24 MR. MOYER: He's thinking the

25 school.

1 MS. LAMBERTON: Oh, no, no, no.
2 Not this school, the township ones.

3 MS. PICKARD: I did have a
4 question with regards to that. I saw on the DPW
5 report there was something about Rinehimer
6 Construction putting up a scoreboard.

7 MS. HAASE: Umm-hmm.

8 MS. PICKARD: So is that a new
9 scoreboard? I know there was an issue. So he
10 donated that or where -- did the little league
11 provide that?

12 MS. HAASE: The installation
13 was provided by Rinehimer Construction. The little
14 league, I believe, had donations and they also
15 purchased it.

16 MS. PICKARD: Wonderful.

17 MS. LAMBERTON: That's great.

18 MS. HAASE: Tobyhan -- I just
19 wanted to announce Tobyhanna Township will be
20 accepting letters of interest for the following
21 appointments: Construction Code Joint Committee,
22 as well as Tobyhanna Township Planning Commission.

23 What you could do is send an email or letter to the
24 township stating your interest and we'll move that
25 forward to the board.

24

1 PennDOT Rapid Bridge Replacement
2 Project continues in Monroe County. They'll be
3 working on two bridges in Tobyhanna Township; the
4 bridge that crosses over the Tobyhanna Creek, which
5 is at Pocono Lake, and that's going to begin in
6 March of 2016; and also the Locust Ridge that goes
7 over the Trout Creek, that's going to begin May or
8 June. That is going to be a lengthy process, but
9 the detour will only be about five weeks. There's
10 going to be a public meeting February 17, at the
11 Pocono Mountain Borough, from 4:30 to 6:30 with
12 PennDOT representatives and Moss Construction to
13 discuss the project.

14 The board, on your portal, you
15 were provided with the independent auditor's report
16 for the liquid fuels tax for the year 2014. And
17 I'm pleased to say there was no deficiencies or
18 material weaknesses found.

19 MS. LAMBERTON: That's good
20 news.

21 MS. HAASE: Yes. The PSATS
22 presentation that we have been excited about and
23 talking about for months -- just for the
24 individuals that are not aware of PSATS, PSATS is a
25 training program that is offered through the -- for

25

1 the township officials. It is a lengthy
2 educational program that most of us attend to
3 continue our education. And this year Tobyhanna
4 Township will be offering a session, it's finding,
5 attracting, landing large developments, and that's
6 going to be April 19. There's going to be a panel
7 which is going to be Senator Scavello, State
8 Representative Rader, Chuck Leonard, Steve Pine,
9 Harry Forbes, Annie Lamberton and myself. So I
10 will update the board in May of how successful that
11 was.

12 If you recall, a few months back
13 we had an individual that had been -- I had
14 mentioned that was working with Bob and I, who
15 lives in Emerald Lakes, and he had a concern over

16 an intersection, Green Leaf and Long Pond. And he
17 was requesting the township look into putting in a
18 stop sign. Bob was working with the applicant and
19 actually visited the site. PennDOT is not going to
20 be acceptable to putting in a stop sign. The
21 applicant has requested, because there is an issue
22 with sight distance, that we move forward with
23 requesting a hidden driveway sign.

24 So if the board is in agreement
25 with that, we'll pursue that.

26

1 MR. HOLAHAN: I am.

2 MS. PICKARD: Yeah.

3 MS. LAMBERTON: Absolutely, if
4 that helps.

5 Why are they opposed of the stop
6 sign?

7 MS. HAASE: It is a three-way
8 intersection -- well, not even a three-way, it's a
9 --

10 MR. McHALE: The volume of
11 traffic on Long Pond.

12 MS. LAMBERTON: Oh, okay.

13 MS. HAASE: House Bill 33 was
14 brought forward to the board of supervisors, which
15 would give you the ability to appoint one, but not
16 more than three, alternate planning commission
17 members. Did not know if that was something the
18 board was interested in since we are going to be
19 advertising for additional membership, if that's
20 something you would be interested in.

21 MS. PICKARD: Yeah, I would.

22 MS. LAMBERTON: Are we
23 interested in three alternates, that's how it would
24 be viewed?

25 MS. PICKARD: Oh.

27

1 MS. HAASE: One or not more
2 than three.

3 MS. LAMBERTON: One or not more
4 than three.

5 MS. HAASE: So you can have
6 one, two or three.

7 MS. PICKARD: You think we do?

8 MS. LAMBERTON: I personally do

9 not, but that's just my opinion.

10 MR. HOLAHAN: Yeah. Have we had

11 any issues?

12 MS. LAMBERTON: No.

13 MR. HOLAHAN: How many people

14 on planning?

15 MS. LAMBERTON: Five.

16 MS. PICKARD: Yeah. I'm good.

17 I was thinking we were talking about advertising

18 for --

19 MS. LAMBERTON: Oh, no, no, no.

20 So we're good?

21 MS. PICKARD: Yeah.

22 MS. HAASE: Okay. So I will

23 put that to rest.

24 I did want to announce that

25 Heidi Pickard, our director of finance, I received

28

1 a letter last week stating that she has been

2 appointed to fill the vacancy on the State

3 Association Finance Committee.

4 MS. LAMBERTON: Oh, that's

5 fantastic.

6 MR. KERRICK: Very nice.

7 MS. HAASE: We're pleased to
8 receive that information.

9 MCCD will be accepting
10 applications for low volume roadwork for dirt and
11 gravel. That's going to be closing April 30, 2016.
12 Last year Mr. McHale and I and Mr. Tutrone, we had
13 talked about possibly requesting some funding for
14 Klock Road and Gordon Lane. So we will attempt to
15 receive some funding for that and see how that
16 moves forward.

17 The board had asked that I
18 continue tracking House Bill 794. I did reach out
19 to State Representative Rader's office on February
20 4 and there has been no movement since last month.

21 MR. HOLAHAN: Would you just
22 remind what that legislation is?

23 MS. HAASE: That pertains to
24 the county and the occupancy tax for hotels and a
25 percentage that would be retained at the county

1 level for administration.

2 MS. LAMBERTON: Yeah, stay on
3 that.

4 MS. HAASE: I'll update you
5 next month.

6 Our emergency management
7 coordinator, Mr. Ed Tutrone, and I have been
8 meeting with the county with regards to the Monroe
9 County Mitigation Plan. If you recall, in 2011 the
10 county switched from having individual plans to
11 doing a county plan. And the board at that time
12 agreed to move forward with that. So we're doing
13 the five-year update. We've had multiple meetings
14 that we've attended. There's going to be a
15 scheduled public meeting March 9, I believe the
16 time is either five or six o'clock. I've had two
17 different times that have been given to me.

18 MS. LAMBERTON: Let us know.

19 MS. HAASE: I will. And then
20 as soon as that public hearing takes place, it
21 will be also sent to FEMA and then it will be
22 circulated to the county commissioners and each of
23 the municipalities for adoption.

24 The board had also asked that I
25 look into an alternate SEO. I have reached out to

1 some engineering firms which became extremely
2 expensive. One firm said that they just -- we
3 couldn't afford to do that. Another firm
4 responded, there was a travel charge, hourly rate
5 of \$95, also mileage rate, so it ended up to being
6 over \$200 an hour.

7 T&M Engineering had recommended
8 that I reach out to Dave Manter, who is an
9 alternate engineer and he also works for other
10 municipalities. He did confirm that he would be
11 available to be the second alternate for Tobyhanna
12 Township if there's a conflict, an issue with
13 vacations or et cetera. His rate would be \$45 an
14 hour, he does have his own insurance and he would
15 be treated as a contracted employee.

16 MS. LAMBERTON: I think that's
17 wonderful.

18 MS. PICKARD: Do you need a
19 motion for that?

20 MS. HAASE: I think that that
21 would be acceptable.

22 MS. PICKARD: I would make that

23 motion.

24 MS. LAMBERTON: I have a motion.

25 Do I have a second?

31

1 MR. HOLAHAN: I'll second.

2 MS. LAMBERTON: I have a motion

3 and a second.

4 Questions or comments from the

5 board?

6 Questions or comments from the

7 public?

8 Seeing none. Call the vote.

9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. HAASE: Isn't this

13 exciting?

14 MS. PICKARD: I vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: Yes.

17 MS. LAMBERTON: Donny?

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

19 MS. LAMBERTON: I vote in favor.

20 Motion carries.

21 MS. HAASE: Just riveting the
22 information that I share. And then the last item,
23 the board had also asked if I could look into some
24 signage and quotes for Welcome to Tobyhanna
25 Township at the entrance ports. I've been working

32

1 with the vendor that we are using currently for the
2 sign out in front of our government building. They
3 were not able to give me the samples today. They
4 are very busy, which is good for them, and they're
5 working diligently on our sign and Representative
6 Rader's, but they will send something. I will
7 circulate that to the board.

8 It's my understanding we wanted
9 it at the entrance points. Are we just looking at
10 the major Routes 940, 115? Are you also looking
11 something when you're entering from Long -- from
12 Sullivan Trail? Those are the items I just kind of
13 need some clarification. Am I looking at four
14 signs or six signs?

15 MS. LAMBERTON: How much are

16 they?

17 MS. HAASE: I don't have that.

18 He has not provided that.

19 MS. LAMBERTON: That will

20 determine how many signs we buy.

21 MS. PICKARD: Yeah, that will

22 --

23 MS. HAASE: Fair enough.

24 MS. LAMBERTON: We'll start with

25 two, how does that sound?

33

1 MS. HAASE: Well, I would think

2 we want a minimum of four.

3 MR. HOLAHAN: Four to start,

4 yeah.

5 MS. HAASE: 940 both ends and

6 115?

7 MS. LAMBERTON: 115 both ends,

8 yeah.

9 MS. PICKARD: Exactly.

10 MS. HAASE: And then the other

11 two we'll kind of play with?

12 That's all I have at this point.

13 MS. LAMBERTON: You sure?
14 Moving on. Reports from our
15 committees, Pocono Regional Police Commission.
16 Donny?
17 MR. MOYER: We don't have
18 anything.
19 MS. LAMBERTON: No, it was
20 pretty quiet. Meeting tomorrow night, 7 p.m.
21 MS. PICKARD: Here.
22 MS. LAMBERTON: Here at the
23 township building if anyone's interested.
24 Open space committee. Heidi?
25 MS. PICKARD: We haven't met

34

1 yet, but we did -- and I have yet to get back in
2 touch with her, but there's a group through the
3 Brodhead Creek Water Authority that wants to do a
4 walk through the Blakeslee Natural Area and that
5 will be April 24. And as soon as I get that
6 information and a flyer, I'll make sure that it
7 gets posted on Facebook and on our website. If
8 anybody's interested in taking a walk.

9 MS. LAMBERTON: Very good.

10 Thank you.

11 Overlay committee. Whoever
12 would like to speak on that.

13 John?

14 MR. HOLAHAN: Oh, certainly.

15 So we -- we've been meeting, I guess, once a month
16 and we just had a meeting before this meeting, it
17 was actually much more exciting. What we're
18 looking at doing is, we've been talking about this
19 Blakeslee Visioning for some time. So the overlay
20 committee is looking at how are we going to come up
21 some of the ideas to actually execute this.

22 You know how you come up with a
23 plan and it's real neat and everybody gets involved
24 in it and then you put it on the shelf and you
25 don't think about it again until you go to dust

35

1 that shelf? We've dust -- we're taking that plan
2 back off the shelf again and working on it. So we
3 did have Ann Hutchinson from the Natural Heritage
4 Lands Trust. She's working from a grant that was
5 -- so it's free to us, so this is good, it's not

6 costing you all anything to have her input on this.
7 So we're looking at zoning again for Blakeslee and
8 it's moving along nicely.

9 MS. LAMBERTON: I think you got
10 some good direction today.

11 MS. HAASE: We did.

12 MS. LAMBERTON: Very good.

13 Is that all?

14 MR. HOLAHAN: That's it.

15 MS. LAMBERTON: Pocono Mountain
16 Regional EMS. Denise?

17 MS. DENISE DOREMUS: Denise from
18 Pocono Mountain Regional EMS. It's a new year, so
19 far in Tobyhanna Township we have had 87 calls;
20 year-to-date, Pocono Mountain Regional has 478,
21 with mutual aid, 489. Mutual aid is down this
22 month. And the LUCAS came in and we've been
23 training people since last Monday and it should be
24 in service by the end of the week.

25 MS. LAMBERTON: That's

1 fantastic. Great. Thank you.

2 MS. DENISE DOREMUS: You're
3 welcome.

4 MS. LAMBERTON: Thornhurst
5 Ambulance Squad, anyone here?

6 MR. HOLAHAN: Joe is.

7 MS. LAMBERTON: Oh, I'm sorry.

8 MR. JOSEPH GRAB: Hi.

9 MR. JOSEPH GRAB: How are you
10 doing?

11 MS. LAMBERTON: Good. How are
12 you?

13 MR. JOSEPH GRAB: My name's
14 Joseph Grab. I'm this year's captain for
15 Thornhurst Ambulance. We are now servicing part of
16 the Tobyhanna Township and Arrowhead Lakes, and I
17 guess that's why you've asked us to be here for a
18 report. To date, we have 56 calls for Thornhurst
19 and the surrounding areas. Thornhurst works in
20 four counties and seven townships, primarily our
21 first focus is Thornhurst.

22 One of the reasons I'm here
23 tonight is to tell you about the -- our prospects
24 of having an ALS unit in Thornhurst. So it's not a
25 new idea, it's been kicked around for a couple

1 years, concluding that we cannot afford ALS and
2 that's just -- I mean, to do it ourselves. We were
3 looking for some staffing help this summer from one
4 of the paid and they verbally proposed an option to
5 us providing -- staffing our rig and licensing our
6 rig in our station as an ALS station. We kicked
7 that around for a couple months, you know, and then
8 decided to go talk to them about it. They put
9 together the proposal, looked pretty good, had
10 about three meetings with them pounding that out.

11 And then the next step was to
12 bring that to the board of -- the ambulance board.
13 The ambulance board said move forward. Took it to
14 the trustees from the fire company who owns the
15 ambulance, they concluded to move forward. Took it
16 to the body of the fire company, they concluded to
17 move forward. And so that's basically where we're
18 at right now, moving forward to put together a
19 contract, and then -- so we'll be paid paramedics
20 on our rig with paid EMTs and volunteer
21 supplementing. And the second rig will be BLS with
22 volunteer EMTs when they're available.

23 So that -- one of the drivers is

24 the -- trying to be a manned 24/7 EMS outfit.
25 Right now we're 24/7, at nights we are volunteer

38

1 and we run out of our homes sometimes, sometimes we
2 have -- take the rig home if the weather's right
3 with us, to be a little quicker. So right now it's
4 in the lawyer's hands so --

5 MR. HOLAHAN: Uh-oh.

6 MR. JOSEPH GRAB: We'll see how
7 we -- yeah, exactly. So I've been making calls for
8 a few days and not getting any answers. So I don't
9 know if that's a good sign or a bad sign, but -- so
10 that's -- you know, that's what we're looking for
11 and we'll see what happens.

12 MS. LAMBERTON: Very good.

13 Thank you.

14 Any questions from the board?

15 Sam?

16 MR. SAM KEIPER: Sam Keiper, I
17 have a question.

18 Are you requesting funds from
19 Tobyhanna Township since you service part of

20 Tobyhanna Township?

21 MR. JOSEPH GRAB: To be

22 determined.

23 MR. SAM KEIPER: Okay.

24 MR. JOSEPH GRAB: Well, you

25 know, I guess I should --

39

1 MR. SAM KEIPER: You should be.

2 MR. JOSEPH GRAB: You know,

3 we've -- I know it's come into question a couple

4 times, but Thornhurst doesn't deserve to have a

5 fire company or an ambulance if you look at the

6 population down there. Arrowhead helped build it

7 and I don't know, people ask why we never asked for

8 money. Well, I can't answer that. We just plug

9 along and do what we got to do to make -- get the

10 job done. It's about the people and our neighbors

11 and -- but things are changing, so we'll probably

12 be asking for some money.

13 MS. LAMBERTON: Let us know how

14 you make out.

15 MR. JOSEPH GRAB: All right.

16 Thank you.

17 MS. LAMBERTON: Thank you very
18 much.

19 MR. JOSEPH GRAB: Yep.

20 MS. LAMBERTON: Moving on to
21 old business, proposed zoning ordinances. I guess
22 we -- it's always a tough subject. I guess we
23 started with some discussion on the overlay and now
24 we'll have to look at our current zoning ordinances
25 out there so that might be the kick start that --

40

1 MS. PICKARD: Yeah.

2 MS. LAMBERTON: -- we can
3 continue with that, with Ann working with us, so
4 that should be a big help. Fair enough?

5 Anything else on that issue?

6 Anyone from the board?

7 Route 940 proposed sewer service
8 extension project. We had a town hall meeting and
9 I see a lot of the same faces, so thank you for
10 returning. I know I've had some discussion with
11 our township engineer just to try to clear my
12 mind-set and try to make an educated decision on

13 what the needs are and what wasn't needed.

14 And I don't know, Bob, if you'd
15 like to just share some information, some of the
16 information.

17 I had -- I had -- I'll start. I
18 had started by asking Bob, well, it's apparent that
19 the residential customers do not need this, it's
20 obvious. But what if we could service and maybe do
21 a separate study where we could possibly service a
22 small stretch of commercial businesses that might
23 need it, and maybe look at it in that respect and
24 leave the residential alone because it's not
25 warranted. And I think that that's something.

41

1 I don't know how the board feels
2 about that, but that might be something that we
3 could use to kind of have more of a win-win
4 situation for some of the folks along the corridor
5 so they're not forgotten if there are businesses.
6 And maybe we can, maybe we can't, but we should at
7 least give them the benefit of a doubt of applying
8 a study to it and take that -- I don't know how the
9 rest of the board --

10 MR. MOYER: I'm good with that.

11 I think that's fair.

12 MS. PICKARD: I'm good with
13 that. My question would be later on we have --
14 about the 537 and we need to do an RFP, could this
15 be part of the RFP, that we do that and do that
16 preliminarily or --

17 MS. LAMBERTON: Would that be
18 two separate studies, Bob?

19 MR. McHALE: Well, I think this
20 could be done conceptually because the original
21 proposal from RETTEW was very, very conceptual.
22 And it was just simply to run from an existing
23 manhole that's along 940, run east out to the spur
24 road near Locust Ridge. And it was to pick up all
25 residential, all commercial up to 250 EDUs. I

42

1 think we heard from the folks that they don't want
2 to see residential connections to it, but there
3 were a number of commercial interests or business
4 owners that said, well, I'd be interested in it if
5 we can make it work or affordability.

6 MS. LAMBERTON: Right.

7 MR. McHALE: So I think -- and
8 Mr. Sam Keiper actually had brought up a point,
9 which is a very valid point, that we had about
10 3,000 feet of line that ran from Camelot Drive to
11 that existing manhole. And he said, do we really
12 need that? Well, the answer is, only if we were
13 going to pick up those residences or those
14 residential properties along the north side of 940
15 in that stretch.

16 Since the folks had said they
17 don't want residential, we could probably then tie
18 into the existing manhole at Camelot shortening
19 that run by 3,000 feet, which Mr. Keiper mentioned,
20 and then start from there and then incrementally
21 look at how many EDUs to explore in maybe the first
22 3 to 5,000 feet. If we have enough to justify
23 constructing a line and servicing 40 or 50 EDUs,
24 then you continue on the next 3,000 feet. And you
25 just run that out till you get to the end of the

43

1 spur road and see what the numbers are, and then --
2 but someone would have to approach the commercial

3 businesses and say, if we could make it work
4 economically, would you be interested in
5 participating.

6 MS. LAMBERTON: Right.

7 MR. McHALE: 'Cause we would
8 need some confirmation that they really wanted to
9 move forward. RETTEW could then do a -- a short
10 analysis similar to what they did before, unit
11 pricing, just a conceptual design for sizing of the
12 main. And then, of course, there's a number of
13 other costs that would come into play as far as the
14 lateral runs, the grinder pumps and those kind of
15 things, which they could then kind of add too,
16 because in a commercial setting, you could tie nine
17 or twelve units into one grinder pump, you know,
18 that type of thing.

19 MS. LAMBERTON: Right.

20 MR. McHALE: So that is kind of
21 the concept that if -- and there were a few people
22 at the end of the meeting that were commercial
23 interests that had said, well, please don't just
24 drop it here, at least give us a chance to look at
25 it further. And I think that's where we're at.

1 MS. LAMBERTON: And I think
2 this is a way to be fair to as many possible.

3 MR. McHALE: And -- and, you
4 know, it could turn out that maybe -- maybe it is
5 economically feasible, maybe it's not.

6 MS. LAMBERTON: Right.

7 MR. McHALE: But at least we
8 would know just -- just looking at commercial
9 interest only --

10 MS. LAMBERTON: Right.

11 MR. McHALE: -- could it work.

12 MS. LAMBERTON: Right. And then
13 I would like to take it one step further and maybe
14 ask Maureen, as our sewage enforcement officer, to
15 reach out to those business owners just via phone
16 call or what have you, kind of get a -- you know, a
17 survey and say, look, if this was a study that we'd
18 be moving forward with, would you be interested.
19 Because then we're concentrating in on what --
20 where the commercial needs to be, we're leaving the
21 residential out of the equation. And then those
22 folks won't be effected, but then if the commercial
23 truly wants it, this is what we need to study and

24 then when we come back with a cost that's
25 effective, then we can approach it at that time.

45

1 MR. McHALE: And what we would
2 do is, when Maureen looks at that is to say, well,
3 you know, if the first business owner says -- along
4 that corridor from Camelot Drive out says, yes, I
5 need that and here's my business type and then she
6 could assign two or three EDUs or one EDU, whatever
7 it may be, and mark it on a plan so that that would
8 go to RETTEW and they could then perform that brief
9 analysis and report back to the board.

10 MR. HOLAHAN: So I've got --
11 I've got something.

12 Is there anybody sitting in the
13 audience here that's thinking, you know what, if
14 they run that sewer line down there, when am I
15 going to be forced to hook up to it anyway? One
16 person's thinking that, so -- yeah. So I
17 imagine --

18 MS. LAMBERTON: I don't think
19 that was the original intention though. The study
20 would be to see who would want --

21 MR. HOLAHAN: I understand, but
22 we have to be -- we have to be very clear on what
23 we're stating here, 'cause we've got a lot of
24 people that are concerned that they are going to
25 get hit for a 18 or \$20,000 bill. And if we're

46

1 still talking about doing some research on figuring
2 out, okay, what's it going to cost to run these
3 lines up, let me make sure that these people aren't
4 -- aren't going to be sitting back here worrying
5 about saying, they're going to run that sewer line
6 commercial, when are they going to make us do that
7 -- when are we going to have to hook up when the
8 lines go through there.

9 MR. McHALE: That's a valid
10 concern because in the current ordinance it speaks
11 to that when a line is run, anyone with a building
12 structure that would be serviced by the sewer and
13 within 150 feet of the line must connect. So the
14 board would need to evaluate that ordinance and
15 modify it accordingly if you were going to exempt
16 out other properties that are commercial businesses

17 that are not interested in that connection.

18 MS. LAMBERTON: Which is
19 something we can do.

20 MR. McHALE: This initial survey
21 that -- if Maureen undertakes that, to kind of find
22 out how many EDUs would be needed just for
23 commercial that are true -- would be true
24 participants, that's pretty much going to give us
25 an idea on how far they're scattered --

47

1 MS. LAMBERTON: Right.

2 MR. McHALE: -- if it's going to
3 work, RETTEW's going to look at it and say, well,
4 gee, you only got four in the first 5,000 feet,
5 that's not going to work --

6 MS. LAMBERTON: Right. But we
7 at least owe them to take a look at it.

8 MR. McHALE: Correct.

9 MS. LAMBERTON: I'm sorry.
10 Sir?

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

13 MS. LAMBERTON: You just have to

14 give her your name.
15 THE REPORTER: Your name,
16 please?
17 MR. HARRY KLEMMER: Harry
18 Klemmer.
19 THE REPORTER: Can you spell the
20 last name?
21 MR. HARRY KLEMMER: I'm sorry.
22 K-l-e-m-m-e-r.
23 THE REPORTER: Thank you.
24 MR. HARRY KLEMMER: How many
25 requests did you get from commercial properties

48

1 along 940?
2 MS. LAMBERTON: You know, I
3 don't know that I have a specific number. I was
4 just looking at the folks that were here that
5 evening that --
6 MR. HARRY KLEMMER: Which was
7 two.
8 MS. LAMBERTON: There were -- I
9 think there were a few more --

10 MR. HARRY KLEMMER: Two -- two
11 raised their hands.
12 MS. LAMBERTON: There were a few
13 others.
14 MR. MOYER: Yeah.
15 MR. HARRY KLEMMER: Oh, I didn't
16 see that. Okay. So you don't know how many
17 requests?
18 MS. LAMBERTON: No. That's why
19 I think we should start with an actual phone call
20 and find out who is interested. And maybe there
21 will be only three or four.
22 MR. HARRY KLEMMER: Good.
23 MS. LAMBERTON: Then you know
24 what? Then it's -- then it's a moot issue.
25 MR. HARRY KLEMMER: Thank you.

49

1 MS. LAMBERTON: You're very
2 welcome.
3 Anyone else?
4 Sam?
5 MR. SAM KEIPER: Sam Keiper,
6 S-a-m K-e-i-p-e-r.

7 With respect to the sewer
8 question or a comment, the American -- Aqua
9 America's looking to buy the sewer plant. Aqua
10 America buys sewer plants from private -- and sewer
11 systems from private individuals all over the
12 place. Might it be worthwhile for those businesses
13 that you're talking about to consider in running a
14 sewer line and paying for it on their own and then
15 selling it or turning it over to Aqua America?
16 Therefore the -- you wouldn't be dealing with the
17 Davis-Bacon Act where you have to pay for daily
18 wages so they could do it for a lot less money or
19 somewhat less money. So maybe that's a
20 consideration that might be discussed with those
21 businesses.

22 And it may be possible to do, I
23 don't know that for a fact, but I do know that Aqua
24 America buys systems, private systems all the time.
25 So if they were to install it and they were to buy

1 it, you would be kind of out of it, you could
2 cooperate in helping, but you would be kind out of

3 the loop; and therefore probably cut the costs
4 considerable.

5 MS. LAMBERTON: Thank you.
6 Thank you very much.

7 Anyone else?

8 MR. McHALE: Another alternative
9 that was brought up is -- and Maureen has already
10 begun that dialogue, I believe, with the DEP --
11 was, could you cluster some of the commercial
12 enterprises and develop a concept of a community
13 on-lot system? And so that's kind of in progress
14 as well.

15 MS. LAMBERTON: Anyone else
16 from the board have any comments?

17 MR. HOLAHAN: I would like to
18 ask people sitting here, are you comfortable with
19 what we're doing right now?

20 MS. LAMBERTON: Does that sound
21 fair?

22 MR. JIM SARTORI: I'm not
23 comfortable with the way --

24 FEMALE VOICE: You have to say
25 your name.

1 MR. JIM SARTORI: I'm sorry.

2 Jim Sartori.

3 MR. HOLAHAN: J-i-m --

4 MR. JIM SARTORI: S-a-r-t-o-r-i.

5 -- with the way the EDUs or the
6 equivalent dwelling units are set up. I mean, I'm
7 assuming that this would be reviewed when you're
8 looking at this whole aspect. Like you said, you
9 could put one building on one grinder pump to cut
10 costs down. I mean, before it was a 700 square
11 foot retail store with one bathroom and one sink
12 compared to a five bedroom house, the same. I
13 mean, one is used 24/7; the other is used five days
14 a week, ten hours a day.

15 So there's that -- it certainly
16 is not equivalent. Now, if that would be relooked
17 at to make it financially feasible, it would make a
18 difference.

19 MS. LAMBERTON: You're looking
20 at things that are 20 years old as well and things
21 change. I agree with what you're saying.

22 MR. JIM SARTORI: And you're
23 also talking about the same distance, aren't you,
24 you're five miles?

25

MS. LAMBERTON: Well, no, it --

52

1 they found a shorter route from the --

2 MR. MOYER: From a manhole.

3 MR. McHALE: Well, it -- and it
4 would not include any of the runs through Robyn
5 Lane or Forest Glen --

6 MS. LAMBERTON: All that would
7 be eliminated.

8 MR. McHALE: -- which was quite,
9 you know --

10 MR. HOLAHAN: So what would come
11 first, though, Jonathan, on the ordinance, can we
12 -- can we establish the distance? Is there a
13 minimum distance that the state requires?

14 MR. REISS: Off the top of my
15 head, I don't believe so, but I can tell you almost
16 every ordinance I've seen has a hundred fifty feet
17 in it, that's pretty standard.

18 MR. HOLAHAN: If we did away
19 with the ordinance or if we tried to lower it, then
20 we've got existing areas like Camelot Forest and

21 things like this that we'd want to. So we'd have
22 to say, this area you don't have to follow the
23 distances, but this other area you would. Could we
24 divide it up that way?

25 MR. REISS: You'd have to

53

1 basically create different sewer districts to do
2 that.

3 MR. HOLAHAN: Okay.

4 MS. PICKARD: If we sell the
5 plant in the Blakeslee area and this is done
6 separately, wouldn't that be a separate ordinance
7 and does the other ordinance go away?

8 MS. LAMBERTON: It's on the 537
9 Plan.

10 MR. REISS: There's a couple of
11 questions in there.

12 MS. PICKARD: Yeah.

13 MR. REISS: Aqua America or who
14 would ever purchase the plant and the lines,
15 they're still going to need township ordinances to
16 enforce requirements, certain minimum requirements
17 such as connection, if you're within a hundred and

18 fifty feet. So they're going to need you to
19 maintain some -- some ordinances regarding your --
20 regarding the sewer system.

21 Does that answer that question
22 or --

23 MS. PICKARD: Somewhat. I just
24 think as a business down here that's on Aqua's Pine
25 Crest system, we just pay the three cents a gallon,

54

1 we didn't have any fees to hook up at Lake Naomi's
2 real estate --

3 MS. LAMBERTON: It's private.

4 MS. PICKARD: -- because that's
5 private so that is completely different.

6 MS. LAMBERTON: I would assume
7 that's a private system.

8 MS. PICKARD: So then it would
9 be a sewer district that could be set up, however.

10 MR. HOLAHAN: Understand my
11 concern, I -- I don't think that the -- that the
12 people that are --

13 MS. PICKARD: Oh, I agree.

14 MR. HOLAHAN: -- in the -- along
15 the way of where the sewer line is proposed, even
16 if we could take it right out of -- we'd have to
17 redo the Act 537 so we could pull Robyn Lane and
18 Forest Glen out, correct?

19 MS. LAMBERTON: Which we want to
20 revise it anyway.

21 MR. HOLAHAN: Okay.

22 MS. LAMBERTON: I mean, that's
23 down on our agenda, we have that on there for
24 discussion as well.

25 MR. McHALE: You wouldn't

55

1 necessarily have to revise the 537 before you did
2 the evaluation of the commercial entities to know
3 if it would even work or not.

4 MS. LAMBERTON: Right. And you
5 might need an individual mound or something to
6 service certain properties.

7 MR. KERRICK: If you sized the
8 pipe, Bob, so you can't put residential on there,
9 it's only for those commercial --

10 MR. McHALE: Right.

11 MR. KERRICK: That's restricted
12 there, John.

13 MR. HOLAHAN: I didn't hear that.

14 MR. KERRICK: If the piping is
15 sized just for the commercial, then you don't have
16 to worry about -- you'll never have residential.

17 MR. MOYER: Residential, yeah.

18 MR. REISS: The only thing you
19 have to be careful about is in your 537 Plan, the
20 DEP has to approve that. And one of the things
21 that your consultant that you hired to do the 537
22 Plan will have to gather from DEP is whether
23 there's any failed or failing systems in that area.
24 Because if there are, DEP's going to say they want
25 to make sure those failed systems come out.

56

1 MS. LAMBERTON: That's all been
2 done, this is actually part of the 537 already.

3 MR. REISS: Oh, okay.

4 MS. PICKARD: But if the pipe
5 was too small, then they couldn't hook those on if
6 there was a need down the road. So my question is,

7 that Aqua said that this whole issue was that 80
8 percent had to tie in to make that pressure line
9 viable, so what are you saying --

10 MR. McHALE: For all of the
11 properties that were being looked at to connect.

12 MS. PICKARD: Okay. All right.
13 So just let down --

14 MS. LAMBERTON: 'Cause of the
15 volume of the property.

16 MS. PICKARD: -- the pressure
17 and the connection would be less?

18 MR. McHALE: Correct. If you --

19 MS. PICKARD: Okay.

20 MR. KERRICK: Everything would
21 size down.

22 MS. PICKARD: Hmm?

23 MR. KERRICK: Everything would
24 size down.

25 MS. HAASE: The one thing I do

57

1 want to mention is we were very fortunate on the
2 response from the surveys that we sent out --

3 MS. PICKARD: Yeah.

4 MS. HAASE: -- and I thank
5 everyone who filled them out and returned them to
6 me. I will say that there was a large response
7 from the commercial establishments. So we do have
8 the information that Maureen and I can work on to
9 provide that to the board.

10 MR. MOYER: There wasn't a big
11 --

12 MS. PICKARD: Yeah, there was.

13 MS. HAASE: There was a
14 response not all --

15 MR. MOYER: I only got emails
16 of residents.

17 MS. HAASE: -- in favor, not
18 all in favor. That was on the spreadsheet I
19 provided to the board.

20 MR. MOYER: Okay.

21 MS. HAASE: There was a
22 response, not necessarily all in favor, but they
23 did respond.

24 MS. PICKARD: But there were
25 certain --

1 MS. HAASE: So we do have that
2 information that will help us.

3 MR. MOYER: Right.

4 MS. LAMBERTON: I guess we were
5 just -- I'll speak for myself, but I just wanted to
6 see if we could have somewhere a happy medium, so
7 we could at least look at it for commercial people.

8 And if -- you know, like Maureen
9 speaking with DEP, if there is a way and they can
10 do a centralized mound to help this, we'll help
11 them work through that too. So I would think that
12 as of this evening, the residents, as far as I'm
13 concerned, we have no intention of promoting any
14 type of tie-in for residential properties.

15 MR. MOYER: At all.

16 MS. LAMBERTON: At all. So I
17 hope that puts every one at ease.

18 (Audience applauds.)

19 (Discussion off the record among
20 the board members.)

21 MR. HOLAHAN: Go ahead, sir.

22 MR. EVAN EVANS: My name is Evan
23 Evans. My only concern is with the ordinance, once
24 you run the line, aren't we -- aren't we forced?

25

MS. LAMBERTON: Well, that's why

59

1 we have to revisit that ordinance before doing
2 that.

3 MR. EVAN EVANS: But the
4 ordinance can be changed at any time, correct?

5 MS. LAMBERTON: Yes.

6 MR. EVAN EVANS: You're saying
7 you could change it so you can change it back as
8 well?

9 MR. HOLAHAN: Yes.

10 MR. EVAN EVANS: Okay. Thank
11 you, that's all.

12 MS. PICKARD: With notification
13 and legal advertisement.

14 MR. HOLAHAN: And consternation.

15 MR. McHALE: And we could also
16 explore what Mr. Keiper just brought up about, if
17 it was kind of a private line for just those
18 commercial enterprises that were interested in it
19 and we'd have to help facilitate with PennDOT
20 permitting and such to run in the right-of-way.
21 But, again, it would be kind of restricted then to

22 only those partners in that system.

23 MS. LAMBERTON: Yeah, exactly.

24 MR. HOLAHAN: Well, anybody have
25 a problem with the sewer lines if there was no cost

60

1 to it? If it was free?

2 MS. LAMBERTON: Just state your
3 name.

4 MS. KIM KILLORAN: Kim Killoran,
5 K-i-l-l-o-r-a-n.

6 I wasn't at the last meeting,
7 but I think for an environmental piece study where
8 it's -- where it's going into any of our water,
9 lakes, you know, streams, that's a concern of mine,
10 you know. I'm glad, hopefully it wouldn't have to
11 be residential for us, but as, you know, in our
12 community -- for our community, I'd hope that that
13 would be in a study too, to see, you know --

14 MS. LAMBERTON: I think that's
15 when DEP would step in and make us do something,
16 you know. And thankfully we're not having any
17 issues.

18 MR. SAM KEIPER: The cost of a
19 residential hook-up at Arrowhead is \$14,000.
20 You're saying you wouldn't charge that? You asked,
21 would anyone --
22 MR. HOLAHAN: Would anybody have
23 a problem with it. So what is the issue? Are
24 sewers the issue or is it the cost of sewers?
25 MS. LAMBERTON: I'm assuming

61

1 the cost.
2 MR. HOLAHAN: Is the issue,
3 right.
4 MALE VOICE: And the
5 environment.
6 MR. HOLAHAN: And the ongoing,
7 but certainly I know that there's still a tapping
8 fee even with the township. So -- and I know
9 Arrowhead's is -- what's it, 8500 plus grinder
10 pump?
11 MR. SAM KEIPER: With the
12 crusher and all that, I think it's close to 14,000.
13 MR. HOLAHAN: But you know that
14 when you're going in there to buy a piece of

15 property in Arrowhead, you're looking at the
16 disclosure and you know that you have those costs
17 to bear. The concern with the folks in Tobyhanna
18 Township is we're here, we have working septic
19 systems and now we're being forced to tap in to and
20 that's what they're concerned about. So I just
21 want to make sure that you all go home and go to
22 sleep and not worry about this. Right?

23 MS. PICKARD: As far as our
24 next item on that --

25 MS. LAMBERTON: Yes.

62

1 MS. PICKARD: -- are we going to
2 then move that with striking that clause out of the
3 Agreement?

4 MS. LAMBERTON: Yes.

5 MS. PICKARD: Okay. 'Cause that
6 --

7 MS. LAMBERTON: I'm sorry.
8 Troy?

9 MR. TROY COUNTERMAN: Annie, I
10 have a question.

11 MS. LAMBERTON: Just state your
12 name.

13 MR. TROY COUNTERMAN: Troy
14 Counterman, Blakeslee. I'm not affected by this
15 sewer project at all, I'm way north. The question
16 I have is, if Aqua or you do sell the plant to
17 Aqua, we can put the extension on for your
18 commercials, can Aqua go to the public utility
19 commission and force everybody in between to hook
20 up?

21 MS. LAMBERTON: No, it would be
22 up to the township, 'cause it's our 537 Plan.

23 MR. TROY COUNTERMAN: Okay.
24 But you're talking about changing some things
25 there.

63

1 MS. LAMBERTON: That would be an
2 ordinance, that's different. The 537 is the
3 management mechanism that DEP approves for our
4 wastewater.

5 MR. TROY COUNTERMAN: I just
6 want to make sure that there is no --

7 MS. LAMBERTON: Yeah, there are

8 two separate --

9 MR. TROY COUNTERMAN: --

10 loophole --

11 MS. LAMBERTON: No, no, I
12 understand.

13 MR. TROY COUNTERMAN: -- that
14 they can come back and -- I mean, potentially some
15 of these people are looking at \$25,000 for a hookup
16 fee.

17 MS. LAMBERTON: I respect that.

18 MR. TROY COUNTERMAN: It's
19 ludicrous.

20 MS. LAMBERTON: That's why we
21 don't want to make that a forced issue.

22 MR. HOLAHAN: The other thing
23 that happens is that -- you know, now I'm going to
24 -- now I'm going to talk circles on myself here.
25 So we reduce the size of the line so that residents

1 can't hook up, but why would you put a line in all
2 the way down there that keeps you from doing that
3 in the future, should you decide to or should it be

4 mandated? And I'm pretty sure that we go before
5 DEP -- now I'm speculating, so I guess we shouldn't
6 go there, this is just conjecture on my part; but
7 I'm concerned about that.

8 MS. SHEILA CALFAYAN: Sheila
9 Calfayan, C-a-l-f-a-y-a-n. If you're going to dig
10 up the ground to lay a pipe, why not do it so that
11 you can attach a residential property, not now, but
12 let's just say if the septic system breaks down and
13 the leaching system goes and they have to attach to
14 a sewer, at least the availability is there.

15 MS. LAMBERTON: That was the
16 point --

17 MR. McHALE: You would build in
18 some small capacity for those type of extreme
19 events, but it would not just be open to everyone
20 along the way. It would be much more restricted to
21 the commercial uses.

22 MS. LAMBERTON: I guess that's
23 part of the study that we need to perform, to see
24 what would work or -- it might not work at all, you
25 know. But we won't know until we at least take a

1 step forward and look at that a little bit.

2 Harry?

3 MR. HARRY KLEMMER: Harry

4 Klemmer, K-l-e-m-m-e-r.

5 Is anyone else bidding to buy

6 the sewer plant or --

7 THE REPORTER: I'm having a

8 hard time hearing.

9 MS. LAMBERTON: Excuse me,

10 please. She just can't hear. Thank you.

11 Go ahead, Harry.

12 MR. HARRY KLEMMER: Is anyone

13 else bidding on this sewer plant?

14 MR. HOLAHAN: No.

15 MR. HARRY KLEMMER: So Aqua --

16 MS. PICKARD: We had --

17 MS. HAASE: Mr. Klemmer, we did

18 have a company to come in and met with us, but they

19 were not interested in moving forward.

20 MR. HARRY KLEMMER: Well, how

21 does -- how do you determine a price for Aqua?

22 They could go in real low and they got it, I mean,

23 there's no competition.

24 MS. HAASE: We had an analysis

25 done.

1 MR. HARRY KLEMMER: Do you have
2 a minimum to buy the plant or did you give them a
3 minimum they have to come up with or is it -- how
4 do you determine the cost of the plant, I guess, is
5 what I'm trying to say.

6 MR. HOLAHAN: Right. Where do
7 you bet appraisals for -- where do you -- you know,
8 Sewer Systems R Us Appraisal Systems. That was the
9 difficult thing in trying to figure out the
10 pricing. We did have somebody come in and do the
11 analysis.

12 MR. HARRY KLEMMER: So you --

13 MR. HOLAHAN: And it's based --

14 MR. HARRY KLEMMER: You have a
15 base for what it's worth?

16 MS. LAMBERTON: Yeah.

17 MR. MOYER: Yeah, absolutely.

18 MR. HOLAHAN: So it's not just
19 asset purchase --

20 MR. HARRY KLEMMER: So you're
21 not --

22 MR. HOLAHAN: -- but there is
23 buying --
24 MR. HARRY KLEMMER: You're not
25 --

67

1 MR. HOLAHAN: -- incurring some
2 revenue is the base --
3 MR. HARRY KLEMMER: You're not
4 --
5 MR. HOLAHAN: That's been done,
6 yeah.
7 MR. HARRY KLEMMER: Thank you.
8 MS. LAMBERTON: Anyone else?
9 Very good. I hope we answered all the questions.
10 We'll move on to the potential
11 sale of the wastewater treatment plant.
12 MS. HAASE: Madam Chairperson,
13 before we move forward, so what I took out of that
14 conversation is you like me to move forward and
15 request a proposal for RETTEW to do this study? Is
16 that what you're asking?
17 MS. LAMBERTON: What I
18 personally would like to see, I would like to see

19 Maureen do --

20 MS. HAASE: Okay.

21 MS. LAMBERTON: -- a survey and
22 let's start with that.

23 MS. HAASE: Okay.

24 MS. LAMBERTON: And find out if
25 there is interest --

68

1 MR. MOYER: Definitely, you're
2 going to have to.

3 MS. LAMBERTON: -- if there's
4 not --

5 MS. HAASE: Okay.

6 MS. LAMBERTON: -- then it's a
7 moot issue.

8 MR MOYER: Yeah, we don't even
9 have to --

10 MS. LAMBERTON: Fair enough?

11 MS. PICKARD: Yes.

12 MS. LAMBERTON: Does that sound
13 --

14 MS. PICKARD: Yes.

15 MR. HOLAHAN: But, folks, when
16 Maureen or businesses that are being surveyed on
17 this, don't --don't confuse that with supervisors
18 moving forward with extension of the sewer line
19 that you're going to be stuck with, okay?

20 MR. MOYER: Relax.

21 MR. HOLAHAN: We -- apparently
22 we just need a whole heck of a lot more
23 information. But we don't want to be complicit in
24 that you don't know what's going on. So, you know,
25 how do we feed this to you? We can put this stuff

69

1 on the website and they can take a look at --
2 periodically take a look at it or just give us a
3 call and say what's going on.

4 MR. MOYER: It should be fairly
5 quick.

6 MS. HAASE: I would say that we
7 would be able to have some numbers to you by the
8 next meeting.

9 MS. LAMBERTON: Fair enough.

10 MS. NICOLE EVANS: Nicole
11 Evans, E-v-a-n-s.

12 How many -- I mean, if you did
13 do that, you call up businesses and ask them if
14 they want to be hooked up, what's the percentage of
15 -- like how many businesses would have to be yes or
16 how many people would have to say no? And if you
17 did run the line and that commercial business did
18 not want to be hooked in, would they still have to
19 hook in?

20 MS. LAMBERTON: Well, I think
21 that that would be the numbers that are generated.

22 MR. McHALE: That's what we were
23 just speaking to is that, it's only going to be for
24 those commercial businesses that want to partner in
25 and become a party to it. If there's businesses

70

1 along the way and Maureen calls them and they say,
2 no, I don't want part of it, she puts a zero on
3 their lot and she moves on to the next lot. And so
4 it can be just very -- a very simple survey and
5 when you turn that over to RETTEW, they will look
6 at the length of line compared to the amount of
7 connections and see what's viable and what's not.

8 MS. LAMBERTON: And it might be
9 affordable to them at the time. I mean, that's
10 just something we'd like to present to them and say
11 we didn't not want to take a look at this for you.

12 Anyone else?

13 Okay. Thank you.

14 Potential sale of the wastewater
15 treatment plant. Let's go back to this one.

16 MS. PICKARD: So we have an
17 agreement and we added the amendment about running
18 the line.

19 MS. LAMBERTON: Right.

20 MS. PICKARD: So are we going
21 back to the original agreement?

22 MS. HAASE: I believe the
23 agreement was put on hold, if I'm not mistaken. I
24 don't think the language was placed in the
25 agreement for the sale. I believe that what we

71

1 had, the draft, we put on hold until the board was
2 able to review this. So we do --

3 MS. PICKARD: It was my
4 understanding we voted to move it forward and then

5 after the vote, we said hol --

6 MS. LAMBERTON: Yes, that is --

7 MS. PICKARD: Stop the train,

8 so we already approved it and then we said wait a

9 minute.

10 MS. LAMBERTON: We wanted to

11 make sure that the property owners --

12 MS. PICKARD: And I get that.

13 So now, are we still moving forward because it was

14 approved, but we said to just wait and we looked at

15 that and now we're not looking at it.

16 MS. LAMBERTON: I guess the

17 question is, is the rest of the agreement ready to

18 move forward on with -- if this language is removed

19 about an extension?

20 MS. HAASE: I would say, yes.

21 MS. LAMBERTON: And that's what

22 I think too.

23 MS. PICKARD: That's what I want

24 to see.

25 MS. HAASE: Our solicitor has

1 also been actively involved in that agreement when
2 it was being drafted. So I would comfortable to
3 say we are close to --

4 MS. LAMBERTON: So is it the
5 consensus of the board that we remove the language
6 of any line being run at this time?

7 MS. PICKARD: Yes.

8 MS. LAMBERTON: And move forward
9 with the agreement of sale for the Aqua purchase?

10 MR. HOLAHAN: Yes.

11 MS. PICKARD: Yes.

12 MR. KERRICK: Yes.

13 MS. PICKARD: But I know they
14 have to move forward with their tariff and
15 everything --

16 MS. LAMBERTON: Do I need a
17 motion?

18 I'll entertain a motion.

19 MS. PICKARD: I'll make that
20 motion.

21 MR. HOLAHAN: I'll second it.

22 And would you restate what the
23 motion is then, please?

24 MS. LAMBERTON: The motion
25 would be on the table to continue with the purchase

1 of the wastewater treatment --

2 MR. HOLAHAN: The sale.

3 MS. LAMBERTON: -- sale. Oh,
4 I'm sorry. The sale of the wastewater treatment
5 system to Aqua PA with no additional line being run
6 out of the existing lines that are in the Blakeslee
7 sewer area.

8 MR. HOLAHAN: That's my
9 understanding.

10 MS. LAMBERTON: Okay. I have a
11 motion and a second.

12 Any questions?

13 MR. KERRICK: I have a
14 question --

15 MS. LAMBERTON: Sure, John.

16 MR. KERRICK: -- for Jonathan.

17 We already had a motion that was
18 approved last year for this same thing, is it okay
19 to do two motions.

20 MR. REISS: Oh, sure. That's
21 fine.

22 MR. KERRICK: Okay. Just

23 asking.

24 MR. REISS: The only question
25 in my mind, I don't know the answer to it right now

74

1 sitting here is, without determining if you're
2 going to possibly have 20 more EDUs, I don't know
3 if that -- that affects the value -- valuation that
4 was done. I don't know if it was done per EDU
5 basis or not.

6 MR. HOLAHAN: I don't believe
7 that was part of the --

8 MS. PICKARD: No, it wasn't.

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

10 MR. REISS: So then we could
11 move forward then regardless of what happens.

12 MS. LAMBERTON: Okay. I have a
13 motion and a second.

14 Any other questions or comments
15 from the board?

16 Any questions or comments from
17 the public?

18 Seeing none. Call the vote.

19 John?
20 MR. KERRICK: In favor.
21 MS. LAMBERTON: Heidi?
22 MS. PICKARD: I vote in favor.
23 MS. LAMBERTON: John?
24 MR. HOLAHAN: Yes.
25 MS. LAMBERTON: Donny?

75

1 MR. MOYER: Vote in favor.
2 MS. LAMBERTON: I vote in favor.
3 Motion carries.
4 I'm going to go to, our next
5 item is the LERTA. Where are we at with that?
6 MS. HAASE: Where this was
7 left, I believe about three months ago, I had
8 brought forth a question to the board in the -- we
9 were looking at the Blakeslee area. I needed
10 direction from the board for the LERTA, if you
11 wanted to include the residential properties in the
12 LERTA or just commercial. And, I believe, at that
13 point the board decided that they were going to
14 look and see what we did with the overlay.
15 MS. LAMBERTON: Okay.

16 MS. HAASE: So that is where we
17 left this.
18 MS. LAMBERTON: Okay.
19 Any other questions or comments?
20 We'll table that for right now?
21 MS. PICKARD: Yes.
22 MS. LAMBERTON: Very good.
23 Moving on, consider Kalahari
24 Resorts request to release the remaining Kalahari
25 Boulevard escrow.

76

1 What's the pleasure of the
2 board?
3 MR. HOLAHAN: Have we received
4 anything?
5 MR. McHALE: Yes. I received
6 it around 5:42 this evening and it was also
7 circulated to all board members. This is a --
8 MS. PICKARD: We were in a
9 meeting at 5:30.
10 MR. McHALE: This is basically a
11 report that Pennoni Associates had developed based

12 upon the history of what had transpired from the
13 time that photos were taken of these water seepage
14 areas. And it concludes with basically they've
15 identified the locations.

16 But they had some remedial
17 actions based upon where the water's coming from,
18 that they were proposing; but the bottom line is
19 that their recommendation is simply this, that we
20 take six more months of monitoring rainfall events,
21 irrigation systems being activated, and monitor
22 whether these wet spots -- 'cause right now it's
23 inconclusive to Pennoni as to whether it's --
24 they're being created from the basin filling up to
25 a certain level and then the water migrating

77

1 through the -- the soil stratum and creating these
2 wet seepage areas or if it's irrigation.

3 So I think what they're
4 proposing here is fine. They conclude with Item
5 No. 5 of the recommendations that -- is proposed
6 that within a six-month time frame that Kalahari
7 will present or propose a remediation and
8 associated costs. I mean, if they wanted to take

9 it a step further and come up with -- they had two
10 alternatives on how they would solve the problem
11 not knowing where the source was.

12 If they wanted to come up with
13 two numbers, you take the worst case number and
14 release the rest of the money, that would be fine;
15 but right now there's -- there's nothing else
16 proposed, there's no cost estimates, it's just --
17 that's how they conclude it.

18 MR. HOLAHAN: Are they still --
19 so before us right now, is there a request to
20 release the remaining money then?

21 MS. LAMBERTON: Yes, that's
22 what it says.

23 MS. PICKARD: This is an old
24 business item.

25 MR. HOLAHAN: Well, I say no.

78

1 MR. McHALE: Well, based upon
2 what the -- I'm assuming, that they were going to
3 provide an associated cost with this in six months.
4 So as I was reading through this, I wasn't

5 interpreting it as they wanted monies released at
6 this point in time or they would've provided two
7 cost estimates and said, take the worst case
8 scenario and move on.

9 MS. PICKARD: So can we table
10 this till next month?

11 MS. LAMBERTON: What's the
12 pleasure of the board?

13 MR. HOLAHAN: I'm okay with
14 tabling.

15 MR. McHALE: Or you could
16 request --

17 MS. PICKARD: Till we have the
18 numbers.

19 MR. McHALE: You could request
20 the estimates and just take the worst case and
21 release the remaining amou -- if there is a
22 remaining amount, I don't know what those numbers
23 would be, so --

24 MS. PICKARD: Okay. I'd make
25 that motion that we request the estimates and based

1 on that we would take the highest number.

2 MR. HOLAHAN: We've been asking
3 for this for --

4 MR. MOYER: How much --

5 MS. PICKARD: Well, I know
6 that.

7 MR. LAMBERTON: This is 72 --

8 MS. HAASE: \$73,040.

9 MR. McHALE: That's what was
10 held.

11 MS. PICKARD: So based on review
12 of our engineer and take the highest number and
13 release the difference.

14 MR. HOLAHAN: But that's what we
15 said all along, nothing has changed.

16 MS. PICKARD: I know. But we
17 don't have it, so I'm making a motion.

18 MS. HAASE: So your inter --
19 none of us have had a chance to review this.

20 MS. PICKARD: Yeah.

21 MS. HAASE: So it's your
22 interpretation.

23 And, Harry, I don't know if you
24 want to speak to this, is this -- is this something
25 that we're just now going to wait the six months?

1 MR. McHALE: The report didn't
2 speak to that. It didn't say please release the
3 remaining monies, it just says that we'd like to
4 monitor it for six more months and then at that
5 point in time, we'll have a better idea where it's
6 coming from and then we'll provide you with the
7 associated costs. So I assume that's what they
8 were, again --

9 MS. PICKARD: Well, we could
10 wait, I guess.

11 MR. HARRY FORBES: If I might.
12 Harry Forbes, consultant with Kalahari.

13 The request originally came from
14 Steve Pine, the director of development, is still
15 on the table. He -- the feeling from the
16 management and owners of Kalahari is that the
17 original conditions that the money was put down for
18 have been satisfied. This came up as a -- another
19 issue later on. And, again, Kalahari's position is
20 that whatever the issue is, once we figure out what
21 the cause is, they're going to fix it.

22 The other issue is that the

23 retention money and bond money that is sitting here
24 in the tune of 600 and some thousand dollars is
25 more than enough if something were to come up to

81

1 fix any problems. The -- after the last meeting, I
2 got with Pennoni to ask them to review this at your
3 request, which they were -- had not done anything
4 from a standpoint of giving Bob any direction.

5 So when they reviewed it, they
6 can't determine what is the cause yet. So they're
7 taking and saying, let's wait six months, let's
8 look at rain events, let's look at watering events,
9 let's look at all the issues, along with looking at
10 the pond and taking -- having the maintenance crew
11 do an analysis of everything that goes on within
12 those periods of time to determine where the real
13 issue is so that we can fix it once and not have to
14 go in and guess, at well, it may be this and then
15 it's not and then they have to come back and do
16 other work that may not have been necessary in the
17 first place.

18 So they're looking at it, let's
19 take a six-month period, let's look at it, we're

16 It's not trying to be at loggerheads with anybody,
17 it's just the sticking points, that they would like
18 that \$72,000 returned because they still have bond
19 money sitting here, a sizable chunk of money, if
20 there were a problem. And if they renege, you have
21 the bond money to go to; but they're not going to
22 renege on anything, they're going to pay their
23 issues to fix it for you.

24 So that's all I have to say.

25 MR. HOLAHAN: Mr. Reiss, at one

83

1 of the meetings, might've been October, there was
2 another attorney from your office, and the concern
3 at that point was, if we release the money, we were
4 then closing out the agreement. And then the
5 concern was, repairing would be, it would have to
6 go out to bid and prevailing wage and all those
7 things. So we had elected not to release the money
8 because we didn't want to close out this -- this
9 issue.

10 The other monies that we're
11 holding in the bond, 285 million or something -- or
12 285,000, is not part of this maintenance, is my

13 understanding with the developer agreement.
14 Without -- I've already said too much. I'm against
15 giving the money back. We've been asking for a
16 long time and then finally today, just an hour and
17 a half prior to this meeting, we get -- I didn't
18 even get a chance to read it, of course -- the re
19 -- the answer to it and I don't see that anything
20 has changed.

21 No, you guys aren't going away,
22 I'm glad you're here, it's been great for this
23 township, it's been great for this county, for the
24 state; but an agreement is an agreement.

25 MR. KERRICK: Well, I want to

84

1 say one thing about the agreement is, we added this
2 to a punch list, you've done punch lists for many
3 years with your business.

4 MR. HOLAHAN: Yep.

5 MR. KERRICK: And how many
6 times do you get a punch list where things are
7 added and added and added?

8 MR. HOLAHAN: That hasn't been

9 the case here. We have punch lists and then there
10 was something that came up that could've been
11 addressed, this could've been addressed.

12 MR. KERRICK: I'm not saying
13 that, I'm just saying --

14 MR. HOLAHAN: We did -- we took
15 this on condition, we did everything that we could
16 to get them open in time --

17 MR. KERRICK: Understood.

18 MR. HOLAHAN: -- and do some
19 really substantial things here.

20 MR. KERRICK: I'm just talking
21 about one item on the punch list.

22 MR. HOLAHAN: Oh, I got you.
23 And we haven't gone back for anything else. I
24 guess my concern at this point is just that we're
25 trying to outlast each other?

85

1 MR. MOYER: Yeah, it's a
2 principle thing now. I'm not sure what it is, I
3 think it was stated on the record that they did
4 complete the punch list and then this item came up,
5 so I don't know where we're at with that, but --

6 MR. HOLAHAN: This first became
7 --
8 MS. PICKARD: I think it came
9 up with the --
10 MR. HOLAHAN: -- evident in
11 August.
12 MR. PICKARD: -- soft opening,
13 it was in July.
14 MR. MOYER: No, no. I know it's
15 been a while, I'm not saying it's something new.
16 MS. PICKARD: I still feel like
17 if we have the estimate, take the higher one and
18 release the rest based on our engineer's approval
19 and be done with it; but we still don't have an
20 estimate for a year and now we're going to wait six
21 months.
22 MR. HOLAHAN: That's what we
23 said back in August or September, we authorized Mr.
24 McHale -- he didn't have to come back to this
25 board. It was simply the engineers would give a

1 cost estimate to Mr. McHale and he was authorized

2 to say go ahead and release the balance of the
3 money, and we're still sitting here talking about
4 this, I can't believe it. I'm against giving the
5 money back.

6 MS. LAMBERTON: All right.
7 What's the pleasure of the
8 board? I'll entertain a motion.

9 MR. KERRICK: I didn't even get
10 an opportunity to review this, what we got.

11 MR. HOLAHAN: Right.

12 MS. PICKARD: I didn't either.
13 So I don't even know what it says.

14 MR. KERRICK: I think in
15 fairness to us that we're going to need some time;
16 and quite honestly, the only -- the only thing that
17 would change is if we're going to give the money
18 back, we have to vote on it. If they come up with
19 an estimate, Bob could release it.

20 MS. PICKARD: Yep.

21 MR. HOLAHAN: Yep.

22 MS. PICKARD: Well, that was why
23 I --

24 MR. KERRICK: I understand.

25 MS. PICKARD: -- made that

1 motion --

2 MR. KERRICK: I understand.

3 MS. PICKARD: -- before that at

4 least we didn't have to wait till March if we had

5 --

6 MR. KERRICK: This has to --

7 MS. LAMBERTON: Well, is that

8 the form of a motion?

9 MR. KERRICK: This has to be put
10 to bed on way or the other.

11 MS. PICKARD: Well, I'll make
12 the motion that I discussed before, that if we have
13 the two estimates and we take the higher number
14 based on approval by our township engineer, that we
15 release the difference of the 70,000.

16 MS. LAMBERTON: Okay. I have a
17 motion.

18 Do I have a second?

19 MR. MOYER: I'll second.

20 MS. LAMBERTON: I have a motion
21 and a second.

22 Any questions or comments from
23 the board?

24 Questions or comments from the
25 public?

88

1 MR. CHAD KNECHT: Chad Knecht.

2 Question for the solicitor, is
3 it legal to give the money back to him and then our
4 liability stays to the road? Or can they give them
5 back a certain amount and then take that money off
6 for what has to be fixed.

7 MR. REISS: Well, there's still
8 the maintenance period beyond this checklist that
9 the money was being held for. And so long as the
10 maintenance period is in existence and there's a
11 maintenance bond, the developer's required to go
12 back and repair any defects in the design for the
13 -- or in the roadway itself. So that maintenance
14 period is an extended maintenance period because of
15 the different phases of the project. So that will
16 be still in existence for a period of time.

17 MR. MOYER: How much money is
18 that?

19 MR. HOLAHAN: Eighteen months?

20 MS. HAASE: It is \$483,500.
21 MR. MOYER: Not 285, okay.
22 MR. CHAD KNECHT: Whose
23 responsibility is it for the repair, though?
24 MR. REISS: It would be the
25 developer's responsibility.

89

1 MR. CHAD KNECHT: And that would
2 be under contract then?
3 MR. REISS: They would -- well,
4 there's a development agreement that sets forth
5 what the maintenance period is. And under that
6 maintenance period -- under that agreement, they're
7 supposed to go back and repair any defects.
8 MR. CHAD KNECHT: And if it's
9 not fixed?
10 MR. REISS: That's what the
11 maintenance bond is there for, then the township
12 could make a call on -- demand on the bond and
13 either the bonding company will go in and fix it or
14 pay to have it fixed or they'll release the money
15 to the township.
16 MR. CHAD KNECHT: Thank you.

17 MR. HOLAHAN: Well, the
18 agreement was for 18 months and I think that was
19 dated June -- June 15 -- or June of '15.

20 MR. REISS: There's actually an
21 extended maintenance period for the boulevard only.
22 That covers 18 months, I believe it's 18 months
23 from when the last phase is completed.

24 MS. PICKARD: 'Cause the heavy
25 truck traffic.

90

1 MR. HOLAHAN: That's right, yep.
2 Yeah.

3 MS. LAMBERTON: Any other
4 questions or comments from the public?

5 MR. HOLAHAN: So I do have one
6 other thing. So we're going to -- we would allow
7 the developer to have somebody work on our road
8 because we own the boulevard?

9 MR. REISS: You own the
10 boulevard, they're sub -- they have the requirement
11 to fix defects during the maintenance period. You
12 could choose to say you're going to do it yourself,

13 but most of the times most municipalities require
14 the developer to make those fixes or repairs.

15 MR. HOLAHAN: Okay.

16 MS. LAMBERTON: Anything else?

17 Oh, I'm sorry.

18 MR. EVAN EVANS: Evan Evans.

19 Quick question, what is the
20 issue? Briefly, just what is the issue that's
21 going on? Is there a water issue, a leakage issue?

22 MS. LAMBERTON: Am I allowed to
23 comment on this.

24 MR. REISS: Sure.

25 MS. LAMBERTON: There are some

91

1 seepage issues coming up in through the pavement
2 and they can't determine if it's coming from a
3 detention pond, which is alongside the boulevard
4 going into Kalahari, or there are center islands
5 that they have irrigation in. And they were
6 required by Monroe County Conversation District to
7 be compacted, so when it rains a heavy rain,
8 there's nowhere for that water to go, so they --
9 they think that could be one of the issues or it

10 could be water coming from the detention pond
11 coming in underneath the curb as well.
12 They're not sure so they don't
13 know how to fix it and I think that that's where
14 we're not -- we're at a stalemate.
15 MR. EVAN EVANS: Gotcha. All
16 right. Thank you.
17 MS. LAMBERTON: You're very
18 welcome.
19 Anyone else?
20 Did I explain that properly,
21 Bob?
22 Okay. Seeing no more additional
23 questions. Call the vote.
24 John?
25 MR. KERRICK: I'm opposed. I

92

1 think we should give the money back. We have 400
2 some thousand dollars in maintenance bond 18
3 minutes -- 18 months after the final phase. For
4 \$72,000, I don't what we're playing around here,
5 but that's only my opinion.

6 I'm opposed.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I vote in favor.

9 MS. LAMBERTON: John?

10 MR. HOLAHAN: I vote in favor.

11 MR. MOYER: I'm opposed.

12 MS. LAMBERTON: I'll abstain

13 because I have a conflict.

14 MS. HAASE: So if I can add, we

15 already have a motion on the floor that basically

16 has stated this. That's if -- you had mentioned

17 earlier that if they presented the proposals to

18 Bob, Bob could accept it, review it and then I

19 would be authorized to write the letter to release

20 the funds. So because this motion failed does

21 that still --

22 MS. PICKARD: We don't need

23 anything.

24 MS. HAASE: -- open motion.

25 MS. PICKARD: The money sits.

1 MR. REISS: The motion failed,

2 so it just sits.

3 MS. HAASE: Correct. But the
4 -- in essence that motion was made months ago, that
5 as soon as they submitted the proposals to Bob, Bob
6 would then authorize --

7 MR. REISS: A new motion was
8 offered.

9 MS. HAASE: Would oversee it?

10 MR. REISS: It failed.

11 MS. HAASE: Okay.

12 MR. HOLAHAN: Did we just
13 rescind --

14 MS. PICKARD: Yeah.

15 MR. HOLAHAN: -- our earlier
16 agreement?

17 MR. REISS: Yes. Back to square
18 one.

19 MR. HARRY FORBES: I'm confused
20 as to where we're at now, I'm just sitting out
21 here, so --

22 MS. LAMBERTON: It sounds like
23 we're back to square one, Harry.

24 So what do we do at this point?

25 MS. PICKARD: Nothing.

1 MR. REISS: Well, either you can
2 discuss it further or table it to your next
3 meeting.

4 MS. PICKARD: Table till the
5 next meeting.

6 I'll make a motion we table it
7 to the next meeting.

8 MR. HOLAHAN: Second.

9 MS. LAMBERTON: I have a motion
10 and a second.

11 Questions or comments from the
12 board?

13 Questions or comments from the
14 public?

15 MR. HOLAHAN: I believe we can
16 -- is there discussion on the table? Is there
17 discussion when it comes to tabling a motion?

18 MR. REISS: Not necessarily,
19 sorry.

20 John, call the vote?

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

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: I vote in favor.

25 MS. LAMBERTON: John?

95

1 MR. HOLAHAN: Yes.

2 MS. LAMBERTON: Donny?

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

4 MS. LAMBERTON: Motion carries.

5 Consider Kalahari Resorts

6 request to refund township engineer's review fees

7 for Phase 1.

8 What's the pleasure of the

9 board?

10 MR. HOLAHAN: No.

11 MR. KERRICK: I'll second it.

12 MS. LAMBERTON: Is that the

13 form of a motion?

14 MR. HOLAHAN: My motion is to

15 deny the request for the refund of the engineering

16 fees.

17 Anne, what's the amount?

18 MS. LAMBERTON: I don't have an

19 amount.

20 MS. HAASE: \$75,361.50

21 MS. LAMBERTON: I have a motion.
22 I have a second, John?
23 MR. KERRICK: Yeah, I'll second
24 that due to the fact that they signed the
25 developer's agreement and I don't think we can.

96

1 MS. LAMBERTON: Very good.
2 Any other questions or comments
3 from the board?
4 Questions or comments from the
5 public?
6 Seeing none. Call the vote.
7 John?
8 MR. KERRICK: In favor.
9 MS. LAMBERTON: Heidi?
10 MS. PICKARD: I'm in favor.
11 MS. LAMBERTON: John?
12 MR. HOLAHAN: I vote in favor.
13 MS. LAMBERTON: Donny?
14 MR. MOYER: Vote in favor.
15 MS. LAMBERTON: I'll abstain.
16 Motion carries.

17 Discuss township legal fees
18 billed to Kalahari Resorts in Phase 1.
19 MR. HOLAHAN: I'll motion that
20 we deny the request to return the legal funds for
21 the --
22 MS. PICKARD: Discuss.
23 MR. HOLAHAN: The legal fees
24 for Kalahari, Phase 1.
25 MS. LAMBERTON: I have a

97

1 motion.
2 Do I have a second?
3 MR. MOYER: I'll second. What
4 is discussion?
5 MR. HOLAHAN: Yep.
6 MS. LAMBERTON: Questions or
7 comments from the board?
8 Questions or comments from the
9 public?
10 Seeing none. Call the vote.
11 John?
12 MR. KERRICK: In favor.
13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: I'm not sure what
15 we're voting.

16 MS. LAMBERTON: We're voting to
17 --

18 MS. HAASE: The legal fees.

19 MS. LAMBERTON: -- the legal
20 fees.

21 MS. PICKARD: To deny the legal,
22 not the discussion on the agenda, right?

23 MS. LAMBERTON: Yeah, I would
24 say -- I -- is the motion going to be amended to
25 deny the legal fees being repaid back to Kalahari?

98

1 MS. PICKARD: Or are we denying
2 discussing it?

3 MR. HOLAHAN: No, I'm sorry. My
4 motion was to deny refunding the legal fees to
5 Kalahari.

6 MS. LAMBERTON: That's what I
7 thought. All right.

8 Okay. We understand?

9 MR. KERRICK: That's what I

10 thought it was.

11 MS. LAMBERTON: Motion amended.

12 John, call the vote?

13 MR. KERRICK: In favor.

14 MS. LAMBERTON: Heidi?

15 MS. PICKARD: I vote in favor.

16 MS. LAMBERTON: John?

17 MR. HOLAHAN: Yes.

18 MS. LAMBERTON: Donny?

19 MR. MOYER: I vote in favor.

20 MS. LAMBERTON: I'll abstain.

21 Motion carries.

22 Moving on to new business. Poor

23 Denise. We have a check presentation of Pocono --

24 Oh, I'm sorry, sir. Sure.

25 MR. ARAM CALFAYAN: Before you

99

1 move on to new business, I gather there's some

2 animosity to what's going on with Kalahari. Is

3 there anything specific that you've denied these

4 three requests?

5 MS. LAMBERTON: If I may speak

6 on that?

7 The -- the requests were for
8 refunds for township engineer fees and legal fees,
9 which are actually part of our developer's
10 agreement that anybody that comes into the township
11 must pay in order to develop a piece of property.

12 MR. ARAM CALFAYAN: They agreed
13 to that?

14 MS. LAMBERTON: They agreed to
15 that, right.

16 MR. HOLAHAN: And now they want
17 the money back, not all the money, but some of it
18 and I -- I have an issue with that.

19 MS. LAMBERTON: And
20 understandably so, I think they were just trying to
21 get a handle on, you know, what is -- what is --
22 the fees are and what they're for and I think we
23 just sent a message that this is part of our
24 developer's agreement.

25 MR. ARAM CALFAYAN: It's not

100

1 that there's animosity, you're saying? This is
2 just --

3 MR. HOLAHAN: No, we love
4 Kalahari.

5 MR. ARAM CALFAYAN: -- you're
6 impartially doing this?

7 MR. HARRY FORBES: It's just
8 business.

9 MS. LAMBERTON: Let's move on to
10 a check presentation of Pocono Mountain Regional
11 EMS for LUCAS chest compression system. Tobyhanna
12 Township proudly presents a check to Pocono
13 Mountain Regional EMS in the amount of \$15,000 for
14 your first LUCAS purchase.

15 MS. DENISE DOREMUS: Pocono
16 Mountain Regional accepts it.

17 MS. LAMBERTON: Well, there you
18 are.

19 MS. DENISE DOREMUS: Thank you
20 very, very, very, very much.

21 MS. LAMBERTON: Yes. We're very
22 happy.

23 (Audience applauds.)

24 MR. LOGAN EVANS: Can Denise
25 take one minute just to show the public what --

1 MS. DENISE DOREMUS: I did bring
2 it, I did bring it.

3 MS. LAMBERTON: This is a
4 wonderful apparatus to have available for our
5 emergency services.

6 MS. DENISE DOREMUS: This
7 actually was purchased, and I know it's --

8 MS. MINNICK: Denise, you want
9 to put it up here, hun?

10 MS. DENISE DOREMUS: Costs a lot
11 for one, we're actually looking to get the three
12 more -- three more with the grant, hopefully with
13 from the LSA Grant and the Fire Grant. But they
14 are actually automated CPR device which gives --
15 okay. Thank God I'm not on a truck anymore.

16 (Inaudible discussion.)

17 MS. DENISE DOREMUS: It
18 actually gives CPR continuously, it is a machine,
19 because us humans, we are not machines. So I was
20 supposed to have a mannequin here to show also. So
21 this actually goes behind the back and then this is
22 placed on the person, on the chest. And it
23 actually is also good for the safety of us, because
24 we stand up in the rig doing CPR and a lot of us

25 have actually gotten hurt or fell into door wells.

102

1 So this gives continuous proper CPR and it actually
2 has been proven that it has helped in bringing back
3 people.

4 MALE VOICE: How long does that
5 run?

6 MS. DENISE DOREMUS: Forty-five
7 minutes continuously and then we do have two backup
8 batteries and it takes two seconds to change. So
9 CPR is initiated by us at first when we get there
10 and then this is put on, so it helps. It's very --

11 MR. HOLAHAN: You know,
12 especially, Denise, when -- you get shorthanded
13 sometimes when you're out there and you got other
14 -- other things to attend to besides CPR.

15 MS. DENISE DOREMUS: Yes. I
16 mean, everybody knows EMS is getting a lot busier.
17 And it just gives someone to concentrate -- like
18 the paramedic to concentrate on the medicines that
19 he needs to give you instead of someone just, you
20 know, continuously on the chest, you know. And we

21 are human, we get tired; so after a while we can't
22 do it properly. This can, this doesn't give up.
23 Any other questions?
24 MALE VOICE: I have a question.
25 I have a defibrillator and a pacemaker, will that

103

1 damage that in any way?
2 MS. DENISE DOREMUS: No, not at
3 all.
4 FEMALE VOICE: What did it cost
5 us?
6 MS. DENISE DOREMUS: \$15,000.
7 Tobyhanna was so gracious to buy us at least one of
8 them and it will be in service out of the 11-2
9 truck, which is, you know, on this side of
10 Tobyhanna.
11 MS. LAMBERTON: While Logan is
12 up here, Logan Evans is the new chairman of the
13 board for the Pocono Mountain Regional EMS.
14 MR. LOGAN EVANS: I want to
15 thank Tobyhanna Township for their support.
16 MS. LAMBERTON: You're very
17 welcome. Thank you for what you guys do.

18 Moving on, Kurt and Maureen
19 Faraczek, Arrowhead Lakes, sanitary sewer easement.
20 What's the pleasure of the
21 board?
22 MR. HOLAHAN: I have a conflict
23 of interest, here's my conflict form, please.
24 MS. LAMBERTON: Thank you,
25 John. We'll attach those to the minutes.

104

1 MR. HOLAHAN: So I will not be
2 discussing.
3 MS. LAMBERTON: Very good.
4 Well, it looks pretty straightforward.
5 MS. PICKARD: Is this the
6 easement -- where is this going?
7 MR. HOLAHAN: I'm not
8 discussing.
9 MS. PICKARD: Maureen?
10 MS. LAMBERTON: Go ahead, Bob.
11 MS. PICKARD: Is it Maureen or
12 Bob?
13 Maureen, can you just explain

14 this briefly, so we understand it a little bit
15 better?

16 MS. MINNICK: Sure. What
17 happened was --

18 MS. LAMBERTON: Thanks, Denise.

19 MS. DENISE DOREMUS: Oh, you're
20 welcome. Thank you.

21 MS. MINNICK: -- the property
22 that was lakefront, there was a valid septic permit
23 on it. He went to start constructing on the
24 property and there was some issues with wells on
25 adjacent properties. The only resolution for this

105

1 was for him to purchase another piece of property.
2 Unfortunately, there wasn't one adjacent to his, it
3 was across the street. He purchased the parcel
4 across the street, he's going to run a pipe
5 underneath Arrowhead Drive and connect the sewer on
6 one lot and the house on the other lot.

7 Arrowhead Lake is okay with them
8 going underneath the road. There's been an
9 easement agreement, I believe, done and a
10 declaration, that they can't sell both

11 properties -- they have to sell them both together.

12 So that's pretty much it.

13 MS. PICKARD: And we've been
14 holding money on this property, I believe, for
15 quite some time because of this issue.

16 MS. MINNICK: Yes.

17 MR. ARAM CALFAYAN: How does
18 this concern Tobyhanna? This is -- Arrowhead is a
19 private community.

20 MS. LAMBERTON: I ask myself
21 that every day.

22 MS. PICKARD: We have to
23 regulate the sewer.

24 MR. KERRICK: I'll make a
25 motion.

106

1 MR. MOYER: I'll second.

2 MS. LAMBERTON: I have a motion
3 and second.

4 Questions or comments from the
5 board?

6 Questions or comments from the

7 public?

8 Chad?

9 MR. CHAD KNECHT: Chad Knecht.

10 Are the lots joined together?

11 MS. LAMBERTON: They are across

12 the street from each other and Arrowhead has given

13 them permission to go underneath the road.

14 MS. HAASE: And there's

15 restrictive covenants on the property.

16 MR. ARAM CALFAYAN: And our

17 board already approved it.

18 MS. LAMBERTON: Yes. We have

19 all of the documents. It's just a technicality

20 that's going to come before the township.

21 Any other questions?

22 Chad, you don't look like your

23 answer was --

24 MR. CHAD KNECHT: I'm good.

25 MS. LAMBERTON: You're good?

107

1 MR. CHAD KNECHT: Yep.

2 MS. LAMBERTON: Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: Abstain.

9 MS. LAMBERTON: Donny?

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

11 MS. LAMBERTON: I vote in favor.

12 Motion carries.

13 Authorize request for proposal

14 for the Act 537 update.

15 MR. HOLAHAN: Cool, let's do it.

16 MS. PICKARD: I'll make a

17 motion. Is that a motion, I'll second it.

18 MS. LAMBERTON: I've got a

19 motion and a second.

20 Any questions or comments from

21 the board?

22 Questions or comments from the

23 public?

24 MS. SHEILA CALFAYAN: What is

25 the 537 update?

1 MS. LAMBERTON: That is every so
2 many years -- that is the sewer area, 537, that
3 we've been talking about since the town hall
4 meeting, and I guess we have some areas in
5 Blakeslee that are commercial industrial that I
6 think we'd like to see become part of it for the
7 future growth for the sewer district.

8 MS. SHEILA CALFAYAN: Isn't
9 there part of this that the DEP says that you have
10 to keep a septic because of the aquifers down
11 below? I know that that's part of the problem in
12 Arrowhead Lake, we can't just go to the sewer, we
13 have to go septic.

14 MS. LAMBERTON: That's -- they
15 make you rule that out first. If you can do an
16 on-site, they prefer that you do an on-site for
17 now, that could change.

18 MS. SHEILA CALFAYAN: Well,
19 that's why I asked for the update, that's not part
20 of the update then?

21 MR. McHALE: What Arrowhead has
22 done is --

23 MS. LAMBERTON: They're on their
24 own sewer.

1 hybrid -- hybrid system as a result of some issues
2 that they had years past. This update would be,
3 I'm understanding it to be the --

4 MS. PICKARD: Whole township.

5 MR. McHALE: -- the whole
6 township, which it hasn't been updated since the
7 early to mid-90s.

8 MS. LAMBERTON: Right.

9 MR. McHALE: And there are areas
10 of the township that will remain on-lot systems.
11 It's the areas that are sewered in Blakeslee that
12 there's a potential to restructure the line -- or
13 the boundary, your perimeter of the service area to
14 include some of the commercial industrial areas or
15 other commercial properties that may or may not
16 have been included in the first round.

17 MS. PICKARD: Plus there's
18 (inaudible) other sewered areas in other parts of
19 the township that could possibly be expanded.

20 MS. SHEILA CALFAYAN: I'm not
21 concerned with that, but I am concerned for the 537

22 and why is Arrowhead Lake different from the
23 township? I don't see why we have to go septic
24 first without going to the sewer if we desire to go
25 to the sewer. Why do we have to go to --

110

1 MR. McHALE: You all have your
2 own system.

3 MS. SHEILA CALFAYAN: Yes, I
4 know that, I know that. It's being -- all of the
5 problems are being corrected, but that has nothing
6 to do with going septic or sewer.

7 MR. McHALE: The agreement that
8 you have right now with the DEP is exactly a hybrid
9 situation and all --

10 MS. LAMBERTON: That happens to
11 be your 537 Plan for lack of a better --

12 MR. McHALE: Your folks had
13 agreed to it.

14 MS. LAMBERTON: Does that
15 answer your questions?

16 MS. SHEILA CALFAYAN: Yes.

17 MS. PICKARD: To the best of

18 our ability?

19 MR. HOLAHAN: I'll explain it to
20 you later, Lucy.

21 MS. LAMBERTON: Okay. So we got
22 a --

23 MS. PICKARD: I just had one
24 question. With that, Bob was going to develop the
25 RFP, is that my understanding, or Phyllis and Bob?

111

1 So that we have apples to apples comparisons that
2 we didn't have in the past?

3 MS. HAASE: Okay. Yes, we did
4 have a problem in the past with the proposals that
5 were submitted to the township, they weren't the
6 same. So that's -- that's probably --

7 MS. PICKARD: Okay. I just
8 wanted to make sure that was --

9 MS. LAMBERTON: Call the vote.
10 John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Yes.
16 MS. LAMBERTON: Donny?
17 MR. MOYER: I vote in favor.
18 MS. LAMBERTON: I vote in favor.
19 Motion carries.
20 Kalahari Resorts fifth amendment
21 (sic) to the development agreement.
22 MR. REISS: This is for the
23 Phase 2, Stage B improvements which are under
24 construction. This just amends the development
25 agreement to incorporate those -- that phase and it

112

1 will authorize the posting of financial security
2 for that with the escrow agent where your other
3 financial security is posted for Phase 1.
4 MR. HOLAHAN: I'm in favor of
5 authorizing the fifth addendum to the development
6 agreement.
7 MS. LAMBERTON: Take that in the
8 form of a motion, John?
9 MR. HOLAHAN: Yes.
10 MS. LAMBERTON: Do I have a

11 second?

12 MR. KERRICK: I'll second it.

13 MS. LAMBERTON: I have a second.

14 Any questions or comments from
15 the board?

16 MR. HOLAHAN: Yes. There is
17 something in here, maintenance security Phase 1,
18 about the boulevard, 18 months and then there's the
19 extension of the maintenance that you were speaking
20 about before --

21 MR. REISS: Yes, that's in
22 there.

23 MR. HOLAHAN: -- right? So
24 that's -- that's where I was kind of getting
25 wrapped around the axil on that before, so I just

113

1 wanted to clarify that.

2 MS. LAMBERTON: You good?

3 MR. HOLAHAN: I'm good.

4 MS. LAMBERTON: Any other
5 questions or comments from the public?

6 Seeing none. Call the vote.

7 John?

8 MR. KERRICK: In favor.
9 MS. LAMBERTON: Heidi?
10 MS. PICKARD: I vote in favor.
11 MS. LAMBERTON: John?
12 MR. HOLAHAN: Yes.
13 MS. LAMBERTON: Donny?
14 MR. MOYER: I vote in favor.
15 MS. LAMBERTON: I'll abstain.
16 Motion carries.
17 MR. REISS: Before you leave
18 tonight that requires signatures.
19 MS. LAMBERTON: Very good.
20 MS. REISS: The next item is the
21 Supplement No. 1 to the escrow agreement. The
22 escrow agreement I just had referred to is between
23 the township, Kalahari Res -- Kalahari Resorts and
24 First American Title Insurance Company, which is
25 holding the financial security. And this agreement

114

1 mirrors the fifth addendum that you just approved
2 and it amends the escrow agreement to incorporate
3 Phase 2, Stage B improvements.

4 MR. HOLAHAN: I make a motion
5 that we approve the supplement to the escrow
6 agreement -- Supplement No. 1 to escrow agreement.
7 MR. KERRICK: Second John's
8 motion.
9 MS. LAMBERTON: Motion and
10 second.
11 Questions or comments from the
12 board?
13 MR. HOLAHAN: You know, John,
14 this -- Jonathan, this looked like the Reader's
15 Digest version of the previous agreement, the
16 actual addendum itself. So that was -- I think
17 that was pretty clear, that was well put together.
18 MS. LAMBERTON: Questions or
19 comments from the public?
20 Seeing none. Call the vote.
21 John?
22 MR. KERRICK: In favor.
23 MS. LAMBERTON: Heidi?
24 MS. PICKARD: I vote in favor.
25 MS. LAMBERTON: John?

1 MR. HOLAHAN: Yes.

2 MS. LAMBERTON: Donny?

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

4 MS. LAMBERTON: I'll abstain.

5 Motion carries.

6 Our last, but not least, appoint

7 a planning commission member.

8 MR. HOLAHAN: We received a

9 letter from -- is it Michelle?

10 MS. HAASE: We did. We received

11 one letter of interest it is on the board's portal.

12 Michelle is interested in being appointed to the

13 planning commission.

14 MS. LAMBERTON: Oh, I missed

15 that.

16 MS. HAASE: And I do at this

17 particular point want to announce that Mr. Miller,

18 Mr. Joe Miller has decided that he will walk away

19 after many years of service.

20 MS. LAMBERTON: Forty-two years

21 of service.

22 MS. HAASE: Many years of

23 service to the planning commission.

24 MS. MINNICK: Yeah. He's been

25 here a long time.

1 MS. LAMBERTON: I'll entertain a
2 motion to reappoint Michelle Bisbing.

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

5 MR. KERRICK: Second.

6 MS. LAMBERTON: I have a motion
7 and a second.

8 Questions or comments from the
9 board?

10 Questions or comments from the
11 public?

12 Seeing none. Call the vote.
13 John?

14 MR. KERRICK: In favor.

15 MS. LAMBERTON: Heidi?

16 MS. PICKARD: I vote in favor.

17 MS. LAMBERTON: John?

18 MR. HOLAHAN: Yes.

19 MS. LAMBERTON: Donny?

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

21 MS. LAMBERTON: I'll vote in

22 favor. Motion carries.

23 MS. PICKARD: Are we going to
24 advertise for those positions?

25 MS. HAASE: We always

117

1 advertise.

2 MS. PICKARD: We -- okay.

3 MS. LAMBERTON: I think we
4 covered that in your --

5 MS. HAASE: Yes.

6 MS. LAMBERTON: Board of
7 supervisors, any reports or comments from any
8 members?

9 MR. HOLAHAN: Yeah, I do. At
10 the reorganization meeting we had removed Phyllis
11 from the police commission and appointed Anne. I
12 was wondering why. We really didn't have any
13 discussion on that. I didn't hear anything
14 previous to it, so does anybody have a reason why
15 that happened, tell me why it happened?

16 MR. KERRICK: We have five
17 supervisors, I feel we should have two elected
18 officials on the board, that's my opinion.

19 MR. HOLAHAN: Yeah, well, there
20 was no discussion about it, so that's what I'm
21 asking.

22 MR. KERRICK: If you look back
23 --

24 MR. HOLAHAN: We've had --

25 MR. KERRICK: If you look back

118

1 at the minutes, Hugh Lamberton made a motion when
2 we went to five supervisors that we would have two
3 members.

4 MR. HOLAHAN: The minutes from
5 --

6 MR. KERRICK: Take the manager
7 or assistant manger off.

8 MR. HOLAHAN: The minutes from
9 when.

10 MR. KERRICK: Back in 2002
11 maybe, somewhere around there. I know what the
12 police commission says, you could have both, but
13 that was my thoughts.

14 MS. PICKARD: And then what we

15 had --

16 MR. KERRICK: We went from
17 three supervisors to five and they said we should
18 have two on the thing, so that's my opinion.

19 MR. HOLAHAN: Okay.

20 MR. KERRICK: There's four
21 other people, I don't know what their opinions are.

22 MR. MOYER: I don't have an
23 opinion on it.

24 MS. PICKARD: I just thought
25 Phyllis did do a good job, I hope that was no

119

1 reflection on her.

2 MR. HOLAHAN: Well, that's why
3 --

4 MR. KERRICK: It was not a
5 reflection on her whatsoever. She did do a good
6 job.

7 MS. LAMBERTON: Oh, my gosh,
8 absolutely, yes.

9 MS. HAASE: Thank you.

10 MS. LAMBERTON: You're welcome.

11 MR. HOLAHAN: It was never

12 explained to me. I only got that -- I mean, if it
13 happened real fast and they were -- the motions and
14 the seconds were quick to happen without any time
15 for discussion, so I'm asking what the reasoning
16 is.

17 Now I got yours, John, thank
18 you.

19 MR. KERRICK: You're welcome.

20 MR. HOLAHAN: I get that. And
21 Donny doesn't have an opinion.

22 MR. MOYER: No.

23 MS. LAMBERTON: Anyone else with
24 any reports or comments?

25 Public questions or comments?

120

1 FEMALE VOICE: What was the
2 date that you're going to have the meeting with
3 PennDOT to discuss the bridges?

4 MR. HOLAHAN: I think it's for
5 March 9.

6 MS. LAMBERTON: PennDOT with
7 the bridges?

8 MR. HARRY FORBES: I wrote it
9 down, February 17.
10 MS. HAASE: Thank you.
11 MS. PICKARD: At Mount Pocono
12 Borough Hall.
13 MS. HAASE: From 4:30 to 6:30.
14 MR. HOLAHAN: I make a motion
15 to adjourn.
16 MS. LAMBERTON: Motion.
17 MS. PICKARD: I'll second that.
18 MS. LAMBERTON: Motion and
19 second.
20 All those in favor?
21 BOARD MEMBERS: Aye.
22 (Meeting concluded at 8:38 p.m.)
23 ---
24
25

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

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

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, March 14, 2016 beginning at 7:00 p.m.

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

JONATHAN REISS, 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 MS. LAMBERTON: I would like to
2 call the board of supervisors regular business
3 meeting March 14, 2016 to order. We'll start with
4 the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Thank you.
8 We'll start with our first item,
9 announcements.

10 MS. HAASE: I have none at this
11 point. Thank you.

12 MS. LAMBERTON: Really?

13 MS. HAASE: I'm saving it for
14 my report.

15 MS. LAMBERTON: Oh, okay. I'll
16 entertain a motion to consider the minutes of
17 February 8, 2016 regular business meeting.

18 MS. HAASE: I do have two

19 corrections.

20 MS. LAMBERTON: Okay.

21 MS. HAASE: Page 4, Line 15,
22 Trans Creek, should be T-r-a-n-s C-r-e-e-t-e, Trans
23 Crete. Page 62, Line 3 should read agreement, and
24 those are the only corrections I have.

25 MR. HOLAHAN: Motion to approve

3

1 the minutes as amended.

2 MS. LAMBERTON: I have a motion.

3 MR. MOYER: I'll second.

4 MS. LAMBERTON: I have a motion
5 and a second.

6 Any questions or comments from
7 the board?

8 MS. PICKARD: Just did you get
9 that one on Page 62 that I --

10 MS. HAASE: Yes, I just
11 announced it.

12 MS. PICKARD: Okay. I couldn't
13 hear you.

14 MS. HAASE: That's okay.

15 MS. PICKARD: Thank you. I'm

16 good.

17 MS. LAMBERTON: Any questions or
18 comments from the public?

19 Seeing none. Call the vote.
20 John?

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: I vote in favor.

24 MS. LAMBERTON: John?

25 MR. HOLAHAN: Yes.

4

1 MS. LAMBERTON: Donny?

2 MR. MOYER: I vote in favor.

3 MS. LAMBERTON: I vote in
4 favor. Motion carries.

5 Consider the treasurer's report
6 in the amount of \$593,309.91.

7 MR. HOLAHAN: I'll make a motion
8 that we approve the treasurer's report in the
9 amount of \$593,309.91.

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

12 MS. LAMBERTON: I have a motion
13 and a second.

14 Any questions or comments from
15 the board?

16 Actually I just had one
17 question. There was a check for Cleveland
18 Brothers. I know the one for a hundred and
19 eighteen thousand, I'm assuming, is for the loader.

20 MS. PICKARD: Correct.

21 MS. LAMBERTON: There's another
22 one for fifty-three ninety-four.

23 MS. HAASE: That was the truck,
24 right?

25 MS. PICKARD: No, that was

5

1 the broom.

2 MS. LAMBERTON: Oh, an
3 attachment?

4 MS. PICKARD: Broom attachment.

5 MS. HAASE: Oh, 5300, yes.

6 MS. LAMBERTON: 5300, yeah,
7 okay. That was my only other question.

8 MR. ED TUTRONE: That was the

9 broom with water. We added water to the broom.

10 MS. LAMBERTON: Okay. Thank

11 you.

12 Any other questions or comments

13 from the board?

14 Questions or comment from the

15 public?

16 Seeing none. Call the vote.

17 John?

18 MR. KERRICK: I abstain. I have

19 a relationship with Sharp Energy.

20 MS. LAMBERTON: Heidi?

21 MS. PICKARD: I vote in favor.

22 MS. LAMBERTON: John?

23 MR. HOLAHAN: Yes.

24 MS. LAMBERTON: Donny?

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

6

1 MS. LAMBERTON: I vote in favor.

2 Motion carries.

3 MS. HAASE: I do have one thing

4 I would like to bring to the board's attention. If

2 do we want to start with the public hearing?

3 MR. REISS: Yes. You would have
4 to open up the hearing.

5 MS. LAMBERTON: Do I entertain a
6 motion to open up the hearing or we just --

7 MR. REISS: You can open it up.

8 MS. LAMBERTON: We will open the
9 public hearing for proposed Ordinance Amendment No.
10 2 to the sewage collection and disposal services
11 agreement with Pocono Township. I guess we call
12 any witnesses or --

13 MR. REISS: Well, it would be
14 time for public comment or comment from the board
15 of supervisors.

16 MS. LAMBERTON: Is there any
17 public comment?

18 Go ahead.

19 MR. CHAD KNECHT: What is it?

20 MR. REISS: It amends the
21 intermunicipal sewage agreement with Pocono
22 Township in regards to where the connection point
23 of the sewer lines will be. It goes back to the
24 original connection point that was anticipated.
25 And then because of easement issues, it was going

1 to go through a pump station, but in the meanwhile
2 easements were obtained, so it's now back to its
3 original location. And the amendment is -- just
4 reflects that.

5 MR. CHAD KNECHT: Okay. Thank
6 you.

7 MS. LAMBERTON: Any other
8 questions or comments from the public?

9 Seeing none.

10 Questions or comments from the
11 board?

12 MR. HOLAHAN: I make a motion
13 we close the public hearing.

14 MS. PICKARD: I second the
15 motion.

16 MS. LAMBERTON: I have a motion
17 and a second.

18 All those in favor?

19 BOARD MEMBER: Aye.

20 MS. LAMBERTON: Moving on, I --

21 MR. MOYER: Did we make a
22 motion to approve it?

23 MR. REISS: You'd have to -- you
24 need a motion to approve the ordinance.

25 MR. MOYER: I'll make that

9

1 motion.

2 MS. PICKARD: I'll second that.

3 MS. LAMBERTON: I have a motion

4 and a second.

5 Questions or comments from the
6 board?

7 Questions or comments from the
8 public?

9 Seeing none. Call the vote.
10 John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Yes.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: Motion carries.

19 I will entertain a motion to

20 consider adopting Ordinance No. 526, Amendment No.
21 2 to the sewage collection --

22 MR. REISS: You just did that.

23 MS. LAMBERTON: Oh, I just did
24 that. Well, forget that idea.

25 We'll move on to the manager's

10

1 report.

2 MS. HAASE: Oh, now it's your
3 lucky time. I just wanted to inform the board that
4 the dirt and gravel grant application has been
5 completed, it was submitted to MCCD for
6 consideration on Gordon Lane. Judge Mark has
7 appointed Jacob Ribner as our deputy constable for
8 Tobyhanna Township and Constable Rog -- or Roger
9 Metzgar will still serve in his position.

10 Keswicke Pointe's letter of
11 credit has been renewed and the amount will be
12 \$2,185,453.96, and that renew goes until January
13 14, 2017. The township is in receipt of the monies
14 related to the Old Route 940 Bridge, an LSA Grant.
15 So we have received on February 22 \$213,720, so

16 we're really pleased that that's been deposited
17 into our account.

18 All required 2016 reports have
19 been submitted to the state and the outside
20 entities. We will be submitting the Chapter 94
21 report which is due by March 31.

22 MS. LAMBERTON: What's the
23 Chapter 94 report?

24 MS. HAASE: That is for the
25 wastewater treatment plant.

11

1 MS. LAMBERTON: Thank you.

2 MS. HAASE: And that's required
3 by DEP. The township has received our 2016 liquid
4 fuels allocation. And I'm pleased to announce that
5 we received an additional \$10,000 from -- was
6 additionally allocated to us, so we did receive a
7 check for \$302,834.

8 The board had asked that I
9 continue to update you on House Bill 794. I did
10 speak to Jack Rader's office and Jenn has assured
11 me at this particular point there's been no
12 movement in that bill.

13 Liberty Plaza, if you recall at
14 the last meeting -- or I'm sorry, at the January
15 meeting, the board approved additional EDUs for
16 Liberty Plaza at New Ventures Park. So we did
17 complete the mailer and that has been sent to the
18 engineer and they will forward that to DEP.
19 Kalahari Resorts, the force main extension, we
20 anticipate it to be in front of the board at their
21 April meeting for consideration of dedication.

22 If you recall, at the last
23 meeting I brought forward a request to the board
24 from a resident that lives on Greenleaf, which is
25 adjacent to Long Pond and they were requesting

12

1 signage for that area. Bob has been working
2 diligently on this and I've also spoke to Jonathan
3 about this as well. What -- through the
4 investigation, we found out that Greenleaf does not
5 have a highway occupancy permit.

6 So the recommendation from
7 PennDOT was that the applicant, which appears to be
8 Emerald Lakes, because they own that road, for them

9 to a apply for an HOP. I did speak to Brad Jones
10 from Preferred Management and he is going to be
11 bringing that forward to their board for
12 consideration.

13 So the direction that Mr. McHale
14 and I are hoping for the board is, what would you
15 like to do with this? At the last meeting you
16 approved moving forward with the signage. Since
17 then, we have found out this information. We can
18 still move forward and put the signage up. It
19 would be more beneficial, I think, to the township
20 that we do have an HOP, but we still can move
21 forward and that basically is going to be the
22 board's decision.

23 MR. HOLAHAN: I think it's a
24 safety issue. I'd like to see us move ahead with
25 --

13

1 MS. LAMBERTON: The sign.

2 MR. HOLAHAN: -- the sign and
3 then keep pursuing the HOP.

4 MR. MOYER: Did they apply with
5 the state for the HOP already?

6 MS. HAASE: They have not
7 applied as of yet. The management company was
8 going to bring this in front of their governing
9 body for consideration.

10 MS. LAMBERTON: How long has
11 that road been in existence?

12 MS. HAASE: Oh, I couldn't tell
13 you that. I think Emerald Lakes was built back in
14 the '60s if I'm not mistaken.

15 MS. LAMBERTON: So now we're
16 going to -- they have to go get an HOP?

17 MR. KERRICK: Jonathan, what
18 kind of liability would the township be in with the
19 signs if there's no HOP there?

20 MR. McHALE: PennDOT doesn't
21 recognize that driveway without the HOP.

22 MR. KERRICK: That's what I'm
23 saying.

24 MR. McHALE: Exactly. So
25 that's -- that's really the issue.

1 MR. KERRICK: That's my

2 question, what -- will we be jeopardizing the
3 township for any kind of lawsuit?

4 MR. REISS: Well, it's a -- a
5 potential issue for sure. Although if there's an
6 accident, you could face a lawsuit anyways. I
7 suspect the pressure on the HOA (sic) would be not
8 to do anything till you -- till they at least apply
9 for their highway occupancy permit, 'cause that
10 would at least get -- get them moving forward
11 before you actually put up the signs, but -- 'cause
12 once the signs are up --

13 MR. MOYER: Yeah.

14 MR. REISS: -- there's no --
15 there's no -- nothing to really get them to get
16 that highway occupancy permit.

17 MR. McHALE: Since Long Pond and
18 Greenleaf are neither -- neither one of those roads
19 are township roads, we have no exposure at this
20 point. But if we go putting the signs up, there
21 could be some.

22 MR. MOYER: That's what I said.
23 Should we wait until they apply for it --

24 MS. PICKARD: I agree with that.

25 MR. MOYER: -- move forward

1 after we know?

2 MS. HAASE: Whatever the
3 pleasure of the board is.

4 MR. MOYER: What do you think?

5 MS. PICKARD: I'd make a motion
6 that we go ahead and put the signs up once they
7 have an appli -- copy us on their application that
8 was submitted to PennDOT for the highway occupancy
9 permit.

10 MS. LAMBERTON: We wait for its
11 issuance.

12 MR. HOLAHAN: Well, has Emerald
13 Lakes expressed any reservations in this or they
14 just haven't just gotten around to it?

15 MS. PICKARD: It has to go to
16 the board.

17 MR. HOLAHAN: Got you.

18 MS. HAASE: The manager -- the
19 management company did not see a problem with this,
20 but he could not make that decision.

21 MR. KERRICK: They may be
22 required to do other things, so I think -- I think
23 it's prudent that we wait.

24 MR. MOYER: Yeah.

25 MR. HOLAHAN: I'm okay with

16

1 that.

2 MR. MOYER: That's what I think
3 too.

4 MS. LAMBERTON: General
5 consensus of the board we'll wait until their
6 permit is issued and then --

7 MS. PICKARD: Okay.

8 MS. LAMBERTON: -- if signage is
9 then allowed to be put.

10 MS. HAASE: So wait till it's
11 issued, not applied?

12 MR. KERRICK: They may be
13 required to put --

14 MS. LAMBERTON: To put it --

15 MR. KERRICK: -- the signs up
16 and that would keep our liability out of it
17 totally.

18 MS. LAMBERTON: Okay. Am I kind
19 of gathering that that sounds reasonable with

20 everyone?

21 MR. McHALE: Verbally PennDOT
22 had indicated that, when they apply for the HOP,
23 they may require them to make that maneuver
24 right-in, right-out only because of the sight
25 distance problems that they have, 'cause they won't

17

1 have them cut the road down or that'd be too
2 expensive to do something like that.

3 MS. LAMBERTON: Sure. Think of
4 what the upgrade could cost.

5 MR. McHALE: Right.

6 MS. LAMBERTON: Okay.

7 MS. HAASE: Okay.

8 MS. LAMBERTON: All right.

9 MS. HAASE: So I know how to
10 move forward with that. Upon the board's request,
11 I did receive some quotes for welcome to Tobyhanna
12 Township at the entrance of our areas -- of our
13 main areas.

14 Does the board have any changes
15 with this type of --

16 MS. PICKARD: How big is that

17 going to be?

18 MS. HAASE: This one is a three
19 by -- I'm sorry, three by four.

20 MS. PICKARD: Three feet by
21 four feet?

22 MS. LAMBERTON: Do we get a
23 permit?

24 MS. HAASE: Believe it or not,
25 yes, we will on file have to have a permit because

18

1 we have to follow our own ordinances.

2 MS. LAMBERTON: You know me.

3 MS. HAASE: I know. So if the
4 board is in agreement with this style of a sign,
5 then I guess my next step would be to try to secure
6 locations and if need be, easements, if we have to
7 obtain easements. My one concern is, would be out
8 in the Pocono Summit area when you first enter into
9 Tobyhanna Township where Cramer's is located,
10 there's a such a difference in grade. The road is
11 up here and, of course, the property is much
12 further beneath that. So I don't know where to

13 find a suitable location there unless I move it a
14 little bit further down 940.

15 MS. LAMBERTON: 'Cause that
16 Brick City project was in Toby.

17 MS. HAASE: Just the driveway,
18 just the entrance, the tip of it.

19 MS. PICKARD: It's not going to
20 affect the distances from any of those off-premise
21 signs, will it, or those on-premise --

22 MS. HAASE: No. We will be
23 able to deal with that. So if the board is in
24 agreement, you're looking at four signs?

25 MS. PICKARD: I think it looks

19

1 much better than it did before.

2 MS. HAASE: Yes, it was very
3 plain. Just so our residents could take a look at
4 that. So we're looking --

5 MS. LAMBERTON: If you need up
6 here --

7 MR. MOYER: What are the four
8 locations? Blakeslee and --

9 MS. HAASE: I believe we were

10 looking at both ends of 940 and both ends of 115.
11 Now, when you first enter Tobyhanna Township by the
12 Blakeslee Inn, there's a welcome to Tobyhanna
13 Township sign, I think the Kiwanis put it up -- not
14 the Kiwanis.

15 MS. PICKARD: The rotary?

16 MS. HAASE: Rotary put it up.

17 Do we still want one there?

18 MS. LAMBERTON: I think they
19 have one.

20 MS. HAASE: Right.

21 MS. PICKARD: You could see if
22 the rotary wants to sponsor or pay for one of the
23 signs.

24 MS. LAMBERTON: No, I think we
25 should use what somebody has up. Don't you think

20

1 we should respect what somebody else put there?

2 MS. PICKARD: That's what I'm
3 saying.

4 MS. HAASE: So then I'm looking
5 at three signs or do you want me to find another

6 location for the fourth?
7 MS. LAMBERTON: No, I think
8 three.
9 MS. HAASE: Okay.
10 MS. LAMBERTON: That's just me.
11 I don't know, what do you guys think?
12 MS. PICKARD: I'm good.
13 MR. KERRICK: I'm okay with
14 that.
15 MS. HAASE: So I'll just --
16 MS. PICKARD: We're just using
17 gold paint on these?
18 MS. HAASE: I'm sorry?
19 MS. PICKARD: We're just using
20 gold paint on them?
21 MS. HAASE: I don't believe this
22 was paint, no. This is still the gold leaf.
23 MS. PICKARD: I really don't
24 think it makes sense to put the gold leaf on that.
25 I think the gold paint would be fine.

21

1 MS. HAASE: Whichever the board
2 would prefer.

3 MS. PICKARD: I just don't
4 think it's necessary. How much more are we paying
5 for that, do we know?

6 MS. HAASE: I cannot -- I
7 cannot tell you, it's not broken down. That was
8 the board's wishes to move forward with. Our sign
9 was gold leaf in the front of our building. If
10 you'd like this to be something different, I
11 certainly can go back to the company and have
12 them --

13 MS. PICKARD: I don't think
14 it's necessary. Does anybody else have an opinion?

15 MS. LAMBERTON: Do we know the
16 difference in cost that were --

17 MS. HAASE: I do not. Do you
18 want me to find out the difference?

19 MS. LAMBERTON: Yeah, why don't
20 you. I mean, that way we'll know what the concern
21 is.

22 MS. PICKARD: I don't think it
23 wears real well and you couldn't cover it with
24 anything.

25 MS. LAMBERTON: I am not an

1 expert on it, so I cannot answer that.

2 MS. HAASE: I am not either.

3 Brake retarders, at the December
4 meeting there was a discussion with regards to
5 applying to PennDOT to have the ability to post
6 signs to prohibit the brake retarder. PennDOT is
7 asking for the exact locations and exact areas that
8 you're wishing to place that type of signage. Are
9 we looking for the entire 940 stretch, 115? So
10 that's where I need some direction from the board
11 or even if you want to move forward with this.

12 MR. HOLAHAN: Who had requested
13 that? Was it one of the residents?

14 MR. KERRICK: Someone from Lake
15 Naomi.

16 MS. HAASE: We had a resident,
17 yes, I think that had some concerns.

18 MR. MOYER: Yeah. Do you
19 remember the areas? There was a few accidents or
20 something I remember and they were --

21 MS. HAASE: It wasn't regarding
22 accidents, it was regarding the noise.

23 MR. MOYER: Oh, the noise?

24 MS. HAASE: It was noise. And
25 the only thing that was referenced was 940. So I

23

1 need to be a little bit more specific with PennDOT.

2 MS. LAMBERTON: John, you know
3 --

4 MS. PICKARD: You know, it
5 really echoes across the water on the lake, so I'm
6 going to guess that's going to affect Pocono Lake
7 and Lake Naomi and possibly Stillwater.

8 MS. HAASE: I believe the
9 complaint did come from a resident from Lake Naomi.

10 MR. KERRICK: I have a question
11 for Jonathan. I read an article a while back in
12 the Pennsylvania Magazine where they're not really
13 enforceable no matter what signs you put up?

14 MR. REISS: Well, you would have
15 to adopt an ordinance.

16 MR. KERRICK: Even if you had
17 the ordinance, there's communities that have it,
18 but they could not enforce it.

19 MS. HAASE: Anything over
20 80,000 pounds, PennDOT will not allow that. They

21 are still allowed to use them, anything over 80,000
22 pounds. So a tri-axel is what, 70,000 and change?

23 MR. KERRICK: Seventy-three
24 three.

25 MS. HAASE: Not that you know

24

1 exactly and then depending upon what they're --
2 what material they're carrying, even if the
3 ordinance was in place, they still would be able to
4 use the brake retarders.

5 MS. LAMBERTON: So they'd be
6 able to use it regardless?

7 MS. PICKARD: If they're over
8 --

9 MS. HAASE: Yes.

10 MS. PICKARD: -- 80,000 pounds?

11 MR. MOYER: Which --

12 MS. HAASE: But I don't know
13 necessarily and I don't --

14 MR. MOYER: -- there's a little
15 bit in there and they're going to be over.

16 MS. HAASE: -- certainly don't

17 drive truck, but if it's empty, I don't know the
18 need to use them.

19 MS. PICKARD: But if they're
20 over, we want them to be --

21 MS. HAASE: I don't know if they
22 would be --

23 MS. LAMBERTON: John, your
24 knowledge on that, like if a truck is empty, is
25 there a need to --

25

1 MR. KERRICK: It's up to the
2 driver. But I mean, you can put a million signs
3 up, but if they're going to do it, they're going to
4 do it. We have one complaint.

5 MS. PICKARD: I think it could
6 discourage them.

7 MR. KERRICK: Not that it wasn't
8 a valid complaint, but --

9 MS. PICKARD: We've had many
10 complaints over the years. Are we talking that
11 it's a large sum of money?

12 MS. HAASE: It's -- we're not
13 even at that point.

14 MS. LAMBERTON: What do you guys
15 do in your department? I mean, is that something
16 you use?

17 MR. ED TUTRONE: Yeah, my --

18 MS. LAMBERTON: I just don't
19 know enough about it, that's the only reason I'm
20 asking.

21 MR. ED TUTRONE: My thing for
22 what John was saying, you had one complaint. I
23 know where the complaint came from and they're
24 nowhere near 940, so I'm not sure why they were
25 complaining about it. But you're also looking at a

26

1 safety issue, I mean, that also helps the trucks
2 brake, that's the purpose of it. And if you're
3 going to ban it here on 940 by the traffic light,
4 now you're -- you know, you're taking some braking
5 power away from that truck heading to an
6 intersection.

7 MR. MOYER: So why don't we hold
8 off on it if it's not something --

9 MR. ED TUTRONE: So in my

10 opinion, I would not be in favor of it as a truck
11 driver or a person driving on the road just in a
12 car.

13 MR. MOYER: Want to hold off on
14 it --

15 MS. PICKARD: We're not holding
16 off. What are we holding off of just saying no
17 then?

18 MR. HOLAHAN: Just say no.

19 MS. LAMBERTON: Just say no.

20 MS. HAASE: Just say no, by Jim
21 K. I did want to announce, as the board is aware,
22 I circulated some information about the
23 reassessment. And after 27 years the county
24 commissioners have agreed to move forward with a
25 reassessment of Monroe County. The company, they

27

1 will be choosing a consultant early fall of 2016,
2 and they expect completion within two to three
3 years from that point. I do have some printouts in
4 case there's any residents that would like to read
5 about the reassessment. I'll have this for after
6 if you'd like to look at that.

7 Zoning hearing board, there is a
8 term that is coming due from one of the members. I
9 did reach out to that member and he is interested
10 in staying on. So my question to the board is,
11 would you like me to advertise for that position?
12 In the past, I've advertised, but this particular
13 member has asked to retain his seat, so that is up
14 to the board.

15 MS. PICKARD: Who's that?

16 MS. HAASE: Mr. Van Gilder.

17 MS. LAMBERTON: If other folks
18 in the past have asked to retain their seat, did
19 you still advertise?

20 MS. HAASE: This is the first
21 time that I've been approached by someone.

22 MS. PICKARD: It's very har --
23 it's been very difficult in the past to get people
24 on the zoning hearing board, it's not a very
25 popular --

28

1 MR. MOYER: I don't see no need
2 to advertise if we already have him.

3 MS. PICKARD: Yeah.

4 MS. LAMBERTON: Anyone else?

5 You good with not advertising?

6 MS. PICKARD: The learning curve
7 on there, I think they're doing a really good job.

8 MR. MOYER: If he's willing to
9 come back and do it, why --

10 MS. LAMBERTON: Send Mr.
11 VanGilder a letter.

12 THE REPORTER: I'm sorry. Can
13 you guys just one at a time?

14 MS. HAASE: Yeah.

15 This will be on your April
16 meeting because you will have to appoint him by
17 resolution. Zoning hearing board needs to be by
18 resolution, so I will have that on your agenda for
19 April.

20 And with that being said, I have
21 nothing further at this point.

22 MS. LAMBERTON: Very good.

23 We'll move on to reports, Pocono Mountain Regional
24 Police Commission. It was actually kind of a quiet
25 meeting. They are doing -- finishing up with their

1 mold remediation and it looks like the meetings
2 will be back at Pocono Mountain Regional for next
3 month. And that is the second Tuesday of the
4 month, at 7 p.m. That's really all, there's --
5 painting, they're doing some painting, wall
6 papering and such at the station, nothing earth
7 shattering.

8 Open space?

9 MS. PICKARD: We don't have
10 anything at this time.

11 MS. LAMBERTON: Overlay
12 committee?

13 MS. HAASE: I did want to
14 announce to the board, the overlay committee's
15 going to be meeting on March 21, at 5:30, certainly
16 that is -- we welcome attendance to that. Ann
17 Hutchinson had contacted me last week and she has
18 arranged for a meeting with MCCD, on the 21st, at 2
19 p.m., to discuss the Blakeslee overlay area and
20 potential community stormwater plans. So that will
21 be on the 21st of March, at 2 p.m.

22 MS. LAMBERTON: Very good.

23 Pocono Mountain Regional EMS.

24 MS. DENISE DOREMUS: Hi. Denise

25 from Pocono Mountain Regional EMS.

30

1 MS. LAMBERTON: I saw you sneak
2 in back there.

3 MS. DENISE DOREMUS: Yes, I did.
4 February we were a little up in our own local area
5 but down on mutual aide calls, which is a good
6 thing. Tobyhan -- the amount of calls, February
7 was 483. In Tobyhanna Township it was 87 compared
8 to last year at 72. You are up eight percent,
9 total up six percent for the month of February.

10 The Lucas did go into service at
11 11-2, it was used once, but it was a trauma code,
12 so usually it won't work on a trauma code. And the
13 subscriptions have gone out, if you have seen them
14 in the mail. Hopefully with Jeanine's good work in
15 our promotion for the subscription, we'll get a lot
16 more this year. Already they're -- I mean, it's
17 amazing, in a matter of a week we've had about 200.
18 It's like people see it and they just mail it back,
19 which is good. So hopefully that will go.

20 MS. HAASE: We did receive your

21 thank you letter for the Lucas.

22 MS. DENISE DOREMUS: Thank you
23 very much.

24 MS. HAASE: Thank you for
25 recognizing us.

31

1 MS. DENISE DOREMUS: And the two
2 new trucks will be in at the end of the month.

3 MS. LAMBERTON: Fantastic.
4 Thank you. Thanks, Denise.

5 Thornhurst Ambulance Squad.
6 Anyone here from Thornhurst? Seeing none, we'll
7 move on.

8 On to old business, proposed
9 zoning ordinance.

10 MS. HAASE: Yes. If we can
11 just take a few minutes and speak about the
12 proposed zoning ordinance. If you recall, we've
13 worked diligently on a proposed ordinance about
14 four years ago. Then last year we had some
15 discussion and the board agreed to allow us to move
16 forward with our current ordinance and to update it
17 and make some changes to that. Then somehow we've

18 gotten back over to the proposed ordinance.

19 So what I'm kind of hoping for
20 this evening if I can get direction from the board
21 on what you would like our zoning officer, engineer
22 and myself to work on; whether it's the proposed
23 ordinance from Mr. Carson Helfrich --

24 MS. PICKARD: I just want to
25 correct that it really wasn't from Carson, we

32

1 started out there --

2 MS. HAASE: Well, the base was.

3 MS. PICKARD: -- but Pat and Bob
4 did an immense amount of work on that.

5 MS. HAASE: Correct. I
6 certainly spoke -- we've had a meeting, I've spoken
7 to our zoning officer and engineer, and as far as
8 the township staff's standpoint, we think it would
9 be very helpful to use what we currently have and
10 make the changes and update it versus adopting
11 something new. We have engineers, we have project
12 holders, they're certainly very familiar with our
13 current ordinance and how to find information, but

14 that certainly is up to the board. We just are
15 looking for direction of what you want us to do.

16 MS. LAMBERTON: Honestly, I
17 would like to see them work and bring us a couple
18 of options for sign ordinance and get that one out
19 of the way.

20 MR. HOLAHAN: Yes.

21 MS. PICKARD: And I think, you
22 know, looking --

23 MS. LAMBERTON: Does that sound
24 reasonable?

25 MS. PICKARD: -- at the one

33

1 that we had proposed and working off of that and
2 amending it, I think we, you know, really went
3 through that, I think, with a fine-toothed comb.

4 You were at some of those
5 meetings too, John, right?

6 MR. HOLAHAN: I suffered through
7 some of those meetings, yes, I did.

8 MS. PICKARD: And Anne was, so
9 most -- you know, and Bob, you know, so -- that's
10 just me. I know there was no electronic signs and

11 I know there's been some concerns with some
12 interest with some of the people. I think also we
13 talked about the overlay and maybe com -- you know,
14 working something in, on the overlay, to restrict
15 that to a certain style or particular size or style
16 of the electronic, but I think we really had a good
17 start with that ordinance.

18 MR. HOLAHAN: The problem with
19 trying to attack the zoning all at one time, it's
20 just too much for us --

21 MS. LAMBERTON: It is.

22 MR. HOLAHAN: -- so we back off
23 of it.

24 MS. LAMBERTON: That's why I
25 think the sign --

34

1 MR. HOLAHAN: I agree. I think
2 the first thing that we need -- what's causing us
3 the most pain, the sign ordinance is right now,
4 let's deal with that.

5 MS. PICKARD: Yes, I agree.

6 MR. HOLAHAN: Get it taken care

7 of and then move on to the next thing.

8 MS. PICKARD: Maybe we could
9 have a work session or a separate time where we're
10 not bogged down.

11 MS. HAASE: I did. That is on
12 the agenda further on so maybe we can discuss it at
13 that point as well. So the board then is
14 instructing us to use what's being proposed or --
15 correct or -- correct?

16 MS. LAMBERTON: I think what I'd
17 like to see happen is --

18 MR. MOYER: Work session.

19 MS. LAMBERTON: -- let's work on
20 the sign ordinance first. We'll leave the
21 ordinances, obviously, as are until we --

22 MS. PICKARD: But we already did
23 a chapter --

24 MS. LAMBERTON: -- make changes.

25 MS. PICKARD: -- which is the

35

1 sign ordinance, that's already done.

2 MR. HOLAHAN: So let's take a
3 look at that and then putting in to what we already

4 have.

5 MR. REISS: It may require
6 updating 'cause there was a Landmark Supreme Court
7 decision --

8 MS. PICKARD: Yeah.

9 MR. REISS: -- this summer that
10 probably affects every sign ordinance in the
11 nation.

12 MS. PICKARD: Exactly.

13 MR. REISS: So I'll circulate a
14 memo that my office did on that and then we can
15 look at it.

16 MS. HAASE: We did attend a
17 webinar --

18 MS. PICKARD: We saw a webinar
19 on that, yeah.

20 MS. HAASE: -- that spoke to
21 that, but we certainly would like to read that. So
22 I'm back to again, do you want me to use the
23 current or the proposed?

24 MR. HOLAHAN: The current.

25 MS. PICKARD: I like the

1 proposed.

2 MR. HOLAHAN: I like the

3 current.

4 MS. LAMBERTON: Are we talking

5 --

6 MR. HOLAHAN: I'm talking --

7 MS. LAMBERTON: -- the sign

8 ordinance or the ordinances --

9 MS. PICKARD: The sign, just the
10 sign ordinance.

11 MR. HOLAHAN: Oh, just the sign
12 proposed.

13 MS. HAASE: The signage you
14 would like it proposed?

15 MS. PICKARD: Umm-hmm.

16 MS. LAMBERTON: I would like to
17 see some options thrown into it and then that's
18 what we'd have a work session on to discuss.

19 MS. PICKARD: Yeah, but we
20 would obviously want to amend --

21 MS. LAMBERTON: Does that make
22 sense?

23 MS. HAASE: It does.

24 MS. PICKARD: -- whatever we're

25 doing.

37

1 MS. HAASE: So the main areas
2 that seems to be --

3 MS. LAMBERTON: You're looking
4 at me a little funny, that's why I'm asking.

5 MS. HAASE: That's the board's
6 decision. The staff, we voiced our opinion, that's
7 a board's decision.

8 MS. LAMBERTON: Well, I think
9 that there's been a lot of conversation about the
10 signs and I think a lot of people, what their needs
11 were 20, 30 years ago, when these ordinances were
12 put into place, have changed so dramatically. When
13 I go up and down the corridor of 940 and I see
14 businesses that are empty, I think we need to find
15 a way to become more business friendly and find out
16 what business owners need to make their businesses
17 successful and a lot of it is signage.

18 MS. HAASE: Okay.

19 MS. LAMBERTON: That's how I
20 feel.

21 MS. PICKARD: Yeah, I --

22 MS. HAASE: So the three
23 questions that we need direction on was, does the
24 board want banners?

25 MR. HOLAHAN: No.

38

1 MS. PICKARD: No.

2 MS. HAASE: No banners, that
3 was easy.

4 A-frame signage?

5 MR. HOLAHAN: Sandwich boards,
6 that type of stuff?

7 MS. HAASE: Yes.

8 MS. PICKARD: I don't think --
9 it depends where they are and that's, you know --
10 you can't read them going down 940 at 45 miles an
11 hour.

12 MR. HOLAHAN: Who's doing 45 on
13 940?

14 MS. PICKARD: Well, that's what
15 the speed limit is.

16 MR. HOLAHAN: Well, Harry is.

17 MS. HAASE: We know some people

18 are.

19 MR. KERRICK: The last time we
20 had a meeting with the sandwich boards we talked
21 about -- I use Ahart's in -- for instance,
22 underneath the overhang there, but along 940 that
23 wouldn't work, it would be knocked over.

24 MS. PICKARD: Exactly, that's
25 what I'm saying.

39

1 MR. KERRICK: That's the talk we
2 had when we had the --

3 MS. LAMBERTON: Well, those are
4 the types of things I'd like to see put together in
5 a package for our review.

6 MR. KERRICK: Maybe in the
7 overlay district or something.

8 MS. LAMBERTON: Give us some
9 ideas of where it might work, where it won't work.

10 MS. HAASE: Well, generally,
11 that -- the A-frame sign is more for a walkable
12 district, so that would work well for what Mr.
13 Kerrick is saying.

14 MS. LAMBERTON: And is there

15 language we could put in --
16 MS. PICKARD: And that's what I
17 meant.
18 MS. LAMBERTON: -- that says if
19 it isn't a walkable --
20 MS. HAASE: Absolutely.
21 MS. LAMBERTON: -- I don't know,
22 strip mall or --
23 MS. HAASE: Absolutely.
24 MS. LAMBERTON: -- you know,
25 route --

40

1 MS. HAASE: Absolutely. We can
2 work on that.
3 MS. LAMBERTON: You know what I
4 mean, Phyllis? Like ideas like --
5 MS. HAASE: Yep.
6 MS. LAMBERTON: -- you and Bob
7 and Maureen --
8 MS. HAASE: So electronic
9 signage?
10 MS. LAMBERTON: Yes, I would

11 like to see something available.

12 MS. PICKARD: I would like to
13 possibly see that restricted with the overlay
14 district to a certain style or size.

15 MR. HOLAHAN: Agreed. Yeah,
16 we'd have to figure out where that's going to go.

17 MS. LAMBERTON: Absolutely.
18 Those are options that I think I would like brought
19 forward.

20 MS. HAASE: So you're looking
21 at then -- so then that's something the overlay
22 committee's looking at?

23 MS. LAMBERTON: Well, no, I
24 would say the whole township should have the
25 opportunity to look at it, but what you put where

41

1 is what needs to be --

2 MS. PICKARD: Exactly.

3 MS. LAMBERTON: -- you know,
4 like size and maybe a style.

5 MS. HAASE: So banners, no;
6 A-frame sign would be under something that's
7 covered or walkable area and electronic signs --

8 MS. LAMBERTON: We're writing
9 ordinance for her.

10 MR. MOYER: What about --

11 MS. HAASE: Well, that was easy.

12 MR. MOYER: -- the in and out
13 ones, like something that we could --

14 MS. LAMBERTON: I mean, we had
15 that conversation sure too, like what if a business
16 is open and they want to put a sign out so the
17 people, are recognizable, I don't know.

18 MR. MOYER: Something that could
19 be --

20 MS. PICKARD: We had the open
21 signs in the proposed ordinance.

22 MS. LAMBERTON: You guys can
23 jump in whenever you feel the need, it's great to
24 hear from you.

25 MS. PICKARD: We had the open

42

1 flags that we had in the proposed ordinance.

2 MR. MOYER: Well, I'd rather
3 see something uniform that they can do rather than

4 trying to get around it by parking a truck that's
5 1964 out there that everything looks like whatever.

6 MS. PICKARD: No, I know and
7 that's --

8 MR. MOYER: I'd rather it be
9 something nice and --

10 MS. PICKARD: -- why we put in
11 the flag signs that were up to a certain size so
12 that they would be more uniform.

13 MS. LAMBERTON: Also we
14 discussed, you know, hours of operation. If
15 someone's open from nine to five, is there
16 something they could put out to put attention on
17 their business and then maybe bring it back in.

18 MR. HOLAHAN: The thing -- I
19 think this is going to require us to sit down and
20 discuss this a little bit more.

21 MS. LAMBERTON: Right.

22 MS. PICKARD: Exactly.

23 MR. HOLAHAN: There's no
24 accounting for --

25 MS. LAMBERTON: That's why

1 we're going to put Bob and Phyllis in charge of it.

2 MR. HOLAHAN: There's no
3 accounting for taste, you know, somebody will be
4 out there with a Sharpie and --

5 MR. MOYER: Right. Well,
6 that's what I'm saying, something that we can
7 make --

8 MS. LAMBERTON: I like the
9 Sharpie.

10 MR. MOYER: -- uniform that we
11 could work on.

12 MS. LAMBERTON: All right.

13 MS. HAASE: So we will work on
14 the proposed signage ordinance -- sign ordinance
15 and we will -- I don't think banners were allowed
16 anyway; A-frame signs, I believe, they were only --
17 were under the covered area. So it's more
18 electronic signs we'll have to look at because I
19 don't think that was included.

20 MS. PICKARD: One of the things
21 we discussed though at the town hall was allowing
22 for some special event signage on holiday weekends
23 or something.

24 MR. HOLAHAN: Certainly.

25 MS. PICKARD: So that was one

1 thing we talked about relaxing.

2 MR. HOLAHAN: Today is Pi Day,
3 did you know that it's Pi Day? Yes.

4 MS. LAMBERTON: National Pi Day.

5 MR. KERRICK: It is.

6 MS. LAMBERTON: Okay.

7 MR. HOLAHAN: You could've put
8 signs out, you could've put banners out in front of
9 your businesses.

10 MS. LAMBERTON: Oh, I'm sorry,
11 Harry.

12 MR. HARRY FORBES: The overlay
13 district that Jim was talking about, Jim Cahill,
14 are you taking that into consideration?

15 MS. HAASE: No, sir. Mr.
16 Cahill hasn't moved forward with that.

17 MR. HARRY FORBES: I can't hear
18 you.

19 MS. HAASE: He has not moved
20 forward with that.

21 MR. HARRY FORBES: He's going

22 to, though.

23 MS. LAMBERTON: You're just
24 suggesting to keep that in the back of our heads so
25 we include that in our discussion.

45

1 MR. HARRY FORBES: Yeah.

2 MS. PICKARD: And I think those
3 overlay districts are a nice way to make it through
4 certain areas to be less restrictive or more
5 restrictive.

6 MR. HOLAHAN: Agreed, agreed.

7 MS. HAASE: Yeah. That would
8 be a completely separate ordinance.

9 MR. HARRY FORBES: Okay.

10 MS. PICKARD: Tell him to hurry
11 up and bring that in because we're going to have a
12 meeting on it.

13 MR. HARRY FORBES: You ever try
14 to tell Jim to hurry up?

15 MS. LAMBERTON: Anyone else
16 have any comments?

17 MR. TOM FILLA: I think you
18 ought to leave as a place marker, lighting on the

19 signs so that you don't get too much up lighting
20 and too much light pollution off of that.

21 THE REPORTER: May I just have
22 your name, sir?

23 MR. TOM FILLA: And a lot of
24 razzle dazzle, too much movement that could be a
25 traffic hindrance.

46

1 MS. LAMBERTON: Sure.

2 THE REPORTER: Excuse me, sir,
3 may I just have your name?

4 MR. TOM FILLA: Tom Filla.

5 THE REPORTER: Can you spell
6 your last name?

7 MR. TOM FILLA: F-i-l-l-a.

8 THE REPORTER: Thank you.

9 MS. LAMBERTON: Yeah, PennDOT
10 has regulations too on what's allowed. And since
11 it is 940 and 115, we have to abide by what they
12 have as a restriction as well.

13 MR. TOM FILLA: Yeah. And it
14 might parallel some further consideration on a

15 another township ordinance or a new township
16 ordinance regarding light trespass, pollution and
17 that type of thing, pointing to a dark sky,
18 appreciation, you know?

19 MR. HOLAHAN: Yep.

20 MS. LAMBERTON: Very good.

21 Thank you for your comments.

22 Moving on. Route 940, proposed
23 sewer service extension project.

24 MS. HAASE: Yes, ma'am. As
25 requested, we pulled the property owners that were

47

1 in a commercial dis -- in the commercial district.
2 Most of them were commercial establishments, some
3 of them were nonconforming residential in a
4 commercial district. On your portal will you see
5 the results. Almost every property owner was
6 contacted.

7 There was a few that we could
8 not reach. There was one that was taken over by
9 the bank, they would not make a commitment to an
10 agreement to purchase EDUs. So with what we have
11 -- what you have in front of you, there would be 25

12 EDUs that would be assigned to 11 properties.

13 MS. LAMBERTON: I was confused
14 with that because I had thought that we agreed to
15 move forward with the sale -- and correct me if I'm
16 wrong -- move forward with the sale and then we
17 would have our township look at what we could do to
18 help our zoning or --

19 MS. HAASE: That's what has been
20 approved.

21 MS. LAMBERTON: Okay, okay.
22 'Cause I was just confused that it looked like we
23 didn't --

24 MS. PICKARD: But I think we
25 asked -- you asked that they contact and make sure

48

1 we checked with the commercial at the last meeting.

2 MS. LAMBERTON: Yes, yes,
3 absolutely. But I mean, that has nothing do with
4 the sale.

5 MS. HAASE: No.

6 MS. PICKARD: No.

7 MS. LAMBERTON: We're not

8 looking at doing the extension, we're not making
9 anybody do anything that they don't want to do.

10 MS. HAASE: That is correct.

11 MR. MOYER: On either end,
12 commercial or residential.

13 MS. LAMBERTON: Correct.

14 MS. HAASE: Yes.

15 MS. LAMBERTON: I just wanted to
16 make that clear.

17 MS. HAASE: The way it was left
18 was perhaps there could be some --

19 MS. LAMBERTON: Alternative.

20 MS. HAASE: -- some
21 alternative.

22 MR. MOYER: Solutions, yeah,
23 some way maybe.

24 MS. LAMBERTON: Right, right.
25 And now, this will -- would this

49

1 give us any type of direction, Bob, to move
2 forward, to do maybe some sort of community system
3 somewhere for areas that maybe are located in one
4 area or, no, we didn't look at that? Or Maureen,

5 did Maureen have anything --

6 MS. HAASE: Maureen did. It's
7 really what's up to the property owner if they so
8 choose to do that. There certainly would be some
9 alternatives, but it's up to the property owner.
10 There really were no failures per se. It was going
11 to force them into something.

12 MS. LAMBERTON: No, no. I'm not
13 talking about forcing, but didn't we discuss that
14 we would have --

15 MR. MOYER: Yeah.

16 MS. LAMBERTON: -- take a look
17 at that to see if there was something we could help
18 a group of property owners together that might be
19 interested in some EDUs?

20 MR. MOYER: To make it more
21 feasible --

22 MS. LAMBERTON: For them to
23 develop --

24 MS. HAASE: There's a group
25 down the western end by Matirko's, that area there,

1 that would be interested.

2 MS. LAMBERTON: Okay.

3 MS. HAASE: And then more
4 further down toward the eastern end of it of that
5 proposed line, there was three businesses, but you
6 would have to get underneath 940 because --

7 MS. LAMBERTON: To service them,
8 right.

9 MS. HAASE: -- one is across the
10 street.

11 MR. MOYER: Across the street,
12 yeah.

13 MS. LAMBERTON: Right, right.
14 Okay. Very good. Well, I think we're clear as to
15 what direction we're going here.

16 We'll move on to the LERTA.

17 MS. HAASE: So I can take this
18 off the agenda?

19 MS. LAMBERTON: You can take
20 that off the agenda.

21 MS. HAASE: The last direction
22 the board had given me was that the -- you were
23 going to wait until the overlay was reviewed for
24 Blakeslee --

25 MS. LAMBERTON: Yes, yes.

1 MS. HAASE: -- before there's
2 any further discussion.

3 MS. LAMBERTON: Everybody still
4 in agreement on that?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: Okay. Very
7 good.

8 Consider Kalahari Resorts
9 request to release the remaining Kalahari Boulevard
10 escrow.

11 What is the pleasure of the
12 board?

13 MR. HOLAHAN: We still talking
14 about the 70,000?

15 MS. PICKARD: I thought we --
16 yeah.

17 MS. HAASE: Yes. At your last
18 meeting, the engineer had submitted a letter
19 requesting to be able to readdress this in six
20 months after they had looked at some options.

21 That's correct, Mr. McHale?

22 MR. McHALE: Yes. They wanted

23 to monitor for six months.

24 MS. LAMBERTON: Six months into
25 it, though?

52

1 MR. McHALE: Before coming up
2 with a solution.

3 MS. HAASE: No. This was --
4 the letter was given to us last month.

5 MS. LAMBERTON: So you're just
6 going to leave it on the agenda until this --

7 MS. HAASE: It's -- I could
8 remove it and then put it back on in six months if
9 you so choose.

10 MR. HOLAHAN: I would like this
11 -- yes.

12 MS. LAMBERTON: Is that the
13 pleasure of the board?

14 MR. KERRICK: I still feel that
15 we need to give it back. They have 468 or \$86,000
16 for 18 months after their final phase and we're
17 worried about \$70,000? They deserve it back, they
18 finished the punch list. That's only my opinion.

19 We already voted on it last month, so there's no
20 sense rehashing it. Just felt the need to express
21 myself.

22 MS. LAMBERTON: Harry?

23 MR. HARRY FORBES: I'll just
24 revoice the same concern that Kalahari has. They
25 feel that -- I'm sorry, my voice is a little shot.

53

1 But they are going to be here a long time, they're
2 people of their word. This issue was related to a
3 punch list issue, they feel they completed that.

4 You know, we're willing to fix
5 this problem when we find the solution and we've
6 sent a letter requesting to address it and look at
7 it for six months and figure it out once and for
8 all and fix it within that period and come up with
9 a solution. They feel the money is owed back to
10 them. Because of that, they're asking for it to be
11 returned to them. They will fix the problem.

12 I'm standing here today telling
13 you that and that comes right from corporate and
14 from the owners. So just to reiterate that,
15 nobody's going to walk away from this problem on

16 your behalf. We realize we got an issue to fix and
17 we're going to fix it.

18 That's all -- I have a hard time
19 talking.

20 MS. LAMBERTON: That's okay.
21 That's okay.

22 What's the pleasure of the
23 board?

24 MR. HOLAHAN: Remove it from the
25 agenda. We had a solicitor from our solicitor's

54

1 office that told us at one of the meetings that if
2 we gave the money back, we were closing it out and
3 then any repairs would have to be done by bid and
4 using rate. His suggestion was not to release the
5 money because it would close out.

6 MR. KERRICK: We've also had
7 another opinion since then that changed that.

8 MR. HOLAHAN: From the same
9 attorney?

10 MR. KERRICK: From the same
11 firm. Not the same attorney, but the same firm.

12 MR. HOLAHAN: Oh, the same firm,
13 is that --
14 MR. MOYER: Would it cost us?
15 MR. REISS: No, the maintenance
16 items are in the maintenance bond that would allow
17 that developer to go in and --
18 MS. LAMBERTON: Fix it
19 themselves.
20 MR. REISS: Right. The
21 maintenance bond is there just because if the
22 developer didn't do the maintenance, then you'd
23 have the funds to do it yourself.
24 MS. LAMBERTON: I had just asked
25 if it would be prevailing wage regardless because

55

1 it is township owned. And he just said as long as
2 it is in a maintenance --
3 MR. REISS: Well, as long as it
4 developed during the maintenance period, the
5 developer does the fix, not the township.
6 MS. LAMBERTON: And it wouldn't
7 be charged prevailing rate.
8 MR. MOYER: Was the punch list

9 completed? Can we get that part of it? I mean, if
10 we made the deal and they had a punch list then we
11 did it.

12 MS. PICKARD: But this came up
13 before the punch list was completed. So for me it
14 still was an issue. And I think at the bottom line
15 we've asked for six months to try and get an
16 estimate on whatever the options are and then we
17 would've released the difference.

18 MR. MOYER: What do you mean it
19 come up before the punch list?

20 MS. PICKARD: Well, I think
21 during the soft opening, the spots in the seepage
22 was apparent. I mean, we rushed to get this open
23 and then this came up within the first week of them
24 -- before they even officially opened. And it was
25 -- certainly came up before the other punch list

56

1 items were done. I think it was all a result of
2 rushing to get it done. And I think we've all been
3 pretty easy about just give us an estimate and
4 we'll take your word on that and then we'll release

5 the difference.

6 MR. HARRY FORBES: I'm sorry to
7 jump in. The problem is, is they don't know what
8 the problem is.

9 MS. PICKARD: Well, and that's
10 the liability for the township and I know that
11 you're not going anywhere and I respect that, but
12 we set a precedence for the next person who may be
13 going somewhere. I mean, this is -- we're, you
14 know, trying to protect all the citizens of the
15 township.

16 MR. HARRY FORBES: Again, it
17 goes back, Heidi, I think when you look at this --

18 And I think, John, you said it
19 correctly.

20 -- that there is money sitting
21 there, that if something happens you could use for
22 that, if that were the fix.

23 MS. PICKARD: But that's unseen
24 things that happen in the next 18 months.

25 MR. KERRICK: Eighteen months

1 after the final phase.

2 MS. PICKARD: Exactly.

3 MR. KERRICK: That's years down
4 the road.

5 MS. PICKARD: Exactly.

6 MR. KERRICK: So we have 560 --

7 MS. PICKARD: For things that
8 come up in the next 18 months from the wear and
9 tear of the building on the other phases.

10 MR. HARRY FORBES: I don't know
11 --

12 MS. PICKARD: I mean, it's
13 \$70,000 we're talking about here, it might be a
14 10,000 or \$15,000 fix, I just don't -- you know,
15 obviously you want to study it.

16 MR. HARRY FORBES: And we don't
17 know either, that's why --

18 MS. PICKARD: And I know. We
19 don't know. If we knew, we'd feel a little bit
20 more com -- I would feel a little bit more
21 comfortable.

22 MR. HARRY FORBES: Instead of
23 jumping at that, that's why we've asked -- our
24 engineer proposed to Bob to let's look at this for
25 a six-month period, really figure out where the

1 true issue is because it may be more than 72,000
2 here and we're going to be paying that. This is
3 just an issue that the company feels that they put
4 a bond and money up for a specific list of precise
5 issues.

6 I checked with PennDOT by the
7 way, and I don't know how many of you know that
8 these water spots, these issues come up on every
9 paving job. And what made me ask that question
10 was, I was driving home on 4 -- whatever it is,
11 423, and there was wet spots during dry periods.
12 So I requested and asked them, does this happen?
13 Yes, it does, it happens in all paving jobs. And
14 it's just a matter of where the water is truly
15 pushing up and how it is.

16 And you have to figure it out
17 before you can fix it and that's all this company
18 said is, let's look at this issue and find out what
19 is truly causing it. Is it the retention ponds or
20 is it the sprinkler systems or do we have a problem
21 because of the compaction that we may have to
22 create some drilling and create some -- some other

23 way to relieve the water pressures in those
24 particular areas? And there's two or three areas
25 when you look at this.

59

1 MS. LAMBERTON: Harry, did
2 PennDOT indicate what they do? Did PennDOT
3 indicate to you what they do do?

4 MR. HARRY FORBES: A lot of
5 times they don't even touch them, leave them alone.
6 It really, I guess --

7 MR. HOLAHAN: Until the pothole
8 forms, until the frost heaves it, right?

9 MR. HARRY FORBES: Depends on
10 the icing.

11 MR. HOLAHAN: Right.

12 MR. HARRY FORBES: If you're on
13 a bend on ice, they're probably going to fix it
14 more so from those standpoints, but a lot of them
15 they don't fix.

16 MS. PICKARD: They put some
17 patching --

18 MR. HARRY FORBES: Because if
19 they're the little spots like some of the ones

20 here, they wouldn't even touch.

21 MS. PICKARD: If it's a
22 compaction from the rain garden in the center aisle
23 there, can you drill something and test something
24 to see --

25 MR. HARRY FORBES: I don't know.

60

1 MS. PICKARD: Well, I'm just
2 saying rather than waiting why can't we just --

3 MR. HARRY FORBES: I've asked
4 that question of Dave Horton from Pennoni and their
5 answer is, we're not sure what's causing it to be
6 able to just go in there and start punching holes
7 in things, but they're going to find it and they're
8 gonna find a solution and fix it, and that's --

9 MS. PICKARD: They're going to
10 charge you for studying it, to look at it for the
11 next six months and write a report every day?

12 MR. HARRY FORBES: You best
13 believe they are.

14 MS. PICKARD: I'd rather just
15 try punching a hole and seeing if it helps.

16 MS. LAMBERTON: So what's the
17 pleasure of the board?
18 MR. HOLAHAN: Are we being asked
19 to do something here?
20 MR. KERRICK: Well, you already
21 said to take it off, there's no sense voting, cause
22 it's obviously going to be a stalemate.
23 MS. LAMBERTON: Okay. Let's
24 take it off the agenda for two, three years and
25 then bring it back.

61

1 MS. PICKARD: Yeah, we already
2 voted.
3 MR. MOYER: Take it off the
4 agenda and bring it up when it comes time, six
5 months, whatever it is.
6 MS. LAMBERTON: Okay. New
7 business, conditional use adjudication, Lake Naomi
8 Club, Logan Steele Community Center expansion.
9 MR. REISS: Yes. I circulate
10 -- well, you had voted last month on the decision
11 and I wrote the adjudication and circulated it to
12 everybody after your last meeting. It's available

13 here tonight for you to sign at the end of the
14 meeting.

15 MS. LAMBERTON: And that's all
16 we need to do --

17 MR. REISS: Right.

18 MS. LAMBERTON: -- we don't need
19 to take any action?

20 MR. REISS: You already voted on
21 it.

22 MS. PICKARD: That's what I
23 thought.

24 MS. LAMBERTON: Move on. Lake
25 Naomi Club Logan Steele Community Center expansion

62

1 land development plan.

2 I will entertain a motion.

3 MR. HOLAHAN: I'll make that
4 motion that we approve that, but based on --
5 there's a couple things that were outstanding on
6 there. They were addressing about the stormwater
7 management?

8 MS. PICKARD: It would be

9 subject to Bob's review.

10 MR. HOLAHAN: Yeah, Bob has a
11 number of things in here. It was recommended by
12 the planning commission at the county level, the
13 local level.

14 And, Mr. McHale, you're fine
15 with this as well, correct?

16 MR. McHALE: Yes, sir.

17 MR. HOLAHAN: So with these --
18 they were asking for some of the waivers, looking
19 at the stormwater management, based on --

20 MR. McHALE: All those items
21 have been addressed and placed on these current
22 plans that are on the table on the side there.

23 MR. HOLAHAN: So without further
24 discussion, I'd make a motion that we approve.

25 MR. KERRICK: Second.

63

1 MS. LAMBERTON: I have a motion
2 and a second.

3 Questions or comments from the
4 board?

5 Questions or comments from the

6 public?
7 Seeing none. Call the vote.
8 John?
9 MR. KERRICK: In favor.
10 MS. LAMBERTON: Heidi?
11 MS. PICKARD: I vote in favor.
12 MS. LAMBERTON: John?
13 MR. HOLAHAN: Yes.
14 MS. LAMBERTON: Donny?
15 MR. MOYER: I vote in favor.
16 MS. LAMBERTON: I vote in favor.
17 Motion carries.
18 MS. HAASE: You need to approve
19 the waivers as well.
20 MR. REISS: You need to make a
21 motion to approve the requested waivers.
22 MS. LAMBERTON: I will entertain
23 a motion to approve the requested waivers for --
24 MS. HAASE: Do you want me to
25 read them?

2 L&M.

3 MS. LAMBERTON: Would you like
4 to read them off?

5 MS. HAASE: SALDO Section 135
6 dash 12D Subsection 2; SALDO Section 135-15.A
7 Subsection 15; Section 135-17L and 135-17M.

8 MS. PICKARD: Wasn't that in
9 the letter that John made -- based his motion on?

10 MR. REISS: Well, you still have
11 to approve the waivers. You have to specifically
12 approve the waivers.

13 MS. LAMBERTON: I'll entertain
14 a motion to specifically --

15 MR. KERRICK: So moved.

16 MR. MOYER: Second.

17 MS. LAMBERTON: I have a motion
18 and a second.

19 Any questions or comments from
20 the board?

21 MR. HOLAHAN: Certainly. We
22 need to talk about this for another 15 minutes.

23 MS. LAMBERTON: No, absolutely
24 not.

25 Any questions or comments from

1 the public?

2 Seeing none.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: Yes.

9 MS. LAMBERTON: Donny?

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

11 MS. LAMBERTON: I vote in

12 favor. Motion carries.

13 Thanks, Terry.

14 MR. TERRY MARTIN: Thank you.

15 MS. LAMBERTON: Moving on.

16 Appoint planning commission member. I believe it's

17 been -- we have two letters of interest, which is

18 unusual because we normally have to try to find

19 people to --

20 MR. MOYER: I'd like to make a

21 recommendation to appoint Brendon Carroll.

22 MS. LAMBERTON: Okay. I have a

23 recommendation, do I have a second?

24 MR. KERRICK: I'll second the
25 motion.

66

1 MS. LAMBERTON: I have a
2 recommendation and a second?
3 Any questions or comments from
4 the board?

5 MR. HOLAHAN: Yes. So we've got
6 one opening and two applicants. We haven't done an
7 interview process, correct?

8 MS. LAMBERTON: No, nor have we
9 ever because we'd only ever had one candidate. So
10 this is different and unusual.

11 MR. HOLAHAN: So if we had two
12 openings, like, Anne, would you like to step down
13 from the planning commission and create another
14 opening?

15 MS. LAMBERTON: I will from the
16 county, if you'd be interested. Seriously. I sit
17 on the Monroe County Planning Commission as well.

18 MS. PICKARD: Well, we don't get
19 to appoint that.

20 MS. LAMBERTON: Well, no, but I
21 would certainly make that recommendation from our
22 board of supervisors. I wasn't really prepared --

23 MR. HOLAHAN: 'Cause here's the
24 other thing.

25 MS. LAMBERTON: -- to think that

67

1 way yet.

2 MR. HOLAHAN: Right. I took a
3 look at the Mike --

4 MS. PICKARD: Christian.

5 MR. HOLAHAN: -- Christian, the
6 other guy.

7 Is that you?

8 MS. LAMBERTON: Yeah. So let's
9 point him out.

10 MR. HOLAHAN: Mike's got a fair
11 amount of experience --

12 MS. LAMBERTON: Oh, absolutely,
13 yes.

14 MR. HOLAHAN: -- had a chairing
15 with Perkiomen Valley, Lower Frederick. I was
16 looking at the websites and things like that and I

17 mean, here's a real qualified guy as well I hate
18 like hell to lose.

19 MS. PICKARD: I agree.

20 MR. HOLAHAN: I wasn't talking
21 about county. If you came off of our planning
22 commission, could you go on as an alternate? Could
23 we do --

24 MS. PICKARD: I think that was
25 my other thing about using the alternate for the --

68

1 MR. HOLAHAN: That's another
2 thing as well.

3 MS. LAMBERTON: Would you mind
4 -- could we talk after this, Mike?

5 MR. MIKE CHRISTIAN: Sure,
6 sure. Let me speak for a minute, if I may?

7 MS. LAMBERTON: Absolutely.

8 MR. MIKE CHRISTIAN: I'm Mike
9 Christian, as you can see I submitted an
10 application. I had hoped that we actually could've
11 met and I could've discussed my application in
12 person, but I'd be happy to meet at any time to

13 discuss any other alternates or field any
14 questions.

15 MS. LAMBERTON: Great. Thank
16 you. That'll give me an opportunity to think
17 about, you know, removing myself from a board as
18 well, if that's okay.

19 MR. MIKE CHRISTIAN: I haven't
20 been active in the township because I've been
21 traveling through the week and your meetings are --
22 weeks, but I've been very active with Lake Naomi
23 and Timber Trails, Lake Naomi Club, Lake Naomi with
24 the Poc -- you know, region -- with the area
25 representing over almost 30 percent of the homes in

69

1 the township. So I've been very active the last 17
2 years with Lake Naomi Club.

3 MS. LAMBERTON: Very good. If
4 you wouldn't mind, just a moment of your time
5 after. Thank you.

6 MR. HOLAHAN: I just want to say
7 that we've got two great candidates.

8 MS. PICKARD: I know.

9 MR. HOLAHAN: Anyway, I've said

10 enough.

11 MS. LAMBERTON: So Brendon

12 Carroll for appointment.

13 Any other questions or comments

14 for the board -- from the board?

15 Any other questions or comments

16 from the public?

17 Seeing none. Call the vote.

18 John?

19 MR. KERRICK: In favor.

20 MS. LAMBERTON: Heidi?

21 MS. PICKARD: I vote in favor.

22 MS. LAMBERTON: John?

23 MR. HOLAHAN: Yes.

24 MS. LAMBERTON: Donny?

25 MR. MOYER: Yes.

70

1 MS. LAMBERTON: I vote in favor.

2 Motion carries.

3 Welcome.

4 MR. BRENDON CARROLL: Thank you.

5 MS. LAMBERTON: You're welcome.

6 I'll entertain an appointment
7 for the UCC Board of Appeals. I know we got --
8 late in the day we got two letters.

9 MR. HOLAHAN: I'll make that
10 motion. We've got in fact -- it's the DeLeo
11 brothers.

12 MS. PICKARD: Stephen and
13 Frank?

14 MR. HOLAHAN: Stephen and Frank
15 -- and good contractors by the way too. So they
16 understand the trials and tribulations of the UCC.
17 So I would make that recommendation that we appoint
18 both Frank and Steve DeLeo.

19 MR. MOYER: There's no issues
20 with that, Jonathan, right, that they're related?
21 Not a problem, right?

22 MR. REISS: Right.

23 MS. PICKARD: I'll second that.
24 And I think they were really the only people that
25 we could convince and I think they were

71

1 strong armed maybe.

2 MS. LAMBERTON: Want to sit on

3 the UCC Board?

4 MS. PICKARD: We have not had
5 an appeal.

6 MS. LAMBERTON: Did I hear a
7 motion and a second?

8 MR. HOLAHAN: But I'd like --
9 what's the term?

10 MS. LAMBERTON: Oh, yeah, it's
11 forever, right?

12 MS. HAASE: The term, as per
13 our ordinance, is the township shall appoint and
14 reappoint two members of the joint appeal board by
15 resolution from time to time as required which
16 members shall serve as in indefinite term.

17 MR. KERRICK: Bob, do they know
18 what they signed up for?

19 MS. HAASE: It is forever.

20 MR. HOLAHAN: Nobody say
21 anything.

22 MR. BRENDON CARROLL: Legally
23 you cannot have someone with an indefinite term,
24 though, or we'd have the same president on the
25 board of supervisors forever.

1 MR. HOLAHAN: You don't want
2 that.

3 MR. BRENDON CARROLL: I
4 researched a lot of the language that we have, you
5 know, I felt my initial term expired after, you
6 know, the way that it was set up. I see what the
7 ordinance says, but when you go through the 37
8 pieces of law that interact with the ordinance,
9 there is a true definition of --

10 MS. HAASE: We did receive a
11 concern from a former member which I did forward to
12 our solicitor. And it appears that the board has
13 the right to do this.

14 MR. BRENDON CARROLL: It goes
15 back to the BOCA Code in 1999 and it's very
16 specific what it says outside of the -- the
17 ordinance I believe conflicts with -- with the
18 intention of how it was established, it's pretty
19 clear. I'm not a lawyer, but it's pretty clear.

20 MS. LAMBERTON: Can we set a
21 term?

22 MR. REISS: You can. You would
23 need to -- you have two other municipalities that

24 participate. Each municipality would have to amend
25 their ordinance and you would amend your

73

1 intermunicipal agreement too, so that they all
2 reflect --

3 MS. LAMBERTON: It would take
4 long to have that happen.

5 MR. BRENDON CARROLL: I didn't
6 understand that, that board was never established.

7 (Inaudible discussion.)

8 MS. LAMBERTON: I'm sorry.

9 MR. BRENDON CARROLL: I said, as
10 a committee we never establ -- we had no solicitor,
11 no -- kind of loosey-goosey stuff.

12 MS. LAMBERTON: Okay, okay.

13 MR. BRENDON CARROLL: I would
14 recommend that that --

15 MR. HOLAHAN: I like that we
16 call a vote.

17 MR. MOYER: You wanted to say
18 something first?

19 MS. HAASE: No. I was just
20 curious as to -- I know you were on that board when

21 this was put together. Do you recall any
22 discussion or --

23 MR. MOYER: I think we met once
24 in a great while and we never had an issue that we
25 had to --

74

1 MR. REISS: The need for?

2 MR. MOYER: Yeah.

3 MS. HAASE: Right.

4 MS. LAMBERTON: Okay. Any other
5 questions or comments from the public?

6 Questions or comments from the
7 board?

8 Seeing none. Call the vote.
9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Yes.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: I vote in favor.

17 MS. LAMBERTON: I vote in favor.
18 Motion carries.
19 MS. HAASE: Madam chairperson,
20 I will have a resolution for the board to sign at
21 your April meeting, 'cause it does speak to by
22 resolution.
23 MR. MOYER: Yep.
24 MS. LAMBERTON: Okay.
25 MR. MOYER: Yep.

75

1 MR. HOLAHAN: Do we need to come
2 up with the resolution right now?
3 MS. HAASE: If -- could we --
4 MR. HOLAHAN: Be it resolved
5 that --
6 MS. HAASE: -- the board can
7 make it conditional upon --
8 MR. REISS: Right. You could
9 adopt this as a resolution.
10 MS. HAASE: And then number it
11 after.
12 MR. REISS: Right. Number it
13 and have it signed after the meeting.

14 MS. LAMBERTON: I'll entertain a
15 motion for a resolution appointing the DeLeo
16 brothers.

17 MR. MOYER: So moved.

18 MS. PICKARD: Second.

19 MS. LAMBERTON: Got a motion
20 and a second.

21 Questions or comments from the
22 board?

23 Questions or comments from the
24 public?

25 Seeing none. Call the vote.

76

1 John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: Yes.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I vote in favor.

9 MS. LAMBERTON: I vote in

10 favor. Motion carries.

11 MS. HAASE: Thank you.

12 MS. LAMBERTON: You're very
13 welcome.

14 S.I.D.E. Corporation Keystone
15 Opportunity Zone time extension request. I know we
16 had a lot of information.

17 Chuck, would you like to speak
18 to us on this?

19 MR. CHARLES LEONARD: Yes, I
20 would.

21 MS. LAMBERTON: Just state your
22 name please.

23 MR. HOLAHAN: This shouldn't
24 take long.

25 MR. CHARLES LEONARD: I'll be

77

1 brief, I hope. My name's Charles Leonard,
2 L-e-o-n-a-r-d, I'm executive director of the Pocono
3 Mountain Economic Development Corporation. Pleased
4 to be with you this evening.

5 I'm -- I wasn't prepared to be
6 with you this evening. Dennis was supposed to make

3 I can inform the board, the initial request -- the
4 request that we received from Mr. Sincavage about
5 including Lots 12, 13, 14 and 15, that has been
6 taken off the table. So this was only going to be
7 for Lot 100 and 110.

8 MR. HOLAHAN: Motion to
9 approve.

10 MS. LAMBERTON: I think the only
11 question is, why ask now and not like closer to
12 2019? When I read the documents, Chuck, that was
13 my only question. I'm not opposed to it at all. I
14 think it's a great marketing tool --

15 MR. CHARLES LEONARD: It's
16 exactly what normally we would do, we would wait.
17 We would normally wait, but a specific inquiry has
18 indicated to us that we can't compete for their
19 investment unless we can show that this extension
20 has been accomplished by June, so --

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

23 MS. LAMBERTON: Okay. I have a
24 motion and a second.

25 Any questions or comments from

1 the board?

2 MR. HOLAHAN: We got to give
3 this guy a harder time than this.

4 MR. KERRICK: How long you want
5 to be here?

6 MS. LAMBERTON: You've heard
7 Chuck talk, right?

8 Only kidding, I love you.

9 Questions or comments from the
10 public?

11 MR. KERRICK: This -- it'll
12 extend it from 20 --

13 MS. LAMBERTON: Oh, I'm sorry.

14 MR. KERRICK: I'm sorry. -- 2019
15 to --

16 MS. LAMBERTON: 2026.

17 MR. KERRICK: -- 2026.

18 MR. CHARLES LEONARD: 2026,
19 it's a seven year --

20 MR. KERRICK: The two big lots
21 --

22 MS. PICKARD: Yeah.

23 MR. KERRICK: -- hundred and
24 110?

25

MS. LAMBERTON: Yes.

80

1

MR. MOYER: Not the ones

2

adjacent that they had on that --

3

MS. LAMBERTON: That's correct.

4

MS. PICKARD: Now, what did --

5

Dennis said in his email that it could only be

6

seven years from certificate of occupancy?

7

MR. CHARLES LEONARD: Yeah, the

8

benefit --

9

MS. PICKARD: The benefit, yeah.

10

MR. CHARLES LEONARD: -- only

11

comes into affect when the C -- when this CEO is

12

issued.

13

MS. PICKARD: The C of O.

14

MS. LAMBERTON: Oh, so this tax

15

--

16

MS. PICKARD: So it's only seven

17

--

18

MS. LAMBERTON: -- abatement

19

really does not affect the current owners?

20

MR. CHARLES LEONARD: No, no.

21 MR. MOYER: Is it still --
22 MR. CHARLES LEONARD: It has
23 benefit --
24 MS. LAMBERTON: It is only as a
25 marketing tool for these folks to go out --

81

1 MR. CHARLES LEONARD: Right.
2 MS. LAMBERTON: -- and get an
3 end user.
4 MR. CHARLES LEONARD: It is
5 dependent upon something actually being built.
6 MS. LAMBERTON: Okay.
7 MR. CHARLES LEONARD: There is
8 no benefit to anybody until something is actually
9 built.
10 MS. LAMBERTON: Okay. That
11 clears up a lot of questions.
12 MS. PICKARD: -- have seven
13 years.
14 MR. CHARLES LEONARD: It doesn't
15 have any benefit during the construction period
16 either, must be on the date of the certificate --
17 certificate of occupancy.

18 MS. LAMBERTON: Okay. Great.
19 Thank you.
20 Any other questions or comments
21 from the public?
22 Seeing none. Call the vote.
23 John?
24 MR. KERRICK: In favor.
25 MS. LAMBERTON: Heidi?

82

1 MS. PICKARD: I vote in favor.
2 MS. LAMBERTON: John?
3 MR. HOLAHAN: Yes.
4 MS. LAMBERTON: Donny?
5 MR. MOYER: I vote in favor.
6 MS. LAMBERTON: I vote in
7 favor. Motion carries.
8 MR. CHARLES LEONARD: Thank you
9 very much.
10 MS. HAASE: This also needs a --
11 MS. LAMBERTON: Now, this will
12 also need a resolution. So I'll entertain a
13 motion.

14 MR. MOYER: So moved.
15 MS. PICKARD: Second.
16 MS. LAMBERTON: I have a motion
17 and a second.
18 Any questions or comments from
19 the board?
20 MS. PICKARD: Just you have to
21 go to the school district on this, right?
22 MR. CHARLES LEONARD: What's
23 that?
24 MS. PICKARD: You have to go to
25 the school district and the county?

83

1 MR. CHARLES LEONARD: Yes.
2 We'll be at the school district Wednesday night if
3 anyone would like to come and join us, you're
4 welcome.
5 MS. LAMBERTON: Questions or
6 comments from the public?
7 MR. MOYER: You'll be more
8 prepared at that county meeting.
9 MS. LAMBERTON: Seeing none.
10 Call the vote.

11 John?
12 MR. KERRICK: In favor.
13 MS. LAMBERTON: Heidi?
14 MS. PICKARD: I vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: Yes.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I'll vote in favor.
19 MS. LAMBERTON: I vote in
20 favor. Motion carries.
21 Phyllis, see, you can do the
22 resolution.
23 MS. HAASE: Thank you.
24 MR. CHARLES LEONARD: Thank you.
25 Thank you very much.

84

1 MS. LAMBERTON: You're very
2 welcome. Thank you. And good luck, get a user in
3 there for us. Tobyhanna Township welcomes them
4 with open arms.
5 MR. CHARLES LEONARD: We know
6 they will.

7 MS. LAMBERTON: Yes.
8 MR. CHARLES LEONARD: We know
9 you will.
10 MS. LAMBERTON: Yes. We're
11 willing to work.
12 Consider approving certificate
13 of developer and request for Payment No. 12 for the
14 Kalahari Resorts sewer account in the amount of
15 \$55,696.29.
16 MR. HOLAHAN: So moved.
17 MS. PICKARD: Second.
18 MS. LAMBERTON: I have a motion
19 and a second.
20 Questions or comments from the
21 board?
22 Questions or comments from the
23 public?
24 Seeing none. Call the vote.
25 John?

85

1 MR. KERRICK: In favor.
2 MS. LAMBERTON: Heidi?
3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: John?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: Donny?

7 MR. MOYER: I vote in favor.

8 MS. LAMBERTON: I'll abstain

9 due to a conflict. Motion carries.

10 Kalahari Resorts revised Stage B

11 Plan.

12 MS. HAASE: Yes.

13 MR. HOLAHAN: What's being

14 revised, right?

15 MS. HAASE: The steakhouse which

16 was scheduled to be constructed in Stage D, as in

17 David, has been moved to Stage B, as in Bravo. Not

18 only is it being moved, but they're also proposing

19 an Italian restaurant on the second floor. So

20 fortunately, we're going to have two new eateries

21 in Tobyhanna Township for our residents to enjoy

22 because this is open to all township residents, not

23 just for individuals that visit the resort. So

24 this is a very, very minor change and it's just

25 moving the restaurant from one stage to another.

1 MR. HOLAHAN: Molto bene.

2 MS. PICKARD: I think we did
3 ask them to move it up and the audience had all
4 agreed that we wanted the steakhouse in there, so -

5 MS. LAMBERTON: I'll entertain
6 a motion.

7 MS. PICKARD: I'll make that
8 motion.

9 MS. LAMBERTON: I have a motion.

10 MR. KERRICK: Second.

11 MS. LAMBERTON: I have a motion
12 and a second.

13 Any questions or comments from
14 the board?

15 Questions or comments from the
16 public?

17 Yes, sir?

18 MR. CHUCK VICTOR: I just
19 wanted to know, would there be a discount for us,
20 Tobyhanna?

21 MS. LAMBERTON: Actually --

22 MR. HOLAHAN: There is.

23 MS. LAMBERTON: -- they do
24 offer --

25

THE REPORTER: May I just have

87

1 your name, please? I'm sorry.

2 MS. LAMBERTON: I'm sorry.

3 MR. CHUCK VICTOR: I'm sorry.

4 My name is Chuck Victor.

5 THE REPORTER: Can you spell
6 your last name?

7 MR. CHUCK VICTOR: V-i-c-t-o-r.

8 MS. LAMBERTON: Actually if you
9 go on their website they offer community --

10 MR. HOLAHAN: The Jumanji Club
11 or something like that.

12 MS. LAMBERTON: Something like
13 that. They do, it's like a 20 percent discount on
14 food, free valet parking.

15 MS. HAASE: Chuck, if you
16 reside and work in Monroe County, then you would be
17 eligible to fill out the application and Kalahari
18 gives that as a benefit to our residents.

19 MR. CHUCK VICTOR: Okay.

20 MS. HAASE: All right, sir?

21 MR. CHUCK VICTOR: All right.

22 MS. LAMBERTON: Thank you.
23 Any other questions or comments
24 from the public?
25 Seeing none. Call the vote.

88

1 John?
2 MR. KERRICK: In favor.
3 MS. LAMBERTON: Heidi?
4 MS. PICKARD: I vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: Si.
7 MS. LAMBERTON: Donny?
8 MR. MOYER: I vote in favor.
9 MS. LAMBERTON: I'll abstain.
10 Motion carries.
11 County recording requirements.
12 You wanted to have some discussion on a couple of
13 inaccuracies.
14 MS. HAASE: Yes. What you have
15 before you is a spreadsheet that the county uses
16 when someone brings in a plan to have it recorded.
17 When we received this document, we noticed, because

18 it speaks to Mr. John Kerr as approving the lot
19 joinders and this gentleman has not worked with the
20 township for over 20 years, so we knew it was
21 somewhat outdated.

22 If you look at Tobyhanna
23 Township, it speaks to the requirements of two
24 supervisors. And at that time, we had a three
25 member board, so that made sense. Now at five, so

89

1 that would be changed to three. It also speaks to
2 days of approval from recording the plan as 180
3 days and that is not -- it does not abide by the
4 Municipal Planning Code, the MPC. So that needs to
5 get changed to 90 days. Then we're proposing to
6 delete the name of the zoning officer and just have
7 zoning officer will sign and it's the agreement.

8 MS. LAMBERTON: So we just
9 contact the county?

10 MS. HAASE: I just have to give
11 them the update. We searched the records to see if
12 this was done by a motion, the 180 days, because
13 that's what had me a little perplexed because the
14 MPC speaks to 90 days. I was not able to find a

15 resolution or a motion to this, but I wanted the
16 board to be aware of the changes that needed to be
17 made.

18 MS. LAMBERTON: Very good.
19 Collection process.

20 MS. HAASE: Yes.

21 MS. LAMBERTON: It appears that
22 Phyllis had notified us of a few outstanding fees
23 to the township.

24 MS. HAASE: Umm-hmm.

25 MS. LAMBERTON: Did everybody

90

1 read all the information?

2 MR. KERRICK: Yes.

3 MS. PICKARD: Yes.

4 MS. LAMBERTON: So I guess, you
5 know, we have to look at how to move forward with
6 this. I would think that in today's business
7 climate, I would like to -- I don't know. My two
8 cents are, let's collect it when the gentleman has
9 somebody to come and put a business on it and
10 develop the property.

11 MS. PICKARD: But we have no
12 way of securing that unless there is a lien on the
13 property.

14 MS. LAMBERTON: That's okay.
15 You have your opinion, I have mine.

16 MR. HOLAHAN: And I agree, it's
17 -- they made a promise to pay us when they signed
18 the professional services agreement. It was pretty
19 much spelled out what recourse the township has in
20 the event that they don't pay. So I -- I think
21 we're just following through with what they already
22 understand. I don't know why they'd have an issue
23 with it. I understand they don't want to spend any
24 more money, but we still need to protect the
25 township, it's their money.

91

1 So I still think that we need to
2 -- what's it take? And if we're not getting any
3 other -- we don't have any other recourse, then we
4 need to file the lien. You got to pay your bills,
5 right? Everybody's got to pay their bills. This
6 guy's got to pay his bills too.

7 MS. LAMBERTON: Donny, John, you

8 guys have anything?

9 Have we ever liened -- I guess
10 that was my one question. Have we ever liened
11 anyone's property outside of the sewer accounts?

12 MS. HAASE: We haven't had the
13 need to.

14 MS. LAMBERTON: Haven't had the
15 need to. So this is --

16 MS. HAASE: This is spelled out
17 in the developers agreement and it's also spelled
18 out in a notification our solicitor had sent to the
19 project holder, that if it wasn't paid, then they
20 would be potential delinquent 30 days.

21 MS. LAMBERTON: What's the
22 pleasure of the board?

23 MR. KERRICK: Who owns Arcadia
24 presently?

25 MS. PICKARD: Who owns Lots 100

92

1 and 110?

2 MR. KERRICK: Who owns Lots 100

3 and 110?

4 MS. HAASE: Who actually owns
5 them?
6 MR. KERRICK: Yeah.
7 MS. LAMBERTON: That's S.I.D.E.
8 Corp, right?
9 MS. HAASE: I believe S.I.D.E.
10 Corp is --
11 MR. KERRICK: S.I.D.E. Corp
12 still owns them?
13 MS. HAASE: -- the owner.
14 MR. KERRICK: Arcadia does not?
15 MR. CHARLES LEONARD: They don't
16 own -- they have them under agreement.
17 MR. KERRICK: Well, we just make
18 an exception for them, but yet there's some balance
19 here.
20 MS. PICKARD: But they don't
21 own it, so we --
22 MR. KERRICK: Understand.
23 MS. PICKARD: -- we can't lien
24 --
25 MR. KERRICK: So how are you

1 going to lien it?

2 MS. PICKARD: Well -- and I
3 think that the recourse that we have is we don't
4 follow through when we don't review any plans. The
5 thing was that we had already basically approved
6 conditional upon everything on MAC, so it's done.
7 So we can't stop, that's what we usually do. If
8 somebody doesn't pay their fees, we stop reviewing
9 their plans, but --

10 MS. HAASE: We've been doing
11 that since 2008.

12 MS. PICKARD: -- that is done.

13 MS. HAASE: -- or '9.

14 MR. REISS: Only thing you have
15 to be careful there is, there is a review period
16 under the Municipalities' Planning Code, so you may
17 still have to complete a review, 'cause otherwise
18 you could get it deemed approval.

19 MR. HOLAHAN: Yeah.

20 MR. REISS: So you may have to
21 complete a review and reject the plan as opposed to
22 just stop.

23 MS. LAMBERTON: From what I read
24 there was a --

25 MR. HOLAHAN: Good point.

1 MS. PICKARD: Well, we had
2 notification procedures that we've done with Pat
3 and Phyllis in the past.

4 MS. HAASE: Yes. And this was
5 at the request of the board back in 2008 or 2009.
6 This board had requested to me to do as the zoning
7 officer. So we're just continuing with the process
8 that we've done all along.

9 MS. LAMBERTON: Can't believe
10 we can't remember what happened back in 2008.

11 MS. HAASE: I know. But with
12 regards to Arcadia, we could not lien their
13 property because it's not in their name.

14 MS. LAMBERTON: What's the
15 pleasure of the board?

16 Move forward with business as
17 usual, put a lien against the property, is that
18 what I'm hearing?

19 MR. HOLAHAN: Yes. That's my
20 recommendation.

21 MS. PICKARD: Well, I think we

22 send them a letter, again, a final notice --

23 MR. HOLAHAN: I think we're
24 going to do that.

25 MS. PICKARD: -- from the law

95

1 firm saying that we're going to do it and they have
2 30 days to make the decision. My question then
3 would be also, though, in some of those letters
4 back and forth, we're not still asking for the full
5 escrow?

6 MS. HAASE: No, we are not.

7 MS. PICKARD: It's just for the
8 fees that were incurred.

9 MS. HAASE: Because the
10 applicant has chosen not to move forward with the
11 project so we are not asking for the full -- for
12 them to replenish the escrow.

13 MR. HOLAHAN: Is there nothing
14 -- and I tried reading -- reading through some of
15 this stuff. Is there nothing we can do to make
16 that -- make that work? I mean, there's a lot
17 line, there was a driveway access --

18 MS. LAMBERTON: All that to the

19 owner.

20 MS. PICKARD: We made it all
21 work, though.

22 MR. HOLAHAN: Wasn't -- it was,
23 their engineer brought -- I think you guys worked
24 that out so that they weren't landlocked, correct?

25 MR. KERRICK: What are you

96

1 talking about?

2 MS. LAMBERTON: There was a
3 question in the access road --

4 MR. HOLAHAN: Oh.

5 MR. KERRICK: I'm sorry. MAC?
6 His letter was pretty scathing about us or about
7 the township.

8 MR. HOLAHAN: He's upset.

9 MR. KERRICK: He's upset. It's
10 a shame it had to come to that.

11 MS. LAMBERTON: Absolutely.

12 MS. PICKARD: It is, 'cause we
13 extended their commercial district.

14 MR. HOLAHAN: Right.

15 MS. PICKARD: We doubled their
16 commercial so --

17 MR. HOLAHAN: They got more
18 area.

19 MS. PICKARD: I mean, we worked
20 with them.

21 MR. McHALE: Twenty-five extra
22 in commercial acres.

23 MS. LAMBERTON: Right. Okay.
24 So am I hearing the pleasure of the board is to
25 move further and send a letter very nicely -- nice

97

1 letter.

2 MR. HOLAHAN: I don't know that
3 we need a motion to file a lien on somebody.

4 MS. LAMBERTON: No. We just --

5 MR. HOLAHAN: I'd say that's
6 administrative.

7 MR. MOYER: Continue with what
8 we're doing basically.

9 MS. LAMBERTON: Yeah. Business
10 as usual, we're just going to put a lien on someone
11 that we haven't done before, so --

12 MR. HOLAHAN: Well, if we're
13 going to lien people that aren't paying a sewer
14 bill, we can certainly lien --

15 MS. LAMBERTON: Okay. Moving
16 on. Welcome campaign.

17 MS. HAASE: Yes. In the black
18 folder that is in front of each board member and in
19 front of our solicitor, what I did is we put
20 together just so the board understood exactly what
21 forms someone would fill out when they come in.

22 So the first form that would be
23 on your left-hand side, this is a turnkey
24 operation. So that form would be somebody that's
25 going into a strip mall, going into an existing

98

1 building. It's not a change of use. All they need
2 to do is a sign permit if they so choose to
3 change and if they have an alarm, would have to get
4 an alarm permit.

5 The next one would be, if there
6 actually is a change of use, what information that
7 they would have to fill out and we have a checklist

8 in there for them. Then on the left-hand side
9 would be the land development plan, the packet.
10 And that is a complete checklist. So it makes the
11 process easy for the applicant.

12 And then also the items,
13 though -- there's two letters in your packet. We
14 had a welcome letter to the township, so I've
15 revised that to a dear neighbor. And we've made
16 that a little bit more informative, so we've
17 updated our welcome letter.

18 The only new document that is in
19 that packet is a dear business owner or developer.
20 And what we thought was that if we forward that to
21 Mr. Leonard and to the chamber of commerce and
22 anyone that may be going to visit them and saying,
23 look, Tobyhanna Township welcomes you and perhaps
24 this would be a good place for you to look to maybe
25 move your business and consider operating your new

99

1 business in. So that really is the only new
2 letter.

3 MS. LAMBERTON: I would just
4 make one suggestion, maybe you get with them and

5 sit down and see if there's anything else we need
6 to put in our packet that you might, you know, want
7 to act --

8 MR. CHARLES LEONARD: Yeah, we
9 should probably put in, you know, available
10 financing information.

11 MS. LAMBERTON: Exactly.

12 MR. CHARLES LEONARD: Kind of
13 programs you can tap into and --

14 MS. LAMBERTON: Exactly.

15 MS. HAASE: That certainly was
16 my intent to reach out to chamber and to the IDA,
17 because we certainly don't want to duplicate what
18 you're already providing to the potential business
19 owner.

20 MS. LAMBERTON: That's great, I
21 like it.

22 MR. CHARLES LEONARD: You
23 probably see people that we don't see, though. I
24 mean, people --

25 MS. LAMBERTON: You see the

1 others.

2 MR. CHARLES LEONARD: -- who
3 might not be aware of any available financing --

4 MS. PICKARD: You can just put
5 Chuck's home address and cell phone number.

6 MR. HOLAHAN: Don't regret that
7 they called him. That won't happen more than once.

8 MS. HAASE: We know that he
9 will gladly explain everything to them.

10 MS. LAMBERTON: Just trying to
11 make it a little more user-friendly.

12 MR. HOLAHAN: I do have
13 something on this, though.

14 MS. LAMBERTON: Oh, I'm so
15 sorry. Go ahead.

16 MR. HOLAHAN: This kind of came
17 out of -- Anne and I are on a couple of different
18 committees at the county level. Trying to figure
19 out how we can make municipalities more
20 business-friendly and we've been -- sometimes the
21 bureaucracy of the process just gets -- just gets
22 really muddled, too many people are getting into
23 it. So we figured maybe we can take a look at how
24 can -- when somebody's coming in looking to start
25 up a business, a small business perhaps, that they

1 had a place to go.

2 Now, typically you would think
3 that you'd go to chamber of commerce, but chamber
4 of commerce is all the way -- I'm chairman of the
5 board for the chamber of commerce, but it's all the
6 way in Stroudsburg. So when you get people coming
7 in here, their first point of contact tends to be
8 the municipality. We wanted the municipality to
9 smile and say please, welcome, you know, here's
10 some things. There will be more coming out of
11 that, but we wanted to -- Annie and I wanted to
12 jump on this. We don't want to wait for the county
13 committee to come up with their recommendations, we
14 wanted to start off with this. They've -- actually
15 are looking to us to see what we're doing, so --

16 And we're not just talking new
17 businesses, folks. We're talking about how can we
18 help existing businesses as well. Blakeslee looks
19 like hell, you know, with the shuttered shops and
20 signs in disrepair and things like that, we got to
21 do something to get this township up and something
22 to be proud of again. And we've got a start, we'll

23 put some pretty signs out there, you know, when you
24 come in. But it's got to be more than that.

25 MS. LAMBERTON: I think that's

102

1 what's very important too for our ordinances to be
2 revised.

3 MR. HOLAHAN: Absolutely.

4 MS. LAMBERTON: You know, they
5 have to be as user-friendly as possible with also
6 protecting what residents too would like to see
7 happen, so --

8 MR. HOLAHAN: This isn't stuff
9 that's coming -- these aren't tablets coming down
10 from on high. What we need is people in the
11 community to come to us and say something to us.
12 You know, here's what I'm having trouble with, you
13 know, here's my complaint. We can deal with
14 complaints when you bring them to us. It's the
15 stuff that gets kind of said, you know, at the
16 coffee shop or something like this, that we don't
17 get to address and that's where the problems come
18 in.

19 I'll get off the soap box now.
20 MS. LAMBERTON: Very good.
21 Anyone else?
22 Moving on. Monthly work
23 sessions. I asked Phyllis to put this on our
24 agenda, 'cause I remember when I first started on
25 the board they were very helpful to me. And I know

103

1 we're all busy.
2 I know, Heidi, you are here in
3 the township so you kind of know a little bit more
4 as to goings-on. I don't know if anyone else is
5 interested in --
6 MR. HOLAHAN: Another meeting.
7 MS. LAMBERTON: -- yet another
8 meeting, informational meeting only.
9 MS. PICKARD: I had asked when
10 we stopped and I didn't want to stop at the time.
11 And what I was told was that we had a manager now
12 and that she was handling a lot of the day-to-day
13 stuff and we'd have the work sessions as needed. I
14 think we need them to do things as far as planning
15 and the ordinances and moving forward with the

16 LERTA and things like that. I don't want it to
17 become a redundant thing where we talk about the
18 meeting twice; we go over it the week before and
19 then we go over it again the next week.
20 MR. KERRICK: Do other items
21 besides the meeting.
22 MS. PICKARD: What's that?
23 MR. KERRICK: Do other items
24 besides the meeting and try it and see how it
25 works.

104

1 MS. LAMBERTON: All right. Is
2 that a motion?
3 MS. PICKARD: No, it's not a
4 motion.
5 MR. KERRICK: I'll make it a
6 motion.
7 MS. PICKARD: I'm just saying we
8 should do them as needed and, you know --
9 MS. LAMBERTON: I would like to
10 put them a regular schedule like we did before.
11 The Monday, you know, the week before, let's try it

12 for a few months and see.

13 MR. KERRICK: Good idea.

14 MS. LAMBERTON: Is that --

15 MS. PICKARD: Not to repeat
16 everything for the meeting, 'cause we go over the
17 meeting, make sure we had everything and then we
18 come back here the next Monday and just vote on
19 everything.

20 MR. HOLAHAN: Can't do that.

21 MS. PICKARD: And then the
22 other question would be that if we're going to have
23 the work sessions so that the public's here, are we
24 not going to vote on things or are we going to vote
25 on things if we need things --

105

1 MS. LAMBERTON: No, I don't
2 think that that's what the work session is for.

3 MR. REISS: Well, the work
4 session's a public meeting, it's a public meeting.

5 MS. PICKARD: It's a public
6 meeting. I just want to be clear so that the
7 public knows that things could be voted on and so
8 that they're not upset that they didn't know that

9 we were going to vote on something.

10 MS. LAMBERTON: Okay. So just
11 so you know that we will reinstate our work
12 sessions and they are public meetings, so you're
13 all welcome to join us and we do have the
14 opportunity at that time, if an issue comes up, we
15 are able to vote on that, okay?

16 John, motion?

17 MS. PICKARD: When are we going
18 to be doing them?

19 MS. LAMBERTON: Let's do what
20 we did last time. They were always the Monday
21 before.

22 MS. HAASE: It was changed to
23 Wednesdays for Donny.

24 MS. LAMBERTON: It was the
25 Wednesday before.

106

1 MR. REISS: What time?

2 MS. PICKARD: At what time?

3 MS. LAMBERTON: You want to make
4 it later in the day? That enables folks maybe --

5 MS. PICKARD: That's what we
6 were doing it, later on Mondays. But we were
7 trying to have the staff available so Bob and
8 Maureen and the staff members were here.

9 MS. LAMBERTON: How's 4:30
10 sound?

11 MS. PICKARD: Well, they're
12 done work, I'm just saying, then they're working
13 extra hours, which I don't have a problem with. I
14 don't know if they do.

15 MS. HAASE: Can I just ask --

16 MS. LAMBERTON: Please do.

17 MS. HAASE: If the board is
18 going to have a work session on Wednesday and
19 you're meeting a few days later on Monday, what
20 items would you want me to place on the work
21 session if you're not taking action? Or would you
22 want to spread them two weeks out in case something
23 comes in between to act on? I guess, I'm a little
24 confused of what you would want on it when it's
25 only a few days prior to your meeting.

1 MS. LAMBERTON: Well, if I

2 recall, basically we had the information that we
3 could have discussion on that we had as we did in
4 our meetings.

5 MR. HOLAHAN: I think these
6 folks should suffer through a couple of hours of
7 our meetings on Monday so that we don't have to
8 talk about it on a Wednesday.

9 MS. PICKARD: Huh?

10 MR. HOLAHAN: Right?

11 MS. LAMBERTON: So what is the
12 general --

13 MR. HOLAHAN: I'm talking about
14 -- I'm speaking against having the extra meeting.
15 It's -- it becomes a self-fulfilling prophecy,
16 they'll be -- they'll always be something to kind
17 of talk about. I don't know why we can't handle
18 everything at this meeting, we just need to come
19 prepared. The information's given out to us ahead
20 of time, there's darn little things that are a
21 surprise.

22 MS. PICKARD: Well, the thing
23 was when we got everything from Thursday or Friday,
24 it's out. So to have it a week ahead of time,
25 that's where --

1 MR. HOLAHAN: This is all --
2 we're getting this all electronically. We don't
3 need to pick up binders and all of that other stuff
4 anymore to get this stuff. I mean, we got it right
5 away and got plenty of time to look at it. To get
6 it and read it a week ahead of time and then
7 discuss it, just to come back and -- listen, we
8 won't sit here and say, make a motion, we'll talk
9 about it again, and I don't want to do that.

10 MR. KERRICK: I didn't take it
11 that way, John. I thought it was things that
12 weren't on the agenda. I didn't expect it to be a
13 voting meeting.

14 MR. MOYER: Yeah, exactly.
15 Issues that pop up that we --

16 MR. HOLAHAN: Right.

17 MR. KERRICK: Zoning and things
18 -- sign ordinances, things we needed to get cleaned
19 up.

20 MR. HOLAHAN: I'm certainly okay
21 -- I'm certainly okay for special meetings to talk
22 about the zoning and things like that. I don't

23 want to get back into a regular workshop meeting
24 once a month. Let's just -- let's have a meeting
25 and take care of the stuff we need to take care of

109

1 with zoning ordinance.

2 MR. MOYER: We'll set it up for
3 next whatever --

4 MS. PICKARD: Yeah, well,
5 that's true. We can do it for the sign and
6 whatever for next -- whenever that is and see.

7 MS. LAMBERTON: John, you want
8 to amend your motion?

9 MR. KERRICK: I withdraw my
10 motion.

11 MS. LAMBERTON: I don't blame
12 you.

13 MR. KERRICK: It wasn't
14 seconded, so let's move on.

15 MS. LAMBERTON: So I will
16 entertain a motion either way.

17 Do we want work sessions or do
18 we not?

19 MR. HOLAHAN: Not work sess --

20 not work sessions in the once a month type of
21 thing. Let's set up the meetings like we've been
22 doing before, when we can get together and say,
23 what are the issues we need to speak about, let's
24 have a meeting on that.

25 MS. PICKARD: I agree with

110

1 that. I'll second that.

2 MR. KERRICK: Okay. Let's have
3 a meeting on signs, when? There's a calender.

4 MR. HOLAHAN: I'm good with
5 that.

6 MS. PICKARD: Yeah.

7 MR. MOYER: I'd like to have --
8 to set up a meeting that we can get together for
9 one work session meeting. If we have to meet more
10 after that, we can figure it out from there.

11 MR. HOLAHAN: Set up a meeting
12 for Wednesday, at 4:30.

13 MR. MOYER: Whatever time's good
14 for everybody.

15 MR. HOLAHAN: I'm fine with

16 that.

17 MS. PICKARD: What Wednesday
18 would that be?

19 MR. HOLAHAN: The Wednesday
20 before our next meeting.

21 MS. LAMBERTON: Okay. The
22 Wednesday before our next meeting, Phyllis, if
23 you'd be kind enough to set up a work session.

24 MR. HOLAHAN: I don't know how
25 long we wan to -- can we wait that long?

111

1 MR. MOYER: Wait as long as we
2 want.

3 MR. HOLAHAN: Yes. Yes, we
4 can.

5 MS. HAASE: So that's going to
6 be April 6 and the discussion you want is signage?

7 MR. HOLAHAN: Yes.

8 MS. LAMBERTON: Bring those
9 lovely ordinances to us, just the sign ordinance.

10 MS. HAASE: Okay.

11 MR. MOYER: Anything that's not
12 going to be on the meeting that Monday.

13 MS. LAMBERTON: Yes, sir. Go
14 ahead.
15 MR. CHUCK VICTOR: Would the
16 board consider a Monday will be better?
17 MS. PICKARD: No.
18 MR. HOLAHAN: It would have to
19 be late.
20 MS. PICKARD: 'Cause Donny has
21 --
22 MR. MOYER: Well, we can do it
23 Monday after --
24 MS. LAMBERTON: Would that work
25 better for you, sir?

112

1 MR. CHUCK VICTOR: Yes.
2 MS. LAMBERTON: I'm sorry.
3 Someone else had a comment?
4 MR. BRENDON CARROLL: I have a
5 suggestion, not a comment. How about a work
6 session for these items that like you're saying
7 like let's take the signage and if it's open to the
8 public, it's just a discussion meeting where you

9 maybe -- maybe some members of the staff come or
10 not. It probably doesn't need to be on record and
11 not a voting meeting, just a discussion, a public
12 discussion that you can talk about, everybody on
13 the board can sleep on it for a week and then at
14 your regular meeting you've already talked about
15 it. The public has had an opportunity -- and it
16 doesn't have to be once a month, just --

17 Like you do the round table,
18 Phyllis, once a month or once a quarter. Everybody
19 talks about it, everybody knows about it and wants
20 to participate, come talk about it and --

21 MS. LAMBERTON: So we're going
22 to --

23 MR. BRENDON CARROLL: You've got
24 enough time to vote and things and it's
25 complicated, and plus your time is valuable as

113

1 well.

2 MS. PICKARD: If we move this
3 to the Monday, it will be Easter Monday. Is it
4 Easter Monday or is it the week after?

5 MS. HAASE: April 4.

6 MS. PICKARD: April 4, I don't
7 know if I can make it, but --
8 MS. LAMBERTON: Okay. So we
9 will set up a meeting for April 4th, try our little
10 work session discussion theory and see if that --
11 MS. PICKARD: What time is that?
12 MS. LAMBERTON: -- would be
13 advantageous to us.
14 Let's say 4:30, does that work?
15 Four, you want four? Do I hear four?
16 MS. HAASE: It's really up to
17 Donny.
18 MS. LAMBERTON: Does that not
19 work for you? Are you okay?
20 MR. MOYER: I don't care.
21 Anytime --
22 MS. LAMBERTON: What works for
23 you?
24 MR. CHAD KNECHT: I'd say like
25 five --

1 MALE VOICE: Saturday?

2 MR. CHAD KNECHT: Yeah,
3 Saturday, that's great.

4 MS. LAMBERTON: Five o'clock?

5 MR. CHAD KNECHT: Everybody kind
6 of gets off work at four, four-thirty.

7 MS. PICKARD: Make it five
8 o'clock.

9 MS. LAMBERTON: Five p.m. it is.

10 MS. HAASE: Five p.m. and then
11 the topic will be --

12 MS. LAMBERTON: Sign ordinance.

13 MS. HAASE: -- proposed sign
14 ordinance.

15 MR. MOYER: And whatever else
16 needs to be discussed.

17 MS. LAMBERTON: Very good.

18 Any comments from the board of
19 supervisors? Reports or comments?

20 Seeing none.

21 Any public questions or
22 comments? Seeing none.

23 MR. HOLAHAN: I make a motion
24 to adjourn.

25 MS. LAMBERTON: Motion.

1 MS. PICKARD: Second.

2 MS. LAMBERTON: Second.

3 All those in favor?

4 BOARD MEMBERS: Aye.

5 (Meeting concluded at 8:23 p.m.)

6 ---

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

116

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, April 11, 2016, beginning at 7:00 p.m.

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

JONATHAN REISS, 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 MS. LAMBERTON: Good evening,
2 everyone.

3 AUDIENCE: Good evening.

4 MS. LAMBERTON: Thank you for
5 joining us. I would like to call to order the
6 board of seep -- supervisors regular business
7 meeting of April 11, 2016. We'll begin with the
8 pledge of allegiance, please.

9 (Pledge of allegiance was
10 recited.)

11 MS. LAMBERTON: Thank you.

12 Okay. We'll start with
13 announcements.

14 MS. HAASE: Yes, ma'am. I just
15 want to announce that the May 9 regular business
16 meeting of the board of supervisors will be held at
17 9:30 and TEC students will be joining us that day.
18 The board of supervisors held an executive meeting

19 on April 4 from 7:20 to 7:35.

20 On Thursday of this week, we'll
21 be holding an open house, so our residents will be
22 able to come in and meet Representative Rader and
23 board members and view what they own here at the
24 township. And also I wanted to announce that as of
25 tonight, the meetings will be audio and video

3

1 recorded.

2 MS. LAMBERTON: Is that all?

3 MS. HAASE: Yes, ma'am.

4 MS. LAMBERTON: Very good.

5 Thank you.

6 Moving on. I'll entertain a
7 motion -- I don't have a right agenda.

8 Thank you.

9 Oh, it doesn't have the minutes
10 for the --

11 MS. HAASE: We did not receive
12 the minutes until this evening.

13 MS. LAMBERTON: We did not
14 receive the minutes.

15 Moving on to Item No. 5. I will

16 entertain a motion approving the treasurer's report
17 in the amount of \$526,903.23.

18 MS. PICKARD: I'll make a
19 motion that we approve the treasurer's report in
20 the amount of \$526,903.23.

21 MS. LAMBERTON: I have a motion.
22 Do I have a second?

23 MR. MOYER: I'll second.

24 MS. LAMBERTON: Motion and
25 second.

4

1 Any questions or comments from
2 the board?

3 MR. HOLAHAN: Yeah. I have a --

4 MS. PICKARD: We had a -- a
5 conflict.

6 MR. HOLAHAN: I have a conflict.
7 We've got a check in here for Hal Rice, a painter,
8 for \$8,800, he's a contractor of mine.

9 MS. PICKARD: Is that exactly?

10 MS. LAMBERTON: I also have a
11 conflict. I am an employee -- there's a check

12 being -- well, down the road -- being paid to
13 Kalahari we'll be voting on. My company that I
14 work for is -- works on site at Kalahari and my
15 daughter is also employed at the Kalahari Resorts.

16 MS. PICKARD: All right.
17 That's not on that, if I may -- if I can amend my
18 motion to approve the entire bill pack less the
19 Papillion and Moyer in the amount of \$511,934.48.
20 Then three of us can vote on that and then we can
21 go back and take a vote on the Papillion and Moyer
22 bill?

23 MS. LAMBERTON: Sure. If that
24 works for everyone?

25 MS. PICKARD: Okay. So can I

5

1 have a second to my motion?

2 MR. MOYER: I'll amend --

3 MS. LAMBERTON: Amend your
4 second?

5 MR. MOYER: -- my second.

6 MS. PICKARD: Okay.

7 MR. MOYER: I don't have no
8 checks coming, right?

9 MS. LAMBERTON: We have amended
10 motion and an amended second.

11 MS. PICKARD: No.

12 MS. LAMBERTON: Any other
13 questions or comments from the board?

14 Questions or comments from the
15 public?

16 MR. KERRICK: This is without
17 Papillion?

18 MS. PICKARD: Yeah.

19 MS. LAMBERTON: Seeing none.
20 Call the vote.

21 John?

22 MR. KERRICK: In favor.

23 MS. LAMBERTON: Heidi?

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

6

1 MS. LAMBERTON: John?

2 MR. HOLAHAN: I'll abstain.

3 MS. LAMBERTON: Donny?

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

5 MS. LAMBERTON: I apparently can
6 vote in favor. Motion carries. I'll --
7 MS. HAASE: Ann --
8 (Inaudible discussion.)
9 MS. LAMBERTON: There may have
10 been a Sharp Energy.
11 MS. PICKARD: No, there was
12 not.
13 MS. LAMBERTON: None? Okay.
14 Very good.
15 MS. HAASE: There was not?
16 MS. PICKARD: I looked and
17 there was not.
18 MS. LAMBERTON: For the balance
19 for the HR Rice bill, the amount, I'll entertain a
20 motion for that payment.
21 MS. PICKARD: I make a motion
22 we approve the Hal Rice bill for \$8800.
23 MR. MOYER: I'll second.
24 MS. LAMBERTON: I have a motion
25 and a second.

2 the board?

3 MR. HOLAHAN: Yeah. Did we --

4 MS. PICKARD: Oh, no, we did

5 Hal Rice, we didn't do Papillion and Moyer.

6 MR. MOYER: Yeah, that was in.

7 MR. KERRICK: Rice was in there,

8 Papillion and Moyer.

9 MR. HOLAHAN: Correct.

10 MS. PICKARD: It's the one

11 that's on -- yeah.

12 MR. HOLAHAN: Correct. You need

13 to do Papillion and Moyer now.

14 MS. PICKARD: Yeah. So we need

15 to make a motion to approve the Papillion and Moyer

16 for fourteen thousand nine sixty-eight

17 seventy-five.

18 MS. LAMBERTON: Is that your

19 motion, Heidi?

20 MS. PICKARD: That's my motion.

21 MS. LAMBERTON: I have a

22 motion.

23 MR. HOLAHAN: I'll second.

24 MS. LAMBERTON: I have a motion

25 and a second.

1 Any questions or comments from
2 the board?

3 Any questions or comments --
4 it's just really clear this evening, isn't it? --
5 from the public?

6 Seeing none. Call the vote.
7 John?

8 MR. KERRICK: I will abstain.
9 I have a business conflict with Papillion and
10 Moyer.

11 MS. LAMBERTON: Heidi?

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

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Yes.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: I'll abstain.

19 Motion carries.

20 Moving on to the solicitor's
21 report.

22 MR. REISS: I have nothing to

23 report.

24 MS. LAMBERTON: We'll move on
25 to the manager's report.

9

1 MS. HAASE: Oh, and it's your
2 lucky day. I have a few items here. One, if we
3 could just jump back to the treasurer's report, the
4 -- we completed our first quarters. The numbers
5 are really sound, so I'm really pleased to see
6 where we're at with the budget. I didn't know if
7 the board had any questions regarding the first
8 quarter finances, assuming not.

9 MS. LAMBERTON: I'm just
10 assuming that one check for 70 some thousand for
11 E.M. Kutz was with a payment for a truck or
12 something?

13 MS. HAASE: Yes, yes. Last
14 month I had notified the board of supervisors that
15 the township would be submitting a grant
16 application for Gordon Lane under the Gravel Low
17 Volume Maintenance Grant, and that did occur.
18 We've also put out the bituminous seal coat bid,
19 and will be accepting bids until Thursday

20 afternoon, April 21, at noon. And that will be
21 awarded at the May's meeting with the board's
22 concurrent.

23 The operations contract that we
24 currently have with the Blakeslee Wastewater
25 Treatment Plant and the Sewer District No. 1 with

10

1 Aqua Resources, that has been recently assigned to
2 Aqua PA, just another subdivision of their group.

3 I did have a question regarding
4 the COG minutes. Last year we had spoke, and I
5 know there's been a change of officers, about
6 adding a vegetation maintenance bid and I noticed
7 in the minutes that that wasn't discussed. Do you
8 know if they're planning on doing that, just at a
9 different time?

10 MS. LAMBERTON: Don't know, I
11 apologize, I did not attend.

12 MS. HAASE: Okay.

13 MS. LAMBERTON: Yeah.

14 MS. HAASE: So should -- who
15 would you recommend that I speak to, now with the

16 chair --

17 MS. LAMBERTON: The chair right

18 now is Mike Dwyer --

19 MS. HAASE: Okay.

20 MS. LAMBERTON: -- from

21 Smithfield -- Middle Smithfield, I apologize.

22 MS. HAASE: Okay.

23 MS. LAMBERTON: Middle Smith --

24 Middle.

25 MS. HAASE: Okay. I'll reach

11

1 out and ask about that.

2 AED and CPR training is going to

3 be held on April 27, at 4 p.m. for our staff and

4 any board members that would like to attend, you

5 certainly are welcome to. I had the opportunity to

6 attend the PELRAS conference, of course that's all

7 regarding to labor relations. It was very

8 informative and there is some policies that the

9 township will have to adopt under new regulations

10 that have occurred.

11 I'll also be attending the PSATS

12 conference next week and I've registered into the

13 municipal government academy, which is a multiple
14 year program and that is accredited, so I will be
15 attending that. PSATS resolution, what has been
16 proposed -- I don't know if the board has reviewed
17 that. I think the one positive change that they
18 are proposing is changing the NPDES permits from
19 one acre to five acres. So that would certainly be
20 helpful for some of our developers.

21 Riley Associates has completed
22 their 2015 audit. We should be circulating that in
23 the next 10 days or so. How did the board want to
24 handle that? The last few years, the financials
25 were given to the board, you reviewed them, they

12

1 did not come in for a presentation. Did you want
2 to continue with that? Do you want them to come in
3 for a presentation? What's the board's pleasure?

4 MS. LAMBERTON: I think we
5 should be -- I don't know. I would like to review
6 if we have any questions then at that time, call
7 them in.

8 MS. HAASE: Okay.

9 MR. MOYER: Maybe have them
10 come in.
11 MS. LAMBERTON: Is that okay
12 with everyone?
13 MS. PICKARD: What was that?
14 I'm sorry.
15 MS. LAMBERTON: Instead of Riley
16 coming in and doing a presentation, let's review
17 what they give us first, if we have any questions
18 at that point.
19 MS. PICKARD: Okay. All right.
20 Or they could also come to a work session if we
21 have one too, it's just another option.
22 MS. LAMBERTON: Yeah, that's
23 true.
24 MR. MOYER: Is that like
25 everything at the fire company or is it just the

13

1 township?
2 MS. HAASE: That's the township
3 financials.
4 So what would the board -- would
5 you like them to come to a work session or you want

6 to review it?

7 MS. LAMBERTON: Let's review it
8 first.

9 MR. MOYER: Yeah, if we get
10 them the review and then if we need to have them
11 come --

12 MS. LAMBERTON: Then we can call
13 them in.

14 MS. HAASE: All right. We will
15 need to schedule a meeting for the sewer authority.
16 Since I have all the members here with the
17 exception of two, would you like me to circulate an
18 email?

19 MS. LAMBERTON: Sure.

20 MS. HAASE: And what dates
21 would you like?

22 MS. LAMBERTON: Do we have a
23 deadline that it has to be done by or --

24 MS. HAASE: I don't believe we
25 have a deadline, but I think -- is there anything

1 that the sewer authority will need to sign off on?

2 They're looking at this agreement.

3 MR. REISS: They may sign off on
4 things. What I'd recommend is, that at least you
5 meet, you reorganize, so that you have officers who
6 can sign things, if need be.

7 MS. LAMBERTON: Okay.

8 MS. PICKARD: Can we piggyback
9 that with one of our other meetings?

10 MS. LAMBERTON: You want to do
11 it after the May meeting?

12 MS. PICKARD: Work session or
13 the regular meeting?

14 MS. LAMBERTON: Either-or.
15 Whatever you -- the board's pleasure?

16 MS. PICKARD: Who's on that?
17 Who can come during the day? Who else, Greg and --

18 MR. MOYER: I can come.

19 MS. PICKARD: If we're here, but
20 Greg and --

21 MR. MOYER: During the day, I
22 mean, I can come down.

23 MS. PICKARD: I know. But I
24 don't think Greg Hamill can. Who's -- who else --

25 MS. HAASE: We had Lance Mirkin

1 and Greg Hamill.

2 MS. PICKARD: Lance and Greg.

3 MS. LAMBERTON: Lance, that's
4 right.

5 MS. HAASE: I could reach out to
6 them if you'd like.

7 MS. LAMBERTON: Yeah, why don't
8 you reach out and then just send an email to
9 everybody.

10 MS. PICKARD: But the work
11 session might be better, 'cause it's later at least
12 in the day.

13 MS. LAMBERTON: Mention the
14 work session at five and see what that leaves.

15 MS. HAASE: For Monday's --

16 MS. LAMBERTON: Yes.

17 MS. HAASE: -- or May's?

18 MS. LAMBERTON: Maybe we can
19 come in at 4:30.

20 MS. PICKARD: Yeah, yeah.

21 MR. MOYER: Then we can get it

22 --

23 MS. HAASE: Well, your work

24 sessions are now scheduled for six.

25 MS. PICKARD: Six.

16

1 MS. HAASE: So I don't
2 anticipate it's going to be a lengthy meeting.

3 MS. PICKARD: Maybe 5:30.

4 MS. LAMBERTON: 5:30.

5 MS. HAASE: 5:30 would be fine?

6 MS. PICKARD: Yeah.

7 MS. HAASE: Okay. We've been
8 notified by DCED and Bureau of Forestry that
9 they're going to begin their gypsy moss suppression
10 and they're gonna take forested sections in Pocono
11 Township and Mount Pocono Borough and they'll be
12 spraying via aircraft or helicopter. It'll be 50
13 feet above the forested area. And that's going to
14 be April to late May and we are putting that
15 information up on our website just for residents
16 that are within those boundaries, so they could
17 read as well.

18 Representative Rader and Senator
19 Scavello will be hosting a seminar related to the

20 updates of the PA Small Game of Chance. It's
21 enforced by the Pennsylvania State Division of the
22 LCB. And Representative Rader's office had asked
23 that I announce that at West End Fire Hall, April
24 28, from 6 to 9, they'll be sponsoring this small
25 seminar. And RSVP would be at (570)643-7683. And

17

1 there has been no update on House Bill 794.

2 Does the board still wish me to
3 continue with updates regarding that bill?

4 MS. LAMBERTON: Yes. And could
5 you also put that RSVP on our website?

6 MS. HAASE: It is.

7 MS. LAMBERTON: Oh, I'm sorry.

8 Good. Thank you.

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

11 MS. LAMBERTON: Great. Thank
12 you.

13 Moving forward to reports.

14 Committee reports, Pocono Mountain Regional Police
15 Commission. We were not there. The only new news
16 is that the meetings will now be held at the police

17 station. All the work has been done, so they'll
18 been adjourning over there and that -- that is
19 tomorrow evening, at 7 p.m. for anyone that would
20 like to join us.

21 MS. HAASE: And I do have one
22 item regarding the PMRPC case that involves
23 Coolbaugh Township. They have requested a
24 continuance. Mount Pocono and Tunkhannock Township
25 has agreed to it, so they just need the concurrence

18

1 of Tobyhanna Township.

2 MS. LAMBERTON: Do we concur?

3 MR. HOLAHAN: I concur.

4 MR. MOYER: Yeah.

5 MS. PICKARD: We concur. Why
6 is it being continued?

7 MS. HAASE: I cannot speak to
8 that.

9 MR. REISS: There's a --

10 MS. PICKARD: Oh, because they
11 have a new --

12 MR. REISS: One of the --

13 MS. PICKARD: -- counsel.
14 MR. REISS: There's a conflict,
15 trial conflict for one of the attorneys.
16 MR. MOYER: Yeah.
17 MS. LAMBERTON: Okay. Fair
18 enough.
19 Open space. Heidi?
20 MS. PICKARD: I don't have
21 anything at this time. We're supposed to be
22 getting a meeting together, but with all the
23 conferences and stuff, it'll probably be in May, so
24 --
25 MS. LAMBERTON: Overlay

19

1 committee.
2 MS. HAASE: Yes. There is one
3 item that the committee would like the board to
4 consider. The board had decided that you wanted to
5 encompass this entire area. I'll turn and show the
6 residents as well. Everything that's in the rose
7 color is what I'm speaking of and that would be the
8 entire commercial area down in Blakeslee.
9 The committee has asked if the

10 board would consider necking this back down again
11 to what was initially proposed. However, adding in
12 four additional lots here and four lots adjacent --
13 or across the street from say the car wash that was
14 not included.

15 MR. HOLAHAN: And what was the
16 reason for that, Phyllis?

17 MS. HAASE: The reason when we
18 discussed that is because as --

19 MR. MOYER: EDUs?

20 MS. HAASE: Well, not just the
21 EDUs, but also we agreed that we would have to
22 tighten up the base ord -- ordinance to make the
23 overlay work. And the concern was, you were taking
24 such a large area of the commercial district for
25 the township and tightening up those regulations.

20

1 MS. LAMBERTON: So on 115
2 north, what's the end property now they want
3 encompassed here in this? Can you like -- just
4 names. Oh, no? No names.

5 MR. HOLAHAN: I think it was --

6 MS. HAASE: We're going right
7 down to where the entrance of Greenwood Acres would
8 be.

9 MS. LAMBERTON: Okay, okay.

10 MS. HAASE: Okay? And acrossed
11 -- and then we would be down towards Chestnut Road
12 on -- on 115.

13 MS. LAMBERTON: That's right by
14 the log homes sale or something, right?

15 MS. HAASE: Yes.

16 MS. LAMBERTON: Okay, okay,
17 okay. And I'm sorry, while you're up there, 940 --
18 I'm sorry, east to west, yeah.

19 MS. HAASE: 940?

20 MS. LAMBERTON: Yeah.

21 MS. HAASE: 940 would go down to
22 Hemlock Road.

23 MS. LAMBERTON: Okay.

24 MS. HAASE: And then it was
25 being proposed to extend just past Blakeslee Inn.

21

1 MS. LAMBERTON: Okay. Thank
2 you. Hemlock's by the bank, right?

3 MR. MOYER: Yeah. I think next
4 to Hemlock.

5 MR. KERRICK: Right by the --
6 yeah.

7 MR. MOYER: Yeah. That little
8 bank, right?

9 MS. LAMBERTON: Right. It's on
10 the west side of First National right over there.

11 MS. HAASE: We will be meeting
12 at the end of the month and we're having in a key
13 stakeholder in that area to come in and speak to
14 the committee to see how the changes will affect
15 them --

16 MS. LAMBERTON: Right.

17 MS. HAASE: -- with their
18 development and financially. So I think --

19 MS. LAMBERTON: 'Cause you know
20 --

21 MS. HAASE: So I think we should
22 get some good feedback.

23 MS. LAMBERTON: In my perfect
24 world, I want it less restrictive and more
25 beautiful. All right.


```
1             Anything else from the overlay
2 committee?
```

3 MS. HAASE: Is the board -- may
4 I take back to the committee that the board's in
5 agreement with that?

6 MS. LAMBERTON: You guys okay
7 with that, the changes on the boundaries?

8 MS. PICKARD: Yeah. And that's
9 what we said, that it would be less restrictive for
10 the people that are on the outskirts --

11 MR. HOLAHAN: Right.

12 MS. PICKARD: -- and more
13 restrictive just on that --

14 MS. LAMBERTON: 'Cause you want
15 the little hub, like a little quaint village
16 commercial?

17 MS. PICKARD: Yeah, exactly.

18 MS. LAMBERTON: I'm okay with
19 that.

20 John Kerrick?

21 MR. KERRICK: I'm okay.

22 MS. LAMBERTON: Donny?

23 MR. MOYER: I'm all right.

24 MS. LAMBERTON: You guys are
25 good? Okay.

23

1 Yes, please.

2 MS. HAASE: Okay. Thank you.

3 MS. LAMBERTON: You're welcome.

4 Pocono Mountain Regional EMS.

5 MS. PICKARD: I have that. The
6 call volume for March for Tobyhanna Township was
7 102 calls, which is up from 73, almost 40 percent.
8 So the year-to-date total is 276 for the quarter,
9 which is up almost 18 percent, so we've been pretty
10 busy.

11 MS. LAMBERTON: Busy. Is that
12 all?

13 MS. PICKARD: Denise apologizes.
14 She had to answer phones at the cancer-thon or what
15 the -- for the medical center.

16 MS. LAMBERTON: Right. That
17 auction's this evening.

18 MS. PICKARD: Umm-hmm.

19 MS. LAMBERTON: Thornhurst
20 Ambulance Squad. Is anyone here from Thornhurst?

21 Seeing none. We'll move on.

22 Old business, proposed zoning ordinance.

23 Go ahead.

24 MS. HAASE: Yes. I did have a
25 question. Last week when the board met, we went

24

1 over the proposed signage changes. And I just want
2 to be clear on one of the items with regards to
3 electronic signage. In the ordinance that was
4 being proposed, if a business had an electronic
5 sign, they would not be allowed to have any
6 temporary signs; banners, A-frame signs, et cetera.
7 So they're between --

8 MS. LAMBERTON: What about a
9 special event?

10 MS. HAASE: No. Between our
11 zoning office and I we had a different take of what
12 the board wanted, so I needed clarification. She
13 was under the assumption you were all right with
14 it, we really didn't get a consensus, but I was
15 going off of some comments and some body language,
16 I thought the board was in agreement with that. So

17 I just need clarification whether the board does
18 want the restrictions or does not want the
19 restrictions.

20 MS. LAMBERTON: I personally do
21 not.

22 MR. MOYER: Yeah, I do not
23 either. I don't think -- well, the size isn't
24 changing --

25 MS. PICKARD: It's really just

25

1 special events is what we're talking about, right,
2 or was it --

3 MR. MOYER: And holiday --

4 MS. HAASE: It will be special
5 events, Nascar races, any A-frame signs.

6 MR. MOYER: The holidays.

7 MS. HAASE: The holidays,
8 that's what it would affect.

9 MS. LAMBERTON: I don't have a
10 problem with that.

11 MS. PICKARD: No, I think I'm
12 good.

13 MS. LAMBERTON: John Kerrick?

14 MR. KERRICK: No problem.
15 MS. LAMBERTON: John Holahan?
16 MR. HOLAHAN: I'm good.
17 MS. LAMBERTON: Okay.
18 MS. HAASE: Okay.
19 MR. REISS: No problem with not
20 having the restrictions? I hate to --
21 MS. LAMBERTON: That's okay,
22 yes. I do not have a problem with them being
23 allowed --
24 MR. HOLAHAN: No restrictions.
25 MS. LAMBERTON: -- not having

26

1 any restrictions, that's correct.
2 MR. MOYER: We don't want any
3 restrictions on there.
4 MS. LAMBERTON: Is that
5 perfectly cloudy?
6 MR. MOYER: Let's make it
7 easier.
8 MR. HOLAHAN: I take that back,
9 restricted to special events --

10 MS. PICKARD: Yeah --
11 MR. HOLAHAN: -- holidays --
12 MS. PICKARD: -- whatever --
13 MR. HOLAHAN: -- and things
14 like that.
15 MR. MOYER: What we have in our
16 new --
17 MS. PICKARD: But there would
18 be no difference if you had an electronic versus --
19 MS. LAMBERTON: Or a regular
20 sign --
21 MS. PICKARD: -- a regular sign.
22 MS. LAMBERTON: -- correct.
23 Then we'll still forge forward with the proposed
24 zoning ordinances.
25 LERTA. Are we --

27

1 MR. MOYER: Anybody here?
2 MS. LAMBERTON: What was the --
3 I think we need to know what the desire of the
4 board is at this point to move forward with the
5 LERTA, in what areas and we did a study and --
6 MS. HAASE: Well, the way it

7 was left with the board was, the board wanted to
8 wait to see how we were moving forward with the
9 overlay.

10 MS. LAMBERTON: Okay. Very
11 good. Then I think we should let that alone for
12 right now.

13 MS. HAASE: If you'd like to
14 change that, but that was the last discussion.

15 MS. LAMBERTON: That makes
16 sense. We're going to move on, we're going leave
17 the rest of the old business till the end. New
18 business, Resolution 2 -- 2016 dash 009,
19 recognizing Mr. Joseph Miller Sr.

20 Mr. Miller, would you come
21 forward please. On behalf of the entire board of
22 supervisors, we would like to present to you -- and
23 this is such a small token of everything you've
24 done for us.

25 MR. JOSEPH MILLER: No, it's

28

1 not small.

2 MS. LAMBERTON: Well, it's kind

3 of what --

4 MR. JOSEPH MILLER: It is what
5 it says.

6 MS. LAMBERTON: --
7 dimensionwise. This is presented to Joseph Miller
8 Sr., in recognition and appreciation serving our
9 community as a member of Tobyhanna Township
10 Planning Commission for 46 years, from 1970 to
11 2016. Thank you from the bottom of our hearts,
12 from Tobyhanna Township.

13 (Audience applause.)

14 MR. JOSEPH MILLER: All I can
15 say it was -- it was a pleasure doing what I could
16 do for the township over these many years. I hope
17 most of it has turned out well. The planning
18 commission had a little bit of a rough road here
19 and there, but we got through it and we're good.
20 And we have a great community.

21 MS. LAMBERTON: Yes, we do.
22 And in 46 years you've seen a tremendous change,
23 tremendous.

24 MR. JOSEPH MILLER: Can't
25 believe it.

1 MS. LAMBERTON: So thank you
2 for that.

3 MR. JOSEPH MILLER: Thank you.

4 MS. LAMBERTON: And also too,
5 we have our resolution of the Township of Tobyhanna
6 Board of Supervisors recognizing Joseph Miller for
7 serving 46 years as a member of Tobyhanna Township
8 Planning Commission. Whereas Joseph Miller Sr. has
9 served as planning commission member of the
10 Township of Tobyhanna Township, Monroe County,
11 Pennsylvania, for the past 46 years and graciously
12 volunteered his time as a planning commission
13 member with great professionalism, dedication and
14 distinction.

15 In 1970 when Joe was appointed,
16 the monthly meetings were held at the Pocono Lake
17 Preserve office until 1975 when they moved the
18 meetings to the Pocono Pines Firehouse. Many
19 meetings in the late 1980s and the early 1990s
20 lasted several hours -- I understand -- starting at
21 7:30 p.m. and adjourning at 10:30 p.m. or later.
22 And Mr. Miller was appointed planning commission
23 secretary in 1974 until 1990 when he was appointed
24 vice-chairman.

1 commission chairman from 2002 to 2007. In 2007 he
2 was appointed vice-chair and continued to serve as
3 vice-chair until January 2016. Joe is one of the
4 township's longest serving board members and is --
5 and Tobyhanna Township is deeply grateful for the
6 time Joe invested and the valuable contributions
7 made during his service to the township.

8 And now therefore be it resolved
9 that the Township of Tobyhanna Board of Supervisors
10 presents this resolution to Joseph Miller Sr. in
11 recognition of his outstanding service to the
12 Township of Tobyhanna and his dedication to the
13 betterment of our community.

14 Thank you very much.

15 MR. MOYER: Thank you.

16 (Audience applause.)

17 MS. JENNY DeLEO: One more. We
18 have a citation from State Representative Jack
19 Rader. He couldn't be here today because he is in
20 session down in Harrisburg. I won't read the whole

21 thing because it repeats a lot of what you just got
22 there, but this is for you. Signed by Jack Rader,
23 the speaker of the house and the chief clerk.

24 MR. JOSEPH MILLER: Very good.

25 MS. JENNY DeLEO: Thank you.

31

1 (Audience applause.)

2 MS. LAMBERTON: Resolution 2000
3 zero -- it's 2016 dash 010, appoint zoning hearing
4 board member.

5 I'll entertain a motion. Why
6 don't I have the documents?

7 Thank you.

8 MR. HOLAHAN: Make a motion.
9 Are you going to make the motion, Annie?

10 MS. LAMBERTON: No, I'll
11 entertain a motion, John.

12 MR. HOLAHAN: I'll make a
13 motion that we reappoint Bill Van Gilder for
14 another term.

15 MS. PICKARD: I'll second that.

16 MS. LAMBERTON: I have a motion
17 and a second.

18 Any questions or comments from
19 the board?

20 Questions or comments from the
21 public?

22 Seeing none. Call the vote.
23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

32

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: Donny?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: I vote in

7 favor. Motion carries.

8 MR. KERRICK: Anne? I'm sorry.

9 Did we vote on the Joe Miller resolution?

10 MS. LAMBERTON: I'll entertain a
11 motion.

12 MR. KERRICK: I'll make that
13 motion.

14 MS. PICKARD: I'll second.
15 MS. LAMBERTON: That was easy.
16 Questions or comments?
17 Questions or comments from the
18 public?
19 Seeing none.
20 I got all caught up in
21 presenting that to you, Joe.
22 MR. HOLAHAN: It was so
23 exciting.
24 MS. LAMBERTON: I'm sorry. I
25 was so excited we didn't pass the resolution.

33

1 Call the vote.
2 John?
3 MR. KERRICK: In favor.
4 MS. LAMBERTON: Heidi?
5 MS. PICKARD: I vote in favor.
6 MS. LAMBERTON: John?
7 MR. HOLAHAN: Aye.
8 MS. LAMBERTON: Donny?
9 MR. MOYER: In favor.
10 MS. LAMBERTON: I vote in

11 favor. Motion carries.

12 Item No. C, mower/brush cutter
13 and operator proposal with Kidder Township.

14 Thank you. We received -- or we
15 gave a proposal to Kidder Township for the rental
16 of the mower/brush cutter and operator at \$136.79
17 per hour and one hun -- \$106 per hour for the
18 mower, \$30.79 for the pay rate for the operator.
19 The board of supervisors would like to accept our
20 proposal; and therefore Kidder Township wanted to
21 thank us in advance.

22 MS. HAASE: Yes, ma'am. The
23 one thing I would like to mention, if the board
24 does decide to move forward with this, that Kidder
25 Township, they must provide their own shadow

34

1 vehicle for the use of our equipment.

2 MS. LAMBERTON: We don't need to
3 take any action or anything on this, it's just --
4 we gave them the proposal.

5 MS. HAASE: They've accepted
6 it, so the board needs to approve -- I believe the

7 board would need to approve this.

8 MS. LAMBERTON: Do we?

9 MR. REISS: Did you authorize

10 it -- did they authorize the proposal?

11 MS. HAASE: It's my

12 understanding that someone reached out to Ms.

13 Lamberton who she contacted Mr. Tutrone.

14 MS. LAMBERTON: Right.

15 MS. REISS: You made the

16 proposal?

17 MS. HAASE: Right, they made it.

18 MR. REISS: So the board hasn't

19 yet approved it?

20 MS. HAASE: That is correct.

21 MS. LAMBERTON: So I guess I'll

22 -- I'll need to do it in the form of a motion?

23 MS. HAASE: Yes, ma'am.

24 MS. LAMBERTON: I'll entertain

25 a motion approving the proposal for Kidder Township

35

1 for the mower/brush.

2 MR. KERRICK: So moved.

3 MS. PICKARD: Second.

4 MS. LAMBERTON: Motion and a
5 second.
6 Any questions or comments from
7 the board?
8 Questions or comments from the
9 public?
10 Seeing none. Call the vote.
11 John?
12 MR. KERRICK: In favor.
13 MS. LAMBERTON: Heidi?
14 MS. PICKARD: I vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: Yes.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I'll vote in favor.
19 MS. LAMBERTON: I vote in
20 favor. Motion carries.
21 Bill of sale for the Tobyhanna
22 Township Collection System District No. 1, 1500
23 additional feet. Have to move into --
24 MR. REISS: That would just
25 require a motion to accept the bill of sale.

1 MR. HOLAHAN: I'll make that
2 motion.
3 MS. LAMBERTON: I have a motion.
4 Do I have a second?
5 MS. PICKARD: I'll second the
6 motion.
7 MS. LAMBERTON: I have a motion
8 and a second.
9 Any questions or comments from
10 the board?
11 Any questions or comments from
12 the public?
13 Seeing none. Call the vote.
14 John?
15 MR. KERRICK: In favor.
16 MS. LAMBERTON: Heidi?
17 MS. PICKARD: I vote in favor.
18 MS. LAMBERTON: John?
19 MR. HOLAHAN: Yes.
20 MS. LAMBERTON: Donny?
21 MR. MOYER: I'll vote in favor.
22 MS. LAMBERTON: I'll abstain.
23 Motion carries.
24 Deed of dedication, Tobyhanna

25 Township Collection System District No. 1.

37

1 I'll entertain a motion for the
2 deed of dedication.

3 MR. HOLAHAN: So moved.

4 MS. PICKARD: I'll second.

5 MR. REISS: Actually that's also
6 Resolution 2016 dash 011. So you can just --

7 MR. MOYER: So that's part of
8 that?

9 MR. REISS: Right. So you can
10 just adopt that resolution because that approve --
11 accepts --

12 MS. LAMBERTON: The deed of
13 dedication. I'll entertain a motion accepting
14 Resolution 2016 dash 011, accepting deed of the
15 dedication of sanitary sewer easement from Kalahari
16 Resorts, LLC.

17 MR. HOLAHAN: So moved.

18 MS. PICKARD: Second.

19 MS. LAMBERTON: I have a motion
20 and a second.

21 Questions or comments from the

22 board?
23 Questions or comments from the
24 public?
25 Seeing none. Call the vote.

38

1 John?
2 MR. KERRICK: This is part of
3 it?
4 MS. LAMBERTON: Yeah, I didn't
5 realize that either.
6 MR. KERRICK: I was confused
7 there.
8 MS. LAMBERTON: I was too.
9 MR. KERRICK: In favor.
10 MS. LAMBERTON: Heidi?
11 MS. PICKARD: I vote in favor.
12 MS. LAMBERTON: John?
13 MR. HOLAHAN: Yes.
14 MS. LAMBERTON: Donny?
15 MR. MOYER: I'll vote in favor.
16 MS. LAMBERTON: I'll abstain.
17 Motion carries.

18 Moving on to Arcadia, New
19 Ventures Park, PennDOT general reimbursement grant
20 agreement.

21 MR. HOLAHAN: That was
22 interesting reading, 35 pages of --

23 Jonathan, would you explain that
24 to us? Are we cool with this?

25 MR. REISS: Yes. The only

39

1 thing we have not worked out with Arcadia is who's
2 going to obtain the off-site easements that -- I
3 believe there are two off-site easements required
4 to -- for this project to go forward across the
5 street from Commercial Boulevard. And the last I
6 heard from S.I.D.E. Corp was that that should be
7 Arcadia's responsibility. Their attorney said they
8 would get back to me, she hasn't yet. But that
9 would still need to be resolved and we may need to
10 amend the S.I.D.E. agreement between Arcadia and
11 the township to cover the cost related to the
12 acquisition of those two easements.

13 MR. HOLAHAN: So are we under a
14 --

15 MS. LAMBERTON: So what do we
16 do? Yeah.

17 MR. HOLAHAN: -- time line for
18 this or we looking for contingencies?

19 MR. REISS: Well, they are under
20 -- right. They are under a time line because the
21 -- PennDOT desires to have the easements in hand by
22 May 5 and to have the contract let out by June 23,
23 I believe. So what you could do is, approve this
24 contract tonight, but we won't release it until
25 we've worked out the issue regarding those two

40

1 easements.

2 MS. LAMBERTON: Make it
3 contingent upon those items being resolved?

4 MR. REISS: Correct.

5 MS. LAMBERTON: I'll entertain
6 a motion --

7 MR. HOLAHAN: That's my motion.

8 MR. MOYER: I'll second.

9 MS. LAMBERTON: I have a motion
10 --

11 MR. KERRICK: Well, I'll wait
12 till you have it motioned and second. I have a
13 question.
14 MS. LAMBERTON: I'm sorry.
15 Okay.
16 MR. KERRICK: I'll wait till you
17 have the motion and second.
18 MS. LAMBERTON: Motion and
19 second.
20 Questions or comments?
21 John, go ahead. I'm sorry.
22 MR. KERRICK: Correct. I just
23 want to be clear. The drainage and the traffic are
24 third-party agreements, but the road is not
25 dedicated to Tobyhanna Township.

41

1 MR. REISS: That's correct.
2 MS. HAASE: That's correct.
3 MR. KERRICK: I just wanted to
4 be clear on that.
5 MR. REISS: The township will
6 have an easement over that road if they would ever
7 to do the inspections of the stormwater and if they

8 would ever need to get on there to correct
9 something that was causing a problem that the
10 property owner wasn't doing anything about.

11 MR. KERRICK: And I do agree
12 with John 35 pages was interesting.

13 MS. HAASE: I did reach out to
14 Arcadia today and they will be replenishing their
15 escrow account. So by the time that we release
16 these documents, we should have the funds.

17 MR. MOYER: They'll be there.

18 MS. LAMBERTON: Wonderful.

19 Any questions or comments from
20 the public?

21 Seeing none. Call the vote.
22 John?

23 MR. KERRICK: In favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

42

1 MS. LAMBERTON: John?

2 MR. HOLAHAN: Yes.

3 MS. LAMBERTON: Donny?

4 MR. MOYER: I'll vote in favor.
5 MS. LAMBERTON: I'll vote in
6 favor. Motion carries.
7 MR. MOYER: Someone's reaching
8 out to them?
9 MR. REISS: Yes.
10 MS. LAMBERTON: Pocono Summit
11 Volunteer Fire Company requesting waiver for
12 festival fee.
13 What's the pleasure of the
14 board?
15 MR. HOLAHAN: Make a motion that
16 we waive the fee for the Pocono Summit Fire
17 Company.
18 MS. PICKARD: I'll second that.
19 MS. LAMBERTON: I have a motion
20 and a second.
21 Questions or comments from the
22 board?
23 Questions or comments from the
24 public?
25 Seeing none. Call the vote.

1 John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: Yes.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I vote in favor.

9 MS. LAMBERTON: I vote in

10 favor. Motion carries.

11 Wildlands Conservancy, acquire

12 land adjacent to Thomas Darling Preserve.

13 What's the pleasure of the

14 board?

15 MR. HOLAHAN: Let them do it.

16 MS. LAMBERTON: Is that the

17 form of a motion?

18 MR. HOLAHAN: That's my motion.

19 MS. LAMBERTON: I have a

20 motion.

21 MR. KERRICK: Should move the

22 property off the tax rolls.

23 MS. PICKARD: It's really not.

24 There's no money coming in on their end.

25 MS. LAMBERTON: Is that a

1 second, Heidi?

2 MS. PICKARD: Yeah.

3 Did you have the paper that had
4 looked up about --

5 MS. HAASE: I do. The -- the
6 sale -- the land value is \$150.

7 MS. LAMBERTON: I have a motion
8 and second.

9 Any questions or comments from
10 the board? Land value \$150.

11 Any questions or comments from
12 the public?

13 Seeing none. Call the vote.
14 John?

15 MR. KERRICK: In favor.

16 MS. LAMBERTON: Heidi?

17 MS. PICKARD: I vote in favor.

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: Yes.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I vote in
23 favor. Motion carries.
24 Asset purchase agreement. I'm
25 trying to keep this moving, guys. So since we just

45

1 got the revised, I was going to suggest a couple of
2 items I'd like to see if the board would be willing
3 to have a special meeting on Friday. There are a
4 couple items, I know I had spoke to Mr. Colyer in
5 the audience and he was asking to present some
6 information to the board with his attorney.

7 I thought if we had a special
8 meeting, Joey, I don't know how you feel about
9 that. And I know Fridays seemed to be a better --

10 MR. JOSEPH COLYER: He's here,
11 but he can't do it this Friday.

12 MS. LAMBERTON: Okay. Well,
13 maybe we can get some dates together and then work
14 together with you. I know that you wanted to come
15 to the board and just talk with us on a couple
16 issues. And then maybe, so we don't hold up Aqua,
17 I'd like to do some --

18 MS. PICKARD: What time are you

19 -- I -- I'm not -- I don't really have much time on
20 Friday, I wasn't --

21 MS. LAMBERTON: Well,
22 apparently he's not available either. So maybe I
23 can send a little calendar around and we get a
24 couple ideas and share some -- if I can get your
25 email.

46

1 MR. EDMUND SCACCHITTI: Madam
2 Chairman, from my perspective, if we can do this
3 the week of the 25th of April --

4 MS. LAMBERTON: Okay.

5 MR. EDMUND SCACCHITTI: --
6 because my schedule, the week of the 18th is a
7 blur.

8 MS. LAMBERTON: Okay.

9 MR. EDMUND SCACCHITTI: So
10 considering those dates, I'll make myself available
11 for the meeting of the supervisors that week.

12 MS. LAMBERTON: Fridays work
13 better for me, I don't know about you guys, but I
14 think that that would be --

15 MR. MOYER: The 25th?
16 MS. LAMBERTON: Whatever that
17 Friday of that week is.
18 MS. PICKARD: I'm at a
19 conference until the 27th.
20 MS. REISS: Friday's the 29th.
21 MS. LAMBERTON: How's the 29th
22 with everyone?
23 THE REPORTER: Excuse me one
24 moment.
25 May I just have your name, sir?

47

1 MS. LAMBERTON: I'm sorry.
2 MR. EDMUND SCACCHITTI: I'll
3 give you my card.
4 THE REPORTER: Okay. Thank
5 you.
6 MS. LAMBERTON: How's the 29th
7 work?
8 MR. EDMUND SCACCHITTI: Good.
9 MS. LAMBERTON: Does that hold
10 up Aqua?
11 MR. REISS: Yes.

12 MS. LAMBERTON: That holds up
13 Aqua.

14 MS. HAASE: The other -- the
15 one item I did want to mention is, I know sometimes
16 when we get those agreements it's overwhelming to
17 --

18 MS. PICKARD: There wasn't much
19 changed on it, though.

20 MS. HAASE: What I did is I --
21 just in front of you, you'll find one sheet of
22 paper and those are redlined. I showed Mr. Kerrick
23 earlier and some of the board members, those were
24 the two changes that were made since the last time
25 you received this. It was circulated to the board

48

1 on March 24 and then back on April 7.

2 So those two items that are
3 redlined, those are the changes that was made. I
4 don't know if the board was comfortable enough just
5 to take a few minutes to read those and then we can
6 move this along.

7 MR. REISS: I can tell you what

8 those changes are about.

9 MS. PICKARD: Yeah.

10 MR. REISS: Those changes are to
11 cover the Keswick Pointe which has purchased a
12 certain number of EDUs, so we wanted Aqua to know
13 that that capacity has already been reserved in the
14 sewer plant. And then we also -- there's a handful
15 of developments that either have preliminary or
16 final approval and they're supposed to be, as part
17 of their development, connected the public sewer as
18 well. And, again, we wanted Aqua to know that
19 those were approved with the idea that they would
20 be connected to public sewer, even though they
21 haven't purchased and reserved those EDUs yet.

22 So that's what those changes
23 cover. There were a couple of changes in the first
24 schedule that related to referencing where the
25 deeds are recorded for various properties and we

49

1 took those out because we didn't actually have the
2 deeds to reference them yet, but that will all be
3 accumulated as they do their due diligence.

4 MR. HOLAHAN: So what do we

5 need to do here, Jonathan? Do we need to -- this
6 has already been cleared through Aqua?

7 MR. REISS: Yes.

8 MR. HOLAHAN: You've gone back
9 and forth with these guys on this?

10 MR. REISS: Correct.

11 MR. HOLAHAN: So do we just
12 need to approve these amendments?

13 MR. REISS: Actually just need
14 to approve the whole agreement --

15 MS. LAMBERTON: Agreement.

16 MR. REISS: -- and it would be
17 signed. I didn't bring a clean copy tonight to be
18 signed, so I could email a clean copy, you could
19 authorize the chair to sign it, I can email it up
20 and she --

21 Anne, you could sign it and then
22 email it back to me.

23 MR. HOLAHAN: I'll make a
24 motion that we authorize the chair to sign the
25 agreement.

1 MS. PICKARD: An approved
2 agreement?

3 MR. HOLAHAN: Yes.

4 MS. PICKARD: Approve and sign
5 -- have the chair sign? I'll second that.

6 MS. LAMBERTON: I have a motion
7 and a second.

8 Questions or comments from the
9 board?

10 MR. KERRICK: I have a
11 question.

12 MS. LAMBERTON: Go ahead, John.

13 MR. KERRICK: This is for
14 Jonathan. This red line that you put here on the
15 second page -- or on Page 9, I guess, that
16 guarantees those people the EDUs?

17 MR. REISS: Yes. For --

18 MR. KERRICK: -- the
19 developments, I should say.

20 MR. REISS: Right. There's a
21 question about how -- how much flow is going
22 through the sewer plant right now that we went back
23 and forth on today and we couldn't answer for Aqua.
24 But I think the Chapter 94 reports, which were
25 emailed out late this afternoon, I'm going to send

1 that out to Aqua and hopefully that answers their
2 questions. But this would all be that Aqua
3 acknowledges that these developments have been
4 approved for capacity at the plant.

5 MR. KERRICK: Even the ones that
6 haven't purchased EDUs?

7 MR. REISS: Correct. I mean,
8 they would have to -- Aqua, under the PUC, can't
9 charge a tapping fee, but they'll still have to
10 make arrangements with Aqua to, you know, reserve
11 -- to sign up for that and if sewer lines need to
12 be extended to it, that will need to be worked out
13 with Aqua as well.

14 MR. KERRICK: There wouldn't be
15 any way that we could recoup some of the tapping
16 fee on that? Once it's sold, it's sold?

17 MR. REISS: No. Once the
18 plants sold, you -- you're out of collecting any --

19 MR. KERRICK: Just asked the
20 question.

21 MR. REISS: -- sewers. I mean,
22 you could collect monies that are owed to you for

23 prior services that -- past due amounts, that sort
24 of stuff, but you can't --
25 MR. KERRICK: And assessments

52

1 you said.
2 MS. PICKARD: And ass -- for
3 prior assessments?
4 MR. REISS: Correct.
5 MR. MOYER: Yeah, up until
6 closing. After closing --
7 MS. PICKARD: No, after --
8 MR. MOYER: No, ours we'd keep,
9 everything that's on the books now.
10 MS. PICKARD: Yeah.
11 MR. MOYER: Anything after
12 closing besides that --
13 MS. PICKARD: Which is the
14 assessments, yeah.
15 MR. MOYER: Yeah.
16 MR. HOLAHAN: I'm still okay
17 with that, it's time that we move this on.
18 MR. KERRICK: I just wanted to

19 ask the question, John.

20 MR. HOLAHAN: Yep. No, it
21 makes sense.

22 MS. LAMBERTON: Any questions or
23 comments from the public?

24 Seeing none. Call the vote.
25 John?

53

1 MR. KERRICK: In favor.

2 MS. LAMBERTON: Heidi?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: John?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: Donny?

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

8 MS. LAMBERTON: I'll vote in
9 favor. Motion carries.

10 MS. HAASE: Madam Chairperson,
11 I did want to mention to the board, 'cause I know
12 you folks love looking at ordinances, Chapter 113
13 is going to have to be amended. So I don't know if
14 we could perhaps start working on that and then
15 upon the sale, then the board could approve the

16 adoption of the amended chapter.

17 MS. LAMBERTON: Perfect.

18 MS. PICKARD: Does that go into
19 effect once a closing actually takes place?

20 MS. HAASE: Yes, because until
21 the closing does take place, the plant is still --

22 MS. PICKARD: Yeah, okay.

23 MS. HAASE: Yes, so we would
24 still follow that, correct.

25 MS. LAMBERTON: Very good.

54

1 2016 work session conflicts. That was just
2 language of dates or something, correct?

3 MS. HAASE: Well, on June 6 the
4 NID Authority, as per their bylaws, must meet at
5 3:30. So I didn't know if the board wanted to come
6 in at 3:30 and then come in back at 6:00 on the
7 same day or not, so that's --

8 MR. REISS: 2:30 or 3:30?

9 MS. HAASE: 2:30. So my
10 question is --

11 MS. LAMBERTON: Did she say

12 3:30?

13 MS. HAASE: So my question is,
14 do you want to move your work session up to follow
15 the NID meeting so you don't have to come in twice
16 that day?

17 MS. LAMBERTON: Yes. How was
18 that for an answer?

19 MR. KERRICK: That's fine.

20 MS. LAMBERTON: Good? You guys
21 good with that?

22 MS. PICKARD: You're good, John?

23 MS. HAASE: So I don't believe

24 --

25 MR. HOLAHAN: Oh, yeah.

55

1 MS. HAASE: -- we're going to
2 have any business before the authority. So should
3 we schedule the meeting at three o'clock, the work
4 session?

5 MS. LAMBERTON: Yes.

6 MS. HAASE: The next conflict
7 would be for federal holiday, July 4. Did you --
8 would you like to still have the work session or

9 not have it for the month of July?

10 MR. HOLAHAN: Will there be

11 beer?

12 MR. MOYER: I don't want it on

13 July 4, personally.

14 MS. LAMBERTON: I don't think

15 anyone does.

16 MS. PICKARD: We're meeting the

17 next week.

18 MS. HAASE: That's a federal

19 holiday.

20 MS. LAMBERTON: Let's make it

21 the day after.

22 MS. HAASE: Okay. Now, I don't

23 -- I don't think that will affect you with your

24 police commission. So that would be Tuesday, July

25 5, so that won't be a conflict with the police?

56

1 MS. LAMBERTON: No, that's the

2 week after, right?

3 MS. HAASE: Yes. And then the

4 next date that there would be a conflict would be

5 for Labor Day.

6 MR. MOYER: So why don't we try

7 the 5th?

8 MS. HAASE: Would you like go to

9 the 6th?

10 MS. LAMBERTON: So that's

11 September 6th.

12 MS. HAASE: Okay.

13 MS. LAMBERTON: Okay?

14 MS. HAASE: And for October 1

15 you already had a meeting scheduled for the first

16 Monday.

17 MS. LAMBERTON: Okay.

18 MS. HAASE: So for October then

19 you will not hold a work session?

20 MS. LAMBERTON: Yeah, not if our

21 regular board --

22 MR. KERRICK: Six o'clock.

23 MS. LAMBERTON: You want to come

24 an hour before?

25 MR. KERRICK: We're gonna meet

1 at six o'clock anyway.

2 MS. LAMBERTON: Sure. Yeah,
3 that's a good idea. Let's do the six o'clocker and
4 then roll right into seven o'clock board of
5 supervisors, is that what you're saying?

6 MS. HAASE: So October 1 --

7 MS. LAMBERTON: Six o'clock --

8 MS. HAASE: -- work session?

9 MS. LAMBERTON: -- work session.

10 MS. HAASE: That leads me to my
11 next question. Last month the board directed me
12 that for your work session you would work on the
13 sign ordinance. So what do you want me to put on
14 your agendas for your work sessions? Just so I
15 know.

16 MS. PICKARD: The sewer Chapter
17 113 Ordinance.

18 MS. HAASE: Well, my thought is
19 that we -- the staff will work on something and
20 present that to you, I think it would be easier for
21 that? But I just don't know -- I just need
22 direction from the board of what you want on your
23 work sessions.

24 MS. LAMBERTON: We'll get
25 through some of this and then we'll let you know

1 what to put on there. How does that sound?

2 MS. HAASE: Okay.

3 MS. LAMBERTON: Yes.

4 MR. REISS: The 1st is a
5 Saturday.

6 MS. HAASE: I'm sorry. Would be
7 the first Monday, so October 3 you're scheduled for
8 the board meeting, 'cause the 10th is a federal
9 holiday.

10 MS. LAMBERTON: October 3rd is
11 that Monday, right?

12 MS. HAASE: Yeah. So then I'll
13 wait for direction from the board on --

14 MS. LAMBERTON: Yes.

15 MS. HAASE: -- what you want
16 for your work sessions?

17 MS. LAMBERTON: Yes, please.

18 Thank you.

19 Is that all?

20 MS. HAASE: Yes, ma'am.

21 MR. MOYER: Are we sticking with
22 the 3rd?

23 MS. LAMBERTON: We're sticking
24 with the 3rd.

25 July 9, 2016 Community Day

59

1 fireworks display permit. You asking for
2 permission?

3 MS. PICKARD: I'll make a
4 motion.

5 MS. HAASE: The board needs --
6 we must follow --

7 MS. LAMBERTON: We need a permit
8 too?

9 MS. HAASE: We have to follow
10 our own ordinances, so, yes, the board does have to
11 approve --

12 MS. PICKARD: I'll make a
13 motion to approve our permit for Community Day --

14 MS. LAMBERTON: To approve our
15 permit?

16 MS. PICKARD: -- fireworks.

17 MS. LAMBERTON: I have a motion.

18 MR. MOYER: I'll second.

19 MS. LAMBERTON: I have a second.

20 Motion and second.
21 Any questions or comments from
22 the board?
23 Any questions or comments from
24 the public?
25 Seeing none. Call the vote.

60

1 John?
2 MR. KERRICK: In favor.
3 MS. LAMBERTON: Heidi?
4 MS. PICKARD: I vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: Yes.
7 MS. LAMBERTON: Donny?
8 MR. MOYER: I vote in favor.
9 MS. LAMBERTON: I vote in
10 favor. Motion carries.
11 MR. HOLAHAN: 284 pounds of
12 fireworks.
13 MS. LAMBERTON: Consider
14 Kalahari Resorts Stage B letter of credit
15 reduction, Category 1 improvements in the amount of

16 \$23,965.65.

17 MR. HOLAHAN: I make a motion
18 that we release that -- the credit reduction for
19 the Category 1 improvements.

20 MS. PICKARD: I'll second that.

21 MS. LAMBERTON: I have a motion
22 and a second.

23 Questions or comments from the
24 board?

25 Questions or comments from the

61

1 public?

2 Seeing none. Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: Yes.

9 MS. LAMBERTON: Donny?

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

11 MS. LAMBERTON: I'll abstain.

12 Motion carries.

13 Kalahari sewer draw punch list
14 items in the amount of \$120,829.66.

15 MR. REISS: That actually --
16 that amount is not correct.

17 MS. LAMBERTON: Okay.

18 MR. REISS: The correct amount
19 is --

20 MS. HAASE: Kalahari has since
21 sent us a request to use 15 perc -- the maintenance
22 monies for the 1500 linear feet, to take that out
23 of this as well. And that would be \$51,806.48,
24 would be transferred into a separate account to be
25 held for maintenance.

62

1 MS. LAMBERTON: Okay.

2 MR. REISS: So right now they
3 have a --

4 MS. PICKARD: Left.

5 MR. HOLAHAN: No, instead of.

6 MR. REISS: -- punch list item
7 of approximately --

8 MS. HAASE: 55,000.

9 MR. REISS: Well, a hundred --
10 the total amount right now is 175,000?
11 MS. HAASE: Yes.
12 MR. REISS: 55,000 of that's
13 going to be held for the remaining punch list
14 items.
15 MS. LAMBERTON: Okay.
16 MR. REISS: 51,000 some odd
17 dollars will be held for the maintenance period on
18 that part of the line.
19 MR. MOYER: That's the 15
20 percent?
21 MS. HAASE: Yes.
22 MR. REISS: Right. And the
23 balance of 69,000 --
24 MS. HAASE: \$23.18.
25 MR. REISS: Is what your -- what

63

1 you would be requested to release tonight. It
2 would be conditioned upon a couple things still
3 being cleaned up, which is the title -- commitment
4 for title insurance, which is being worked on; and
5 the as-built plans were submitted this afternoon,

6 still have to be reviewed by T&M. But they once
7 they review and approve them and once we get the
8 title insurance worked out, the monies would be
9 released and the deed of dedication would be
10 recorded.

11 MR. MOYER: I'll make the
12 motion with those conditions.

13 MS. LAMBERTON: With those
14 conditions?

15 MR. MOYER: Yep.

16 MS. LAMBERTON: I have a
17 motion.

18 MS. PICKARD: I'll second that.

19 MS. LAMBERTON: I have a motion
20 and a second.

21 Questions or comments from the
22 board?

23 MR. HOLAHAN: Yes.

24 Mr. McHale, did you need to be
25 reinvolved in any of that?

1 MR. McHALE: No, sir.

2 MR. HOLAHAN: Okay.

3 MS. LAMBERTON: Any other

4 questions or comments from the board?

5 Questions or comments from the

6 public?

7 Seeing none. Call the vote.

8 John?

9 MR. KERRICK: In favor.

10 MS. LAMBERTON: Heidi?

11 MS. PICKARD: I vote in favor.

12 MS. LAMBERTON: John?

13 MR. HOLAHAN: Yes.

14 MS. LAMBERTON: Donny?

15 MR. MOYER: I vote in favor.

16 MS. LAMBERTON: I'll abstain.

17 Motion carries.

18 Can we go back to consider

19 Kalahari Resorts request to release the remaining

20 Kalahari Boulevard escrow. I know that's been a

21 topic of conversation.

22 Mr. Pine?

23 MR. STEVE PINE: Hi. I'm Steve

24 Pine, I'm representing Kalahari Resorts.

25 It was on the agenda on your

1 last month's meeting and I understood there was
2 some confusion by several of the supervisors.
3 Since then I've met with all five supervisors
4 personally to answer any questions they may have on
5 that. So I believe that we've done our best and so
6 it's just totally up to you, but that's our
7 request, is to release the last of the 72,500.

8 Thank you.

9 MS. LAMBERTON: Very good.

10 Thank you.

11 What's the pleasure of the
12 board?

13 MR. HOLAHAN: Now, I understand
14 that the -- the reason, Mr. Pine, is, because
15 you're saying everything was completed on the punch
16 list and you should get the money back. But taking
17 a look in, the punch list, was actually developed
18 before the wearing course was down.

19 Isn't that correct, Mr. McHale?

20 MR. McHALE: Yes, it is
21 correct.

22 MR. HOLAHAN: So we couldn't've
23 known about anything because it wasn't installed

24 yet. So it couldn't be on a punch list when we
25 took this contingent upon -- in fact, I've got the

66

1 a punch list right here -- that we still need to
2 put down 17,300 square yards of wearing course.
3 And there was also the backfill around the curbs,
4 the island and the boulevard.

5 Jonathan, because that work
6 wasn't done at the time, it couldn't be added to a
7 punch list, but because the money's contingent upon
8 the punch list, does that -- is that like a
9 technicality, we just can't hold the money anymore?

10 MR. REISS: Well, there's the
11 fourth amendment to the development agreement that
12 talked about the punch list, and it says on there
13 that when the punch list is comp -- punch list
14 items are completed, the money would be released.
15 So I think that's -- that's been the issue, in my
16 mind, is that none of the items -- the items that
17 were actually on the punch list had been completed.

18 This is an issue that appears to
19 be a potential defect in the design for the

20 construction, which is covered by the maintenance
21 period; and that would provide that for the
22 developer to make those repairs within the
23 maintenance period and if they don't, the township
24 can access the maintenance financial security and
25 make the necessary repairs of their own, at the

67

1 township's cost and expense using those monies.

2 MR. HOLAHAN: Okay.

3 So, Mr. Pine, I think you had
4 requested six months, to wait six months to see how
5 things were going to pan out with the roads, that
6 was like two months ago.

7 MR. STEVE PINE: I don't recall,
8 specifically asking for that, but --

9 MR. HOLAHAN: Yeah, I'll take a
10 look in the minutes, but I'm pretty sure we --
11 didn't we have that discussion?

12 Do you recall, Mr. McHale, was
13 -- we were talking about -- and I believe it was at
14 the February meeting that we said six months from
15 now we should be taken care of?

16 MR. McHALE: Their consultant,

17 Pennoni Associates, had indicated that that's what
18 they'd like to see, is a monitoring period for
19 about six months in order to determine where the
20 source of the water is coming from.

21 MR. STEVE PINE: Yeah, I wasn't
22 at your February meeting.

23 MR. HOLAHAN: Okay.

24 MS. PICKARD: Can we get this
25 taken care prior to another winter freeze/thaw

68

1 cycle?

2 MR. HOLAHAN: I think -- I
3 think we can do that.

4 MR. STEVE PINE: (Inaudible.)

5 MR. HOLAHAN: I think Jonathan
6 just said that we can determine that that is a --
7 that's a failure in the -- in the road and that we
8 can go ahead and notify Kalahari. Is our intention
9 to go out there and repair that or do they get the
10 option to do that first? That's something like 60
11 days.

12 MR. REISS: You would --

13 normally you would give the developer a punch list
14 of the items that are found to be defective and
15 you'd request them to make those repairs. Now,
16 many times that type of punch list isn't generated
17 until a few months before the end of the
18 maintenance period. And the developer has that
19 time to make those repairs; and if not, either has
20 to extend the financial security to cover the time
21 period they're going to need to make the repairs or
22 the township calls the default and takes that
23 money.

24 In this instance, you have the
25 \$70,000, they're asking for it back, they're saying

69

1 -- their consulting engineer has indicated that
2 it's take -- they want to observe the situation for
3 another six months before they make a final
4 determination as to what repairs want to be made.
5 I think, if I hear your question right, I think
6 you're leaning to asking them to commit to making
7 repairs by a date certain.

8 Is that accurate?

9 MR. HOLAHAN: Actually, yes.

10 Yes, I am, because I don't want it to wait till --
11 I don't want it to wait till just prior to the end
12 of a maintenance -- did you catch what I was
13 saying?

14 MR. REISS: Right. I think what
15 you're saying is you'd like this one particular
16 issue resolved, sounds like, before you get into
17 frost and freeze?

18 MR. HOLAHAN: Again, right.
19 Am I right in that seepage is a
20 failure of asphalt, Mr. McHale?

21 MR. McHALE: It will lead to
22 failure, yes.

23 MR. KERRICK: Could lead to
24 failure.

25 MR. HOLAHAN: Okay. But it's

70

1 designed not to do that, right?

2 MR. KERRICK: Do you know that?

3 MR. HOLAHAN: That's why I'm
4 asking.

5 MR. KERRICK: I don't either.

6 MR. MOYER: Was the punch list
7 --
8 MR. KERRICK: The punch list
9 was completed.
10 MR. MOYER: -- original punch
11 list completed?
12 MR. KERRICK: That's what I'm
13 saying.
14 MS. LAMBERTON: Hey.
15 MR. KERRICK: It has nothing to
16 do with this.
17 MR. HOLAHAN: Right.
18 MS. LAMBERTON: I'll make the
19 motion that we return the 72,500 that we've been
20 kicking around for six months.
21 MR. MOYER: I'll second it.
22 MS. LAMBERTON: I got a motion
23 and second on the table.
24 MR. HOLAHAN: Further
25 discussion.

71

1 Any questions or comments from
2 the board?

3 MR. HOLAHAN: Yes. Back in
4 October, John, that you were saying just go out
5 there and have them fix it.

6 MR. KERRICK: No, that's not
7 what I said. I said that the township should not
8 be telling them where to fix it or how much ditch
9 to put in because if it didn't work, they're going
10 to come back on us. That's what I said because you
11 and I were in the meeting with Bob McHale.

12 MR. HOLAHAN: I'm in agreement
13 with this because that's the very thing, is --

14 MR. KERRICK: We wouldn't --

15 MR. HOLAHAN: It's not up to our
16 engineer to figure out --

17 MR. KERRICK: Correct.

18 MR. HOLAHAN: -- what the
19 problem is.

20 MR. KERRICK: Correct. And we
21 went all winter with zero failure. I've been in
22 and out of there a million times looking for the
23 wet spots; sometimes they're there, sometimes
24 they're not there.

25 MR. HOLAHAN: Okay.

1 MR. KERRICK: I don't think
2 this 72,000 has anything to do with those seepage
3 areas. In good faith, we need to give it back and
4 we have 486 or 68 --

5 MR. HOLAHAN: And I --

6 MR. KERRICK: -- for maintenance
7 --

8 MR. HOLAHAN: I understand that.

9 MR. KERRICK: -- 18 months after
10 final phase.

11 MR. MOYER: Right.

12 MR. HOLAHAN: I guess the
13 concern is, when you've got the water seepage
14 during a frost condition, not just a failure of the
15 road, but the water sitting on top of the road,
16 that could create a hazard. That's my concern. I
17 don't want to see -- I don't want to go through
18 another season like that.

19 MS. PICKARD: Plus it's going
20 to destroy the road and it's going to cost all of
21 us more to fix it, whether it's Kalahari or us. I
22 don't know. I can agree to release it if we have a
23 date certain that that's going to be corrected.

24 MR. STEVE PINE: We have 29
25 months left on the maintenance.

73

1 MR. HOLAHAN: Yeah, well, I
2 don't wait 29 months to fix the road.

3 MR. STEVE PINE: How much at
4 this --

5 MR. HOLAHAN: Or do we wait till
6 it --

7 MR. STEVE PINE: I'm just
8 telling you how much I believe you have. It was
9 supposed to be 18 months after the opening of -- of
10 this next phase and we're 11 months away from that.

11 MS. LAMBERTON: Do you really
12 want to fix something until the construction is
13 over?

14 MR. STEVE PINE: I'm all right
15 with fixing it once I can get an exact
16 determination from more than one engineer that
17 that's in fact wrong with it. And that's what we
18 don't want, we don't want to have to fix it several
19 times if we're just guessing at what it is. And
20 right now nobody has been able to give me a solid

21 answer, including my own engineer.

22 MS. LAMBERTON: I got a motion
23 and a second on the table.

24 Any more questions or comments
25 from the board?

74

1 Questions or comments from the
2 public?

3 Seeing none. Call the vote.
4 John?

5 MR. KERRICK: In favor.

6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: I'm not in favor.

8 MS. LAMBERTON: John?

9 MR. HOLAHAN: In favor.

10 MS. LAMBERTON: Donny?

11 MR. MOYER: I'm in favor.

12 MS. LAMBERTON: I'll abstain.

13 Motion carries.

14 Board of supervisors report
15 slash comments.

16 Anything else? We can open up

17 for public comment if we don't.

18 MR. HOLAHAN: Well, I'd like to
19 talk about the boulevard some more, but -- kidding.

20 MS. LAMBERTON: Public comments
21 or questions?

22 Joe? Just state your name.

23 MR. JOSEPH COLYER: Joseph
24 Colyer.

25 I know we all know my issue with

75

1 my shop and stuff, but I hope moving forward -- I
2 have an attorney -- if there's an issue, that he be
3 contacted, and not members of the public, like
4 managers coming to my shop and security guards come
5 in my shop, be contacted about potential people
6 complaining or -- if they call and complain, they
7 should be contacted, but not someone else. It's
8 not professional and it should not be happening, in
9 my opinion.

10 I mean, when this started out, I
11 came and filled out a Right To Know form and I
12 didn't get what I wanted in the time I was supposed
13 to. You rode it down and got it at six o'clock at

14 night. I wanted to be treated with the same
15 respect I give everybody up there.

16 MR. HOLAHAN: Right.

17 MS. LAMBERTON: I know you did
18 want to --

19 MR. JOSEPH COLYER: That is --

20 MS. LAMBERTON: I did speak with
21 you, Joey, and you did want to have a special
22 meeting and I thought that that would be very good
23 conversation --

24 MR. JOSEPH COLYER: Yeah.

25 MS. LAMBERTON: -- for all of us

76

1 to meet --

2 MR. JOSEPH COLYER: But in the
3 meantime I want the other stuff really --

4 MS. PICKARD: I'm not sure what
5 --

6 MR. MOYER: What's the issue
7 with the --

8 MS. PICKARD: -- the issue is.

9 MR. MOYER: I don't -- I was out

10 of town.

11 THE REPORTER: One at a time.

12 MS. LAMBERTON: Hang on. One at
13 a time guys, so she can --

14 Go ahead, I'm sorry.

15 MR. JOSEPH COLYER: What's the
16 issue? Well, I was contacted and told that our
17 manager contacted the manager at Locust Lake
18 Village to -- I don't know the whole conversation,
19 it would be hearsay -- about a complaint that was
20 supposedly made, if there was any issues that they
21 knew of, all with all the vehicles I have on my
22 lot. That's none of their business.

23 If they had a problem, they
24 would've called you. If somebody has a complaint
25 and calls you, that's fine, act on it; but do not

77

1 call someone to see if you can get a complaint.
2 That's how I take this and I take it personal,
3 'cause that's not professional.

4 MS. LAMBERTON: So was there --

5 MR. JOSEPH COLYER: I don't
6 treat yous that way, I don't want to be treated

7 that way either.

8 MS. LAMBERTON: Was there a

9 formal complaint?

10 MS. HAASE: Yes.

11 MS. LAMBERTON: In writing?

12 MS. HAASE: We don't require

13 them to be in writing.

14 MR. MOYER: Who made the call?

15 MR. JOSEPH COLYER: By law.

16 MR. MOYER: And there was a

17 call from --

18 MR. JOSEPH COLYER: How do you

19 -- how do you face that person when it goes to

20 court or whatever? If you don't have contact

21 information and a name, it's not a formal

22 complaint. I don't know why our board would be

23 different than anybody else's.

24 MS. LAMBERTON: I honestly

25 thought --

78

1 MR. JOSEPH COLYER: Well, then

2 contact that person, don't contact the board of the

3 development. You contact that person, you deal
4 with the complaint with that person and the
5 business, correct?

6 MS. PICKARD: I agree with that.

7 MR. JOSEPH COLYER: Am I wrong
8 or right?

9 MS. LAMBERTON: I agree with
10 that.

11 MR. MOYER: I wasn't aware --

12 MR. JOSEPH COLYER: Not the
13 manager or security guard, that's not -- that's not
14 how this works. I'm not the most educated person,
15 but --

16 MS. PICKARD: I'm unaware of --

17 MR. JOSEPH COLYER: -- I know
18 more than that. I mean, I don't know how you feel
19 if you want somebody to do that to you, but I
20 don't. I mean -- I think you should hold your
21 employees to a little bit --

22 MS. LAMBERTON: Is that
23 something --

24 MR. JOSEPH COLYER: -- higher
25 standard than that.

1 MS. LAMBERTON: Is that
2 something that we can change, that it has to be a
3 formal complaint in writing?

4 MS. HAASE: We could require
5 it.

6 MS. LAMBERTON: I mean, do we
7 need to --

8 MR. REISS: That won't stop
9 someone from making a verbal complaint, but some
10 townships do have a complaint form, or a citizen
11 concern form, that people can fill out to submit to
12 the township.

13 MS. LAMBERTON: Well, I think
14 out of respect to all of our business owners, that
15 should be required. I would have to agree with
16 that, because anybody could make a phone call,
17 having a bad day, saying, you know, you're upset
18 with something, I respect that.

19 MR. JOSEPH COLYER: And that's
20 okay, but then you -- don't you handle that
21 complaint with that person?

22 MS. LAMBERTON: I would think
23 so.

24 MR. JOSEPH COLYER: And then you

25 do to the zoning or whatever the complaint is

80

1 about, the zoning of the property or what's going
2 on --

3 MS. LAMBERTON: Yes.

4 MR. JOSEPH COLYER: -- but
5 that's not to be discussed with other people in the
6 public.

7 MS. LAMBERTON: No, I --

8 MR. JOSEPH COLYER: Right?

9 MS. LAMBERTON: I would agree
10 with that.

11 MR. MOYER: Yeah, I --

12 MS. LAMBERTON: I would agree
13 with that, Joe.

14 MR. JOSEPH COLYER: I mean, I
15 just want to be, you know, treated the same way I
16 treat everybody up there.

17 MS. HAASE: Does the board wish
18 to have a policy that everything needs to be in
19 writing?

20 MS. LAMBERTON: Yes, I think we

21 should.

22 MS. PICKARD: I think we can
23 look at a policy and make it clear.

24 MS. LAMBERTON: Absolutely.

25 MS. PICKARD: Incidentally,

81

1 there's some good courses at PSATS, I know one of
2 them I was planning on attending. So maybe those
3 were some things we could get out of PSATS? I'm
4 moderating that one.

5 MS. LAMBERTON: I apologize.

6 MR. EDMUND SCACCHITTI: Madam
7 chairman, I can tell you that I have 25 years in
8 municipal law, and this is the first municipality
9 that I'm aware of that does not have a formal
10 policy for complaints. Anonymity's not good in a
11 society where we're looking for clarity --

12 MR. MOYER: Transparency.

13 MR. EDMUND SCACCHITTI: --
14 transparency. So I think it would behoove this
15 body to adopt a policy where you have --

16 MS. PICKARD: It was my
17 understanding that we didn't take anonymous

18 complaints, but we don't disclose who complained.

19 MS. HAASE: We have always
20 taken anonymous complaints. I've been here 10
21 years and we have always done that.

22 MS. LAMBERTON: See, I was
23 under the same impression as Heidi. I never
24 thought you could act on anonymous because what's
25 the point of it.

82

1 MS. PICKARD: Well, we didn't
2 give the information out, we wouldn't tell who
3 complained to --

4 MS. LAMBERTON: That I
5 understand.

6 MS. HAASE: That I do not,
7 whether they file the complaint or they don't, we
8 never disclose the individual.

9 MR. REISS: The compliant form,
10 if someone files a written complaint or concern,
11 it's -- and the township does an investigation as a
12 result of that, under the Right-To-Know Law, that
13 is an exempt document. So it's not something that

14 someone could --
15 MS. PICKARD: Oh, okay.
16 MR. REISS: -- file a request
17 for.
18 MS. LAMBERTON: But you have a
19 valid -- a valid --
20 MS. PICKARD: A valid.
21 MR. EDMUND SCACCHITTI: At least
22 there's a memorandum in your file that shows what
23 initiated the investigation as opposed to --
24 MS. PICKARD: And I agree that
25 it should be in writing.

83

1 THE REPORTER: Okay. I'm sorry.
2 MS. LAMBERTON: One at a time,
3 guys.
4 THE REPORTER: There's too many
5 people talking.
6 MS. LAMBERTON: I'm sorry.
7 MR. KERRICK: Put that on our
8 next workshop.
9 MS. LAMBERTON: Okay. There you
10 go, Item No. 1.

11 MR. KERRICK: Draft policy.
12 MS. PICKARD: Okay. I agree
13 with that. Very good.
14 MR. EDMUND SCACCHITTI: Thank
15 you.
16 MR. HOLAHAN: Wait a second.
17 There's people that want to be anonymous because
18 they're concerned about retribution. So it doesn't
19 mean that you don't do anything about it because
20 somebody says -- actually somebody calls and you
21 kind of know who it is, but they say, I don't want
22 to disclose any of that because of, like I said,
23 fear of retribution.
24 You still need to act on that to
25 -- but to a certain level. Sometimes it could be

84

1 squashed pretty quickly. And I don't mean to be
2 complicit about it. What I mean is, that could be
3 handled and maybe it just doesn't go any further
4 and there's a misunderstanding or something like
5 that.
6 So, you know, if somebody calls,

7 you still have to -- it's still a valid complaint,
8 still a valid concern from a resident. And it
9 still needs to be dealt with. Now, we can
10 encourage them to say, put it in writing, but once
11 you -- once it gets to that level, you know,
12 there's some lines that you start to cross at that
13 point too. And sometimes if you can keep that from
14 happening, I get that.

15 And when -- so when you've got
16 somebody that's answering the phone at the
17 township, you know, trying to make sure something
18 doesn't become a big deal or is it -- is it a
19 problem, if only one person's complained, it's not
20 a problem. Maybe there's two, maybe there's three,
21 maybe -- but I would agree that we don't go out
22 there and start -- start digging up and looking for
23 a petition against Joey Colyer.

24 MR. JOSEPH COLYER: That's all
25 I'm asking.

85

1 MS. LAMBERTON: Why don't --

2 MR. HOLAHAN: But if somebody
3 calls and says, I don't like what Joe's doing, but

4 I don't want to say anything because I'm afraid
5 that this guy is gonna come after me --

6 MS. LAMBERTON: Well, it sounds
7 like we keep it anonymous anyway.

8 MR. EDMUND SCACCHITTI: As you
9 solicitor's pointed out, under the Right To Know
10 Law, it's not exempt, so they are protected.

11 MS. LAMBERTON: Right. So they
12 wouldn't know anyways.

13 MR. EDMUND SCACCHITTI: In any
14 event, I've learned myself that it takes a little
15 bit more to reduce your complaint in writing, even
16 though you know it's going to be anonymous. And it
17 eliminates the nonsense and the nuisance stuff,
18 because somebody's having a bad day, as the
19 chairperson --

20 MS. LAMBERTON: Sure.

21 MR. HOLAHAN: And I would --
22 and I would agree to that, if you've got -- if
23 you've got to commit -- you know, if you've got to
24 bring some eggs to make this omelet, then maybe
25 you're gonna think -- think about it.

1 MS. LAMBERTON: Yeah, I think
2 the --

3 MR. EDMUND SCACCHITTI: That's
4 all we're asking.

5 MS. LAMBERTON: I think the -- I
6 think the complaint form in writing, with keeping a
7 person's name anonymous, I'm fine with; but I'd
8 like to -- I agree with that. I think if it's in
9 writing, people are going to take it a little bit
10 more seriously --

11 MR. EDMUND SCACCHITTI: That's
12 exactly right.

13 MS. LAMBERTON: -- and not just
14 kind of be blurting things out that are unfounded.
15 And if you have a complaint, I mean, you want it
16 rectified. So you take it to the office where it
17 needs to be addressed and the zoning officer can
18 look at it. The person's name not disclosed, but
19 you have a file that you keep these issues in.

20 And then you know, John, if you
21 get more than one, two, three.

22 MR. EDMUND SCACCHITTI: Then it
23 gets referred to appropriate township
24 representative --

25

MS. LAMBERTON: Right.

87

1 MR. EDMUND SCACCHITTI: -- and
2 they -- it begins, but to --

3 MS. LAMBERTON: Chain of
4 command.

5 MR. EDMUND SCACCHITTI: But to
6 entertain each and every time someone wants to call
7 up and say, I don't like what Mr. Colyer's doing
8 there, I think it creates more of a problem than it
9 solves.

10 MS. LAMBERTON: I would like to
11 see that.

12 MS. HAASE: In that respect,
13 that would certainly help us here at the township.

14 MS. LAMBERTON: Sure. I think
15 it would help both parties.

16 MR. EDMUND SCACCHITTI: Thank
17 you for that.

18 MS. HAASE: Now, Coolbaugh
19 Township, they do have a form that a resident can
20 fill out, it's a concern form. Tunkhannock
21 Township, I don't believe that they do, but

22 Coolbaugh Township has one.

23 MR. TROY COUNTERMAN:

24 Tunkhannock does.

25 MS. HAASE: Do they?

88

1 MR. MOYER: We're gonna put that
2 on our work session.

3 MS. LAMBERTON: The pleasure of
4 the board is to look into this and --

5 MR. HOLAHAN: Yeah, let's look
6 into it, it's worth exploring.

7 MS. HAASE: Okay. We'll put a
8 policy together?

9 MS. LAMBERTON: Yes.

10 MR. MOYER: Maybe we can get a
11 document of theirs and see what it looks like.

12 MS. LAMBERTON: Yeah, maybe
13 send something our way.

14 MR. HOLAHAN: Are we done here?

15 MS. LAMBERTON: Any other
16 public questions or comments?

17 MR. HOLAHAN: Complaints? How

18 about acknowledging DPW. Annie, did you read the
19 DPW report?
20 MS. LAMBERTON: Yes.
21 MR. HOLAHAN: That has a lot of
22 good stuff.
23 Thanks, Ed.
24 MR. MOYER: And the girls in the
25 office.

89

1 MS. LAMBERTON: Yeah, tell the
2 guys --
3 MR. MOYER: The whole
4 township has --
5 MR. ED TUTRONE: Just so that
6 the board is aware, we did take delivery of a new
7 dump truck, it's parked in the garage if anybody
8 wants to see it, and it'll be on display at the
9 open house.
10 MR. MOYER: The new one?
11 MS. PICKARD: Five to seven --
12 MS. LAMBERTON: Yeah, I'm gonna
13 take it for a spin.
14 MS. PICKARD: Five to seven,

15 Thursday and Rader's office is providing hot dogs.
16 MR. HOLAHAN: Motion to adjourn
17 MS. LAMBERTON: I have a
18 motion. May I have a second?
19 MR. MOYER: I'll second.
20 MS. LAMBERTON: Motion and
21 second.
22 All in favor?
23 BOARD MEMBERS: Aye.
24 (Meeting concluded at 8:03 p.m.)
25 ---

90

1
2
3
4
5
6
7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and

11 that the foregoing is a true and correct transcript
12 of the same.

13

14

15

16 TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, May 2, 2016 beginning at 6:00 p.m.

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

JONATHAN J. REISS, 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 MS. LAMBERTON: I'd like to
2 call the board of supervisors work session for
3 Monday, May 2, 2016 to order. We'll start with the
4 pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Anne Sincavage
8 is here.

9 We'll start with you, if you'd
10 like to give a report for your open space
11 committee.

12 MS. ANNE SINCAVAGE: Yes.
13 Thank you for having me. I wanted to report that
14 you gave us funds to install the new kiosk, which
15 was done today.

16 MS. LAMBERTON: Aww.

17 MS. ANNE SINCAVAGE: So there's
18 a photo of what we did and we did one of those.

19 This is the copy of our minutes from our September
20 meeting last year. So where I have highlighted,
21 obviously, the kiosk, the outstanding items are the
22 -- the parking lot. I did speak with -- Ed's not
23 here -- Ed Tutrone, we might have a solution to our
24 -- the problem is, is the lower parking lot, upper
25 parking lot, they haven't been resurfaced in --

3

1 MR. MOYER: Forever.

2 MS. ANNE SINCAVAGE: -- many,
3 many years and it's getting a lot of use and it
4 just looks neglected over there. So the -- I
5 talked to Ed earlier and he said millings would be
6 the answer. Problem is, is we have to get the
7 millings. He was gonna work on that and he was
8 gonna see if he could get the millings that Locust
9 Ridge has, 'cause I only have so many. I don't
10 have enough for three tri-axel loads. We'd see if
11 Tunk can get the trucks, send them over to us, we'd
12 screen them, load them back up, take them down to
13 the natural area and see if Tunk can work on --
14 In the meantime, there's mud
15 puddles in the front where the people walk out

16 right on the trail. I'll just go and take some
17 modified stone, dump it in the -- in the interim.

18 MR. MOYER: Fill them up.

19 MS. ANNE SINCAVAGE: Because
20 he's saying not till June. What else? Oh, the --
21 there's an upcoming hike, I don't know if you saw
22 this at the open -- open house, there's a bunch of
23 hikes being scheduled.

24 MS. LAMBERTON: Do we have this
25 on our website, Phyllis?

4

1 MS. ANNE SINCAVAGE: I don't
2 know, I had it at the open house.

3 MS. HAASE: We don't. We had it
4 at the open house that we passed out.

5 MS. LAMBERTON: Put that on our
6 website.

7 MS. ANNE SINCAVAGE: There's --
8 if you look at the bottom too, there's others at
9 other locations too. And the other -- I had gone
10 back. The other outstanding was that dilapidated
11 building. I don't know what we can do with that,

12 when we could do something about that. I think
13 it's gonna -- it's a safety issue because kids are
14 gonna go into the -- it's a mess. The only thing
15 good is, it's not really on the trails, but you --
16 you can see it. So that's not a good thing.

17 The bad news is, we've had a
18 couple problems with vandalism at the upper parking
19 lot, windows being broking out -- broken out and
20 items being stolen out of cars. I don't know what
21 to do about that situation. I don't know if we
22 could put something, some kind -- something in the
23 kiosk saying -- not saying this is what's
24 happening, just say, please be aware, don't put
25 your -- leave your veh --

5

1 MS. LAMBERTON: In sight.

2 MS. ANNE SINCAVAGE: -- leave
3 your belongings out of sight, blah, blah, blah. I
4 don't know how we can word that.

5 MR. MOYER: Speakers? Somebody
6 said speakers got stolen, right?

7 MS. ANNE SINCAVAGE: Well,
8 Hamill's daughter lost her phone, her Pocono

9 Medical Center pass, her keys, everything. It's
10 like -- then when the police did show up there --
11 and I wasn't aware of it, that's the only way I
12 found out about it -- was there was other --
13 clearly other windows broken there, which I didn't
14 know that.

15 MR. MOYER: Yeah. Someone said
16 they had their speakers taken right out of the car.

17 MS. ANNE SINCAVAGE: So that's
18 a problem.

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: That is a
21 problem.

22 MS. ANNE SINCAVAGE: What I'd
23 like to do too is --

24 MS. LAMBERTON: Would anybody
25 know --

6

1 MS. ANNE SINCAVAGE: -- on the
2 -- in the kiosk at the lower parking lot, I put a
3 physical address in case there was an emergency.
4 We have no number at the upper parking lot. Do we

5 keep this number and we put this number at the
6 upper parking lot for an emergency? Or do we
7 assign a number for the upper kiosk?

8 MS. HAASE: We'll contact
9 Control Center.

10 MS. ANNE SINCAVAGE: I think
11 they could be able to get the ki -- see --

12 MS. HAASE: It's technically for
13 a building, the facility has a building. But I
14 think in this particular case, you're going to have
15 the public there and there should be a designated
16 number for that.

17 MS. LAMBERTON: Did anybody
18 notify Pocono Mountain Regional?

19 MS. ANNE SINCAVAGE: They --
20 Apgar, I think. No, it was another guy that Hamill
21 -- Greg Hamill was talking to Apgar about the
22 problem.

23 MS. LAMBERTON: So they're aware
24 of it.

25 MS. ANNE SINCAVAGE: So I -- do

1 you think I should put something in the kiosk

2 saying -- or do we let sleeping dogs -- I just
3 don't know what to do about that. I don't want it
4 to bring up the township --

5 MS. LAMBERTON: Why don't you
6 ask Pocono Mountain Regional what they suggest,
7 because they might say this will encourage
8 something or this is the proper way to -- you know,
9 to deter someone.

10 MR. MOYER: Yeah.

11 MS. ANNE SINCAVAGE: Yeah.
12 'Cause I -- I -- the thing is, is when you drive up
13 there, the lower is just open and there's so many
14 people there all the time. The upper, it's -- with
15 those big trees there it's a problem.

16 MR. HOLAHAN: You know, you
17 could put a couple of game cameras up.

18 MS. ANNE SINCAVAGE: Well,
19 Hamill has one of those too.

20 MR. HOLAHAN: Did he do that?

21 MS. ANNE SINCAVAGE: I don't
22 know if that -- or do we put -- and maybe not --
23 maybe not tell the total truth, put in the kiosk,
24 this ar -- this parking area is under surveillance.

25 MR. HOLAHAN: Right.

1 Surveillance.

2 MS. ANNE SINCAVAGE: How do they
3 know it's not?

4 MS. LAMBERTON: You let Pocono
5 Mountain Regional tell you what to do.

6 MS. PICKARD: Yeah.

7 MS. LAMBERTON: Seriously.

8 MS. PICKARD: But I don't think
9 it'd hurt to just say that we're not responsible
10 for lost or stolen items to -- to take care of
11 those things just so people are mindful not to
12 leave those things open.

13 MS. ANNE SINCAVAGE: I just
14 don't -- I don't -- I don't want to put anything in
15 there that you don't want me to put in there.

16 MS. LAMBERTON: Exactly.

17 MS. ANNE SINCAVAGE: You know,
18 'cause we -- you know, with the -- remember we had
19 that fence issue, we said we're not saying
20 anything. We never put a fence up, that one area,
21 people were stupid enough to walk over the edge of
22 the cliff, that's their problem.

23 MS. LAMBERTON: I'd go with the
24 recommendation of Pocono Mountain Regional, to be
25 honest with you, because they deal with this more

9

1 than I would be able to answer.

2 MR. HOLAHAN: Agreed.

3 MR. MOYER: You don't want to
4 put something there to deter them --

5 MS. LAMBERTON: And that takes
6 care of you knowing what they would prefer too.

7 MS. ANNE SINCAVAGE: Right.
8 Okay.

9 MR. HOLAHAN: So we'll just
10 defer to the Pocono Regional's --

11 MS. LAMBERTON: I would think
12 so.

13 MR. HOLAHAN: I'm all right with
14 that.

15 MS. ANNE SINCAVAGE: Okay. So
16 it's okay to move forward with trying to get the
17 parking lots redone with our plan1 -- because
18 it's -- you know, the lower parking lot's a pretty
19 good size parking lot. It's just -- it's just

20 looking neglected now, it just looks yuck. And the
21 -- we're gonna schedule a spring cleanup, we gotta
22 clean out the grills, we have to clean the signs,
23 we have to put some more mulch down, but that's all
24 volunteer stuff. So I'll let everybody know when
25 that happens.

10

1 MR. MOYER: So we can use some
2 millings, though --

3 MR. KERRICK: Yeah, I wanted to
4 report on the buildings a little bit. We had
5 Monroe County come up and look at the -- the upper
6 building, there's a road that you can get back to
7 it, to get it cleaned up without wetland; the lower
8 one you can't. And I -- I don't know this winter I
9 texted you about the matting with the pipeline.
10 I've secured matting, but I need to get it from
11 where it is to there to use and then take it back.
12 They said we could use it, but -- so I don't know
13 if we could get people together to do that,
14 volunteer-type thing?

15 MS. HAASE: I think there was

16 also an issue, we may have to look at permitting
17 now.

18 MR. KERRICK: Now we have to
19 permit it?

20 MS. HAASE: I think there was
21 some -- Victor is no longer with the conservation
22 district.

23 MR. KERRICK: I know he's with
24 the -- but he was there and he had no problem with
25 that at the time.

11

1 MS. HAASE: I know, but he's
2 not anymore. I think there was some -- was there
3 some further discussion?

4 MR. McHALE: We can give him a
5 call and check and see if there's any other --

6 MR. KERRICK: We walked it, he
7 took samples and that's all I know. But if you're
8 still interested, I have -- I have access to the
9 matting, but I need help.

10 MR. HOLAHAN: And how old are
11 the buildings, John?

12 MR. KERRICK: Oh, my God, I

13 don't know.

14 MR. HOLAHAN: So we do --

15 MS. LAMBERTON: Old.

16 MR. MOYER: Yeah, they're old.

17 MR. HOLAHAN: -- we have to
18 worry about lead paint?

19 MR. KERRICK: You probably have
20 to have it inspected.

21 MS. ANNE SINCAVAGE: They're
22 old.

23 MR. MOYER: Yeah, they're real
24 old.

25 MR. KERRICK: Asbestos and lead.

12

1 MS. LAMBERTON: Can we give the
2 -- a couple hours of --

3 MR. HOLAHAN: Asbestos as well.

4 MS. LAMBERTON: -- our DPW to
5 these guys to help along with Tunk maybe?

6 MS. ANNE SINCAVAGE: Well, I
7 think I'd want to --

8 MS. PICKARD: I think we need

9 machinery, don't we?

10 MS. ANNE SINCAVAGE: Yeah, it's

11 gonna have to -- we need machinery and the other

12 thing is those trees that we can't get down. I

13 mean, they're there, but you know, it's -- it's

14 right at the Pine Plantation, that the volunteers,

15 we just can't do that. We can't cut the -- we

16 already tried it and it didn't come down.

17 MS. LAMBERTON: Oh, Annie.

18 MS. ANNE SINCAVAGE: Oh, yeah,

19 yeah.

20 MR. MOYER: Good luck. Right?

21 MS. HAASE: The plan was

22 initially that Tunk and Toby --

23 MS. PICKARD: Yeah.

24 MR. HAASE: -- would assist in

25 this.

13

1 MS. LAMBERTON: Right, yeah.

2 MS. HAASE: And then we ran

3 into a couple obstacles and, you know --

4 MR. KERRICK: As far as

5 cleaning up the building, that's a little more than

6 they can handle, really. We need a big trailer to
7 haul the matting, it's -- it's a little bit -- you
8 may want to try to get some contractors together,
9 'cause I don't -- we don't have any funding for it.

10 MS. ANNE SINCAVAGE: Well, the
11 problem is, is -- yeah, and Tunk -- and Tunk is
12 copied on everything that you guys are copied on,
13 so, you know -- and I'll report what I reported
14 tonight to you to Tunk. So it's not that they
15 can't say that they don't know what's going on
16 because we send everything to both Tunk and Toby,
17 so -- so I think, you know, let's see what we can
18 do and I'll contact regional, see what they say and
19 I'll send a draft of what they think I should put
20 in, if I should put anything in the kiosk and then
21 you guys can say yea or nay.

22 MS. LAMBERTON: That sounds
23 great.

24 MR. MOYER: Sounds good.

25 MS. PICKARD: Did you want to

1 say about the paving thing?

2 MR. KERRICK: Well, yeah.

3 MS. PICKARD: John just had a
4 comment.

5 MR. KERRICK: The entrance to
6 the -- at least the lower part should be paved back
7 to the -- to the parking lot. Maybe when the group
8 is doing the intersection traffic light
9 improvements into your community maybe we can get
10 them to go down there --

11 MR. MOYER: Slide it --

12 MR. KERRICK: -- if they have a
13 little extra.

14 MR. MOYER: -- way up.

15 MR. KERRICK: I think a 60, 70
16 foot strip would -- because when they leave, they
17 spin.

18 MS. ANNE SINCAVAGE: Right.

19 MR. KERRICK: And it -- constant
20 potholes.

21 MS. ANNE SINCAVAGE: Yeah, and
22 the upper's real -- upper's really bad too, but I
23 mean, the lower will be, you know --

24 MS. PICKARD: Always on that
25 hill, it's incline.

1 MR. MOYER: Be nice if they'd
2 go in there and put a load or two in and just --

3 MS. ANNE SINCAVAGE: Yeah, do
4 an apron and --

5 MS. PICKARD: Yeah, that would
6 be nice.

7 MR. MOYER: That be great.

8 MS. ANNE SINCAVAGE: All right.
9 Thank you very much.

10 MS. LAMBERTON: Thanks, Anne.

11 Okay. Moving on to sign
12 ordinance discussion.

13 What is the pleasure of the
14 board to discuss?

15 MR. HOLAHAN: I did actually
16 read this thing and I think it's -- to this point,
17 it's what we asked to have done. Did anybody have
18 any -- I read a bunch of definitions and cleared up
19 a bunch of language and things like this. Just
20 wondering what's it gonna take to get this to the
21 point we can move forward so we can make our
22 adoption.

23 MS. HAASE: I believe the reason

24 why it's back in front of you is, because there was
25 a discussion about off-premise billboards.

16

1 MR. HOLAHAN: Right.

2 MS. HAASE: And in order for us
3 to -- if you said it was allowed in a commercial
4 district, that would be all the billboards,
5 off-premise billboards in the commercial district.
6 So there was some discussion that potentially there
7 would be an interstate overlay that would include
8 the acc -- the ramps as well.

9 MR. HOLAHAN: Okay.

10 MS. HAASE: And that's
11 something that the board as a whole has not
12 discussed.

13 MS. LAMBERTON: So what we're
14 saying is that billboards would be -- or do I say
15 digital billboards would be allowed on interstate
16 only and can we do that?

17 MR. REISS: Yes.

18 MS. HAASE: You'd have to do an
19 overlay for that.

20 MS. LAMBERTON: Let's create an
21 overlay.

22 MR. HOLAHAN: Let's create an
23 overlay, I would think, right?

24 MS. LAMBERTON: Yeah. No, I
25 mean, that's where they make sense. I don't want

17

1 to see them up and down 940 or 115 for that matter.

2 MR. MOYER: No, we need to be
3 selective of how we --

4 MR. HOLAHAN: And I think
5 somebody brought up, I don't know if it was you or
6 John, about the cost of them anyway. It's not like
7 these things will be, everybody looking to grab
8 them because they're a substantial amount of the
9 money.

10 MS. LAMBERTON: Well, I think
11 Phyllis gave us some prices, that they came down
12 substantially compared to what it was.

13 MR. HOLAHAN: True.

14 MS. LAMBERTON: But they're
15 still thousands, I mean, we're not talking, you
16 know, seven, eight hundred dollars for a sign,

17 John, right?

18 MR. HOLAHAN: But I think that
19 does put it to where the areas that we're looking
20 for of the township and not running through our
21 village.

22 MS. MINNICK: Anne, just
23 throwing this out there, Wezmar's property on that
24 intersection of 940, there's mention that he wants
25 to put a digital billboard sign. If you do an

18

1 interstate, that doesn't allow him to do that
2 either.

3 MS. HAASE: If we did so many
4 feet off the ramp, that's something that could be
5 considered.

6 MS. LAMBERTON: Why wouldn't he
7 be considered interstate?

8 MS. MINNICK: 'Cause his
9 property's not -- that sign is not on the
10 interstate.

11 MR. HOLAHAN: Not adjacent to
12 it?

13 MS. MINNICK: It's more on 940
14 than it is 380.

15 MS. HAASE: That -- that would
16 be the recommendation then, if you did so many feet
17 from the ramp.

18 MS. LAMBERTON: His property
19 doesn't go up on 380?

20 MS. MINNICK: His property might
21 round 380.

22 MS. HAASE: But the sign is
23 not.

24 MS. MINNICK: The sign's not.
25 The placement of the sign is not.

19

1 MS. LAMBERTON: Well, I would
2 look at it as his property, not the placement of
3 the sign, 'cause let's say somebody doesn't have
4 one and you're basing it on the property, correct,
5 being adjacent to an interstate?

6 MR. MOYER: If they don't
7 already have a sign.

8 MS. LAMBERTON: Follow what I'm
9 saying, does it make sense?

10 MR. HOLAHAN: Yeah. But I -- I
11 -- but I think that we can pick that up with so
12 many feet off the ramp as well so we're not too far
13 into that and it allows some flexibility for some
14 people to get something in there, they're looking
15 to do. Those are certainly areas that are --

16 MS. LAMBERTON: Now, let's
17 think of it out in Blakeslee then.

18 MR. HOLAHAN: -- well away --

19 MS. LAMBERTON: You should have
20 that as well.

21 MR. HOLAHAN: -- well aware
22 from residential areas and things like this.

23 MS. LAMBERTON: Right.

24 MR. HOLAHAN: And I think that
25 isolates those enough. I guess my only

20

1 consideration would be Keswick is so far away, I
2 don't know how that would affect them.

3 MS. LAMBERTON: That he would
4 want a sign?

5 MR. MOYER: No.

6 MR. HOLAHAN: No, that he would
7 want one necessarily.

8 MS. LAMBERTON: Oh, okay. Yeah.

9 MR. MOYER: I don't think that
10 that's something that they would want.

11 MR. HOLAHAN: I don't think so
12 either.

13 MR. KERRICK: He was going to a
14 restaurant out in front at one time.

15 MS. LAMBERTON: I was just
16 thinking for --

17 MR. MOYER: Huh?

18 MR. KERRICK: He was going to
19 put a restaurant out front at one time. He has the
20 commercial parking. Whether that'll ever happen or
21 not, I don't know.

22 MS. HAASE: So, just so I'm
23 clear then, the board is not looking at a sign that
24 would be contingent to the interstate? You're
25 saying if the property --

21

1 MS. MINNICK: Abuts the
2 interstate?

3 MR. MOYER: We want to help.

4 MS. LAMBERTON: Well, I'm just
5 thinking if someone does develop that and that's in
6 that resort area out there --

7 MR. HOLAHAN: Well, resort area
8 they're okay, if they're in the --

9 MS. LAMBERTON: Maybe we
10 should --

11 MR. HOLAHAN: How do we make
12 the overlay work for them?

13 MS. LAMBERTON: Right, right,
14 right.

15 MR. MOYER: Yeah. That's the
16 key.

17 MR. HOLAHAN: I think we'd have
18 to take a look at the map and almost kind of draw
19 that out --

20 MS. LAMBERTON: Where you want
21 it.

22 MR. HOLAHAN: -- figure how far
23 down would you want something like that.

24 MR. MOYER: How far is it that
25 they have to be -- are close to the highway?

1 MS. MINNICK: I don't know
2 'cause nothing's proposed as of now.

3 MR. MOYER: Oh, it's not?

4 MS. MINNICK: No.

5 MR. MOYER: Okay.

6 MS. PICKARD: But even when we
7 had the overlay, wasn't there an issue with the
8 distance between the sign?

9 MS. HAASE: It currently is in
10 our ordinance, it's 1500 feet.

11 MS. LAMBERTON: 1500 feet which
12 allowed for the --

13 MS. PICKARD: If I knew that was
14 gonna be a problem with --

15 MS. LAMBERTON: -- Kalahari and
16 then Pocono Manor --

17 MS. PICKARD: -- Pocono Manor.

18 MS. LAMBERTON: -- and that was
19 it.

20 MS. PICKARD: On 380?

21 MS. LAMBERTON: Right.

22 MS. PICKARD: Then there would
23 be none allowed on 940 there.

24 MS. LAMBERTON: I thought there
25 was --

23

1 MS. PICKARD: That's what I'm
2 saying. That's where I'm getting a little
3 confused.

4 MS. HAASE: No, there's nothing
5 that's --

6 MS. PICKARD: Okay. So that
7 wasn't for digital --

8 MS. HAASE: Nothing currently
9 for a digital sign.

10 MS. PICKARD: -- that was just
11 an off-premise --

12 MS. LAMBERTON: Signage.

13 MS. PICKARD: -- or an
14 on-premise sign, but --

15 MS. LAMBERTON: That's another
16 question. I mean, is there a reason we have -- do
17 not allow off-premise signs?

18 MS. PICKARD: Yeah.

19 MR. REISS: That's pretty
20 common.

21 MS. MINNICK: Be all over the
22 place.

23 MS. LAMBERTON: What's the
24 reason?

25 MS. MINNICK: We'd have signs

24

1 all over the place.

2 MS. LAMBERTON: Well, I mean,
3 you have a certain amount of signs you're allowed.

4 MS. PICKARD: But if it's
5 off-premise, then the people whose property it is
6 -- so you have vacant land, so it'd be a vacant
7 piece of parcel, will have off-premise signs on it.

8 MR. HOLAHAN: Got you.

9 MR. MOYER: If the property
10 owner allows it.

11 MS. PICKARD: We have
12 billboards in commercial industrial.

13 MR. HOLAHAN: Property owners
14 are going to allow it.

15 MS. PICKARD: So if it's
16 commercial industrial, they can except what's

17 grandfathered in.

18 MR. HOLAHAN: They're gonna
19 lease that space out for signs.

20 MS. LAMBERTON: So directional
21 signs have nothing to do with off-premise signs.

22 MS. PICKARD: Well, directional
23 signs in our ordinance are on the property,
24 correct?

25 MR. REISS: We have two

25

1 different directional signs.

2 MS. LAMBERTON: Yeah, this is
3 where I -- I think this is where I'm confused.

4 MS. HAASE: You have where a
5 municipality can put up directional signs and then
6 you can have directional sign within a compound or
7 facil -- establishment.

8 MS. LAMBERTON: Right. I
9 understand that, but I mean, just for people to
10 know -- I mean, 'cause remember, that was a big
11 thing with how do you get to where you're going.
12 But those are more of a state PennDOT --

13 MS. PICKARD: That was the TODs.

14 RM. MOYER: They issue them,
15 right?
16 MS. LAMBERTON: If it's their
17 right-of-way.
18 MS. HAASE: Has to go through
19 PennDOT if it's on 940 or 115, correct.
20 MR. MOYER: I know with Donny
21 with the former shop --
22 MS. LAMBERTON: So does PennDOT
23 have anything that we need to be looking at as far
24 as --
25 MR. REISS: Well, normally what

26

1 you would do is, that would be one of the
2 requirements, that they also obtain any --
3 MR. MOYER: State.
4 MR. REISS: -- PennDOT permits
5 before they get --
6 MS. LAMBERTON: I mean, do they
7 have any objection to how and where we would allow
8 this ordinance to allow --
9 MS. HAASE: They have their own

10 regulations, they go under the Highway
11 Beautification Act as well. So they do have their
12 own regulations that have to be followed.

13 MS. LAMBERTON: And as far as
14 brightness and as far as timing and things like
15 that, that I understand.

16 MS. PICKARD: That's for
17 electronic, right?

18 MS. LAMBERTON: But as far as
19 --

20 MR. REISS: So you could have a
21 provision that's less restrictive than PennDOT, but
22 --

23 MS. LAMBERTON: They'd have to
24 --

25 MR. REISS: They'd had have to

27

1 comply with --

2 MS. LAMBERTON: PennDOT. Okay.
3 Which, I mean, PennDOT has theirs in place because
4 apparently it makes sense, so we don't need to
5 reinvent a wheel.

6 MS. PICKARD: No. But when you

7 were talking about the -- the directional signs,
8 you weren't talking necessarily about electronic
9 signs, 'cause you said --

10 MS. LAMBERTON: That's correct.
11 I was talking --

12 MS. PICKARD: -- about lighting
13 --

14 MS. LAMBERTON: -- two separate
15 things.

16 MS. PICKARD: -- and I got
17 confused there for a second.

18 MS. LAMBERTON: Yeah. I'm
19 sorry, no, no.

20 MS. PICKARD: Okay. You were
21 talking about the blue TOD signs. But I don't
22 understand, 'cause they have one on the highway,
23 but would they not be able to place one on 314 --

24 MR. HOLAHAN: At the end of the
25 ramp or something like --

28

1 MS. PICKARD: -- at the end of
2 the ramp there?

3 MS. LAMBERTON: That's what's
4 weird, I --

5 MR. MOYER: Or across --

6 MS. LAMBERTON: There's
7 restrictions, I don't know why.

8 MR. MOYER: -- the four ways.

9 MS. LAMBERTON: But that has
10 nothing to do with us, is what I understand.

11 MR. HOLAHAN: Right.

12 MS. PICKARD: Yeah, yeah.

13 MS. LAMBERTON: Okay. That's a
14 state thing. Okay.

15 MS. PICKARD: I just --

16 MR. HOLAHAN: So where are we
17 on -- I'm sorry. Where are we at on the overlay
18 then?

19 MS. LAMBERTON: I think we need
20 to pick an area. I think we need to look at the
21 parcels that are existing and see exactly where
22 everyone would --

23 MR. HOLAHAN: Yep.

24 MS. LAMBERTON: -- like to see
25 it extended to.

1 MR. HOLAHAN: Okay.

2 MS. PICKARD: What overlay are
3 we talking about, the resort on Pocono Summit or --

4 MR. HOLAHAN: No. Like an
5 interstate overlay.

6 MS. MINNICK: Interstate.

7 MS. PICKARD: Interstate
8 overlay.

9 MR. REISS: Right. This would
10 -- this would be for off-premise billboard signs --

11 MS. PICKARD: We need like a --

12 MR. REISS: -- basically along
13 the interstates.

14 MS. PICKARD: -- a map and a --

15 MS. LAMBERTON: Correct.

16 MR. HOLAHAN: Right, that's what
17 --

18 MS. LAMBERTON: 'Cause we have
19 to look at 940 --

20 MS. PICKARD: And a pointer or
21 --

22 THE REPORTER: I'm sorry. Guys,
23 just one at a time.

24 MS. LAMBERTON: I'm sorry.

25

MS. PICKARD: I was gonna say

30

1 we need the screen and a pointer or something here
2 to --

3 MS. LAMBERTON: Well, maybe we
4 could ask you, Maureen, to put a couple of maps
5 together with parcel maps and maybe color --

6 MR. REISS: Separating those
7 boundaries.

8 MS. LAMBERTON: Yeah. Color the
9 boundaries in so we could see like where the Wezmar
10 property goes to and then across the street how the
11 Ireland property runs and then out in Blakeslee
12 where --

13 MR. MOYER: Blakeslee -- yeah.

14 MS. LAMBERTON: -- the whole
15 industrial park -- and we don't have to worry about
16 the other side of the street because that's
17 Tunkhannock Township.

18 MS. MINNICK: Now, on our --

19 MS. HAASE: No, we do have --
20 we have the other side of the road. We do have the

21 other side.

22 MS. LAMBERTON: We do have a
23 parcel road? And then the other side as well,
24 whatever's Toby.

25 MR. KERRICK: Are we going to

31

1 incorporate any of the future land use in or look
2 at that --

3 MR. MOYER: Yeah, we probably
4 should.

5 MR. KERRICK: -- at the same
6 time? Not saying adopt that, but with our sign
7 ordinance, would it -- would it fit, would it not,
8 instead of reinventing the wheel the third time?

9 MS. PICKARD: That's not by the
10 interstate, though.

11 MR. KERRICK: I'm not talking
12 -- I'm just talking about the township. I'm sorry.
13 If we're just talking about the interstate, then I
14 apologize.

15 MS. LAMBERTON: What do you
16 mean, John? I'm sorry.

17 MS. PICKARD: Well, the

18 overlay.

19 MR. KERRICK: Well, we have the
20 future land use map, whether we ever act on that or
21 not, I don't know.

22 MR. MOYER: Yeah, that's been
23 in the wind for --

24 MR. KERRICK: Will that fit --
25 the ordinance fit into all of that when the time

32

1 comes or --

2 MS. LAMBERTON: We should make
3 sure it does before we --

4 MR. KERRICK: Is that just a
5 future that'll never happen?

6 MR. MOYER: Yeah. It's been in
7 the wind forever.

8 MS. PICKARD: It'll be
9 whatever's in the commercial district, would be in
10 that, if we change that to commercial --

11 MR. KERRICK: Well, we have
12 neighborhood commercial and different things, I
13 just -- just throwing it out there.

14 MS. PICKARD: Gonna have to
15 rewrite the zoning ordinance 'cause we --
16 MS. LAMBERTON: No. I think
17 you're right, I think --
18 MR. MOYER: Village.
19 MS. LAMBERTON: -- we should do
20 it at once and be done.
21 MR. MOYER: We have the village
22 --
23 MR. HOLAHAN: Yeah, but I think
24 this --
25 MS. PICKARD: Then we got to

33

1 start a different point or we're never gonna --
2 this is gonna --
3 MR. REISS: Well, there's two
4 things. One, the overlay is gonna -- an overlay,
5 by its nature, is going to supercede whatever the
6 zoning is in that area as it relates to the signs.
7 The rest of your sign ordinance has specific
8 provisions for different types of zoning districts.
9 So if those zoning districts change from commercial
10 to village residential or village commercial,

11 whatever it is -- if you don't change anything,
12 whatever the new zoning district is, let's say it's
13 village commercial, that now is gonna have to
14 follow whatever village commercial signage is.

15 MR. MOYER: Right.

16 MR. REISS: So I think when you
17 look at your sign ordinance, not even looking at
18 that future map, you would just need to think, are
19 these the things that I'd want to see in this type
20 of zoning district in general.

21 MR. KERRICK: That's what I was
22 throwing on the table.

23 MS. HAASE: To further address
24 John's comment, right now we don't have those
25 classifications. So the zoning ordinance would

34

1 have to be rewritten to include those, 'cause we
2 don't have village commercial, so we would have to
3 rewrite it.

4 MR. HOLAHAN: Right, so --

5 MR. MOYER: Right. Which makes
6 a good point.

7 MR. HOLAHAN: Which -- well,
8 we'll have the ability, so if we get to that point,
9 then we have the ability to go ahead and write
10 those --

11 MS. PICKARD: Yeah.

12 MR. HOLAHAN: -- ordinances and
13 signs.

14 MS. HAASE: 'Cause they don't
15 exist now.

16 MR. HOLAHAN: Which means -- I
17 guess what I'm saying is, I don't have an issue
18 with this one the way it's being presented right
19 now, adding the interstate overlay and once we know
20 where that -- those boundaries are gonna be, I
21 think addresses some things and we can move -- go
22 ahead and move forward. I think it's paramount
23 that we move forward.

24 MS. PICKARD: Okay. I want to
25 just say that I don't agree with this still. And I

1 still have like an issue with the -- the electronic
2 sign being the full 100 percent. And I think it
3 should be a portion or a percentage of the sign, I

4 like 25 percent, but I just feel like that's way
5 too big. Like I look at the sign we have at Lake
6 Naomi Real Estate and to think about that whole
7 thing glowing --

8 MR. HOLAHAN: Well, I'd be
9 pretty --

10 MS. PICKARD: -- electronically
11 to me --

12 MS. MINNICK: Can I --

13 MR. MOYER: I know they would
14 like to have a --

15 MS. LAMBERTON: I don't think
16 that that's what we're saying.

17 MR. MOYER: -- lot more back
18 there.

19 MS. PICKARD: Well, that's what
20 this is saying with the electronic sign and we dis
21 -- we discussed not putting a percentage in, but I
22 just thought like --

23 MS. LAMBERTON: No, no, no.
24 What I'm saying is, I don't think we're talking
25 digital anywhere else but where we have an overlay.

1 MS. HAASE: No.

2 MS. PICKARD: No.

3 MR. MOYER: No.

4 MS. PICKARD: We put electronic
5 graphic signs in everywhere.

6 MS. LAMBERTON: That's why we're
7 having this discussion.

8 MS. PICKARD: We're talking --
9 no, that's for billboards, Anne.

10 MR. REISS: Well, there's two
11 types of signage you're talking about. There's the
12 on-premise signs that you talked about last meeting
13 --

14 MS. LAMBERTON: Right.

15 MR. MOYER: Right.

16 MR. REISS: -- which would allow
17 for on-premise electronic signs --

18 MS. LAMBERTON: Right.

19 MR. REISS: -- constrictively.

20 MR. MOYER: Now we go into the
21 overlay.

22 MR. REISS: Now -- now we're --
23 tonight we were talking about off-premise signs
24 that would be electronic only on the interstate.

1 agreed upon previously is currently, if you have a
2 wall sign and a freestanding sign, that would be
3 the option of the property owner if they wanted the
4 digital verse that.

5 MS. LAMBERTON: I remember that.

6 MR. MOYER: The yellow
7 highlighted --

8 MS. LAMBERTON: But I think --
9 go ahead. I'm sorry.

10 MS. MINNICK: Can I just make
11 one suggestion that might help you, Heidi, as well.

12 (Inaudible discussion between
13 Mr. Moyer and Mr. Holahan.)

14 MS. PICKARD: Well, wait a
15 second.

16 MS. MINNICK: We could limit the
17 hours of the operation of the digital signs in a
18 commercial district.

19 (Inaudible discussion between
20 Mr. Moyer and Mr. Holahan.)

21 MS. MINNICK: Maybe illuminate

22 it from 5 a.m. until 11 p.m. or a half hour past
23 the close and if they're open 24 hours, allow that,
24 which --

25 MR. HOLAHAN: Yeah.

38

1 MS. PICKARD: I don't think
2 that's -- then you can't see the sign if that --
3 I'm like talking like CVS and like (inaudible) or
4 whatever, they have part of the sign and then they
5 have part of it electronic, and that's what I'm
6 saying. But the way we have it now, the entire
7 thing --

8 MR. HOLAHAN: They can do the
9 whole thing.

10 MS. PICKARD: -- can be
11 electronic and I think that's overkill and I don't
12 think it looks right. And I -- you know, I can't
13 live with that, 'cause I'm just looking at our --

14 MR. HOLAHAN: Right.

15 MS. PICKARD: -- you know, the
16 real estate there, you know how large that sign is.
17 But we're saying that that entire thing could be

18 electronic and I think it should be a percentage.
19 MS. LAMBERTON: Well, I think if
20 --
21 MR. KERRICK: Or smaller.
22 MS. LAMBERTON: -- we go back to
23 John Kerrick's comment --
24 MS. PICKARD: Yeah. I mean, I
25 think like most of them are.

39

1 MS. LAMBERTON: I think if we go
2 back to your comment, John --
3 MS. PICKARD: And you --
4 MS. LAMBERTON: -- and we look
5 at our future land use map, that's village
6 commercial, so that wouldn't be allowed in there.
7 MS. PICKARD: Well, it wasn't
8 in the future land use as village commercial, was
9 it?
10 MS. LAMBERTON: Absolutely.
11 Yes.
12 MR. KERRICK: I think it was.
13 MS. LAMBERTON: Yeah, in the
14 hub of Pocono Pines.

15 MR. MOYER: Do we have one in
16 there? Yeah.
17 MS. PICKARD: I know we extended
18 it --
19 MR. KERRICK: If you want -- if
20 you want to have that -- if that would be the whole
21 thing, make it smaller. If they wanted to keep it
22 the way it is --
23 MR. REISS: Your future land use
24 map has --
25 MS. PICKARD: I don't think it

40

1 allowed people --
2 MR. REISS: -- has use districts
3 that you don't now have in your zoning ordinance.
4 (Inaudible discussion between
5 Ms. Pickard and Mr. Kerrick.)
6 MR. REISS: You're not going to
7 be able to provide --
8 THE REPORTER: I can't --
9 MR. MOYER: Without that, right.
10 MR. REISS: -- the signs for the

11 zoning ordinance if there's signs for those
12 districts.

13 MR. MOYER: It's not
14 (inaudible).

15 MR. REISS: Right. So if you
16 have an area that's zoned commercial today that's
17 gonna get some day changed to village commercial or
18 something else --

19 (Inaudible discussion between
20 Ms. Haase, Ms. Pickard and Mr. Kerrick.)

21 MR. REISS: -- they're gonna be
22 grandfathered in for whatever sign they have.

23 MS. LAMBERTON: So it would be
24 wise, like John was saying to --

25 MR. MOYER: Look at that future

41

1 land map.

2 MS. LAMBERTON: -- get those
3 future land use maps in place first.

4 MR. MOYER: Or have the ability
5 to change it when they do --

6 MR. REISS: Right. You'll
7 always have the ability to change it just that for

8 some people --

9 (Inaudible discussion between

10 Ms. Haase, Ms. Pickard and Mr. Kerrick.)

11 MR. REISS: -- the cow will be

12 out of the barn --

13 MR. MOYER: Right.

14 MR. REISS: -- because you will

15 have already --

16 MR. MOYER: Yeah, you can't hold

17 them back.

18 MS. HAASE: We did not have a

19 village commercial in classifications. We had

20 conservation, rural/residential, mixed use,

21 neighborhood commercial, general commercial,

22 business development, industrial, public, military,

23 future growth areas and designated growth areas.

24 MR. KERRICK: Was the

25 neighborhood --

42

1 MR. MOYER: One was the village

2 neighborhood --

3 MS. PICKARD: Neighborhood

4 commercial.

5 MR. KERRICK: Neighborhood

6 commercial be like a lakeside house type thing --

7 THE REPORTER: Okay. I can't --

8 I'm having a really hard time getting everyone.

9 MR. KERRICK: I'm sorry.

10 MS. HAASE: It was, you're

11 correct.

12 MR. KERRICK: But you wouldn't

13 want to put a big sign in that, in amongst the

14 residential.

15 MS. HAASE: You're correct, but

16 those classifications don't exist currently.

17 MR. KERRICK: Understood.

18 MS. HAASE: So in order -- once

19 the board, if they so choose, if you so choose to

20 move forward with that, then at that time you would

21 put together uses that would be allowed in that

22 district.

23 MS. PICKARD: Well, right now

24 it's not village commercial, it's just regular

25 commercial, so we could --

1 MS. LAMBERTON: Well, that's --

2 MS. PICKARD: -- do that and
3 then that would open up and then it's gonna be
4 grandfathered and --

5 MS. LAMBERTON: That's what
6 Jonathan just said, would you like to go over that
7 again?

8 MR. MOYER: All right. She
9 needs us to speak one at a time, 'cause she's
10 having a hard time keeping up with all of us.

11 MR. REISS: So what I said was,
12 if you have all those uses that are -- not uses,
13 districts that are not yet in your zoning ordinance
14 and you adopt some amendment to your sign ordinance
15 that allows, for instance, electronic signs in the
16 commercial zoning district, and part of that
17 commercial zoning district some day becomes village
18 commercial where you don't want electronic signs,
19 you may have already allowed them in there and
20 those people would be grandfathered regardless of
21 what you write in, in the future, under your zoning
22 ordinance.

23 MS. LAMBERTON: So going back to
24 be what you said, John Kerrick, I think that maybe
25 we should do that step first just to have little

1 pockets protected, because I don't want to see
2 digital signs up and down 940 --

3 MR. HOLAHAN: Right.

4 MS. LAMBERTON: -- in its
5 entirety.

6 MR. HOLAHAN: Right.

7 MS. LAMBERTON: But do we need
8 certain updated features in areas that, this is
9 where our traffic is coming up, this is what's
10 advertised, this is what's here. I don't know, I'm
11 not opposed to it on an interstate and we have two
12 gateways into our township. And then maybe give
13 some other commercial properties options if they
14 want, but leave those pockets and I think we should
15 do that village commercial overlay.

16 MR. KERRICK: Or, John, weren't
17 we talking in Blakeslee on the visioning to have a
18 walking commercial district type of thing?

19 MR. MOYER: Yeah.

20 MR. KERRICK: We wouldn't all
21 kinds of big --

22 MR. HOLAHAN: No.
23 MR. MOYER: No.
24 MS. LAMBERTON: Right, exactly.
25 MR. KERRICK: -- signs and --

45

1 MS. LAMBERTON: And you know,
2 originally --
3 MS. MINNICK: The sizes --
4 excuse me. The sizes are limited. You have to
5 remember, the sizes are limited square foot to
6 begin with.
7 MS. LAMBERTON: Right.
8 MS. MINNICK: They're not gonna
9 have these massive digital signs all over the place
10 and, number one, can mom and pop businesses really
11 afford a sign?
12 MS. PICKARD: Well, I'm not
13 gonna count on that they can't afford to put one
14 there.
15 MS. MINNICK: Well, I'm -- right
16 now, I mean --
17 MS. PICKARD: But I agree, we
18 need to do the village --

19 MS. MINNICK: -- they cannot fix
20 the properties now --

21 MS. PICKARD: -- first.

22 MS. MINNICK: -- they're not
23 gonna -- they're not gonna go out and buy a 5,000
24 or a \$10,000 sign.

25 MR. HOLAHAN: But I think the

46

1 intent is that we do not want the digital signs in
2 those -- those electronic signs, digital signs in
3 certain areas. So we need to identify where we're
4 gonna be okay with them. And then furthermore,
5 perhaps separating out maybe freestanding and
6 facade signs or something against the building is
7 not as obtrusive as popping something right out
8 front.

9 MS. LAMBERTON: You know, that
10 -- that brings to mind like if you -- if we do do
11 -- I know when we originally speak -- spoke, I'm
12 sorry, of individual village commercial sections,
13 we spoke of Blakeslee, we spoke of actually the
14 spur road going back by like Donny's --

15 -- and, John, your house there,
16 because that's all commercial nestled in here. We
17 spoke of Pocono Pines and we spoke of out in Pocono
18 Summit. Well, now, the Summit has taken on its own
19 character, which is wonderful, because those
20 parcels of land are so large, you wouldn't get that
21 village commercial. So that's kind of a different
22 --

23 MS. PICKARD: Or coming up to
24 school, you know --

25 MS. LAMBERTON: I'm not talking

47

1 -- out by 380.

2 MS. PICKARD: I know. But we
3 have to just segregate -- yeah, and talk about
4 what --

5 MS. LAMBERTON: And that -- we
6 can also make that section of 940, which is all
7 commercial, and make it -- maybe we can do
8 something village commercial there.

9 MS. MINNICK: We were -- we
10 were talking about maybe eight months ago, when Jim
11 Cahill was coming in, making that an overlay and

12 having its own sign, if I remember --
13 MS. LAMBERTON: Yes.
14 MS. MINNICK: -- to accommodate
15 his plans --
16 MS. LAMBERTON: And I think --
17 MS. MINNICK: -- and whatever he
18 was planning on doing.
19 MS. LAMBERTON: And I think
20 listening to Jonathan here with, you know,
21 protecting those little areas that don't want that,
22 I think that that's what we need to do first, John,
23 I think you're absolutely correct, with the land
24 use map.
25 MS. PICKARD: We need to get a

48

1 definition--
2 MR. KERRICK: Not to slow it
3 down.
4 MS. PICKARD: -- for village
5 commercial.
6 MS. LAMBERTON: No. I don't
7 think that'll slow it down, I think that that'll

8 just be our next step.

9 And then while we're doing that,
10 Maureen, maybe if you could go ahead and highlight
11 some boundary areas out on 940, 380, 115 and 80 and
12 -- 'cause we have to look what the size of those
13 parcels are as well because I know just, for
14 instance, even the planning commission --

15 Brendon, you could speak to this
16 as well, with this -- and I'm not putting you on
17 the spot.

18 MR. MOYER: Yes, you are.

19 MS. LAMBERTON: But the gas
20 station, that's a great project and it's right
21 along an interstate. I know everybody was like,
22 oh, the signs are gonna be huge and this and that.
23 Well, I don't go anywhere where you don't go down a
24 highway and see a gas station price --

25 MR. BRENDON CARROLL: And that

49

1 has a specific --

2 MR. MOYER: Look.

3 MS. PICKARD: Yeah, that's a
4 different category of signs.

5 MR. BRENDON CARROLL: I just
6 have one thing to go backwards and I think in the
7 planning, I think you guys have done a good job of
8 keeping things --

9 MS. LAMBERTON: On the --

10 MR. BRENDON CARROLL: -- where
11 they belong, like that example.

12 Maureen, I just want to tell
13 you, I've been researching sign ordinances in
14 Vermont and Maine and they said the mom and pop
15 can't afford the sign but -- whatever the sign
16 company is, I can't think of it off the top of my
17 head.

18 MR. HOLAHAN: Adams, Lamar?

19 MR. BRENDON CARROLL: Adams goes
20 to John Holahan and says, I'm gonna pay for your
21 sign and -- and -- and they're gonna sell it to you
22 and you and you and you, and now everybody has
23 them. And I understand people want to help the
24 businesses and things, but I think this decision
25 will ever change the landscape of our town.

1 MS. LAMBERTON: I agree.

2 MR. MOYER: Yeah.

3 MR. BRENDON CARROLL: And then I
4 think taking the extra time to think about things
5 like that are --

6 MR. MOYER: I agree.

7 MS. LAMBERTON: I've read in
8 some rural areas, though, on the flip side of
9 that -- and I do agree with you Brendon -- the --
10 you know, the farmers that can't afford their taxes
11 anymore are putting up digital signs and it's an
12 excellent revenue to pay their real estate taxes.

13 MR. BRENDON CARROLL: Oh, sure.
14 I mean, I (inaudible), the guy put up windmills,
15 they couldn't farm anymore and all of a sudden
16 everybody has a windmill.

17 MS. LAMBERTON: And thankful
18 that's not -- that's not our layout. That's not
19 our layout of our township, so I thank you for that
20 'cause I do --

21 MR. BRENDON CARROLL: Just like
22 the work -- when we were talking about the casinos
23 and things like that. I mean, they were allowed in
24 certain spots and that's it.

25 MS. PICKARD: Well, and that

1 was one comment that I have is, have we ever talked
2 about what would be allowed in village commercial.
3 And -- and I'm guessing Lake Naomi has a lot to say
4 about this 'cause when Mountain Top Lodge was for
5 sale and different things, I know that you guys had
6 voiced some concerns about the types of commercial
7 that would be allowed. And that -- you know, it's
8 great to say we're gonna do it, but have we thought
9 about what we're gonna allow and do we have some
10 samples of what we were saying and what we're gonna
11 restrict there and not allow there?

12 MS. LAMBERTON: Well, I think we
13 had our planners come in and do just that and give
14 us a drawing. Do you -- do you recall that?

15 MR. MOYER: Yeah.

16 MS. LAMBERTON: Mark Evans and I
17 don't remember the other gentleman.

18 MS. PICKARD: Phil.

19 MR. MOYER: Phil.

20 MS. LAMBERTON: I'm sorry,
21 Phil. And he had mixed use basically and it was
22 more of a Jim Thorpe feel where --

23 MR. MOYER: Like Vermont.
24 MS. LAMBERTON: Yes. Maybe
25 like a salon downstairs and town homes or condos on

52

1 the second and third floor.
2 MR. MOYER: Parking in the back?
3 MS. LAMBERTON: Yes.
4 MS. PICKARD: But what I'm
5 talking about is a commercial district would allow
6 a gas station or allow harder commercial uses that
7 aren't conducive. So we're talking about if
8 somebody comes in and wants to buy Joe Miller's
9 property that's commercial, if it is, and put a
10 warehouse there or something -- not -- you know
11 what I mean, some -- at a loss --
12 MS. LAMBERTON: I think it would
13 be on the market one day --
14 MS. PICKARD: -- to come up
15 with something we don't want that's --
16 MS. LAMBERTON: -- and Lake
17 Naomi would buy it or Billy Van Gilder for parking,
18 right?

19 MS. PICKARD: But we don't want
20 to think about that, but I'm just saying.
21 MR. BRENDON CARROLL: Yeah, but
22 right now it's a permitted use.
23 MS. PICKARD: It's a permitted
24 use, yes.
25 MR. BRENDON CARROLL: You could

53

1 put a PRD up there if you want to.
2 MS. PICKARD: I can't think
3 of -- yeah, exactly.
4 MS. LAMBERTON: Yes. As a
5 matter of fact somebody looked at that, yeah.
6 MR. BRENDON CARROLL: I mean,
7 you could. The size of the property, sure you
8 could.
9 MS. LAMBERTON: Right. But if
10 you do put an overlay, then you can designate, you
11 know. And I -- I agree, that should be some really
12 good thought that is put into that.
13 MS. PICKARD: So --
14 MS. HAASE: Is the board
15 looking at overlay or changing the ordinance?

16 Because the base ordinance --

17 MS. PICKARD: That's what --
18 yeah.

19 MS. HAASE: -- stays the same,
20 an overlay is just additional restrictions. So the
21 --

22 MS. PICKARD: We're talking
23 about a new category.

24 MS. HAASE: If it's a
25 commercial. Right. But Annie had mentioned an

54

1 overlay --

2 MS. PICKARD: Yeah.

3 MS. HAASE: -- so that's -- I'm
4 just trying to straight -- you were looking for an
5 overlay or putting in a new use?

6 MR. REISS: The conver -- the
7 conversation's gone to doing more than a sign
8 ordinance.

9 MS. HAASE: Yes.

10 MR. KERRICK: Sorry.

11 MS. PICKARD: Yeah, thanks.

12 MR. REISS: Addressing -- doing
13 a zoning map change and adding new zoning
14 districts, which would require you to come up with
15 the uses allowed in each zoning district, uses
16 allowed by conditional use, uses allowed by special
17 exception, the dimensional requirements, the
18 dimensional requirements for each zoning district.
19 That's some work to come up with, I don't know if
20 you have planners -- a planning -- a company that
21 you have as a consultant?

22 MR. MOYER: We've dealt with a
23 couple different ones.

24 MR. REISS: But they -- it would
25 probably be a good starting point to get some draft

55

1 ideas from them, for each of those districts as far
2 as the use of all the different -- three types of
3 uses.

4 MS. LAMBERTON: If I remember
5 correctly, we did get a report from Mark Evans.

6 MR. MOYER: Mark Evans and --

7 MS. LAMBERTON: Poor guy, he
8 owns the company and I can't --

9 MS. PICKARD: That didn't say
10 zoning uses.
11 MS. HAASE: That's not -- that's
12 not the same.
13 MR. MOYER: Yeah, that was
14 different. Yeah, it was different.
15 MS. HAASE: For the future land
16 use map, when the board approved that, there was --
17 for each use there was designated suggestions of
18 what was going to be in that. So we certainly
19 could get that --
20 MR. MOYER: Some pictures.
21 MS. HAASE: -- and recirculate
22 that to the board again. But, yeah, that would be
23 different than the overlay. If --
24 MR. REISS: Well, that would be
25 in addition to the overlay. I mean, it sounds like

56

1 you still want the overlay district along the
2 interstate and that really is a matter of
3 determining not so much -- I mean, you want to look
4 at the properties, but that -- most overlays for

5 billboards along interstates will say, the overlay
6 is within 500 feet of each side of the interstate
7 or something like that. So you don't actually --
8 you look at the properties, but you don't draw in
9 an entire property, for instance, even.

10 MR. MOYER: Right, right.

11 MR. REISS: But that, again,
12 depends on your -- the policy you five want to come
13 up, whether you want to make it broader so that you
14 can actually have --

15 MR. MOYER: Make it another
16 one.

17 MR. REISS: -- billboards closer
18 to the state road as opposed to the interstate.

19 MR. MOYER: Yeah, yeah.

20 MS. LAMBERTON: Okay.

21 MS. PICKARD: Just to switch --

22 MR. KERRICK: Anne --

23 MS. LAMBERTON: I'm sorry. Go
24 ahead, John.

25 MS. PICKARD: Okay.

1 MR. KERRICK: No, let Heidi go.

2 MS. PICKARD: I just did a
3 neighborhood commercial in Leesburg, Virginia, I
4 believe Florida came up. But anyway, the permitted
5 uses were just two: retail commercial outlets for
6 the sale of food, hardware and drugs; and two,
7 service establishments, such as barber, beauty
8 shop, shoe repair, blah, blah, blah, blah, blah.
9 That's really what they're saying is retail and
10 service.

11 MS. HAASE: And I believe that
12 that is what the board did agree on with your land
13 use map.

14 MS. PICKARD: Yeah. So that's
15 really what we'd be talking about if we did
16 neighborhood commercial --

17 MS. LAMBERTON: Uh-huh.

18 MS. PICKARD: -- which makes
19 sense.

20 MS. LAMBERTON: That seems to
21 fit.

22 MS. PICKARD: Yeah.

23 MR. MOYER: That's what we
24 looked at.

25 MR. KERRICK: My intent was not

1 to complicate this or drag it out longer.

2 MS. PICKARD: But it's good.

3 MR. KERRICK: But it may not
4 affect any zone that we have. But I was concerned
5 exactly what John said, if we would allow something
6 --

7 MS. PICKARD: Yeah.

8 MR. KERRICK: -- in this change
9 to go, it's there forever. And if we changed the
10 neighborhood, or whatever you want to call it,
11 commercial or village --

12 MS. HAASE: Correct. And you
13 have a valid point, that a couple of the areas that
14 pocketed was Firehouse Road and down Locust Ridge.
15 And those two areas right now are residential. So
16 I don't think we need to worry about that because
17 we're not proposing those types of signage in that
18 area. But I think it's a valid concern and
19 something to look at.

20 MR. HOLAHAN: So if we were to
21 take -- just kind of deconstructing this a little
22 bit. But if we were taking intent of the board and

23 saying where we're actually looking to be able to
24 have these signs and identify those areas, and then
25 retake a look at how we've got them categorized and

59

1 perhaps we can write it around that. Did I make
2 sense?

3 MS. LAMBERTON: Yes.

4 MR. HOLAHAN: It didn't to me.

5 MS. LAMBERTON: And then make
6 the -- make the property boundaries be in that zone
7 and then --

8 MR. HOLAHAN: That way we don't
9 have --

10 MS. LAMBERTON: -- look at the
11 others differently.

12 MR. HOLAHAN: -- unintended
13 consequences --

14 MS. LAMBERTON: Yes.

15 MR. HOLAHAN: -- of where we've
16 restricted something that we didn't mean to
17 restrict.

18 MR. MOYER: Right.

19 MS. LAMBERTON: I would like to

20 have that put in place --

21 MR. MOYER: We don't want to
22 hold somebody --

23 MS. LAMBERTON: -- first so we
24 don't have something happen --

25 MS. PICKARD: Could we -- yeah.

60

1 MS. LAMBERTON: -- that we
2 regret later.

3 MS. PICKARD: I'm not sure that
4 I understood what we're saying, so could you repeat
5 that, please?

6 MR. HOLAHAN: Could I repeat
7 that? I --

8 MR. KERRICK: She can read it
9 back to you.

10 MR. HOLAHAN: No, that's not --
11 I'll see if I can clarify it. The intent of the
12 board is to decide where we want to allow or not
13 allow digital signs. So if we would take a look at
14 a map and identify those areas and then put this on
15 top of that, so that we've got a little more leeway

16 in -- we're not restricting somebody with some
17 unintended consequences. So we say -- we -- we --
18 here's -- here's the future map right here, we've
19 got it on our website.

20 MS. PICKARD: Yeah.

21 MR. HOLAHAN: So we go on there
22 and we pick the areas and say, this is where we're
23 thinking those make the most amount of sense and
24 it's also our future land use map as well. And
25 then we can say, we're okay with it here and here

61

1 and here; now, how did we get the ordinance to fit
2 what we're looking to do.

3 MS. MINNICK: So like in the
4 Blakeslee Overlay District, we're talking about not
5 having digital signs through there?

6 MR. HOLAHAN: That's what I'm
7 thinking.

8 MS. MINNICK: Okay.

9 MS. PICKARD: Not at the tight
10 area that we knocked it down, but blowing it out,
11 it would, do you know what I'm saying?

12 MR. HOLAHAN: Yep.

13 MR. MOYER: Yeah, someplace, I
14 don't know where --
15 MS. LAMBERTON: Well, it's
16 wherever you draw that Blakeslee Visioning area.
17 MR. KERRICK: How far did we go
18 back when we recorded the last time?
19 MS. LAMBERTON: Wherever you
20 draw, whatever boundaries you put in.
21 MS. MINNICK: The boundaries, I
22 believe, are set for the Blakeslee Village --
23 MS. PICKARD: Is that --
24 MR. KERRICK: Is it a quarter
25 mile?

62

1 MS. LAMBERTON: We'll be
2 changing it, don't worry.
3 MR. HOLAHAN: I'm sorry?
4 MR. KERRICK: How far back did
5 we go on each inter -- or highway?
6 MS. HAASE: It was beyond
7 Hemlock. It would be --
8 MR. KERRICK: From -- from 115

9 to 940 to Hemlock?

10 MS. HAASE: It was beyond
11 Hemlock, I believe.

12 MR. MOYER: So how far is that?

13 MS. HAASE: So just --

14 MR. KERRICK: The first road in
15 Greenwood -- or Greenwood Acres (inaudible) pretty
16 much.

17 MS. HAASE: -- 'cause I'm
18 confused now. Then the board is looking to
19 adopt --

20 MR. MOYER: The first road.

21 MR. KERRICK: Hemlock is by the
22 bank.

23 MS. HAASE: -- the new zoning
24 districts that --

25 MR. MOYER: Oh, yeah, right,

63

1 right.

2 MS. HAASE: -- was being
3 proposed in future (inaudible)?

4 MS. LAMBERTON: Yes. Then, of
5 course, we're gonna have to review it all.

6 MS. MINNICK: I think so.

7 MS. PICKARD: This is what we're

8 talking about, in this area.

9 MR. MOYER: Yeah, that was --

10 MS. PICKARD: Can you push that

11 backside?

12 MR. KERRICK: No, that's fine.

13 MS. LAMBERTON: This area is for

14 parking --

15 MS. PICKARD: That's why I

16 stopped right there.

17 (Inaudible discussion amongst

18 board members.)

19 MR. REISS: Let me be clear,

20 though, until this overlay's in place, until these

21 future zoning districts are in place, you're not

22 going to be able to do anything with this

23 ordinance.

24 MS. LAMBERTON: I'm fine with

25 that.

1 MR. REISS: Okay.

2 MS. PICKARD: Can we go back to
3 what we did before we added the electronic to get
4 in the weekends and the other part and just leave
5 off the electronic signs and electronic billboards
6 to move forward so that this summer we could have
7 the people with the holidays and --

8 MS. LAMBERTON: You mean the
9 flags that you guys hate, you want us to --

10 MS. PICKARD: No.

11 MS. LAMBERTON: -- go ahead and
12 approve that part of it?

13 MR. HOLAHAN: No.

14 MR. MOYER: No, but be able to
15 advertise on the holiday weekends and --

16 MS. LAMBERTON: No, I'm
17 teasing.

18 MR. HOLAHAN: But I think --

19 MS. LAMBERTON: I understand
20 what you're saying.

21 MR. HOLAHAN: I'm not sure --

22 MR. BRENDAN CARROLL: They're
23 gonna do it anyway.

24 MR. HOLAHAN: I'm not sure that
25 I do.

1 MS. HAASE: What the board --
2 then the board would agree to amend the ordinance
3 to include A-frame signage and --

4 MS. PICKARD: On the sidewalk.

5 MS. HAASE: -- the shingle sign
6 and then it would also include the special event,
7 federal holidays?

8 MR. HOLAHAN: Yes.

9 MS. HAASE: So those would be
10 the three addit --

11 MS. PICKARD: And the race
12 track dates.

13 MR. MOYER: Race weekend.

14 MS. HAASE: That's part of
15 that.

16 MS. PICKARD: Yeah.

17 MS. MINNICK: Okay. Now, do
18 you want us to look at the billboard digital sign
19 --

20 MR. HOLAHAN: Separately.

21 MS. MINNICK: -- separately,
22 include it with what Phyllis was talking about?

23 MS. LAMBERTON: Oh, and do an

24 interstate thing?

25 MS. PICKARD: Yeah. We're

66

1 talking -- not now, but we need to look at a map,
2 though, first for that.

3 MS. LAMBERTON: Well, I mean,
4 how long is that going to take? Can you have it
5 ready tomorrow at nine?

6 MR. HOLAHAN: Yeah, well, we
7 were talking about this eight months ago, right, so
8 --

9 MS. LAMBERTON: Well, it's a
10 map.

11 MR. HOLAHAN: So what can we
12 do --

13 MS. PICKARD: Nobody's gonna be
14 putting up an interstate sign that quick. I mean,
15 the people --

16 MS. LAMBERTON: Don't be so
17 sure.

18 MS. MINNICK: No, I -- we have
19 -- I have somebody --

20 MS. HAASE: We have some bodies
21 that are interested.

22 MS. LAMBERTON: Yeah.

23 MS. MINNICK: And I keep on
24 telling them to hold off, hold off a lot.

25 MS. PICKARD: Are we talking

67

1 about Wezmar again?

2 MS. LAMBERTON: They can't do
3 anything. And that's --

4 MS. PICKARD: I just want to say
5 that's -- that's the entranceway into the --

6 MS. LAMBERTON: I respect their
7 need to want to do that.

8 MS. PICKARD: That's the
9 entranceway into the township too, just saying.

10 MS. MINNICK: Well, we have --

11 MS. PICKARD: I know, but I
12 think to me that sign --

13 MS. MINNICK: Well, we have that
14 and have the --

15 MS. PICKARD: -- should be
16 electronic.

17 MS. LAMBERTON: One at a time.
18 MS. MINNICK: -- zoning hearing
19 board that denied other digital signs.
20 MS. LAMBERTON: I'm sorry. Say
21 that again.
22 MS. MINNICK: I said we have
23 Adams that the zoning hearing board allowed and
24 then they denied another digital sign and now they
25 have another company that's going, I want a digital

68

1 billboard, I want to spend the money.
2 MS. PICKARD: Well, what they
3 didn't allow was an on-premise sign, that wasn't a
4 billboard.
5 MS. MINNICK: It's still a
6 digital sign.
7 MS. PICKARD: No, but that's
8 completely different.
9 MS. LAMBERTON: So let me ask
10 this then, to satisfy that need, because that's a
11 taxpayer in our township as well too and we're
12 looking to move forward with a interstate approval

13 for digital --

14 MS. PICKARD: Can we just --

15 MS. LAMBERTON: -- can we get
16 something put together for our next meeting? Not
17 next Monday, but for our June meeting --

18 MS. MINNICK: Yeah, I'll --

19 MS. LAMBERTON: -- right?

20 Because that'll take care of the holiday thing.

21 Then get us the boundaries if you could, Maureen --

22 MS. PICKARD: It has to go to
23 the --

24 MS. LAMBERTON: Excuse me one
25 second.

69

1 -- the boundaries for the
2 interstate intersections of what you would suggest,
3 look at -- look at the size of your parcels and
4 give us some sort of designation that you think
5 would work, right? And the 115 and Route 80. And
6 maybe we can include this and this and then move
7 this forward a little quicker than not. And then
8 we look at our village commercial areas and only
9 let the digital be -- correct me if I'm saying

10 something illegal -- out on the interstate for
11 now --

12 MR. REISS: That's --

13 MS. HAASE: That's an overlay

14 MS. LAMBERTON: And then let's
15 really look at this and take a serious look and
16 keep our little village commercial pockets
17 protected and I think we could satisfy maybe both
18 areas --

19 Speak up whenever you'd like.
20 Does it make sense so far?

21 MS. PICKARD: I had a couple --

22 MS. MINNICK: We're not gonna
23 make everybody happy.

24 MS. PICKARD: All right --

25 MS. LAMBERTON: No, no. But I

70

1 think that that's a way to move forward and still
2 have the idea that we want to protect the little
3 areas, you know, where are communities are. And we
4 don't want big digital and the brightness and
5 things like that. I think that would be the best.

6 I'm sorry. Go ahead now.

7 MS. PICKARD: No, I just had
8 two things. One, can we make it, if it's 500 feet,
9 let's say, whatever that is, from the interstate,
10 can we say and/or the junction -- the --

11 MR. REISS: The interchange.

12 MS. MINNICK: Ramp.

13 MS. PICKARD: -- the ramp, the
14 interchange -- thank you -- so that would include
15 Wezmar there? Would that be one way to get that in
16 there?

17 MS. MINNICK: Well, I'll have to
18 -- I'll have to measure.

19 MS. PICKARD: And it would --

20 MS. LAMBERTON: Well, just
21 measure it.

22 MS. MINNICK: Yeah, I'll have to
23 measure exactly where the sign is.

24 MS. PICKARD: Whatever the
25 number is, but if we include the interchange, that

71

1 might take care of that. Secondly, do we have
2 enough time to advertise, Anne, and --

3 MR. REISS: You're not gonna
4 have it.

5 MS. HAASE: No.

6 MS. PICKARD: For June, we don't
7 have enough time.

8 MR. REISS: No, I think you
9 were saying to have something that you can then say
10 send these to the planning commission --

11 MS. LAMBERTON: Yes.

12 MR. REISS: -- advertise it for
13 a hearing.

14 MS. LAMBERTON: Yes.

15 MS. PICKARD: In June?

16 MR. REISS: Right.

17 MS. LAMBERTON: Yes.

18 MS. PICKARD: So then we're
19 talking August, maybe, July or August.

20 MS. HAASE: You're probably
21 looking closer to September even to get this
22 approved.

23 MS. PICKARD: Yeah, that's what
24 I'm saying. But that precludes any of this weekend
25 crap that we were trying to do, which I could care

1 less, but I was trying to be friendly.

2 MS. LAMBERTON: Maybe we put an
3 moratorium on any violations for the summer for
4 these folks.

5 MR. MOYER: August we'll be able
6 to.

7 MR. KERRICK: This wouldn't be
8 ready to go to the planning commission without the
9 -- the electronic?

10 MS. PICKARD: Well, that's what
11 I thought, but now she wants to add the interchange
12 --

13 MR. KERRICK: I'm just asking a
14 question.

15 MS. PICKARD: -- part in.
16 Unless we could -- I know it gets expensive -- do
17 this and then do the interchange secondary to do by
18 September.

19 MR. HOLAHAN: With the
20 electronic.

21 MR. KERRICK: We pretty much
22 agreed to everything except the electronic on this.

23 MS. PICKARD: Yeah. She wanted

24 to add the overlay back, though, that's where we
25 got stuck and we don't have the distances or

73

1 anything. Yeah, I was thinking the same thing. I
2 want to get this done and then do -- do three
3 phases; this one, the overlay and then the
4 electronic part with -- after we do the --

5 MR. HOLAHAN: I'd be okay with
6 that.

7 MS. PICKARD: The neighborhood.

8 MS. LAMBERTON: That doesn't
9 help --

10 MS. PICKARD: Wezmar.

11 MR. HOLAHAN: It could still be
12 working on that -- in parallel with what we're
13 doing here. Problem is that we keep getting --
14 hitting these stumbling blocks and then we're not
15 moving forward --

16 MS. LAMBERTON: No, I respect
17 that. I understand.

18 MR. HOLAHAN: -- with helping
19 the other places too.

20 MS. HAASE: If you really think

21 about it, the goal was to try to give additional
22 signage to some businesses. And if we do the
23 special event, federal holiday, they're really not
24 gonna pick up any holidays because we're not gonna
25 meet Memorial Day, we're not gonna meet 4th of

74

1 July, the only thing that they're really gonna be
2 able to pick up is Labor Day. So if you'd really
3 think about it that way --

4 MS. PICKARD: And the races.

5 MS. HAASE: Well, the races --

6 MS. PICKARD: Isn't there
7 already --

8 MS. HAASE: -- the races are
9 already in the ordinance.

10 MR. MOYER: We can do that.

11 MS. PICKARD: Yeah.

12 MR. MOYER: Yeah.

13 MS. HAASE: So it's really that
14 specific amendment isn't going to make that much of
15 a difference.

16 MS. PICKARD: Okay. All right.

17 Well, then --
18 MR. MOYER: Labor Day only.
19 MS. PICKARD: Then we might as
20 well wait then.
21 MR. MOYER: And that's the end
22 of the year?
23 MS. PICKARD: But the sandwich
24 boards for the sidewalk.
25 MR. MOYER: Good-bye.

75

1 MR. HOLAHAN: Can I also add
2 that if we're not doing anything --
3 And I'm sorry, Mike.
4 -- that we have a little
5 committee where we all get pickup trucks and drive
6 around this township and pick up some of the crap
7 that we see sitting on the side of the road here?
8 MR. MOYER: It's a good idea.
9 MS. LAMBERTON: How about it,
10 you should see --
11 MR. MOYER: I would like to see
12 it cleaned up, honestly
13 MS. LAMBERTON: It's awful, it's

14 just awful.

15 MR. HOLAHAN: Yeah, Mike was --

16 MS. LAMBERTON: Go ahead, Mike.

17 I'm sorry.

18 MR. MIKE CHRISTIAN: Yeah. Good
19 evening, folks. Mike Christian.

20 Really pleased to hear the
21 direction this is going and looking at this more
22 holistically. Put on my board of trustees, I'm on
23 the board of trustees of Lake Naomi, Pocono Pines
24 Lake (inaudible), and we're real -- we're really
25 concerned with the direction it was going, really

76

1 pleased to hear that, you know, you're looking at
2 this as a -- you know, individual overlays and
3 taking time with it.

4 What we were concerned about --
5 and really support the businesses, we're a business
6 and we're really concerned, that we have a
7 fiduciary duty to our own members just to maintain
8 this Pocono experience. It's a win-win with the
9 businesses because we want the businesses to see,

10 we give the business a lot business. You all know
11 this, but I'm just gonna just give you one piece of
12 information.

13 We need 16 new members a year,
14 plus we also need to maintain the current
15 membership; otherwise our dues go up. If this --
16 the nature of this area changes and we start losing
17 members, the dues go up; dues go up, we lose more
18 members. We lose more members, the dues go up;
19 dues go up, we lose more members. So this -- we
20 don't want to end up like some other communities in
21 this township. So we're really looking to keep the
22 Pocono experience, we want people come here, not
23 just us, but all the other communities in the
24 township.

25 So think of it that way, we like

77

1 to work with the businesses more and with you just
2 to see. And we're talking about how we can work
3 with businesses, we're having some discussions
4 about that so that we can meet with the business
5 and come up some ideas, come back to you and try to
6 come up with some ideas that everybody's a winner.

7 We don't wanna lose our members, they don't lose
8 their business and I think it's -- it can be a
9 win-win.

10 I do have a couple of questions.
11 For the interstate billboard signage, is that
12 off-premise or is that on or off-premise? And
13 therefore, can it advertise anything like you
14 talked about?

15 MR. MOYER: I think they're all
16 off-premise.

17 MS. MINNICK: It would be
18 off-premise signs.

19 MR. MIKE CHRISTIAN: Off-premise
20 sign, which means that it can -- it can advertise
21 anything.

22 MS. LAMBERTON: Be just like a
23 billboard.

24 MR. MIKE CHRISTIAN: Okay. The
25 other thing --

78

1 MS. LAMBERTON: Just like --

2 MR. MIKE CHRISTIAN: -- I'd like

3 to see is, if we can think of -- again, this is
4 self-serving. If we can start to think of what we
5 can do with the Pocono Pines area as far as the
6 village commercial, something, where we can be
7 thinking long-term.

8 One of the concerns we have is
9 what's the long-term vision, obviously, not just
10 the whole township, but especially in this area.
11 So be really interested to know from, you know, the
12 supervisors, not necessarily tonight, but what the
13 long-time vision for Pocono Pines is, how we can
14 encourage that to be more of a New Hope, you hate
15 to say that -- but New Hope, you mentioned --

16 MS. LAMBERTON: Jim Thorpe.

17 MR. MIKE CHRISTIAN: -- Jim
18 Thorpe, to try to eventually get there or
19 otherwise, you know, where are we gonna be 30 years
20 from now, 50 years from now. So thank you very
21 much for thinking of this --

22 MR. HOLAHAN: Thanks, Mike.

23 I'd like to say that the Poconos is already
24 changing, this area's already changing. So now,
25 how do we -- how do we manage that because it's not

1 gonna get stopped at this point? I mean, we -- we
2 passed some tipping points, so now how do we -- how
3 do we preserve what we've -- what we've got and we
4 do need some input from folks like yourself. So I
5 can appreciate that.

6 MR. MIKE CHRISTIAN: Well, I
7 hope we haven't gone past the tipping point.

8 MR. HOLAHAN: Well, we just got
9 some big stuff that -- that we're looking for and I
10 think we've got that in the right areas too. It's
11 something that's needed and I think it's in the
12 right spot. And we're gonna continue to pursue
13 other venues that may want to come into those
14 areas.

15 In the meantime, we don't
16 necessarily want them to stop there, we still want
17 them to come through the township. I'm not just
18 talking about visitors, though, I am talking about
19 your residents. They got to drive by -- you know,
20 down 380. I mean, make sure that when they get
21 off, it doesn't look like hell coming in type of
22 thing. And there's where we are trying to make
23 sure that we don't have any unintended consequences
24 of we've allowed something and now it looks like,

25 well, you let that guy do it, why can't we do it

80

1 type of thing. So before we make a mistake --
2 yeah.

3 MS. PICKARD: And on that
4 point, I just want to mention, when you said about
5 anything could go on that sign, you know, there was
6 -- what's the name of that -- Pringle? The Supreme
7 Court decision says that we can't police anything
8 that's said on those signs now.

9 MR. MIKE CHRISTIAN: Well,
10 that's not exactly true, actually. I've been doing
11 a lot of reading and talking to some lawyers about
12 that. And there -- Justice Alito did make some
13 reference to the fact that you can have different
14 regulations for on and off-premise signage. So you
15 could -- you could regulate that.

16 MR. REISS: Well, you could
17 regulate --

18 MR. MIKE CHRISTIAN: There's a
19 lot of discussion about that.

20 MR. REISS: You could regulate

21 different types of signage, but you can't regulate
22 -- you can't make distinctions between the type of
23 speech. So you can't make a distinction between
24 commercial advertising versus church directional
25 signs, that sort of thing. You have to -- the

81

1 regulations have to be content neutral.

2 MR. MIKE CHRISTIAN: Plus you
3 can have different sizes for those sign --
4 off-premise and on-premise.

5 MR. REISS: Yes. You can
6 regulate different types of signs like electronic
7 signs versus nonelectronic signs. Those you can
8 make distinctions about.

9 MR. HOLAHAN: The thing is it's
10 just easier to change content all with one method
11 than another.

12 MR. REISS: Right.

13 MS. NANCY DRESSEL: I was just
14 curious, is there --

15 I'm sorry. Nancy Dressel.

16 I was curious, is there a limit
17 to how large the sign can be?

18 MS. LAMBERTON: Yes.
19 MR. HOLAHAN: Yes.
20 MS. LAMBERTON: Yes. Like
21 Maureen was stating earlier for commercial
22 properties, it's a square footage, you're allowed a
23 certain --
24 MS. NANCY DRESSEL: I'm not --
25 the electronic signs, some of them are --

82

1 MS. LAMBERTON: It would be the
2 same.
3 MR. MOYER: Yeah.
4 MS. MINNICK: It would be
5 limited on the size of the building and the use.
6 MR. MOYER: Or do you mean on
7 the highway?
8 MS. NANCY DRESSEL: They're off
9 premises. No, I mean on the highway.
10 MS. MINNICK: Off-premise signs?
11 Yeah, they're -- right now, off-premise sign is now
12 200 square feet, it wouldn't be any larger than
13 that.

14 MS. NANCY DRESSEL: But the --
15 and the height, is that also --

16 MS. MINNICK: That would be --
17 I don't know what the height is off the top of my
18 head.

19 MS. PICKARD: That sign on
20 Wezmar's, that seems like one of the larger ones
21 that we had.

22 MS. MINNICK: It's 200 square
23 feet.

24 MS. PICKARD: That's 200 square
25 feet on each side?

83

1 MS. LAMBERTON: Mike, to comment
2 on the growth of the area, you know, I look at Lake
3 Naomi as well. And, you know, you have a new
4 welcome center, you have more modernized things
5 that are attracting people. We have to look at
6 that as well and say, look, you know, with the --
7 the Kalahari types of the world and what Pocono
8 Manor may be looking at, that'll also attract your
9 property owners up here, because they could still
10 go back in their nestled little woods, but they

11 want things to do as well, you know? And I think
12 that that -- you know, where we used to go on a
13 canoe all the time for that Saturday night thing,
14 that mode has changed generationally, you know,
15 as -- as --

16 MR. MIKE CHRISTIAN: No, we're
17 thrilled to see development around us and we were
18 sorry to see -- like when you lost the supermarket
19 right here, Melissa's --

20 MS. LAMBERTON: Yes.

21 MR. MIKE CHRISTIAN: That hurts
22 us, so we want to encourage business.

23 MS. LAMBERTON: Absolutely.

24 MR. MIKE CHRISTIAN: Be great to
25 have another restaurant around the area, I support

84

1 Billy, but, you know, I'd like to have
2 some alternative.

3 MS. LAMBERTON: No, no. And
4 rightfully so and then more folks come up, 'cause
5 there are things to do. And, you know, the younger
6 generation wants cooler places to go and things to

7 do, so --

8 MR. MIKE CHRISTIAN: And

9 Donny's.

10 MS. LAMBERTON: And Donny's.

11 MR. MOYER: Yeah. We had a good

12 conversation, so I think that's good.

13 MR. MIKE CHRISTIAN: That's

14 good.

15 MS. LAMBERTON: Any other

16 comments?

17 We will move on to our next

18 item. So do we have direction? Do we know what

19 we're doing here?

20 MS. HAASE: I think let's recap.

21 MS. LAMBERTON: Yeah, that -- I

22 didn't mean to roll right into that.

23 MS. HAASE: Maureen is going to

24 look at the zoning map and carve out properties

25 that are contiguous to or adjacent to 380, 80, and

85

1 the entrance and exit ramps, okay?

2 MS. LAMBERTON: Right.

3 MS. HAASE: And we are gonna

4 hold off then on the signage or we're gonna move
5 forward with the signage?

6 MR. HOLAHAN: My -- yeah. So
7 my thought was, we were looking at moving forward
8 on the signage, but leaving the electronic out.

9 MS. LAMBERTON: And I thought
10 Phyllis said it wouldn't matter anyway.

11 MR. HOLAHAN: It would -- didn't
12 matter to -- oh, that's right.

13 MS. HAASE: The only change --
14 they'll be able to pick up Labor Day and hopefully
15 by then we'll be able to have something resolved.

16 MS. PICKARD: And Wezmar was
17 looking to do something rather sooner than --

18 MS. HAASE: Because timewise
19 they're not gonna -- we're not gonna be able to
20 accommodate them Memorial Day and 4th of July.

21 MS. LAMBERTON: So am I talking
22 out of turn if we put a moratorium on enforcement
23 with maybe people putting sales or, you know -- I
24 don't know, 4th of July sale or -- is that
25 something that -- I don't know, I'm asking.

1 MS. PICKARD: Do we have special
2 event things they could use?

3 MS. MINNICK: We do.

4 MS. LAMBERTON: But then again,
5 if we allow something one year and then we don't
6 another, is that an issue?

7 MS. MINNICK: Well, we're gonna
8 eventually change it. However, I mean, if the
9 board so chooses, I don't know how -- I mean, in
10 zoning I -- I don't know.

11 MS. PICKARD: Yeah.

12 MR. REISS: The way -- I mean,
13 depending -- I don't know how long these scofflaw
14 signs are up for, but even if the zoning officer
15 went out and issued a zoning enforcement notice,
16 that person has 30 days to come into compliance.
17 So there's a window there that they have that the
18 sign could stay up for. I mean, I hate to say
19 that, but that's the reality.

20 MR. MOYER: No, it's --

21 MS. LAMBERTON: What did you
22 call them?

23 MR. REISS: Scofflaws.

24 MR. HOLAHAN: Here's the way

25 out.

87

1 MS. LAMBERTON: Scaffles (sic).

2 MR. REISS: There's the 30-day
3 window under the Municipalities' Planning Code that
4 a zoning enforcement notice sets for and that the
5 property owner has 30 days to file an appeal to the
6 zoning hearing board or to come into compliance.

7 MS. PICKARD: Or they can
8 just --

9 MS. MINNICK: These signs are --

10 MS. PICKARD: -- put them up on
11 Friday when Maureen goes home and --

12 MS. MINNICK: Let me just say
13 something, these signs are brutal and I have
14 property owners now that are fighting over signs.

15 MR. HOLAHAN: Right.

16 MS. MINNICK: I don't want it to
17 continue. I want to try to resolve what's going on
18 now. At this point in time, I think let a sleeping
19 dog lay.

20 MS. PICKARD: Yeah.

21 MS. HAASE: Just -- just for the

18 what would make your life easy?

19 MS. MINNICK: Number one, let's
20 get rid of the complaints altogether. No. And I
21 just want to -- I just want to make a mention with
22 these complaints, I had an employee bring to my
23 attention about another property owner. I went out
24 onto the property and right away it was well, who
25 complained? I'm sorry, I can't let you know. I

89

1 know it was this neighbor. Now, I have two
2 neighbors bickering because of another person, that
3 I don't like. That was not -- it put me in a real
4 bad situation.

5 So now because it's somebody
6 else complaining about this, and there's been a few
7 there for a long time, a lot of times I'll say,
8 I'll look into it, blah, blah, blah, but now
9 they're bickering back and forth bad.

10 MS. LAMBERTON: So what's your
11 resolution --

12 MS. HAASE: The one --

13 MS. LAMBERTON: -- is what I'm
14 asking.

15 MS. MINNICK: Hopefully you'll
16 let things calm down between the two neighbors, but
17 it's not -- that's not --

18 MS. LAMBERTON: Can you inform
19 them that we are currently working on a new sign
20 ordinance?

21 MS. HAASE: It's not signage.

22 MS. PICKARD: That's not on this
23 one.

24 MS. MINNICK: It's not signage,
25 it was --

90

1 MS. HAASE: It's not a signage
2 issue.

3 MR. MOYER: What's the issue?

4 MS. LAMBERTON: Yeah, what's the
5 issue?

6 MS. PICKARD: Well, we're
7 talking complaints, we're talking about --

8 MS. MINNICK: I was just -- it
9 was a complaint.

10 MS. LAMBERTON: Oh, I'm --

11 MR. MOYER: What are the
12 complaints?

13 MS. LAMBERTON: -- thinking it's
14 a sign complaint. I'm sorry.

15 MS. MINNICK: No, it was just a
16 complaint, it wasn't --

17 MS. HAASE: You know, it's --
18 it's -- it's mentioned many times about being
19 friendly, and we are. I've been with the township
20 11 years and there's been one case that's gone to
21 court. So in 11 years that is a really good
22 record. Other municipalities don't have that
23 around here. And that's something that Maureen
24 will set or I did in the past and we tried to get
25 it resolved, because many times the neighbors or

91

1 businesses are fighting amongst themselves and we
2 try to diffuse the situation. And, yes, it takes a
3 little extra time, but that's our job here.

4 So our record at Tobyhanna
5 Township is very strong with trying to resolve the
6 problems, it's a good record we've had.

7 MR. HOLAHAN: My concern is that

8 -- what are those complaints that you have there?
9 Are they sign or just a -- just all kinds of
10 complaints?

11 MS. HAASE: There are multiple,
12 but there are signs. One business will report
13 another business or a homeowner will report a
14 business.

15 MR. HOLAHAN: A business or
16 something like that. My concern is here that if we
17 put our zoning officer into this difficult
18 situation of almost like selectively enforcing our
19 ordinance, and it's like an all or nothing, maybe
20 we need to -- I guess here's the thing is, I know
21 we want to wait because one change is only going to
22 -- we're only looking at one change. Is it that
23 difficult if we tried to pass this the way we're
24 talking about, without the changes in it and then
25 go ahead and amend it afterwards? 'Cause I know we

92

1 have to advertise it, is it gonna add a lot of
2 expense to do that type of thing?

3 MS. HAASE: There's an expense,

4 but the changes that are being proposed really --

5 MR. MOYER: Won't fix it.

6 MS. HAASE: -- it's not gonna
7 fix it. The big complaint from the property owners
8 pertaining to signage, and Maureen certainly will
9 agree, are the temporary signs that are stuck in
10 the ground. Residents will complain they don't
11 like the looks of it, they didn't move here to see
12 that. One business will complain about it to the
13 other. That seems --

14 Would you agree, Maureen, that's
15 really --

16 (Inaudible discussion.)

17 MS. MINNICK: I have -- I have a
18 bunch of deputies too.

19 MS. HAASE: Yeah. We've always
20 said that, we have a lot of deputies, they'll call.
21 Monday morning's pretty active here.

22 MS. LAMBERTON: And that's part
23 of the job, so I respect that, but --

24 MS. MINNICK: My thing is, I
25 don't wanna be put in this situation that I have

1 somebody calling and I'm asking for their name and
2 somebody over here said, they're out in the
3 township going, well, they called the township on
4 you, I don't want to be put in that situation, you
5 know. I don't want names being -- if somebody
6 calls to make an anonymous complaint to let them --
7 if they get enough nerve to call, let them call.
8 If they don't want to give their name, that's fine.
9 I still have a complaint, I still have to follow up
10 on it regardless.

11 MS. LAMBERTON: Well, I think
12 that that's --

13 MR. MOYER: I thought we were
14 doing written, right?

15 MS. LAMBERTON: Yeah, that's our
16 next item here on the agenda, is the complaint
17 policy.

18 So let me ask you a question, so
19 you are here at your desk and you get someone's
20 name and somebody within our office is going and
21 telling people in the public?

22 MS. MINNICK: Well, no, I'm not
23 saying -- I'm not saying that, but when I have that
24 and if somebody over here said --

25 MR. MOYER: So you're saying it?

1 MS. MINNICK: They could take it
2 out -- you know?

3 MS. LAMBERTON: Well, I mean our
4 office should have a certain policy that that's not
5 allowed.

6 MR. MOYER: That's like
7 executive session.

8 MS. MINNICK: I agree. But --
9 and again, if somebody's calling in and has enough
10 nerve to call on their neighbor and say, hey,
11 something's going on here, I don't want to give a
12 name -- I don't want to give my name, I think that
13 should be good enough to -- and it's a valid
14 complaint.

15 MS. LAMBERTON: Yeah, I think
16 you need to validate it by -- I think if someone
17 has a valid complaint --

18 MS. PICKARD: She investigates
19 it.

20 MR. MOYER: That's not right,
21 yeah.

22 MS. LAMBERTON: I think if I
23 had -- trust me, if I had something to complain
24 about, I'd say it's Anne Lamberton.

25 MS. MINNICK: There's a lot of

95

1 people that -- and that's fine.

2 MR. HOLAHAN: They'll recognize
3 the voice.

4 MS. LAMBERTON: They absolutely
5 will.

6 MS. MINNICK: You know what,
7 Annie, and there's a lot of people that don't care.

8 MS. LAMBERTON: Well, it's not
9 that I don't care, but you have to have some
10 validity somewhere --

11 MS. PICKARD: No, but --

12 MS. LAMBERTON: This is where
13 you have the -- the -- what is it, the McCoys and
14 the whoever.

15 MR. HOLAHAN: Hatfields.

16 MS. LAMBERTON: Thank you.

17 MS. PICKARD: No, but it's not
18 always that, because you have people that are

19 saying somebody built a pool or somebody put up a
20 shed and didn't get a permit, so she goes and she
21 can physically see that. That's tax revenue we're
22 losing and --

23 MS. HAASE: It's also a safety
24 concern if it wasn't done properly.

25 MS. PICKARD: It's -- you know,

96

1 if it's not built to codes. I mean, it's better to
2 get that stuff up, but there's neighbors that --

3 MS. LAMBERTON: So if they know
4 their name isn't going to be divulged and it
5 shouldn't be -- I mean, I think we have a problem
6 where this information is being obtained from. I
7 don't think the problem is the person giving us
8 their name.

9 MR. MOYER: Unless the speaker
10 --

11 MS. LAMBERTON: I mean, Heidi,
12 you even said -- you even said last meeting that
13 it's never been without a written complaint.

14 MS. HAASE: That's -- well,

15 Bob's been here 15 years and Donna Knecht's been
16 here 29 years and there's never been a policy --
17 and I've been here 11 -- we have never had a policy
18 that requires it. We have a lot of elderly people
19 that don't have access --

20 MR. MOYER: We'll need an
21 affidavit for that.

22 MS. HAASE: -- they don't want
23 to come in, they have an issue, they want us to act
24 on it, but they're still our taxpayers. And I even
25 put this on the PSATS discussion group, 'cause I

97

1 was kind of having a hard time of how do we
2 accommodate our taxpayers.

3 Annie, I would have to say
4 probably 90 percent of the people give us their
5 information or they may not give it to us, but it
6 comes up on caller ID or they'll send us a fax and
7 it's at the top of it; so we get an idea of who it
8 is. But we still have a group of elderly people
9 that really don't want to. You know, they have the
10 concern with their neighbors doing X, Y and Z and
11 they want the zoning officer to look at it; but

12 once that has been brought forth to Maureen's
13 attention, it's very difficult for her when she's
14 responsible for enforcing those regulations not to
15 do that, when a lot of it is a safety concern.

16 MR. HOLAHAN: Well, can we --
17 can we have some kind of way that we vet this
18 before it becomes a formal complaint? 'Cause I
19 imagine that you get a phone call and the first
20 thing you want to do is kind of diffuse it, find
21 out, is it a valid complaint or somebody's just
22 kind of griping about something? So you diffuse
23 that rather quickly. And if it escalates and then
24 you say, okay, then these are the steps that we're
25 gonna have to do and then start filling out the --

98

1 the form and saying -- I don't know how to do that
2 because you got to be on the phone when somebody's
3 com -- and you've done that, you know, you've heard
4 that yourself.

5 I think we all have been on that
6 line, the other end of the line when somebody's
7 calling and complaining. What's the first thing

8 you're gonna do? You know, you don't push back on
9 them and say, well, wait a second, you know, you
10 got to -- you got to kind of diffuse the situation.
11 I'm not gonna tell you how to do that other than
12 for the process that the township should be doing
13 is still a vetting process.

14 You know, I think to pull out
15 the complaint right away -- I'll tell you what we
16 did at the builder association. Somebody called
17 and they wanted to file a complaint against the
18 builder, say, well, how can we work this out?
19 Well, they wanted to push it. Said, okay, what you
20 have to do is fill this all out? We'll send you
21 the form and it's gonna be -- and you gotta put
22 down \$250 because we're gonna go through ARD or
23 something like that -- or ADR, so -- but they had
24 to really commit to it, so it kept people that were
25 just trying to nail somebody.

1 MS. LAMBERTON: And that's my
2 point, that's exactly my point. It gets the people
3 that have their own family feud going on back and
4 forth, and you've got legitimate complaints where

5 someone says, as long as my name is kept
6 confidential, you fill out a form or send me an
7 email or fax me a document --

8 MS. MINNICK: And I still--

9 MS. LAMBERTON: -- or tell me
10 where you live and I'll come pick it up and have
11 you fill one out, I think -- that's just my
12 opinion.

13 MR. HOLAHAN: Yes, but I'm
14 thinking that -- and I -- look, Anne, I agree with
15 you, but that's not -- I'm -- I guess what I'm
16 saying is that's not the first thing. Are we
17 directing our employees to say, the first -- the
18 first thing that happens is --

19 MS. LAMBERTON: Oh, no, no, no.

20 MR. HOLAHAN: -- you receive a
21 phone call, go ahead and try to see if you can
22 diffuse it?

23 MS. LAMBERTON: Absolutely.

24 MR. HOLAHAN: And then --

25 MS. LAMBERTON: I don't

1 disagree with that at all.

2 MR. HOLAHAN: -- to become a
3 valid complaint, now you've got to --

4 MS. LAMBERTON: But in order
5 for me to go out and check this, I would need to
6 have this in writing.

7 MR. HOLAHAN: I'm all right with
8 that.

9 MS. HAASE: Well, what do you
10 do in a situation where somebody calls up and
11 saying, my neighbor's burning? That's a zoning
12 issue, we're not gonna require them to put it in
13 writing.

14 MR. HOLAHAN: Yeah.

15 MS. HAASE: She's gonna go and
16 make certain it's not illegal burn because it
17 becomes a safety issue. The regulations are in
18 place for health, safety and welfare, not to create
19 a problem for somebody.

20 MR. HOLAHAN: I think she just
21 needs to log that.

22 MS. HAASE: So -- but that's
23 where -- speaking of this, reaching out to Tunk and
24 other municipalities, everybody has a complaint
25 form like we do. Where they seem to enforce it

1 more when you have that neighbor who's in
2 constantly -- who's in constantly and saying my
3 neighbor's barking or this one's doing that and
4 trying to diffuse it that way, but it's -- it's --
5 again, I think it seems hard to turn your head at
6 something.

7 MS. LAMBERTON: Well, I notice
8 at the top of it, it says complainant.

9 MS. HAASE: Correct. Because we
10 do ask. But if they refuse to give it, the
11 township has never said then we're not gonna
12 address your concern.

13 MR. MOYER: That's not --

14 MS. LAMBERTON: Let me ask you,
15 what do --

16 MR. MOYER: How did we do -- I
17 don't know how. It was always phone call or --

18 MS. HAASE: We've had these
19 forms forever.

20 MR. MOYER: But not filled out
21 as many as --

22 MS. HAASE: No. Some will fill

23 it out, some will call, some will call and leave a
24 message on our voicemail.

25 MR. MOYER: Right.

102

1 MS. HAASE: So, no, it's not --

2 MR. MOYER: It's a combination.

3 MS. HAASE: Exactly.

4 MS. LAMBERTON: But you did say,
5 you stated earlier that 90 percent will give their
6 name.

7 MS. HAASE: I would say most of
8 these are, but we do have -- and it seems to be
9 more the elderly than anything else that really
10 don't want to.

11 MS. LAMBERTON: Hey, Wendi, how
12 do you handle Lake Naomi complaints?

13 MS. PICKARD: That's what I was
14 gonna ask.

15 MS. WENDI FREEMAN: Well, I
16 mean, both ways, I just -- but there's some times
17 that you have to go out and if somebody says who
18 called, you just have to say, nobody called, I saw

19 it or, you know, just say it's a violation, you
20 have a violation. It doesn't matter who said what.
21 Yeah, I mean, this happens all the time, every
22 single day and most people don't want to --
23 especially in Lake Naomi because they're not there
24 and then, you know, creates problems with my
25 neighbor and then they're gonna be mad at me, but

103

1 they have this happening or they have that
2 happening.

3 In my case they can blame it on
4 the rangers, you can say the rangers were doing
5 property checks and -- and somebody saw your
6 propane tank or your detached shed that you're not
7 allowed to have or -- so it's a little bit harder
8 for Maureen to deal with that because, you know,
9 it's -- the chances of her seeing most of these
10 things are probably pretty slim. And we also have
11 the right to go onto somebody's property, she
12 doesn't, you know, so it's just -- it's different.
13 And, yeah, sometimes it's just really disheartening
14 to be put in that situation, but it happens.

15 MR. MOYER: You're getting a

16 lot of repeat, same people calling one after
17 another and then might go away for a week and then
18 all of a sudden, he's got it back up, the signs are
19 back up and then you have one that's just being
20 defiant, I mean -- right?

21 MS. MINNICK: That happens.

22 MS. PICKARD: That's all of it.

23 MS. MINNICK: And in the
24 summer, I'll get a lot of noise complaints. My
25 neighbor --

104

1 MR. MOYER: The rented houses.

2 MS. HAASE: Short-term rentals.

3 MS. MINNICK: And they don't
4 want to -- and they don't want to give their name
5 because they're people that are here full-time.

6 MS. HAASE: They're afraid of
7 retaliation.

8 MR. MOYER: Yeah. I understand.

9 MS. MINNICK: They don't want
10 to give their name or somebody's septic system's
11 leaking, you know. They don't want to give their

12 name because they don't want retaliation.

13 MR. McHALE: Those people that
14 you're speaking to that wanna have their name kept
15 in confidence, does the Right To Know Law protect
16 that?

17 MS. HAASE: Yes.

18 MS. PICKARD: Yeah.

19 MS. HAASE: Yes, they're
20 protected.

21 MS. LAMBERTON: Exactly. And
22 that was one of our --

23 MR. REISS: Well, everybody's
24 protected. Under the Right To Know Law, if they
25 file a written complaint with their name on it,

105

1 it's an exempt document --

2 MR. MOYER: Right.

3 MR. REISS: -- from the Right
4 To Know Law.

5 MS. HAASE: And we have that in
6 policy too, it speaks to that.

7 MS. LAMBERTON: And I'm sure
8 that you would -- you explain that to people.

9 MS. MINNICK: What, about the
10 Right To Know Law?
11 MS. LAMBERTON: That their name
12 is protected.
13 MS. HAASE: No. What they are
14 told is that their name is not divulged.
15 MS. MINNICK: Yeah, I'll tell
16 them that.
17 MS. HAASE: They don't
18 understand the Right To Know.
19 MS. MINNICK: That we don't say
20 -- we won't --
21 MS. HAASE: Unless they get
22 subpoenaed to go to court.
23 MR. MOYER: Some people
24 understand Right To Know.
25 MR. KERRICK: If 90 percent of

106

1 these people give their name -- I agree with John,
2 I think that -- I'm sure Maureen tries to diffuse
3 it, get their -- after that, go to the written
4 complaint so we have record for her legal aspect as

5 well and let's move on.

6 MS. MINNICK: I agree.

7 MS. LAMBERTON: Think about it.

8 Think about it, honestly, if you -- if you cannot

9 diffuse it, that could actually help you because if

10 they know they're not gonna get anywhere unless

11 they come in and sign a form for you, it might

12 quiet things down for you, for the petty stuff. I

13 mean, if you have someone --

14 MS. MINNICK: Yeah, for --

15 MS. LAMBERTON: -- that there

16 seriously is --

17 MS. MINNICK: -- yeah,

18 absolutely.

19 MS. LAMBERTON: -- the petty

20 stuff.

21 MS. MINNICK: For the petty

22 stuff it will work. For the person that's calling

23 and complaining about their neighbor, about the

24 noise or burning garbage and they want to be kept

25 confidential, it's not gonna work. But I still

1 have to go out and check on it. If somebody's

2 burning, I still have to go out.

3 MS. LAMBERTON: Well, then maybe
4 you can pull a Wendi and ask the location, do a
5 drive-by --

6 MR. HOLAHAN: Send the rangers
7 over, yeah.

8 MS. LAMBERTON: We'll send the
9 rangers over.

10 MR. MOYER: Send your deputy.

11 MS. WENDI FREEMAN: Well, the
12 burning, you -- I mean, there's -- depending on
13 where it was, you could say that you saw it --

14 MR. HOLAHAN: Oh, yeah.

15 MS. WENDI FREEMAN: -- I mean,
16 or smelled it.

17 MS. LAMBERTON: You could drive
18 by and smell a septic or hear some loud noise.

19 MS. MINNICK: Right now I think
20 what we have works, I don't think it's a -- it's
21 bad. It works for the township in our day-to-day
22 operations. Girls get a call, they fill out the
23 form, give it to me, I'll look into it --

24 MR. HOLAHAN: Is that pol --
25 but is that policy? Is that --

1 MS. MINNICK: Do we have a
2 written policy for it?

3 MR. HOLAHAN: Right.

4 MS. MINNICK: No, we never did.

5 MR. HOLAHAN: Then that's what
6 I would like to see.

7 MS. HAASE: For the --

8 MR. HOLAHAN: What you're doing,
9 let's put it in writing --

10 MS. HAASE: I did.

11 MR. HOLAHAN: Yes, right. And
12 I saw that too, so --

13 MS. HAASE: The only difference
14 to this, John, is, this is what we currently do.

15 MR. HOLAHAN: Right.

16 MS. HAASE: The only difference
17 is, I included a formal complaint, 'cause that was
18 the board's desire. This is exactly what we do
19 now.

20 MR. HOLAHAN: But I guess -- I
21 guess like what we were looking for is policy on
22 that because then we could also -- this gives

23 Maureen the ability to say, here's the policy on
24 how we handle complaints. And if it gets to that
25 point, then I need to fill this form out and then

109

1 what's your name, please.

2 MS. LAMBERTON: Correct. And
3 also too, I think maybe the girls that answer
4 should say, I can leave this information for our
5 zoning officer.

6 MR. HOLAHAN: Right. You can
7 handle all complaints.

8 MS. LAMBERTON: No, I mean,
9 seriously, that way you can diffuse it, you follow
10 the procedure that's put in place and only one
11 person is dealing with them. That way they're not
12 getting mixed information. Not -- I don't -- I
13 don't mean that to sound wrong, that our girls are
14 not doing it, 'cause the front office --

15 MR. MOYER: Well, no --

16 MS. MINNICK: I think they
17 could take --

18 MS. LAMBERTON: Because then it
19 says, well, here's our form, let me fill it out,

20 let me do this, maybe people become intimidated at
21 that point.

22 MS. MINNICK: I think they can
23 take the complaint, to be honest with you.

24 MS. PICKARD: Maureen doesn't
25 have that kind of time to --

110

1 MS. MINNICK: Yeah. Because if
2 it's -- sometimes it goes to DE -- DPW; sometimes
3 it goes to me.

4 MS. HAASE: It could be
5 stormwater, it could be many different things, it's
6 not just pertaining to --

7 MR. ED TUTRONE: Yeah. I just
8 got one about two weeks ago that said concerned
9 citizen about a sign down. They wouldn't leave
10 their name, but that there was a road sign down,
11 they didn't want to leave their name for whatever
12 reason.

13 MR. MOYER: Did we get the sign
14 up?

15 MS. LAMBERTON: So do you get a

16 call back number to talk to these people or --
17 MR. ED TUTRONE: If the girls
18 can get it, they do, but it's -- if not, then I
19 just --
20 MS. PICKARD: Still have to fix
21 the road sign.
22 MS. LAMBERTON: I think maybe
23 that should be part of our policy, to require a
24 call back number.
25 MR. HOLAHAN: I know, but if a

111

1 sign's down --
2 MS. HAASE: If a sign's down, we
3 have to act on it.
4 MS. PICKARD: That's a
5 liability, if it's a stop sign down and they --
6 they don't leave their name, what are we gonna
7 leave the stop sign down? I mean, that's -- or
8 leave the fire burn?
9 MR. HOLAHAN: Our policy's
10 only --
11 MS. MINNICK: What are you gonna
12 do, call them back and say, okay, we found the down

13 sign, we're going to replace it?

14 MR. HOLAHAN: Our policy is not

15 going to solve all the issues. Our policy is gonna

16 put out there that we have a -- a method of how we

17 handle these things, that is measurable and

18 quantifiable. So we've got the form, we say this

19 is what our policy is and I think that'll -- I

20 think that'll help. And I agree with you, because

21 I think that at that point, when people that answer

22 the phones at this building don't want to wait and

23 say, let me get Maureen for you, what you want --

24 what people want is, they want -- they want to be

25 heard right then type of thing.

112

1 MS. MINNICK: Yeah, I mean --

2 MR. HOLAHAN: So let me take

3 this stuff down and get it to the right person.

4 MS. MINNICK: They want to talk

5 somebody now.

6 MR. HOLAHAN: And we'll follow

7 up, what's your name.

8 MS. PICKARD: Then Maureen can

9 prioritize what needs to be addressed.

10 MS. LAMBERTON: I understand if
11 it's emergency, you should go and act on it.

12 MR. REISS: I was going to
13 suggest you can add even a line to the policy that
14 verbal complaints will -- for emergency situations
15 will be acted on without a written complaint or
16 something like that.

17 MR. HOLAHAN: Yeah.

18 MS. PICKARD: Okay.

19 MS. LAMBERTON: I would
20 understand that.

21 MS. PICKARD: Thank you. That
22 sounds like it makes sense.

23 MS. LAMBERTON: Fair enough.

24 MS. MINNICK: And, Annie, keep
25 in mind too that there's days that I'm out of the

113

1 office 90 percent of the day out in the field. So
2 for somebody to go, well, you have to talk to
3 Maureen, it's merely impossible.

4 MS. LAMBERTON: I was just
5 trying to streamline it to not put the girls in

6 that position, to try to diffuse, when you'd be the
7 person dealing with it.

8 MS. MINNICK: I'm just not the
9 zoning officer, I'm the sewage enforcement officer
10 too. And during my summer months, I'm busy out in
11 the field doing inspections.

12 MS. LAMBERTON: That's a good
13 busy.

14 MS. MINNICK: Yeah.

15 MR. HOLAHAN: So once we put
16 this policy into place, though, then can we handle
17 this administratively on going to the staff and
18 saying, here's what our policy is? In the event
19 that you've got a complaint, here's the policy.
20 Now, they're gonna go, duh, right? But at least we
21 got --

22 MS. LAMBERTON: It was spoken,
23 yes.

24 MR. HOLAHAN: Right.

25 MS. HAASE: Yeah, and they're

1 familiar with it because it's exactly what we do

2 now.

3 MS. LAMBERTON: Except for we're
4 gonna get in writing.

5 MR. ED TUTRONE: I can tell you
6 for the most part, the DPW, the office staff is
7 excellent when it comes to getting -- if they can
8 get the information and getting the complaint and
9 if it's something that they know is pressing,
10 they'll get a hold of me or get a hold of Dave, and
11 -- if it's an emergency situation about a sign down
12 or something to that effect.

13 And if not, it's something that,
14 you know, a drainage complaint on my end, anyway,
15 they'll get the people's name usually -- 99 percent
16 on the DPW side, we get names and property
17 locations. And they're really good about that,
18 they document it and they send it to me, set it on
19 my desk and as soon as I get it, I take a look at
20 it and call the people back.

21 MS. LAMBERTON: Yeah, yours is
22 of a less personal --

23 MR. ED TUTRONE: Yeah.

24 MS. LAMBERTON: -- nature. I
25 understand that, yeah.

1 MR. MOYER: It's a different --
2 yeah, a different --

3 MS. PICKARD: But there's also
4 --

5 MS. HAASE: Well, here's an
6 example what we received in the mail -- I'm
7 sorry --

8 MS. LAMBERTON: It's okay.

9 MS. HAASE: -- what we received
10 in the mail this week and I included that. So this
11 again is something that would need to be looked
12 into. Now, they didn't leave their name, they're
13 someone that cares, but this becomes now an issue
14 with taxes, becomes an issue with safety. Was it
15 built properly? It's now a complaint from someone
16 that's -- lives there or around that area.

17 MS. LAMBERTON: That was
18 emailed, right?

19 MS. HAASE: No, this came in
20 the mail.

21 MS. LAMBERTON: Oh, in the
22 regular mail.

23 MS. HAASE: Oh, yeah. We get

24 complaints mailed to us as well. So it's very
25 difficult for Maureen at this point because this

116

1 now involves the township, this involves the
2 building code official, this gets moved on to
3 building code official as well.

4 MR. MOYER: Is that the swimming
5 pool deal or something?

6 MS. HAASE: This is a --

7 MS. PICKARD: Garage to living
8 space.

9 MS. LAMBERTON: It's like a roof
10 over a deck over --

11 MS. HAASE: They enclosed a
12 garage into a living space.

13 MR. HOLAHAN: Oh, it became a
14 nasium (phonetic) project after, right?

15 MS. HAASE: And a few other
16 things.

17 MR. MOYER: What's the highest
18 percentage of complaints, like what's -- the signs
19 or it's all over the board?

20 MS. PICKARD: It's all over the
21 board.

22 MS. MINNICK: Yeah, it's all
23 over. I mean, I get them right down to, seriously,
24 there's raccoons under my porch --

25 MS. PICKARD: Yeah, and that was

117

1 --

2 MS. MINNICK: -- and there are
3 possums living under my porch.

4 MS. PICKARD: And that was --
5 that's just what I was going to say is, our girls
6 that answer the phone --

7 MS. MINNICK: I'm serious.

8 MS. PICKARD: -- are on the
9 phone forever just for things like that, that
10 people don't know where to go and they call here.

11 MS. LAMBERTON: That's a
12 legitimate complaint.

13 MR. KERRICK: Can I ask what our
14 goal is here?

15 MS. MINNICK: There's possums
16 under my porch?

17 MS. PICKARD: I don't know.
18 MR. KERRICK: Where are we
19 going with this?
20 MS. LAMBERTON: What we need --
21 MR. KERRICK: Are we looking for
22 the policy? I think John already stated it or are
23 we worried whether they sign a name, don't sign a
24 name? Let's get on board and move on.
25 MS. LAMBERTON: Okay. I think

118

1 it started out, do we want a written policy --
2 MR. KERRICK: We said yes.
3 MS. HAASE: And I provided that
4 to the board.
5 MS. LAMBERTON: Then do we want
6 people's names? Yes.
7 MS. PICKARD: Well, John just
8 said we're gonna act on things of a safety nature.
9 MS. LAMBERTON: That's -- yeah,
10 that makes sense for that to be separate.
11 MR. KERRICK: Yes, absolutely.
12 MS. LAMBERTON: Okay. So we

13 would like them not to be anonymous and we'd like a
14 policy in place so we can state that this is the
15 policy of the township, is to obtain your name.

16 MR. KERRICK: Perfect.

17 MS. LAMBERTON: Is everybody in
18 agreement with that?

19 MR. HOLAHAN: No.

20 MR. KERRICK: That's what you
21 just said.

22 MR. HOLAHAN: No, because I
23 think -- I'm not requiring the -- let me take that
24 back. Vet it first and log --

25 MS. LAMBERTON: Oh, yeah.

119

1 MR. HOLAHAN: Vet it first, log
2 the complaint and then to move forward, is get the
3 information.

4 MR. KERRICK: Agreed.

5 MR. MOYER: Yeah.

6 MS. MINNICK: And I think --
7 here's the thing, if there's repeat offenders, I
8 think at that time, it should be up to me --

9 MS. LAMBERTON: It's gonna work

10 in your favor.

11 MS. MINNICK: -- to get that
12 information. If somebody's calling about their
13 neighbor's septic system drain, they don't want to
14 give me their name, that's fine. I know it's gonna
15 be one of four neighbors or five neighbors. So at
16 that point, does it really matter what name it is?

17 MR. HOLAHAN: Unless it's a
18 really bad septic.

19 MR. KERRICK: Depends on which
20 way the wind is blowing.

21 MS. MINNICK: Yeah, but what I'm
22 saying is, does it really matter if I get a name or
23 a telephone number for a leaky septic system?

24 MR. HOLAHAN: No. That's --
25 that's to me would be -- but you have to handle

120

1 that --

2 Yeah, Mike is trying to talk.

3 MS. LAMBERTON: I'm sorry,
4 Mike, go ahead.

5 MR. MIKE CHRISTIAN: If you had

6 a form online, then people can submit it, they
7 don't have to submit their names and that way
8 everything's coming in online.

9 MS. HAASE: Understood, but
10 there's still the elderly people that don't have
11 computers --

12 MS. PICKARD: That mail it.

13 MS. HAASE: -- that don't have
14 fax machines. And that is where the majority -- I
15 can't speak to something like this, but the phone
16 calls, you can tell by the voice.

17 MR. MOYER: Yeah, even if they
18 had an emergency thing --

19 MS. HAASE: But, again, it's
20 like -- it's minimal amount of complaints that we
21 receive like this and we've never had an issue
22 doing it this way.

23 MS. LAMBERTON: I just -- I was
24 trying to diffuse the petty ones where, you know,
25 people are going out and --

121

1 MS. MINNICK: Yeah, the petty
2 ones --

3 MS. LAMBERTON: -- looking for
4 trouble for somebody.

5 MS. MINNICK: Listen --

6 MS. LAMBERTON: And that's
7 unfair to that taxpayer.

8 MS. MINNICK: -- the petty ones,
9 I could say, my deputies -- I could say, you know
10 what, here's a form, fill out, put your name. They
11 come in again, fill it out, here's a form, put your
12 name on it. Those ones I can see.

13 MS. LAMBERTON: You get one
14 complaint a year. After that you got to fill out a
15 form.

16 MS. MINNICK: Yeah. You know,
17 those ones -- those type of people I could -- I
18 could see. But I mean, for the people that are
19 calling about this or about that, just let me take
20 the complaint and go out and do what I need to do.
21 I mean, at that point, I don't need that person's
22 name to go out and inspect or issue a violation. I
23 don't need their name, I could care less. What I
24 care about is fixing what's broke.

25 MS. LAMBERTON: Well, I guess

1 the person that's being complained upon wants to
2 make sure it's a valid person going and
3 complaining.

4 MS. PICKARD: But they're not
5 allowed to know who it is.

6 MS. LAMBERTON: But the point is
7 --

8 MR. KERRICK: No, but it's a
9 valid complaint --

10 MS. LAMBERTON: -- we have --

11 MR. KERRICK: -- it's not
12 somebody --

13 MS. LAMBERTON: We could
14 validate it by having --

15 MR. KERRICK: -- driving down
16 the road calling on somebody just 'cause he doesn't
17 like them.

18 MS. LAMBERTON: Correct.

19 MS. KERRICK: This is a valid
20 complaint.

21 MS. LAMBERTON: I think that
22 that's safe.

23 MS. PICKARD: Well, they are

24 calling to complain 'cause they don't like them
25 probably.

123

1 MS. HAASE: But Maureen won't
2 know what's --

3 MR. KERRICK: Understood.

4 MS. HAASE: -- valid until she
5 investigates it, that's her -- that's the point
6 that she's making. Whatever the problem is, just
7 let her fix it, is I think what she's saying.

8 MR. KERRICK: I thought we
9 decided that we are going to -- exactly what John
10 said, try to diffuse it --

11 MS. LAMBERTON: Yep.

12 MR. KERRICK: -- written
13 complaint, sign, name and we're moving forward.

14 MS. LAMBERTON: Yes.

15 MR. KERRICK: Are we gonna talk
16 about this all night?

17 MS. LAMBERTON: No.

18 MR. MOYER: I hope not, 'cause
19 I'm getting --

20 MS. HAASE: So then the -- what

21 I have proposed to the board, you're in agreement
22 with that?

23 MR. HOLAHAN: I am.

24 MS. PICKARD: I am. Can we --

25 MS. LAMBERTON: Outside of, I

124

1 think, Jonathan, if you want to put --

2 MS. PICKARD: Yes.

3 MS. LAMBERTON: -- some language
4 there that --

5 MS. PICKARD: Exactly.

6 MS. LAMBERTON: -- if it's an
7 emergency of any sort, for your benefit or for Ed's
8 benefit, that you can just go ahead and act on it.

9 MR. HOLAHAN: Well --

10 MR. MOYER: Just act on it.

11 MS. PICKARD: The health,
12 safety --

13 MS. LAMBERTON: Is it health,
14 safety, welfare?

15 MS. MINNICK: Well, every septic
16 complaint that I have is an emergency complaint.

17 MS. PICKARD: That is.
18 (Inaudible discussion amongst
19 board members.)
20 MS. HAASE: Would it be in the
21 discretion of the zoning officer to make that
22 determination?
23 MR. HOLAHAN: Yes.
24 MS. PICKARD: It has to be.
25 MS. LAMBERTON: For safety

125

1 issues or you? I don't have a problem with that at
2 all, because you'd be more on a safety issue than
3 like a tree or a sign or whatever comes down. I
4 don't consider that a complaint, I consider that
5 somebody looking out for the better of everybody.
6 MR. HOLAHAN: We're not gonna be
7 able to address all these things and I think we
8 need to leave it up to our zoning officer to be
9 bright enough to be able to figure out how to
10 handle these things without coming to us, so if we
11 could just go with --
12 MS. LAMBERTON: Diffuse or
13 signature?

14 MR. HOLAHAN: Diffuse or carry
15 forward.

16 MS. LAMBERTON: Yep.

17 MR. HOLAHAN: Are we going to
18 wait till the next meeting to pass this? I take
19 that back. Does it need to be passed or is it just
20 administrative?

21 MS. LAMBERTON: I don't think
22 so, I think it's administrative.

23 MS. PICKARD: It's
24 administrative.

25 MS. LAMBERTON: Unless you want

126

1 to put --

2 MR. REISS: I would recommend
3 -- I would recommend that you add what was
4 discussed, in that you have it on your agenda and
5 you adopt it.

6 MS. LAMBERTON: For Monday?

7 MS. PICKARD: Okay.

8 MS. LAMBERTON: Okay.

9 MR. HOLAHAN: Oh, that'd be that

10 nice, that carries a stick with it as well.

11 MS. PICKARD: And then it's a
12 public meeting also.

13 MS. LAMBERTON: Yep.

14 MS. PICKARD: Regular board
15 meeting.

16 MR. HOLAHAN: Therefore the
17 stick reference.

18 MS. PICKARD: Yes. Thank you
19 for clarifying that.

20 MR. HOLAHAN: You're welcome.

21 MS. HAASE: I had a few items
22 that came out of the zoning overlay committee. We
23 were fortunate enough, Eddie Abraham came and
24 joined us and he gave his point of view as a
25 developer on what he felt would work, what may not

127

1 work. And I think it was interesting and it was
2 some good input.

3 Out of that, we had also
4 discussed that the committee was looking into
5 perhaps doing a regional stormwater assessment and
6 how could we help with the NPDES permit. Eddie

7 said that was great, but what he would like more --
8 it would be more important to a developer is we
9 looked at something related to the point of access,
10 to obtaining HOPs or some type of an access to the
11 940/115.

12 MR. HOLAHAN: That was actually
13 one of the things that came out of that study too.
14 We were looking to fast track that HOP.

15 MS. HAASE: Umm-hmm.

16 MR. HOLAHAN: Correct? Yes.

17 MS. HAASE: So with that, I was
18 directed to try to get a proposal from our traffic
19 engineer. Today Bob and I had a teleconference
20 with her and another engineer.

21 MR. McHALE: They were
22 partners.

23 MS. HAASE: She thought it was
24 rather ambitious and thought that there definitely
25 needed to be more discussion. They couldn't put a

128

1 proposal together at this particular point.

2 Bob, did you want to touch on

3 some of the topics? We had talked about maybe
4 looking into roundabout. We had talked about
5 traffic circulation, access points. It was also
6 interesting -- and Bob can add a little bit more to
7 it -- that in one aspect of it, we're looking at
8 potentially proposing to the board the Act 209
9 again. Now, that was presented to the board maybe
10 six years ago, seven years ago?

11 MS. LAMBERTON: Refresh my
12 memory, what's Act 209?

13 MR. MOYER: Yeah, what's this
14 for?

15 MS. PICKARD: I don't think it
16 was that long ago.

17 MS. HAASE: Rich Manfredi was
18 here.

19 MR. KERRICK: It's been a long
20 time, though.

21 MS. PICKARD: Was it?

22 MR. KERRICK: Yeah, it's been a
23 while.

24 MS. HAASE: Rich Manfredi is the
25 one that brought the individual here. That's like

1 a traffic impact.

2 MR. MOYER: For where, the
3 whole --

4 MR. McHALE: Blakeslee.

5 MS. HAASE: Blakeslee.

6 MR. MOYER: Blakeslee? Okay.

7 MR. McHALE: I think the bottom
8 line was that you invited him to the next overlay
9 committee meeting and that would be a good setting
10 for them to offer up some suggestions and guide
11 them on which direction to go toward. And that's
12 either that, the Vermont Village concept with the
13 boulevards landscaped and multiple access points
14 for pedestrians and bike paths and those kind of
15 things. Or you're going to strictly street
16 improvements, traffic signals, points of access
17 using the 209, so they were saying --

18 MS. HAASE: Because --

19 MR. McHALE: -- that they're
20 kind of opposing around -- the other ends of each
21 end of the scale, so it would be good for them to,
22 I think, go to the next overlay committee meeting
23 and get a feel for what the overlay committee is
24 trying to accomplish. And then based upon that,

25 guide them --

130

1 MR. MOYER: Go from there.

2 MR. McHALE: -- in a direction.

3 MS. PICKARD: Yeah, I think that
4 was a good idea.

5 MS. LAMBERTON: What's the 209
6 mean?

7 MR. KERRICK: I have a question.

8 MS. LAMBERTON: I'm sorry. Go
9 ahead, John.

10 MR. McHALE: That allows them
11 to study an area and evaluate your transportation
12 infrastructure. And then if they're at failing
13 levels, the township is required to bring them up
14 to certain standard and then you can impose impact
15 fees rather than a developer coming in and say --
16 and doing a study and having to put in a left turn
17 lane at a particular location at a traffic signal.
18 Maybe they just pay X amount for those trips. And
19 then when the time comes to where that left turn
20 lane is needed, in theory, the money is there then

21 for the township to move forward, to make that
22 improvement; but that doesn't always work smoothly
23 like that, but nonetheless --

24 MS. LAMBERTON: John, that's
25 going back to Tannersville exit ramp that we spoke

131

1 of --

2 MR. KERRICK: Yeah.

3 MS. LAMBERTON: -- where you do
4 a general overall plan and this is something that
5 I'm looking at out by where we're talking for the
6 signalization out on 940, by 84 Lumber and Pocono
7 Manor.

8 MS. PICKARD: That access.

9 MS. LAMBERTON: I'd like to -- I
10 have a meeting coming up with Pennoni at the end of
11 May which wants to do the same tactic as that, is
12 taking that whole section and build it out to its
13 maximum capability and have everybody put in their
14 fair share amount. And when the upgrade is needed
15 at that time, do it -- instead of putting it in
16 twice and make it nice kind of thing and ripping up
17 what somebody just spends \$1.2 million on an

18 upgrade for HOP --

19 MR. MOYER: Do it all in one
20 shot.

21 MS. LAMBERTON: -- do an
22 overall plan and do it one shot and do it right.
23 And then you'll also only have folks coming up for
24 the weekend under construction once and not every
25 other year, when somebody else builds a new

132

1 business and then you're coming in and ripping up
2 that improvement and making it larger. So I think
3 that you could do that for each one of the little
4 village commercial overlays, including Blakeslee,
5 with your stormwater, your HOP and have a permit
6 ready.

7 MR. McHALE: Their initial take
8 on these --

9 MS. LAMBERTON: I'm such a
10 dreamer, aren't I?

11 MR. McHALE: But L&V's initial
12 take on the concept was that perhaps a roundabout
13 would better complement the village center rather

14 than traffic signals and multi-lanes, and dual
15 lefts and all that stuff.

16 MS. LAMBERTON: How would that
17 work with the amount of property that would be
18 needed with -- you have the Wawa, you have Choices,
19 you have --

20 MR. McHALE: That would have to
21 be all evaluated, how much right-of-way we needed,
22 how big does it need to be and all that kind of
23 thing.

24 (Inaudible discussion.)

25 MS. LAMBERTON: 'Cause we still

133

1 have a lot of truck traffic there, too, which it
2 has to be --

3 MR. McHALE: Well, I think on
4 that --

5 THE REPORTER: There's too many
6 things going on.

7 MS. LAMBERTON: Sorry.

8 MR. McHALE: On that drawing
9 right there that's before the board, that was a
10 part of the village master plan, I think even in

11 the northwest quadrant, rather than a roundabout,
12 there's actually, I think, a little traffic circle
13 which is like a mini -- mini roundabout type thing,
14 if you will. So there's -- it's good for them to
15 go to the meeting and to sit there and digest
16 what's trying to be accomplished. And then, like I
17 said, they can then provide or offer
18 recommendations to guide the folks in the committee
19 in a direction.

20 MS. LAMBERTON: I think that's
21 great.

22 MR. KERRICK: I had a question,
23 Bob. I don't recall when he -- when they were here
24 the last time. Did they have to do the whole
25 township or could we break it into pieces?

134

1 MR. McHALE: I believe they can
2 just focus on an area like this.

3 MR. KERRICK: And then you
4 could -- you could impose that fee or did they have
5 to study the whole township from one end to the
6 other? I don't remember.

7 MR. McHALE: I don't recall.

8 Actually L&V said that they would look into the
9 details of the Act 209, refresh themselves again on
10 implementation, 'cause we were asking them
11 questions about how long out can you -- or what's
12 the design here that you're actually projecting for
13 those 209 improvements and they were gonna research
14 some of that in the interim. So I imagine if --
15 like I said, at the next overlay committee meeting,
16 whenever that is, they'll have some of that
17 information as well.

18 MS. PICKARD: We did talk about
19 it when Jaime was here and we -- I went to a PSATS
20 seminar on that, but it was very expensive and it
21 -- and what they came up with was we already were
22 too far gone. And we've been doing the fair share
23 contribution kind of thing, but I --

24 MR. KERRICK: Did we have to --
25 if it was a failing condition, did we have to bring

135

1 it up to standard?

2 MS. PICKARD: Yeah.

3 MR. McHALE: Yes.

4 MS. HAASE: Yes.

5 MR. KERRICK: The township

6 itself, so if --

7 MS. HAASE: The township.

8 MR. KERRICK: If it was -- if it

9 was studied and it was failed, we had to bring it

10 up?

11 MR. McHALE: Correct.

12 MR. KERRICK: Maybe that's why

13 we stopped.

14 MS. PICKARD: That's why we

15 stopped.

16 MR. McHALE: Correct.

17 MS. LAMBERTON: Yeah, you're

18 opening a can of worms there.

19 MS. PICKARD: Yes, you are.

20 MS. LAMBERTON: Absolutely.

21 MR. KERRICK: I have to go dig

22 some notes.

23 MR. McHALE: That particular

24 intersection, though, is not failing, it's in good

25 shape.

1 MS. PICKARD: We can't charge
2 them back for the --

3 MR. KERRICK: No, it's only
4 going forward.

5 MR. McHALE: The Blakeslee
6 intersection.

7 MR. KERRICK: That would work
8 better than this -- when they talked about this
9 intersection, there wasn't enough -- really enough
10 property to make it work properly, but Blakeslee
11 would.

12 MR. McHALE: Part of the problem
13 with the 423/940 intersection is that the -- the
14 legs of the intersection, the ADT was so off
15 balance, whereas in 940/115, the numbers were much
16 closer together and that's ideally what PennDOT
17 likes to see for roundabouts.

18 MS. PICKARD: We have \$34,000
19 in our traffic fund for that.

20 MR. KERRICK: For a roundabout?

21 MR. HOLAHAN: For studies.

22 MS. PICKARD: Whatever, the left
23 turn lanes --

24 MR. KERRICK: It won't get very

25 far.

137

1 MR. McHALE: That'll get started
2 on the design part.

3 MR. KERRICK: A month.

4 MS. PICKARD: When we were
5 talking with Mark, it was about two and half
6 million dollars in intersection, they were talking.

7 MS. LAMBERTON: That's crazy.
8 Phyllis, anything else?

9 MS. HAASE: No. I will place on
10 the board's agenda for Monday for your
11 reconsideration the improvement and the study
12 that's being suggested by the overlay committee.

13 MS. PICKARD: The what? I can't
14 -- can you speak up --

15 MR. McHALE: And the
16 stormwater --

17 MS. PICKARD: -- Phyllis?

18 MR. McHALE: -- also I think you
19 were going to move forward with that as well,
20 right?

21 MS. HAASE: The stormwater.

22 MS. PICKARD: Did you hear her?
23 MR. KERRICK: No.
24 MS. PICKARD: We couldn't hear
25 you here.

138

1 MS. HAASE: The information
2 that I had sent out two weeks ago pertaining to the
3 proposal --
4 MS. PICKARD: For the stormwater
5 --
6 MS. HAASE: -- the stormwater.
7 MS. PICKARD: -- desktop.
8 MS. HAASE: Yes. I will put
9 that on the agenda for the board's consideration on
10 Monday.
11 MS. PICKARD: And we do have
12 some money for the village overlay that we did have
13 in the budget.
14 MS. HAASE: So it's a -- it's a
15 -- the grant will cover 75 percent of the cost. So
16 we're looking at \$3,750 for the desktop study for
17 the township.

18 MS. PICKARD: Just, can you spin
19 that chair around 'cause I can't see Anne? But
20 just as for food for thought, depending on what
21 Jonathan comes out, if we do have any money from
22 the sewer treatment plant, I think it should go
23 into some of these planning projects that we're
24 talking about.
25 MR. HOLAHAN: I have thought for

139

1 further discussion at another time, but I like your
2 idea.

3 MS. LAMBERTON: Anything else?
4 Anyone with public comment?
5 Yes, sir? If you could just
6 state your name for her.

7 MR. PETER TOTA: Peter Tota,
8 Lake Naomi.

9 The -- I had a discussion with
10 Ed the other day on the phone about the (inaudible)
11 near Judge's Pond, on moving about a guardrail.
12 The lake took it upon themselves, which I thank
13 them very much, to put a guardrail there on the
14 high water end. Ed said it didn't meet the

15 criteria. Can somebody explain to me what criteria
16 means in that area?

17 If it's unsafe on one side of
18 the road and the lake took it upon themselves --
19 you have boulders, you have a slope. I have
20 grandkids on a school bus, no seat belts, they come
21 down that hill. If it happens to be a flat tire
22 and it goes off to the right side, you have propane
23 trucks, you have oil trucks, you have people on
24 bicycles. I know you can go on forever about
25 what's safe and what isn't unsafe.

140

1 That's an unsafe area and the
2 word criteria, what proposes criteria? I don't
3 know what that means.

4 MS. LAMBERTON: Ed, if you can
5 bring us up to speed?

6 MR. ED TUTRONE: PennDOT has a
7 standard for a guide rail, what the area needs to
8 be in order to warrant putting in a guide rail.
9 And Bob is a little more up to speed with that
10 because there's some different scenarios with

11 steepness of slope with what's around there. And
12 in that area that's why we never put a guide rail
13 up there. That's come up numerous times in the
14 past, it didn't meet the criteria set forth by
15 PennDOT with the liquid fuels money that we get for
16 roads.

17 MS. LAMBERTON: And the reason
18 that the PennDOT specifications matter is because
19 that's what the township adheres to?

20 MR. ED TUTRONE: Sort of.

21 MR. McHALE: You don't want to
22 go outside that specification.

23 MS. LAMBERTON: Right. I'm just
24 trying to explain that to you. The reason that
25 those PennDOT specifications matter is, that's the

141

1 rules the township adheres to.

2 MR. PETER TOTA: I -- I already
3 have --

4 MS. LAMBERTON: Am I explaining
5 that correctly?

6 MR. KERRICK: Yes, legalities.

7 MS. LAMBERTON: Hang on one

8 second. Yes, no?

9 You want to speak to this?

10 MR. KERRICK: Well, John can or
11 Bob can speak to it. It's -- you got to follow the
12 criteria or you open yourself up for a lawsuit if
13 anything would happen. And the speed was the
14 number one thing there years ago, it's -- I'm sure
15 it didn't change. The speed wasn't enough,
16 correct?

17 MR. ED TUTRONE: The speed, the
18 steepness of the slope, there was a -- there were a
19 few factors that did not warrant a guide rail. I
20 know Lake Naomi had a concern about it a couple
21 years ago and that's why it's there.

22 MS. WENDI FREEMAN: The water's
23 deeper on that side of the -- the water's quite a
24 bit deeper on that side of Woodland Avenue. Also
25 the -- the distance between the road edge and the

142

1 actual drop-off into the water is about this much.
2 On the other side it slopes down, it goes past the
3 boulders into dry land and then into a very, very

4 shallow portion of the lake. We asked the township
5 supervisors for permission to put in that guardrail
6 on that side at our cost and we also indemnified
7 the township so that if it didn't perfectly meet
8 the specifications from PennDOT, you would be
9 indemnified from it.

10 MS. LAMBERTON: So the
11 guardrail's installed.

12 MR. KERRICK: Guide rail.

13 MS. WENDI FREEMAN: The guide
14 rail.

15 MS. LAMBERTON: Guide, guide.
16 That was another lawsuit, right? The guide rail is
17 installed. So your question is --

18 MR. PETER TOTA: I've contacted
19 PennDOT and PennDOT said they have no jurisdiction
20 over the township. And just so you all understand,
21 the meeting of -- that's -- I already called before
22 I --

23 MS. LAMBERTON: No, that's okay.
24 Thank you.

25 MR. McHALE: We're not saying

1 in this discussion that PennDOT has jurisdiction.
2 We're just saying that we follow their
3 specifications, their guidance and pretty much
4 their policies --

5 MS. LAMBERTON: Even when we
6 build a road --

7 MR. McHALE: -- as a rule so
8 that we don't expose ourselves to undue liability.

9 MR. PETER TOTA: Okay. Now,
10 traffic barrier. Traffic barriers also known in
11 North America as guide rails or guardrails, keep
12 vehicles within their road and prevent vehicles
13 from colliding with dangerous obstacles such as
14 boulders, buildings, walls and large storm drains.
15 You have boulders on the opposite side. A bus
16 comes down and they -- kids have no seat belts on,
17 hits a boulder, rolls over, you'll have lawsuits
18 out of this world.

19 MS. WENDI FREEMAN: You'll have
20 a lawsuit anyway.

21 MR. PETER TOTA: Well, I'm just
22 saying. I just want to go on record that -- and I
23 guess Ed said to me, well, it's never happened
24 before. Well, now, you just said, okay, now it can
25 happen.

1 MR. ED TUTRONE: I did follow up
2 with, and I hope it never does happen.

3 MR. PETER TOTA: Well -- say
4 why is one side of the road unsafe and yet the
5 opposite side of the road where it is a slope and
6 there are boulders and it rolls over?

7 MR. KERRICK: You just explained
8 it.

9 MR. MIKE CHRISTIAN: That was
10 something we chose to --

11 MR. PETER TOTA: I know you did,
12 that's fine. I understand.

13 MR. MIKE CHRISTIAN: That was
14 our choice.

15 MR. PETER TOTA: That's the
16 choice of the lake, but obviously somebody must
17 have said it's a big slope and it's water. It's
18 just as unsafe on the opposite side and it can't be
19 that much to put a guardrail up.

20 MS. WENDI FREEMAN: Well, it was
21 about \$15,000.

22 MR. PETER TOTA: Is that all?
23 MS. WENDI FREEMAN: Yeah. And
24 it's -- you know, I mean, my opinion differs from
25 yours.

145

1 MR. PETER TOTA: Of course it
2 does, but \$15,000 for a school bus flipping over
3 and God forbid kid becomes a vegetable --
4 MR. MIKE CHRISTIAN: You could
5 pick a lot of roads --
6 MR. PETER TOTA: I know you can.
7 MR. MIKE CHRISTIAN: Another
8 thing, this is guide rail, not a guardrail.
9 MR. PETER TOTA: Whatever you
10 want to call it, but PennDOT said they have no
11 jurisdiction whatever the township wants to do.
12 My second concern is the
13 trenches in Lake Naomi, is there a maintenance
14 program for that to clean them up? Because they're
15 not working. The grass from the edge of the
16 roadway to the edge of the trench is about two
17 inches higher than the trench. They don't work,
18 the water never gets there. It's filled with

19 leaves and brushes, you have raccoons living in the
20 pipe underneath the driveway. And you have you
21 possums living in there and all sorts of animals.
22 I've seen kids playing what they
23 call a war game where they take a tennis ball, it
24 looks like a hand grenade, they pull on it and they
25 throw it across the road to other kids that are

146

1 hiding in the trench and they get up and they run
2 out of this trench. Imagine somebody riding down
3 the road and not even expecting a kid coming up and
4 running across.

5 If the trenches worked, you
6 wouldn't have animals living in there. If a kid
7 lost his ball and went into the trench to get it
8 and gets bit, you know -- I know you can say you
9 can go on forever about the safety issues and so
10 on, but something has to be done with those
11 trenches, they don't work.

12 MS. LAMBERTON: Well, there's
13 like multiple issues going on there.

14 MR. KERRICK: This is the

15 Pocono experience.

16 MS. LAMBERTON: Well, it is --

17 (Inaudible discussion.)

18 MS. LAMBERTON: What kind of

19 place are we running back there? No.

20 I'm sorry. Go ahead, Ed.

21 MR. ED TUTRONE: (Inaudible).

22 Actually behind John over there is a road manager

23 plan for 2016 that addresses drainage because we

24 have 50 some miles of road to address. We're

25 actually doing progressive drainage when we put it

147

1 in and now we're going back to -- it's been for

2 several years, probably five to ten years. Now

3 we're going back to do the maintenance out in those

4 areas and we have a plan laid out. If you'd like

5 to come in, make an appointment to come in and I'll

6 sit down and go over everything we're doing --

7 MR. PETER TOTA: Well, as long

8 as it gets maintained, it's just --

9 MS. LAMBERTON: I think that

10 would help.

11 MR. KERRICK: The grass is a

12 good thing, it filters out the sediment, it's a
13 good thing.
14 MS. PICKARD: It is.
15 MR. PETER TOTA: It's a good
16 thing?
17 MR. KERRICK: Sure it is.
18 MS. LAMBERTON: I think that
19 would be beneficial to you to meet with Ed.
20 MR. PETER TOTA: I will.
21 MS. LAMBERTON: And then I think
22 maybe you'll have a better understanding on how the
23 maintenance program works and where they're at this
24 point and that should be helpful for you. And the
25 parents need to be called about those kids because

148

1 we can't know when kids are going, that's not
2 our --
3 MR. PETER TOTA: Oh, no, no, I
4 understand. It's just that --
5 MR. MOYER: They're not allowed
6 to go --
7 MS. LAMBERTON: And I can't tell

8 raccoons, we might give a complaint to Maureen
9 about the raccoon. I can't make any other
10 promises.

11 MR. PETER TOTA: There's a
12 raccoon in the trenches.

13 MS. LAMBERTON: And you live in
14 a very lovely community, so --

15 MR. MOYER: Beautiful.

16 MR. PETER TOTA: Just wanted to
17 have it on record because if something happens --

18 MS. LAMBERTON: Yeah. No, I
19 approach that, but I say get with Mr. Tutrone and I
20 think maybe that will help both of you understand.

21 MR. PETER TOTA: I have one more
22 question.

23 MS. LAMBERTON: One more
24 question, guys.

25 THE REPORTER: One more

149

1 question, one person at a time.

2 MR. PETER TOTA: On the Woodland
3 Avenue where you're coming down by Judge's Pond and
4 coming up to Miller --

5 MS. LAMBERTON: Okay.

6 MR. MOYER: Yep.

7 MR. PETER TOTA: -- it's not a

8 stop sign there, right? It's a -- you can run

9 right through it, no stop sign at that point.

10 MR. MOYER: Right.

11 MS. WENDI FREEMAN: Because of

12 the --

13 MR. PETER TOTA: Yet we have our

14 school bus stops there and last year the road was

15 icy. When he stopped, he started rolling

16 backwards. Now, does that school bus have to stop

17 there? He makes the right turn anyway going --

18 MS. LAMBERTON: I would have to

19 say that would be a school board issue.

20 MR. PETER TOTA: That's a

21 school board issue?

22 MS. LAMBERTON: Yeah.

23 MR. KERRICK: There's no stop

24 sign there, is there?

25 MS. LAMBERTON: Yeah. They take

1 their own routes.

2 MR. ED TUTRONE: That's why we
3 -- that's why we never put the stop sign there
4 mainly for that issue. So people don't get stopped
5 on that hill in ice.

6 MR. KERRICK: That's right, it's
7 a three-way stop.

8 MR. ED TUTRONE: That -- yeah,
9 that would definitely --

10 MR. PETER TOTA: I understand,
11 but then --

12 MS. LAMBERTON: One at a time,
13 guys.

14 I'm sorry, sir. Go ahead.

15 MR. PETER TOTA: The bus
16 doesn't have to really stop there because he makes
17 the -- he could stop on the right turn.

18 MS. LAMBERTON: I'm not passing
19 the buck, but the school district, they designate
20 their routes.

21 MR. PETER TOTA: Okay.

22 MS. LAMBERTON: That really has
23 nothing to do with this and I believe that Mr.
24 Tutrone explains it perfectly. The reason there's
25 not a stop sign is because of the incline, you

1 don't want to stop there, which makes sense.

2 MR. PETER TOTA: Then I would
3 have to go the school bus and explain to them.

4 MR. MOYER: Absolutely, yeah.

5 MS. LAMBERTON: Yeah. That
6 should be helpful to you.

7 MR. PETER TOTA: All right.
8 Thank you very much.

9 MS. LAMBERTON: You're very
10 welcome. Thank you for your comments.
11 Any other questions or comments
12 from the public?

13 MR. HOLAHAN: Motion to
14 adjourn.

15 MS. PICKARD: Second.

16 MS. LAMBERTON: Amen. Thank you
17 all.

18 Are we -- are we going into
19 executive?

20 MS. PICKARD: Yeah, I think we
21 had the one, yeah.

22 MS. LAMBERTON: Do I need to

23 take -- need a motion or --

24 MR. REISS: You've got to

25 adjourn to executive discussion -- session to

152

1 discuss personnel.

2 MS. LAMBERTON: Folks, we need

3 to adjourn, to make a statement that we're going

4 into executive session to discuss a personnel

5 issue.

6 MR. HOLAHAN: Yeah, and I don't

7 believe we voted on the motion to adjourn either.

8 MR. KERRICK: You don't have to.

9 MR. MOYER: Yeah, we don't have
10 to.

11 MR. HOLAHAN: Oh, no.

12 MR. MOYER: No.

13 (Meeting concluded at 7:48 p.m.)

14 ---

15

16

17

18

19

20

21

22

23

24

25

153

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, May 2, 2016 beginning at 6:00 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

ROBERT J. McHALE, Township Engineer

MAUREEN MINNICK, Zoning Officer

1 MS. LAMBERTON: I'd like to
2 call the board of supervisors work session for
3 Monday, May 2, 2016 to order. We'll start with the
4 pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Anne Sincavage
8 is here.

9 We'll start with you, if you'd
10 like to give a report for your open space
11 committee.

12 MS. ANNE SINCAVAGE: Yes.
13 Thank you for having me. I wanted to report that
14 you gave us funds to install the new kiosk, which
15 was done today.

16 MS. LAMBERTON: Aww.

17 MS. ANNE SINCAVAGE: So there's
18 a photo of what we did and we did one of those.
19 This is the copy of our minutes from our September
20 meeting last year. So where I have highlighted,
21 obviously, the kiosk, the outstanding items are the
22 -- the parking lot. I did speak with -- Ed's not
23 here -- Ed Tutrone, we might have a solution to our

24 -- the problem is, is the lower parking lot, upper
25 parking lot, they haven't been resurfaced in --

3

1 MR. MOYER: Forever.

2 MS. ANNE SINCAVAGE: -- many,
3 many years and it's getting a lot of use and it
4 just looks neglected over there. So the -- I
5 talked to Ed earlier and he said millings would be
6 the answer. Problem is, is we have to get the
7 millings. He was gonna work on that and he was
8 gonna see if he could get the millings that Locust
9 Ridge has, 'cause I only have so many. I don't
10 have enough for three tri-axel loads. We'd see if
11 Tunk can get the trucks, send them over to us, we'd
12 screen them, load them back up, take them down to
13 the natural area and see if Tunk can work on --

14 In the meantime, there's mud
15 puddles in the front where the people walk out
16 right on the trail. I'll just go and take some
17 modified stone, dump it in the -- in the interim.

18 MR. MOYER: Fill them up.

19 MS. ANNE SINCAVAGE: Because
20 he's saying not till June. What else? Oh, the --
21 there's an upcoming hike, I don't know if you saw
22 this at the open -- open house, there's a bunch of

23 hikes being scheduled.

24 MS. LAMBERTON: Do we have this

25 on our website, Phyllis?

4

1 MS. ANNE SINCAVAGE: I don't

2 know, I had it at the open house.

3 MS. HAASE: We don't. We had it

4 at the open house that we passed out.

5 MS. LAMBERTON: Put that on our

6 website.

7 MS. ANNE SINCAVAGE: There's --

8 if you look at the bottom too, there's others at

9 other locations too. And the other -- I had gone

10 back. The other outstanding was that dilapidated

11 building. I don't know what we can do with that,

12 when we could do something about that. I think

13 it's gonna -- it's a safety issue because kids are

14 gonna go into the -- it's a mess. The only thing

15 good is, it's not really on the trails, but you --

16 you can see it. So that's not a good thing.

17 The bad news is, we've had a

18 couple problems with vandalism at the upper parking

19 lot, windows being broking out -- broken out and

20 items being stolen out of cars. I don't know what

21 to do about that situation. I don't know if we

22 could put something, some kind -- something in the

23 kiosk saying -- not saying this is what's
24 happening, just say, please be aware, don't put
25 your -- leave your veh --

5

1 MS. LAMBERTON: In sight.

2 MS. ANNE SINCAVAGE: -- leave
3 your belongings out of sight, blah, blah, blah. I
4 don't know how we can word that.

5 MR. MOYER: Speakers? Somebody
6 said speakers got stolen, right?

7 MS. ANNE SINCAVAGE: Well,
8 Hamill's daughter lost her phone, her Pocono
9 Medical Center pass, her keys, everything. It's
10 like -- then when the police did show up there --
11 and I wasn't aware of it, that's the only way I
12 found out about it -- was there was other --
13 clearly other windows broken there, which I didn't
14 know that.

15 MR. MOYER: Yeah. Someone said
16 they had their speakers taken right out of the car.

17 MS. ANNE SINCAVAGE: So that's
18 a problem.

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: That is a
21 problem.

22 MS. ANNE SINCAVAGE: What I'd
23 like to do too is --
24 MS. LAMBERTON: Would anybody
25 know --

6

1 MS. ANNE SINCAVAGE: -- on the
2 -- in the kiosk at the lower parking lot, I put a
3 physical address in case there was an emergency.
4 We have no number at the upper parking lot. Do we
5 keep this number and we put this number at the
6 upper parking lot for an emergency? Or do we
7 assign a number for the upper kiosk?

8 MS. HAASE: We'll contact
9 Control Center.

10 MS. ANNE SINCAVAGE: I think
11 they could be able to get the ki -- see --

12 MS. HAASE: It's technically for
13 a building, the facility has a building. But I
14 think in this particular case, you're going to have
15 the public there and there should be a designated
16 number for that.

17 MS. LAMBERTON: Did anybody
18 notify Pocono Mountain Regional?

19 MS. ANNE SINCAVAGE: They --
20 Apgar, I think. No, it was another guy that Hamill
21 -- Greg Hamill was talking to Apgar about the

22 problem.

23 MS. LAMBERTON: So they're aware

24 of it.

25 MS. ANNE SINCAVAGE: So I -- do

7

1 you think I should put something in the kiosk

2 saying -- or do we let sleeping dogs -- I just

3 don't know what to do about that. I don't want it

4 to bring up the township --

5 MS. LAMBERTON: Why don't you

6 ask Pocono Mountain Regional what they suggest,

7 because they might say this will encourage

8 something or this is the proper way to -- you know,

9 to deter someone.

10 MR. MOYER: Yeah.

11 MS. ANNE SINCAVAGE: Yeah.

12 'Cause I -- I -- the thing is, is when you drive up

13 there, the lower is just open and there's so many

14 people there all the time. The upper, it's -- with

15 those big trees there it's a problem.

16 MR. HOLAHAN: You know, you

17 could put a couple of game cameras up.

18 MS. ANNE SINCAVAGE: Well,

19 Hamill has one of those too.

20 MR. HOLAHAN: Did he do that?

21 MS. ANNE SINCAVAGE: I don't
22 know if that -- or do we put -- and maybe not --
23 maybe not tell the total truth, put in the kiosk,
24 this ar -- this parking area is under surveillance.
25 MR. HOLAHAN: Right.

8

1 Surveillance.
2 MS. ANNE SINCAVAGE: How do they
3 know it's not?
4 MS. LAMBERTON: You let Pocono
5 Mountain Regional tell you what to do.
6 MS. PICKARD: Yeah.
7 MS. LAMBERTON: Seriously.
8 MS. PICKARD: But I don't think
9 it'd hurt to just say that we're not responsible
10 for lost or stolen items to -- to take care of
11 those things just so people are mindful not to
12 leave those things open.
13 MS. ANNE SINCAVAGE: I just
14 don't -- I don't -- I don't want to put anything in
15 there that you don't want me to put in there.
16 MS. LAMBERTON: Exactly.
17 MS. ANNE SINCAVAGE: You know,
18 'cause we -- you know, with the -- remember we had
19 that fence issue, we said we're not saying
20 anything. We never put a fence up, that one area,

21 people were stupid enough to walk over the edge of
22 the cliff, that's their problem.

23 MS. LAMBERTON: I'd go with the
24 recommendation of Pocono Mountain Regional, to be
25 honest with you, because they deal with this more

9

1 than I would be able to answer.

2 MR. HOLAHAN: Agreed.

3 MR. MOYER: You don't want to
4 put something there to deter them --

5 MS. LAMBERTON: And that takes
6 care of you knowing what they would prefer too.

7 MS. ANNE SINCAVAGE: Right.
8 Okay.

9 MR. HOLAHAN: So we'll just
10 defer to the Pocono Regional's --

11 MS. LAMBERTON: I would think
12 so.

13 MR. HOLAHAN: I'm all right with
14 that.

15 MS. ANNE SINCAVAGE: Okay. So
16 it's okay to move forward with trying to get the
17 parking lots redone with our plan1 -- because
18 it's -- you know, the lower parking lot's a pretty
19 good size parking lot. It's just -- it's just

20 looking neglected now, it just looks yuck. And the
21 -- we're gonna schedule a spring cleanup, we gotta
22 clean out the grills, we have to clean the signs,
23 we have to put some more mulch down, but that's all
24 volunteer stuff. So I'll let everybody know when
25 that happens.

10

1 MR. MOYER: So we can use some
2 millings, though --
3 MR. KERRICK: Yeah, I wanted to
4 report on the buildings a little bit. We had
5 Monroe County come up and look at the -- the upper
6 building, there's a road that you can get back to
7 it, to get it cleaned up without wetland; the lower
8 one you can't. And I -- I don't know this winter I
9 texted you about the matting with the pipeline.
10 I've secured matting, but I need to get it from
11 where it is to there to use and then take it back.
12 They said we could use it, but -- so I don't know
13 if we could get people together to do that,
14 volunteer-type thing?

15 MS. HAASE: I think there was
16 also an issue, we may have to look at permitting
17 now.

18 MR. KERRICK: Now we have to
19 permit it?

20 MS. HAASE: I think there was
21 some -- Victor is no longer with the conservation
22 district.
23 MR. KERRICK: I know he's with
24 the -- but he was there and he had no problem with
25 that at the time.

11

1 MS. HAASE: I know, but he's
2 not anymore. I think there was some -- was there
3 some further discussion?
4 MR. McHALE: We can give him a
5 call and check and see if there's any other --
6 MR. KERRICK: We walked it, he
7 took samples and that's all I know. But if you're
8 still interested, I have -- I have access to the
9 matting, but I need help.
10 MR. HOLAHAN: And how old are
11 the buildings, John?
12 MR. KERRICK: Oh, my God, I
13 don't know.
14 MR. HOLAHAN: So we do --
15 MS. LAMBERTON: Old.
16 MR. MOYER: Yeah, they're old.
17 MR. HOLAHAN: -- we have to
18 worry about lead paint?

19 MR. KERRICK: You probably have
20 to have it inspected.
21 MS. ANNE SINCAVAGE: They're
22 old.
23 MR. MOYER: Yeah, they're real
24 old.
25 MR. KERRICK: Asbestos and lead.

12

1 MS. LAMBERTON: Can we give the
2 -- a couple hours of --
3 MR. HOLAHAN: Asbestos as well.
4 MS. LAMBERTON: -- our DPW to
5 these guys to help along with Tunk maybe?
6 MS. ANNE SINCAVAGE: Well, I
7 think I'd want to --
8 MS. PICKARD: I think we need
9 machinery, don't we?
10 MS. ANNE SINCAVAGE: Yeah, it's
11 gonna have to -- we need machinery and the other
12 thing is those trees that we can't get down. I
13 mean, they're there, but you know, it's -- it's
14 right at the Pine Plantation, that the volunteers,
15 we just can't do that. We can't cut the -- we
16 already tried it and it didn't come down.
17 MS. LAMBERTON: Oh, Annie.
18 MS. ANNE SINCAVAGE: Oh, yeah,

19 yeah.

20 MR. MOYER: Good luck. Right?

21 MS. HAASE: The plan was

22 initially that Tunk and Toby --

23 MS. PICKARD: Yeah.

24 MR. HAASE: -- would assist in

25 this.

13

1 MS. LAMBERTON: Right, yeah.

2 MS. HAASE: And then we ran

3 into a couple obstacles and, you know --

4 MR. KERRICK: As far as

5 cleaning up the building, that's a little more than

6 they can handle, really. We need a big trailer to

7 haul the matting, it's -- it's a little bit -- you

8 may want to try to get some contractors together,

9 'cause I don't -- we don't have any funding for it.

10 MS. ANNE SINCAVAGE: Well, the

11 problem is, is -- yeah, and Tunk -- and Tunk is

12 copied on everything that you guys are copied on,

13 so, you know -- and I'll report what I reported

14 tonight to you to Tunk. So it's not that they

15 can't say that they don't know what's going on

16 because we send everything to both Tunk and Toby,

17 so -- so I think, you know, let's see what we can

18 do and I'll contact regional, see what they say and
19 I'll send a draft of what they think I should put
20 in, if I should put anything in the kiosk and then
21 you guys can say yea or nay.

22 MS. LAMBERTON: That sounds
23 great.

24 MR. MOYER: Sounds good.

25 MS. PICKARD: Did you want to

14

1 say about the paving thing?

2 MR. KERRICK: Well, yeah.

3 MS. PICKARD: John just had a
4 comment.

5 MR. KERRICK: The entrance to
6 the -- at least the lower part should be paved back
7 to the -- to the parking lot. Maybe when the group
8 is doing the intersection traffic light
9 improvements into your community maybe we can get
10 them to go down there --

11 MR. MOYER: Slide it --

12 MR. KERRICK: -- if they have a
13 little extra.

14 MR. MOYER: -- way up.

15 MR. KERRICK: I think a 60, 70
16 foot strip would -- because when they leave, they
17 spin.

18 MS. ANNE SINCAVAGE: Right.
19 MR. KERRICK: And it -- constant
20 potholes.
21 MS. ANNE SINCAVAGE: Yeah, and
22 the upper's real -- upper's really bad too, but I
23 mean, the lower will be, you know --
24 MS. PICKARD: Always on that
25 hill, it's incline.

15

1 MR. MOYER: Be nice if they'd
2 go in there and put a load or two in and just --
3 MS. ANNE SINCAVAGE: Yeah, do
4 an apron and --
5 MS. PICKARD: Yeah, that would
6 be nice.
7 MR. MOYER: That be great.
8 MS. ANNE SINCAVAGE: All right.
9 Thank you very much.
10 MS. LAMBERTON: Thanks, Anne.
11 Okay. Moving on to sign
12 ordinance discussion.
13 What is the pleasure of the
14 board to discuss?
15 MR. HOLAHAN: I did actually
16 read this thing and I think it's -- to this point,

17 it's what we asked to have done. Did anybody have
18 any -- I read a bunch of definitions and cleared up
19 a bunch of language and things like this. Just
20 wondering what's it gonna take to get this to the
21 point we can move forward so we can make our
22 adoption.

23 MS. HAASE: I believe the reason
24 why it's back in front of you is, because there was
25 a discussion about off-premise billboards.

16

1 MR. HOLAHAN: Right.

2 MS. HAASE: And in order for us
3 to -- if you said it was allowed in a commercial
4 district, that would be all the billboards,
5 off-premise billboards in the commercial district.
6 So there was some discussion that potentially there
7 would be an interstate overlay that would include
8 the acc -- the ramps as well.

9 MR. HOLAHAN: Okay.

10 MS. HAASE: And that's
11 something that the board as a whole has not
12 discussed.

13 MS. LAMBERTON: So what we're
14 saying is that billboards would be -- or do I say
15 digital billboards would be allowed on interstate
16 only and can we do that?

17 MR. REISS: Yes.

18 MS. HAASE: You'd have to do an

19 overlay for that.

20 MS. LAMBERTON: Let's create an

21 overlay.

22 MR. HOLAHAN: Let's create an

23 overlay, I would think, right?

24 MS. LAMBERTON: Yeah. No, I

25 mean, that's where they make sense. I don't want

17

1 to see them up and down 940 or 115 for that matter.

2 MR. MOYER: No, we need to be

3 selective of how we --

4 MR. HOLAHAN: And I think

5 somebody brought up, I don't know if it was you or

6 John, about the cost of them anyway. It's not like

7 these things will be, everybody looking to grab

8 them because they're a substantial amount of the

9 money.

10 MS. LAMBERTON: Well, I think

11 Phyllis gave us some prices, that they came down

12 substantially compared to what it was.

13 MR. HOLAHAN: True.

14 MS. LAMBERTON: But they're

15 still thousands, I mean, we're not talking, you

16 know, seven, eight hundred dollars for a sign,
17 John, right?
18 MR. HOLAHAN: But I think that
19 does put it to where the areas that we're looking
20 for of the township and not running through our
21 village.

22 MS. MINNICK: Anne, just
23 throwing this out there, Wezmar's property on that
24 intersection of 940, there's mention that he wants
25 to put a digital billboard sign. If you do an

18

1 interstate, that doesn't allow him to do that
2 either.

3 MS. HAASE: If we did so many
4 feet off the ramp, that's something that could be
5 considered.

6 MS. LAMBERTON: Why wouldn't he
7 be considered interstate?

8 MS. MINNICK: 'Cause his
9 property's not -- that sign is not on the
10 interstate.

11 MR. HOLAHAN: Not adjacent to
12 it?

13 MS. MINNICK: It's more on 940
14 than it is 380.

15 MS. HAASE: That -- that would

16 be the recommendation then, if you did so many feet
17 from the ramp.

18 MS. LAMBERTON: His property
19 doesn't go up on 380?

20 MS. MINNICK: His property might
21 round 380.

22 MS. HAASE: But the sign is
23 not.

24 MS. MINNICK: The sign's not.
25 The placement of the sign is not.

19

1 MS. LAMBERTON: Well, I would
2 look at it as his property, not the placement of
3 the sign, 'cause let's say somebody doesn't have
4 one and you're basing it on the property, correct,
5 being adjacent to an interstate?

6 MR. MOYER: If they don't
7 already have a sign.

8 MS. LAMBERTON: Follow what I'm
9 saying, does it make sense?

10 MR. HOLAHAN: Yeah. But I -- I
11 -- but I think that we can pick that up with so
12 many feet off the ramp as well so we're not too far
13 into that and it allows some flexibility for some
14 people to get something in there, they're looking

15 to do. Those are certainly areas that are --

16 MS. LAMBERTON: Now, let's
17 think of it out in Blakeslee then.

18 MR. HOLAHAN: -- well away --

19 MS. LAMBERTON: You should have
20 that as well.

21 MR. HOLAHAN: -- well aware
22 from residential areas and things like this.

23 MS. LAMBERTON: Right.

24 MR. HOLAHAN: And I think that
25 isolates those enough. I guess my only

20

1 consideration would be Keswick is so far away, I
2 don't know how that would affect them.

3 MS. LAMBERTON: That he would
4 want a sign?

5 MR. MOYER: No.

6 MR. HOLAHAN: No, that he would
7 want one necessarily.

8 MS. LAMBERTON: Oh, okay. Yeah.

9 MR. MOYER: I don't think that
10 that's something that they would want.

11 MR. HOLAHAN: I don't think so
12 either.

13 MR. KERRICK: He was going to a
14 restaurant out in front at one time.

15 MS. LAMBERTON: I was just
16 thinking for --
17 MR. MOYER: Huh?
18 MR. KERRICK: He was going to
19 put a restaurant out front at one time. He has the
20 commercial parking. Whether that'll ever happen or
21 not, I don't know.
22 MS. HAASE: So, just so I'm
23 clear then, the board is not looking at a sign that
24 would be contingent to the interstate? You're
25 saying if the property --

21

1 MS. MINNICK: Abuts the
2 interstate?
3 MR. MOYER: We want to help.
4 MS. LAMBERTON: Well, I'm just
5 thinking if someone does develop that and that's in
6 that resort area out there --
7 MR. HOLAHAN: Well, resort area
8 they're okay, if they're in the --
9 MS. LAMBERTON: Maybe we
10 should --
11 MR. HOLAHAN: How do we make
12 the overlay work for them?
13 MS. LAMBERTON: Right, right,

14 right.

15 MR. MOYER: Yeah. That's the
16 key.

17 MR. HOLAHAN: I think we'd have
18 to take a look at the map and almost kind of draw
19 that out --

20 MS. LAMBERTON: Where you want
21 it.

22 MR. HOLAHAN: -- figure how far
23 down would you want something like that.

24 MR. MOYER: How far is it that
25 they have to be -- are close to the highway?

22

1 MS. MINNICK: I don't know
2 'cause nothing's proposed as of now.

3 MR. MOYER: Oh, it's not?

4 MS. MINNICK: No.

5 MR. MOYER: Okay.

6 MS. PICKARD: But even when we
7 had the overlay, wasn't there an issue with the
8 distance between the sign?

9 MS. HAASE: It currently is in
10 our ordinance, it's 1500 feet.

11 MS. LAMBERTON: 1500 feet which
12 allowed for the --

13 MS. PICKARD: If I knew that was

14 gonna be a problem with --

15 MS. LAMBERTON: -- Kalahari and
16 then Pocono Manor --

17 MS. PICKARD: -- Pocono Manor.

18 MS. LAMBERTON: -- and that was
19 it.

20 MS. PICKARD: On 380?

21 MS. LAMBERTON: Right.

22 MS. PICKARD: Then there would
23 be none allowed on 940 there.

24 MS. LAMBERTON: I thought there
25 was --

23

1 MS. PICKARD: That's what I'm
2 saying. That's where I'm getting a little
3 confused.

4 MS. HAASE: No, there's nothing
5 that's --

6 MS. PICKARD: Okay. So that
7 wasn't for digital --

8 MS. HAASE: Nothing currently
9 for a digital sign.

10 MS. PICKARD: -- that was just
11 an off-premise --

12 MS. LAMBERTON: Signage.

13 MS. PICKARD: -- or an
14 on-premise sign, but --
15 MS. LAMBERTON: That's another
16 question. I mean, is there a reason we have -- do
17 not allow off-premise signs?
18 MS. PICKARD: Yeah.
19 MR. REISS: That's pretty
20 common.
21 MS. MINNICK: Be all over the
22 place.
23 MS. LAMBERTON: What's the
24 reason?
25 MS. MINNICK: We'd have signs

24

1 all over the place.
2 MS. LAMBERTON: Well, I mean,
3 you have a certain amount of signs you're allowed.
4 MS. PICKARD: But if it's
5 off-premise, then the people whose property it is
6 -- so you have vacant land, so it'd be a vacant
7 piece of parcel, will have off-premise signs on it.
8 MR. HOLAHAN: Got you.
9 MR. MOYER: If the property
10 owner allows it.
11 MS. PICKARD: We have
12 billboards in commercial industrial.

13 MR. HOLAHAN: Property owners

14 are going to allow it.

15 MS. PICKARD: So if it's

16 commercial industrial, they can except what's

17 grandfathered in.

18 MR. HOLAHAN: They're gonna

19 lease that space out for signs.

20 MS. LAMBERTON: So directional

21 signs have nothing to do with off-premise signs.

22 MS. PICKARD: Well, directional

23 signs in our ordinance are on the property,

24 correct?

25 MR. REISS: We have two

25

1 different directional signs.

2 MS. LAMBERTON: Yeah, this is

3 where I -- I think this is where I'm confused.

4 MS. HAASE: You have where a

5 municipality can put up directional signs and then

6 you can have directional sign within a compound or

7 facil -- establishment.

8 MS. LAMBERTON: Right. I

9 understand that, but I mean, just for people to

10 know -- I mean, 'cause remember, that was a big

11 thing with how do you get to where you're going.

12 But those are more of a state PennDOT --

13 MS. PICKARD: That was the TODs.

14 RM. MOYER: They issue them,

15 right?

16 MS. LAMBERTON: If it's their

17 right-of-way.

18 MS. HAASE: Has to go through

19 PennDOT if it's on 940 or 115, correct.

20 MR. MOYER: I know with Donny

21 with the former shop --

22 MS. LAMBERTON: So does PennDOT

23 have anything that we need to be looking at as far

24 as --

25 MR. REISS: Well, normally what

26

1 you would do is, that would be one of the

2 requirements, that they also obtain any --

3 MR. MOYER: State.

4 MR. REISS: -- PennDOT permits

5 before they get --

6 MS. LAMBERTON: I mean, do they

7 have any objection to how and where we would allow

8 this ordinance to allow --

9 MS. HAASE: They have their own

10 regulations, they go under the Highway

11 Beautification Act as well. So they do have their

12 own regulations that have to be followed.

13 MS. LAMBERTON: And as far as
14 brightness and as far as timing and things like
15 that, that I understand.

16 MS. PICKARD: That's for
17 electronic, right?

18 MS. LAMBERTON: But as far as
19 --

20 MR. REISS: So you could have a
21 provision that's less restrictive than PennDOT, but
22 --

23 MS. LAMBERTON: They'd have to
24 --

25 MR. REISS: They'd had have to

27

1 comply with --

2 MS. LAMBERTON: PennDOT. Okay.
3 Which, I mean, PennDOT has theirs in place because
4 apparently it makes sense, so we don't need to
5 reinvent a wheel.

6 MS. PICKARD: No. But when you
7 were talking about the -- the directional signs,
8 you weren't talking necessarily about electronic
9 signs, 'cause you said --

10 MS. LAMBERTON: That's correct.

11 I was talking --
12 MS. PICKARD: -- about lighting
13 --
14 MS. LAMBERTON: -- two separate
15 things.
16 MS. PICKARD: -- and I got
17 confused there for a second.
18 MS. LAMBERTON: Yeah. I'm
19 sorry, no, no.
20 MS. PICKARD: Okay. You were
21 talking about the blue TOD signs. But I don't
22 understand, 'cause they have one on the highway,
23 but would they not be able to place one on 314 --
24 MR. HOLAHAN: At the end of the
25 ramp or something like --

28

1 MS. PICKARD: -- at the end of
2 the ramp there?
3 MS. LAMBERTON: That's what's
4 weird, I --
5 MR. MOYER: Or across --
6 MS. LAMBERTON: There's
7 restrictions, I don't know why.
8 MR. MOYER: -- the four ways.
9 MS. LAMBERTON: But that has
10 nothing to do with us, is what I understand.

11 MR. HOLAHAN: Right.

12 MS. PICKARD: Yeah, yeah.

13 MS. LAMBERTON: Okay. That's a

14 state thing. Okay.

15 MS. PICKARD: I just --

16 MR. HOLAHAN: So where are we

17 on -- I'm sorry. Where are we at on the overlay

18 then?

19 MS. LAMBERTON: I think we need

20 to pick an area. I think we need to look at the

21 parcels that are existing and see exactly where

22 everyone would --

23 MR. HOLAHAN: Yep.

24 MS. LAMBERTON: -- like to see

25 it extended to.

29

1 MR. HOLAHAN: Okay.

2 MS. PICKARD: What overlay are

3 we talking about, the resort on Pocono Summit or --

4 MR. HOLAHAN: No. Like an

5 interstate overlay.

6 MS. MINNICK: Interstate.

7 MS. PICKARD: Interstate

8 overlay.

9 MR. REISS: Right. This would

10 -- this would be for off-premise billboard signs --

11 MS. PICKARD: We need like a --

12 MR. REISS: -- basically along

13 the interstates.

14 MS. PICKARD: -- a map and a --

15 MS. LAMBERTON: Correct.

16 MR. HOLAHAN: Right, that's what

17 --

18 MS. LAMBERTON: 'Cause we have

19 to look at 940 --

20 MS. PICKARD: And a pointer or

21 --

22 THE REPORTER: I'm sorry. Guys,

23 just one at a time.

24 MS. LAMBERTON: I'm sorry.

25 MS. PICKARD: I was gonna say

30

1 we need the screen and a pointer or something here

2 to --

3 MS. LAMBERTON: Well, maybe we

4 could ask you, Maureen, to put a couple of maps

5 together with parcel maps and maybe color --

6 MR. REISS: Separating those

7 boundaries.

8 MS. LAMBERTON: Yeah. Color the

9 boundaries in so we could see like where the Wezmar

10 property goes to and then across the street how the
11 Ireland property runs and then out in Blakeslee
12 where --

13 MR. MOYER: Blakeslee -- yeah.

14 MS. LAMBERTON: -- the whole
15 industrial park -- and we don't have to worry about
16 the other side of the street because that's
17 Tunkhannock Township.

18 MS. MINNICK: Now, on our --

19 MS. HAASE: No, we do have --
20 we have the other side of the road. We do have the
21 other side.

22 MS. LAMBERTON: We do have a
23 parcel road? And then the other side as well,
24 whatever's Toby.

25 MR. KERRICK: Are we going to

31

1 incorporate any of the future land use in or look
2 at that --

3 MR. MOYER: Yeah, we probably
4 should.

5 MR. KERRICK: -- at the same
6 time? Not saying adopt that, but with our sign
7 ordinance, would it -- would it fit, would it not,
8 instead of reinventing the wheel the third time?

9 MS. PICKARD: That's not by the
10 interstate, though.

11 MR. KERRICK: I'm not talking
12 -- I'm just talking about the township. I'm sorry.
13 If we're just talking about the interstate, then I
14 apologize.

15 MS. LAMBERTON: What do you
16 mean, John? I'm sorry.

17 MS. PICKARD: Well, the
18 overlay.

19 MR. KERRICK: Well, we have the
20 future land use map, whether we ever act on that or
21 not, I don't know.

22 MR. MOYER: Yeah, that's been
23 in the wind for --

24 MR. KERRICK: Will that fit --
25 the ordinance fit into all of that when the time

32

1 comes or --

2 MS. LAMBERTON: We should make
3 sure it does before we --

4 MR. KERRICK: Is that just a
5 future that'll never happen?

6 MR. MOYER: Yeah. It's been in
7 the wind forever.

8 MS. PICKARD: It'll be

9 whatever's in the commercial district, would be in

10 that, if we change that to commercial --

11 MR. KERRICK: Well, we have

12 neighborhood commercial and different things, I

13 just -- just throwing it out there.

14 MS. PICKARD: Gonna have to

15 rewrite the zoning ordinance 'cause we --

16 MS. LAMBERTON: No. I think

17 you're right, I think --

18 MR. MOYER: Village.

19 MS. LAMBERTON: -- we should do

20 it at once and be done.

21 MR. MOYER: We have the village

22 --

23 MR. HOLAHAN: Yeah, but I think

24 this --

25 MS. PICKARD: Then we got to

33

1 start a different point or we're never gonna --

2 this is gonna --

3 MR. REISS: Well, there's two

4 things. One, the overlay is gonna -- an overlay,

5 by its nature, is going to supercede whatever the

6 zoning is in that area as it relates to the signs.

7 The rest of your sign ordinance has specific

8 provisions for different types of zoning districts.
9 So if those zoning districts change from commercial
10 to village residential or village commercial,
11 whatever it is -- if you don't change anything,
12 whatever the new zoning district is, let's say it's
13 village commercial, that now is gonna have to
14 follow whatever village commercial signage is.

15 MR. MOYER: Right.

16 MR. REISS: So I think when you
17 look at your sign ordinance, not even looking at
18 that future map, you would just need to think, are
19 these the things that I'd want to see in this type
20 of zoning district in general.

21 MR. KERRICK: That's what I was
22 throwing on the table.

23 MS. HAASE: To further address
24 John's comment, right now we don't have those
25 classifications. So the zoning ordinance would

34

1 have to be rewritten to include those, 'cause we
2 don't have village commercial, so we would have to
3 rewrite it.

4 MR. HOLAHAN: Right, so --

5 MR. MOYER: Right. Which makes
6 a good point.

7 MR. HOLAHAN: Which -- well,

8 we'll have the ability, so if we get to that point,
9 then we have the ability to go ahead and write
10 those --

11 MS. PICKARD: Yeah.

12 MR. HOLAHAN: -- ordinances and
13 signs.

14 MS. HAASE: 'Cause they don't
15 exist now.

16 MR. HOLAHAN: Which means -- I
17 guess what I'm saying is, I don't have an issue
18 with this one the way it's being presented right
19 now, adding the interstate overlay and once we know
20 where that -- those boundaries are gonna be, I
21 think addresses some things and we can move -- go
22 ahead and move forward. I think it's paramount
23 that we move forward.

24 MS. PICKARD: Okay. I want to
25 just say that I don't agree with this still. And I

35

1 still have like an issue with the -- the electronic
2 sign being the full 100 percent. And I think it
3 should be a portion or a percentage of the sign, I
4 like 25 percent, but I just feel like that's way
5 too big. Like I look at the sign we have at Lake
6 Naomi Real Estate and to think about that whole

7 thing glowing --

8 MR. HOLAHAN: Well, I'd be

9 pretty --

10 MS. PICKARD: -- electronically

11 to me --

12 MS. MINNICK: Can I --

13 MR. MOYER: I know they would

14 like to have a --

15 MS. LAMBERTON: I don't think

16 that that's what we're saying.

17 MR. MOYER: -- lot more back

18 there.

19 MS. PICKARD: Well, that's what

20 this is saying with the electronic sign and we dis

21 -- we discussed not putting a percentage in, but I

22 just thought like --

23 MS. LAMBERTON: No, no, no.

24 What I'm saying is, I don't think we're talking

25 digital anywhere else but where we have an overlay.

36

1 MS. HAASE: No.

2 MS. PICKARD: No.

3 MR. MOYER: No.

4 MS. PICKARD: We put electronic

5 graphic signs in everywhere.

6 MS. LAMBERTON: That's why we're

7 having this discussion.

8 MS. PICKARD: We're talking --

9 no, that's for billboards, Anne.

10 MR. REISS: Well, there's two

11 types of signage you're talking about. There's the

12 on-premise signs that you talked about last meeting

13 --

14 MS. LAMBERTON: Right.

15 MR. MOYER: Right.

16 MR. REISS: -- which would allow

17 for on-premise electronic signs --

18 MS. LAMBERTON: Right.

19 MR. REISS: -- constrictively.

20 MR. MOYER: Now we go into the

21 overlay.

22 MR. REISS: Now -- now we're --

23 tonight we were talking about off-premise signs

24 that would be electronic only on the interstate.

25 MS. HAASE: So what the board

1 agreed upon previously is currently, if you have a

2 wall sign and a freestanding sign, that would be

3 the option of the property owner if they wanted the

4 digital verse that.

5 MS. LAMBERTON: I remember that.

6 MR. MOYER: The yellow
7 highlighted --
8 MS. LAMBERTON: But I think --
9 go ahead. I'm sorry.
10 MS. MINNICK: Can I just make
11 one suggestion that might help you, Heidi, as well.
12 (Inaudible discussion between
13 Mr. Moyer and Mr. Holahan.)
14 MS. PICKARD: Well, wait a
15 second.
16 MS. MINNICK: We could limit the
17 hours of the operation of the digital signs in a
18 commercial district.
19 (Inaudible discussion between
20 Mr. Moyer and Mr. Holahan.)
21 MS. MINNICK: Maybe illuminate
22 it from 5 a.m. until 11 p.m. or a half hour past
23 the close and if they're open 24 hours, allow that,
24 which --
25 MR. HOLAHAN: Yeah.

38

1 MS. PICKARD: I don't think
2 that's -- then you can't see the sign if that --
3 I'm like talking like CVS and like (inaudible) or
4 whatever, they have part of the sign and then they
5 have part of it electronic, and that's what I'm

6 saying. But the way we have it now, the entire
7 thing --

8 MR. HOLAHAN: They can do the
9 whole thing.

10 MS. PICKARD: -- can be
11 electronic and I think that's overkill and I don't
12 think it looks right. And I -- you know, I can't
13 live with that, 'cause I'm just looking at our --

14 MR. HOLAHAN: Right.

15 MS. PICKARD: -- you know, the
16 real estate there, you know how large that sign is.
17 But we're saying that that entire thing could be
18 electronic and I think it should be a percentage.

19 MS. LAMBERTON: Well, I think if
20 --

21 MR. KERRICK: Or smaller.

22 MS. LAMBERTON: -- we go back to
23 John Kerrick's comment --

24 MS. PICKARD: Yeah. I mean, I
25 think like most of them are.

1 MS. LAMBERTON: I think if we go
2 back to your comment, John --

3 MS. PICKARD: And you --

4 MS. LAMBERTON: -- and we look

5 at our future land use map, that's village

6 commercial, so that wouldn't be allowed in there.

7 MS. PICKARD: Well, it wasn't

8 in the future land use as village commercial, was

9 it?

10 MS. LAMBERTON: Absolutely.

11 Yes.

12 MR. KERRICK: I think it was.

13 MS. LAMBERTON: Yeah, in the

14 hub of Pocono Pines.

15 MR. MOYER: Do we have one in

16 there? Yeah.

17 MS. PICKARD: I know we extended

18 it --

19 MR. KERRICK: If you want -- if

20 you want to have that -- if that would be the whole

21 thing, make it smaller. If they wanted to keep it

22 the way it is --

23 MR. REISS: Your future land use

24 map has --

25 MS. PICKARD: I don't think it

40

1 allowed people --

2 MR. REISS: -- has use districts

3 that you don't now have in your zoning ordinance.

4 (Inaudible discussion between

5 Ms. Pickard and Mr. Kerrick.)

6 MR. REISS: You're not going to
7 be able to provide --

8 THE REPORTER: I can't --

9 MR. MOYER: Without that, right.

10 MR. REISS: -- the signs for the
11 zoning ordinance if there's signs for those
12 districts.

13 MR. MOYER: It's not
14 (inaudible).

15 MR. REISS: Right. So if you
16 have an area that's zoned commercial today that's
17 gonna get some day changed to village commercial or
18 something else --

19 (Inaudible discussion between
20 Ms. Haase, Ms. Pickard and Mr. Kerrick.)

21 MR. REISS: -- they're gonna be
22 grandfathered in for whatever sign they have.

23 MS. LAMBERTON: So it would be
24 wise, like John was saying to --

25 MR. MOYER: Look at that future

1 land map.

2 MS. LAMBERTON: -- get those
3 future land use maps in place first.

4 MR. MOYER: Or have the ability
5 to change it when they do --

6 MR. REISS: Right. You'll
7 always have the ability to change it just that for
8 some people --

9 (Inaudible discussion between
10 Ms. Haase, Ms. Pickard and Mr. Kerrick.)

11 MR. REISS: -- the cow will be
12 out of the barn --

13 MR. MOYER: Right.

14 MR. REISS: -- because you will
15 have already --

16 MR. MOYER: Yeah, you can't hold
17 them back.

18 MS. HAASE: We did not have a
19 village commercial in classifications. We had
20 conservation, rural/residential, mixed use,
21 neighborhood commercial, general commercial,
22 business development, industrial, public, military,
23 future growth areas and designated growth areas.

24 MR. KERRICK: Was the
25 neighborhood --

1 MR. MOYER: One was the village
2 neighborhood --

3 MS. PICKARD: Neighborhood

4 commercial.

5 MR. KERRICK: Neighborhood

6 commercial be like a lakeside house type thing --

7 THE REPORTER: Okay. I can't --

8 I'm having a really hard time getting everyone.

9 MR. KERRICK: I'm sorry.

10 MS. HAASE: It was, you're

11 correct.

12 MR. KERRICK: But you wouldn't

13 want to put a big sign in that, in amongst the

14 residential.

15 MS. HAASE: You're correct, but

16 those classifications don't exist currently.

17 MR. KERRICK: Understood.

18 MS. HAASE: So in order -- once

19 the board, if they so choose, if you so choose to

20 move forward with that, then at that time you would

21 put together uses that would be allowed in that

22 district.

23 MS. PICKARD: Well, right now

24 it's not village commercial, it's just regular

25 commercial, so we could --

1 MS. LAMBERTON: Well, that's --

2 MS. PICKARD: -- do that and

3 then that would open up and then it's gonna be

4 grandfathered and --

5 MS. LAMBERTON: That's what

6 Jonathan just said, would you like to go over that

7 again?

8 MR. MOYER: All right. She

9 needs us to speak one at a time, 'cause she's

10 having a hard time keeping up with all of us.

11 MR. REISS: So what I said was,

12 if you have all those uses that are -- not uses,

13 districts that are not yet in your zoning ordinance

14 and you adopt some amendment to your sign ordinance

15 that allows, for instance, electronic signs in the

16 commercial zoning district, and part of that

17 commercial zoning district some day becomes village

18 commercial where you don't want electronic signs,

19 you may have already allowed them in there and

20 those people would be grandfathered regardless of

21 what you write in, in the future, under your zoning

22 ordinance.

23 MS. LAMBERTON: So going back to

24 be what you said, John Kerrick, I think that maybe

25 we should do that step first just to have little

1 pockets protected, because I don't want to see

2 digital signs up and down 940 --

3 MR. HOLAHAN: Right.

4 MS. LAMBERTON: -- in its
5 entirety.

6 MR. HOLAHAN: Right.

7 MS. LAMBERTON: But do we need
8 certain updated features in areas that, this is
9 where our traffic is coming up, this is what's
10 advertised, this is what's here. I don't know, I'm
11 not opposed to it on an interstate and we have two
12 gateways into our township. And then maybe give
13 some other commercial properties options if they
14 want, but leave those pockets and I think we should
15 do that village commercial overlay.

16 MR. KERRICK: Or, John, weren't
17 we talking in Blakeslee on the visioning to have a
18 walking commercial district type of thing?

19 MR. MOYER: Yeah.

20 MR. KERRICK: We wouldn't all
21 kinds of big --

22 MR. HOLAHAN: No.

23 MR. MOYER: No.

24 MS. LAMBERTON: Right, exactly.

25 MR. KERRICK: -- signs and --

1 MS. LAMBERTON: And you know,

2 originally --

3 MS. MINNICK: The sizes --

4 excuse me. The sizes are limited. You have to

5 remember, the sizes are limited square foot to

6 begin with.

7 MS. LAMBERTON: Right.

8 MS. MINNICK: They're not gonna

9 have these massive digital signs all over the place

10 and, number one, can mom and pop businesses really

11 afford a sign?

12 MS. PICKARD: Well, I'm not

13 gonna count on that they can't afford to put one

14 there.

15 MS. MINNICK: Well, I'm -- right

16 now, I mean --

17 MS. PICKARD: But I agree, we

18 need to do the village --

19 MS. MINNICK: -- they cannot fix

20 the properties now --

21 MS. PICKARD: -- first.

22 MS. MINNICK: -- they're not

23 gonna -- they're not gonna go out and buy a 5,000

24 or a \$10,000 sign.

25 MR. HOLAHAN: But I think the

1 intent is that we do not want the digital signs in

2 those -- those electronic signs, digital signs in
3 certain areas. So we need to identify where we're
4 gonna be okay with them. And then furthermore,
5 perhaps separating out maybe freestanding and
6 facade signs or something against the building is
7 not as obtrusive as popping something right out
8 front.

9 MS. LAMBERTON: You know, that
10 -- that brings to mind like if you -- if we do do
11 -- I know when we originally speak -- spoke, I'm
12 sorry, of individual village commercial sections,
13 we spoke of Blakeslee, we spoke of actually the
14 spur road going back by like Donny's --
15 -- and, John, your house there,
16 because that's all commercial nestled in here. We
17 spoke of Pocono Pines and we spoke of out in Pocono
18 Summit. Well, now, the Summit has taken on its own
19 character, which is wonderful, because those
20 parcels of land are so large, you wouldn't get that
21 village commercial. So that's kind of a different
22 --

23 MS. PICKARD: Or coming up to
24 school, you know --

25 MS. LAMBERTON: I'm not talking

1 -- out by 380.

2 MS. PICKARD: I know. But we
3 have to just segregate -- yeah, and talk about
4 what --

5 MS. LAMBERTON: And that -- we
6 can also make that section of 940, which is all
7 commercial, and make it -- maybe we can do
8 something village commercial there.

9 MS. MINNICK: We were -- we
10 were talking about maybe eight months ago, when Jim
11 Cahill was coming in, making that an overlay and
12 having its own sign, if I remember --

13 MS. LAMBERTON: Yes.

14 MS. MINNICK: -- to accommodate
15 his plans --

16 MS. LAMBERTON: And I think --

17 MS. MINNICK: -- and whatever he
18 was planning on doing.

19 MS. LAMBERTON: And I think
20 listening to Jonathan here with, you know,
21 protecting those little areas that don't want that,
22 I think that that's what we need to do first, John,
23 I think you're absolutely correct, with the land
24 use map.

25 MS. PICKARD: We need to get a

1 definition --

2 MR. KERRICK: Not to slow it
3 down.

4 MS. PICKARD: -- for village
5 commercial.

6 MS. LAMBERTON: No. I don't
7 think that'll slow it down, I think that that'll
8 just be our next step.

9 And then while we're doing that,
10 Maureen, maybe if you could go ahead and highlight
11 some boundary areas out on 940, 380, 115 and 80 and
12 -- 'cause we have to look what the size of those
13 parcels are as well because I know just, for
14 instance, even the planning commission --

15 Brendon, you could speak to this
16 as well, with this -- and I'm not putting you on
17 the spot.

18 MR. MOYER: Yes, you are.

19 MS. LAMBERTON: But the gas
20 station, that's a great project and it's right
21 along an interstate. I know everybody was like,
22 oh, the signs are gonna be huge and this and that.
23 Well, I don't go anywhere where you don't go down a
24 highway and see a gas station price --

25 MR. BRENDON CARROLL: And that

1 has a specific --

2 MR. MOYER: Look.

3 MS. PICKARD: Yeah, that's a

4 different category of signs.

5 MR. BRENDON CARROLL: I just

6 have one thing to go backwards and I think in the

7 planning, I think you guys have done a good job of

8 keeping things --

9 MS. LAMBERTON: On the --

10 MR. BRENDON CARROLL: -- where

11 they belong, like that example.

12 Maureen, I just want to tell

13 you, I've been researching sign ordinances in

14 Vermont and Maine and they said the mom and pop

15 can't afford the sign but -- whatever the sign

16 company is, I can't think of it off the top of my

17 head.

18 MR. HOLAHAN: Adams, Lamar?

19 MR. BRENDON CARROLL: Adams goes

20 to John Holahan and says, I'm gonna pay for your

21 sign and -- and -- and they're gonna sell it to you

22 and you and you and you, and now everybody has

23 them. And I understand people want to help the

24 businesses and things, but I think this decision

25 will ever change the landscape of our town.

1 MS. LAMBERTON: I agree.

2 MR. MOYER: Yeah.

3 MR. BRENDON CARROLL: And then I

4 think taking the extra time to think about things

5 like that are --

6 MR. MOYER: I agree.

7 MS. LAMBERTON: I've read in

8 some rural areas, though, on the flip side of

9 that -- and I do agree with you Brendon -- the --

10 you know, the farmers that can't afford their taxes

11 anymore are putting up digital signs and it's an

12 excellent revenue to pay their real estate taxes.

13 MR. BRENDON CARROLL: Oh, sure.

14 I mean, I (inaudible), the guy put up windmills,

15 they couldn't farm anymore and all of a sudden

16 everybody has a windmill.

17 MS. LAMBERTON: And thankful

18 that's not -- that's not our layout. That's not

19 our layout of our township, so I thank you for that

20 'cause I do --

21 MR. BRENDON CARROLL: Just like

22 the work -- when we were talking about the casinos

23 and things like that. I mean, they were allowed in

24 certain spots and that's it.

25 MS. PICKARD: Well, and that

1 was one comment that I have is, have we ever talked
2 about what would be allowed in village commercial.
3 And -- and I'm guessing Lake Naomi has a lot to say
4 about this 'cause when Mountain Top Lodge was for
5 sale and different things, I know that you guys had
6 voiced some concerns about the types of commercial
7 that would be allowed. And that -- you know, it's
8 great to say we're gonna do it, but have we thought
9 about what we're gonna allow and do we have some
10 samples of what we were saying and what we're gonna
11 restrict there and not allow there?

12 MS. LAMBERTON: Well, I think we
13 had our planners come in and do just that and give
14 us a drawing. Do you -- do you recall that?

15 MR. MOYER: Yeah.

16 MS. LAMBERTON: Mark Evans and I
17 don't remember the other gentleman.

18 MS. PICKARD: Phil.

19 MR. MOYER: Phil.

20 MS. LAMBERTON: I'm sorry,
21 Phil. And he had mixed use basically and it was
22 more of a Jim Thorpe feel where --

23 MR. MOYER: Like Vermont.

24 MS. LAMBERTON: Yes. Maybe
25 like a salon downstairs and town homes or condos on

1 the second and third floor.

2 MR. MOYER: Parking in the back?

3 MS. LAMBERTON: Yes.

4 MS. PICKARD: But what I'm

5 talking about is a commercial district would allow

6 a gas station or allow harder commercial uses that

7 aren't conducive. So we're talking about if

8 somebody comes in and wants to buy Joe Miller's

9 property that's commercial, if it is, and put a

10 warehouse there or something -- not -- you know

11 what I mean, some -- at a loss --

12 MS. LAMBERTON: I think it would

13 be on the market one day --

14 MS. PICKARD: -- to come up

15 with something we don't want that's --

16 MS. LAMBERTON: -- and Lake

17 Naomi would buy it or Billy Van Gilder for parking,

18 right?

19 MS. PICKARD: But we don't want

20 to think about that, but I'm just saying.

21 MR. BRENDON CARROLL: Yeah, but

22 right now it's a permitted use.

23 MS. PICKARD: It's a permitted

24 use, yes.

25 MR. BRENDON CARROLL: You could

1 put a PRD up there if you want to.

2 MS. PICKARD: I can't think

3 of -- yeah, exactly.

4 MS. LAMBERTON: Yes. As a

5 matter of fact somebody looked at that, yeah.

6 MR. BRENDON CARROLL: I mean,

7 you could. The size of the property, sure you

8 could.

9 MS. LAMBERTON: Right. But if

10 you do put an overlay, then you can designate, you

11 know. And I -- I agree, that should be some really

12 good thought that is put into that.

13 MS. PICKARD: So --

14 MS. HAASE: Is the board

15 looking at overlay or changing the ordinance?

16 Because the base ordinance --

17 MS. PICKARD: That's what --

18 yeah.

19 MS. HAASE: -- stays the same,

20 an overlay is just additional restrictions. So the

21 --

22 MS. PICKARD: We're talking

23 about a new category.

24 MS. HAASE: If it's a

25 commercial. Right. But Annie had mentioned an

54

1 overlay --

2 MS. PICKARD: Yeah.

3 MS. HAASE: -- so that's -- I'm

4 just trying to straight -- you were looking for an

5 overlay or putting in a new use?

6 MR. REISS: The conver -- the

7 conversation's gone to doing more than a sign

8 ordinance.

9 MS. HAASE: Yes.

10 MR. KERRICK: Sorry.

11 MS. PICKARD: Yeah, thanks.

12 MR. REISS: Addressing -- doing

13 a zoning map change and adding new zoning

14 districts, which would require you to come up with

15 the uses allowed in each zoning district, uses

16 allowed by conditional use, uses allowed by special

17 exception, the dimensional requirements, the

18 dimensional requirements for each zoning district.

19 That's some work to come up with, I don't know if

20 you have planners -- a planning -- a company that

21 you have as a consultant?

22 MR. MOYER: We've dealt with a

23 couple different ones.

24 MR. REISS: But they -- it would

25 probably be a good starting point to get some draft

55

1 ideas from them, for each of those districts as far
2 as the use of all the different -- three types of
3 uses.

4 MS. LAMBERTON: If I remember
5 correctly, we did get a report from Mark Evans.

6 MR. MOYER: Mark Evans and --

7 MS. LAMBERTON: Poor guy, he
8 owns the company and I can't --

9 MS. PICKARD: That didn't say
10 zoning uses.

11 MS. HAASE: That's not -- that's
12 not the same.

13 MR. MOYER: Yeah, that was
14 different. Yeah, it was different.

15 MS. HAASE: For the future land
16 use map, when the board approved that, there was --
17 for each use there was designated suggestions of
18 what was going to be in that. So we certainly
19 could get that --

20 MR. MOYER: Some pictures.

21 MS. HAASE: -- and recirculate
22 that to the board again. But, yeah, that would be
23 different than the overlay. If --

24 MR. REISS: Well, that would be
25 in addition to the overlay. I mean, it sounds like

56

1 you still want the overlay district along the
2 interstate and that really is a matter of
3 determining not so much -- I mean, you want to look
4 at the properties, but that -- most overlays for
5 billboards along interstates will say, the overlay
6 is within 500 feet of each side of the interstate
7 or something like that. So you don't actually --
8 you look at the properties, but you don't draw in
9 an entire property, for instance, even.

10 MR. MOYER: Right, right.

11 MR. REISS: But that, again,
12 depends on your -- the policy you five want to come
13 up, whether you want to make it broader so that you
14 can actually have --

15 MR. MOYER: Make it another
16 one.

17 MR. REISS: -- billboards closer
18 to the state road as opposed to the interstate.

19 MR. MOYER: Yeah, yeah.

20 MS. LAMBERTON: Okay.

21 MS. PICKARD: Just to switch --

22 MR. KERRICK: Anne --

23 MS. LAMBERTON: I'm sorry. Go

24 ahead, John.

25 MS. PICKARD: Okay.

57

1 MR. KERRICK: No, let Heidi go.

2 MS. PICKARD: I just did a
3 neighborhood commercial in Leesburg, Virginia, I
4 believe Florida came up. But anyway, the permitted
5 uses were just two: retail commercial outlets for
6 the sale of food, hardware and drugs; and two,
7 service establishments, such as barber, beauty
8 shop, shoe repair, blah, blah, blah, blah, blah.
9 That's really what they're saying is retail and
10 service.

11 MS. HAASE: And I believe that
12 that is what the board did agree on with your land
13 use map.

14 MS. PICKARD: Yeah. So that's
15 really what we'd be talking about if we did
16 neighborhood commercial --

17 MS. LAMBERTON: Uh-huh.

18 MS. PICKARD: -- which makes
19 sense.

20 MS. LAMBERTON: That seems to
21 fit.

22 MS. PICKARD: Yeah.

23 MR. MOYER: That's what we
24 looked at.
25 MR. KERRICK: My intent was not

58

1 to complicate this or drag it out longer.
2 MS. PICKARD: But it's good.
3 MR. KERRICK: But it may not
4 affect any zone that we have. But I was concerned
5 exactly what John said, if we would allow something
6 --

7 MS. PICKARD: Yeah.

8 MR. KERRICK: -- in this change
9 to go, it's there forever. And if we changed the
10 neighborhood, or whatever you want to call it,
11 commercial or village --

12 MS. HAASE: Correct. And you
13 have a valid point, that a couple of the areas that
14 pocketed was Firehouse Road and down Locust Ridge.
15 And those two areas right now are residential. So
16 I don't think we need to worry about that because
17 we're not proposing those types of signage in that
18 area. But I think it's a valid concern and
19 something to look at.

20 MR. HOLAHAN: So if we were to
21 take -- just kind of deconstructing this a little
22 bit. But if we were taking intent of the board and

23 saying where we're actually looking to be able to
24 have these signs and identify those areas, and then
25 retake a look at how we've got them categorized and

59

1 perhaps we can write it around that. Did I make
2 sense?

3 MS. LAMBERTON: Yes.

4 MR. HOLAHAN: It didn't to me.

5 MS. LAMBERTON: And then make
6 the -- make the property boundaries be in that zone
7 and then --

8 MR. HOLAHAN: That way we don't
9 have --

10 MS. LAMBERTON: -- look at the
11 others differently.

12 MR. HOLAHAN: -- unintended
13 consequences --

14 MS. LAMBERTON: Yes.

15 MR. HOLAHAN: -- of where we've
16 restricted something that we didn't mean to
17 restrict.

18 MR. MOYER: Right.

19 MS. LAMBERTON: I would like to
20 have that put in place --

21 MR. MOYER: We don't want to

22 hold somebody --

23 MS. LAMBERTON: -- first so we

24 don't have something happen --

25 MS. PICKARD: Could we -- yeah.

60

1 MS. LAMBERTON: -- that we

2 regret later.

3 MS. PICKARD: I'm not sure that

4 I understood what we're saying, so could you repeat

5 that, please?

6 MR. HOLAHAN: Could I repeat

7 that? I --

8 MR. KERRICK: She can read it

9 back to you.

10 MR. HOLAHAN: No, that's not --

11 I'll see if I can clarify it. The intent of the

12 board is to decide where we want to allow or not

13 allow digital signs. So if we would take a look at

14 a map and identify those areas and then put this on

15 top of that, so that we've got a little more leeway

16 in -- we're not restricting somebody with some

17 unintended consequences. So we say -- we -- we --

18 here's -- here's the future map right here, we've

19 got it on our website.

20 MS. PICKARD: Yeah.

21 MR. HOLAHAN: So we go on there

22 and we pick the areas and say, this is where we're
23 thinking those make the most amount of sense and
24 it's also our future land use map as well. And
25 then we can say, we're okay with it here and here

61

1 and here; now, how did we get the ordinance to fit
2 what we're looking to do.

3 MS. MINNICK: So like in the
4 Blakeslee Overlay District, we're talking about not
5 having digital signs through there?

6 MR. HOLAHAN: That's what I'm
7 thinking.

8 MS. MINNICK: Okay.

9 MS. PICKARD: Not at the tight
10 area that we knocked it down, but blowing it out,
11 it would, do you know what I'm saying?

12 MR. HOLAHAN: Yep.

13 MR. MOYER: Yeah, someplace, I
14 don't know where --

15 MS. LAMBERTON: Well, it's
16 wherever you draw that Blakeslee Visioning area.

17 MR. KERRICK: How far did we go
18 back when we recorded the last time?

19 MS. LAMBERTON: Wherever you
20 draw, whatever boundaries you put in.

21 MS. MINNICK: The boundaries, I
22 believe, are set for the Blakeslee Village --
23 MS. PICKARD: Is that --
24 MR. KERRICK: Is it a quarter
25 mile?

62

1 MS. LAMBERTON: We'll be
2 changing it, don't worry.
3 MR. HOLAHAN: I'm sorry?
4 MR. KERRICK: How far back did
5 we go on each inter -- or highway?
6 MS. HAASE: It was beyond
7 Hemlock. It would be --
8 MR. KERRICK: From -- from 115
9 to 940 to Hemlock?
10 MS. HAASE: It was beyond
11 Hemlock, I believe.
12 MR. MOYER: So how far is that?
13 MS. HAASE: So just --
14 MR. KERRICK: The first road in
15 Greenwood -- or Greenwood Acres (inaudible) pretty
16 much.
17 MS. HAASE: -- 'cause I'm
18 confused now. Then the board is looking to
19 adopt --
20 MR. MOYER: The first road.

21 MR. KERRICK: Hemlock is by the
22 bank.
23 MS. HAASE: -- the new zoning
24 districts that --
25 MR. MOYER: Oh, yeah, right,

63

1 right.
2 MS. HAASE: -- was being
3 proposed in future (inaudible)?
4 MS. LAMBERTON: Yes. Then, of
5 course, we're gonna have to review it all.
6 MS. MINNICK: I think so.
7 MS. PICKARD: This is what we're
8 talking about, in this area.
9 MR. MOYER: Yeah, that was --
10 MS. PICKARD: Can you push that
11 backside?
12 MR. KERRICK: No, that's fine.
13 MS. LAMBERTON: This area is for
14 parking --
15 MS. PICKARD: That's why I
16 stopped right there.
17 (Inaudible discussion amongst
18 board members.)
19 MR. REISS: Let me be clear,

20 though, until this overlay's in place, until these
21 future zoning districts are in place, you're not
22 going to be able to do anything with this
23 ordinance.

24 MS. LAMBERTON: I'm fine with
25 that.

64

1 MR. REISS: Okay.

2 MS. PICKARD: Can we go back to
3 what we did before we added the electronic to get
4 in the weekends and the other part and just leave
5 off the electronic signs and electronic billboards
6 to move forward so that this summer we could have
7 the people with the holidays and --

8 MS. LAMBERTON: You mean the
9 flags that you guys hate, you want us to --

10 MS. PICKARD: No.

11 MS. LAMBERTON: -- go ahead and
12 approve that part of it?

13 MR. HOLAHAN: No.

14 MR. MOYER: No, but be able to
15 advertise on the holiday weekends and --

16 MS. LAMBERTON: No, I'm
17 teasing.

18 MR. HOLAHAN: But I think --

19 MS. LAMBERTON: I understand

20 what you're saying.

21 MR. HOLAHAN: I'm not sure --

22 MR. BRENDAN CARROLL: They're

23 gonna do it anyway.

24 MR. HOLAHAN: I'm not sure that

25 I do.

65

1 MS. HAASE: What the board --

2 then the board would agree to amend the ordinance

3 to include A-frame signage and --

4 MS. PICKARD: On the sidewalk.

5 MS. HAASE: -- the shingle sign

6 and then it would also include the special event,

7 federal holidays?

8 MR. HOLAHAN: Yes.

9 MS. HAASE: So those would be

10 the three addit --

11 MS. PICKARD: And the race

12 track dates.

13 MR. MOYER: Race weekend.

14 MS. HAASE: That's part of

15 that.

16 MS. PICKARD: Yeah.

17 MS. MINNICK: Okay. Now, do

18 you want us to look at the billboard digital sign

19 --

20 MR. HOLAHAN: Separately.

21 MS. MINNICK: -- separately,

22 include it with what Phyllis was talking about?

23 MS. LAMBERTON: Oh, and do an

24 interstate thing?

25 MS. PICKARD: Yeah. We're

66

1 talking -- not now, but we need to look at a map,

2 though, first for that.

3 MS. LAMBERTON: Well, I mean,

4 how long is that going to take? Can you have it

5 ready tomorrow at nine?

6 MR. HOLAHAN: Yeah, well, we

7 were talking about this eight months ago, right, so

8 --

9 MS. LAMBERTON: Well, it's a

10 map.

11 MR. HOLAHAN: So what can we

12 do --

13 MS. PICKARD: Nobody's gonna be

14 putting up an interstate sign that quick. I mean,

15 the people --

16 MS. LAMBERTON: Don't be so

17 sure.

18 MS. MINNICK: No, I -- we have

19 -- I have somebody --

20 MS. HAASE: We have some bodies
21 that are interested.

22 MS. LAMBERTON: Yeah.

23 MS. MINNICK: And I keep on
24 telling them to hold off, hold off a lot.

25 MS. PICKARD: Are we talking

67

1 about Wezmar again?

2 MS. LAMBERTON: They can't do
3 anything. And that's --

4 MS. PICKARD: I just want to say
5 that's -- that's the entranceway into the --

6 MS. LAMBERTON: I respect their
7 need to want to do that.

8 MS. PICKARD: That's the
9 entranceway into the township too, just saying.

10 MS. MINNICK: Well, we have --

11 MS. PICKARD: I know, but I
12 think to me that sign --

13 MS. MINNICK: Well, we have that
14 and have the --

15 MS. PICKARD: -- should be
16 electronic.

17 MS. LAMBERTON: One at a time.

18 MS. MINNICK: -- zoning hearing
19 board that denied other digital signs.
20 MS. LAMBERTON: I'm sorry. Say
21 that again.
22 MS. MINNICK: I said we have
23 Adams that the zoning hearing board allowed and
24 then they denied another digital sign and now they
25 have another company that's going, I want a digital

68

1 billboard, I want to spend the money.
2 MS. PICKARD: Well, what they
3 didn't allow was an on-premise sign, that wasn't a
4 billboard.
5 MS. MINNICK: It's still a
6 digital sign.
7 MS. PICKARD: No, but that's
8 completely different.
9 MS. LAMBERTON: So let me ask
10 this then, to satisfy that need, because that's a
11 taxpayer in our township as well too and we're
12 looking to move forward with a interstate approval
13 for digital --
14 MS. PICKARD: Can we just --
15 MS. LAMBERTON: -- can we get
16 something put together for our next meeting? Not
17 next Monday, but for our June meeting --

18 MS. MINNICK: Yeah, I'll --
19 MS. LAMBERTON: -- right?
20 Because that'll take care of the holiday thing.
21 Then get us the boundaries if you could, Maureen --
22 MS. PICKARD: It has to go to
23 the --
24 MS. LAMBERTON: Excuse me one
25 second.

69

1 -- the boundaries for the
2 interstate intersections of what you would suggest,
3 look at -- look at the size of your parcels and
4 give us some sort of designation that you think
5 would work, right? And the 115 and Route 80. And
6 maybe we can include this and this and then move
7 this forward a little quicker than not. And then
8 we look at our village commercial areas and only
9 let the digital be -- correct me if I'm saying
10 something illegal -- out on the interstate for
11 now --
12 MR. REISS: That's --
13 MS. HAASE: That's an overlay
14 MS. LAMBERTON: And then let's
15 really look at this and take a serious look and
16 keep our little village commercial pockets

17 protected and I think we could satisfy maybe both
18 areas --
19 Speak up whenever you'd like.
20 Does it make sense so far?
21 MS. PICKARD: I had a couple --
22 MS. MINNICK: We're not gonna
23 make everybody happy.
24 MS. PICKARD: All right --
25 MS. LAMBERTON: No, no. But I

70

1 think that that's a way to move forward and still
2 have the idea that we want to protect the little
3 areas, you know, where communities are. And we
4 don't want big digital and the brightness and
5 things like that. I think that would be the best.
6 I'm sorry. Go ahead now.
7 MS. PICKARD: No, I just had
8 two things. One, can we make it, if it's 500 feet,
9 let's say, whatever that is, from the interstate,
10 can we say and/or the junction -- the --
11 MR. REISS: The interchange.
12 MS. MINNICK: Ramp.
13 MS. PICKARD: -- the ramp, the
14 interchange -- thank you -- so that would include
15 Wezmar there? Would that be one way to get that in
16 there?

17 MS. MINNICK: Well, I'll have to
18 -- I'll have to measure.
19 MS. PICKARD: And it would --
20 MS. LAMBERTON: Well, just
21 measure it.
22 MS. MINNICK: Yeah, I'll have to
23 measure exactly where the sign is.
24 MS. PICKARD: Whatever the
25 number is, but if we include the interchange, that

71

1 might take care of that. Secondly, do we have
2 enough time to advertise, Anne, and --
3 MR. REISS: You're not gonna
4 have it.
5 MS. HAASE: No.
6 MS. PICKARD: For June, we don't
7 have enough time.
8 MR. REISS: No, I think you
9 were saying to have something that you can then say
10 send these to the planning commission --
11 MS. LAMBERTON: Yes.
12 MR. REISS: -- advertise it for
13 a hearing.
14 MS. LAMBERTON: Yes.
15 MS. PICKARD: In June?

16 MR. REISS: Right.
17 MS. LAMBERTON: Yes.
18 MS. PICKARD: So then we're
19 talking August, maybe, July or August.
20 MS. HAASE: You're probably
21 looking closer to September even to get this
22 approved.
23 MS. PICKARD: Yeah, that's what
24 I'm saying. But that precludes any of this weekend
25 crap that we were trying to do, which I could care

72

1 less, but I was trying to be friendly.
2 MS. LAMBERTON: Maybe we put an
3 moratorium on any violations for the summer for
4 these folks.
5 MR. MOYER: August we'll be able
6 to.
7 MR. KERRICK: This wouldn't be
8 ready to go to the planning commission without the
9 -- the electronic?
10 MS. PICKARD: Well, that's what
11 I thought, but now she wants to add the interchange
12 --
13 MR. KERRICK: I'm just asking a
14 question.
15 MS. PICKARD: -- part in.

16 Unless we could -- I know it gets expensive -- do
17 this and then do the interchange secondary to do by
18 September.

19 MR. HOLAHAN: With the
20 electronic.

21 MR. KERRICK: We pretty much
22 agreed to everything except the electronic on this.

23 MS. PICKARD: Yeah. She wanted
24 to add the overlay back, though, that's where we
25 got stuck and we don't have the distances or

73

1 anything. Yeah, I was thinking the same thing. I
2 want to get this done and then do -- do three
3 phases; this one, the overlay and then the
4 electronic part with -- after we do the --

5 MR. HOLAHAN: I'd be okay with
6 that.

7 MS. PICKARD: The neighborhood.

8 MS. LAMBERTON: That doesn't
9 help --

10 MS. PICKARD: Wezmar.

11 MR. HOLAHAN: It could still be
12 working on that -- in parallel with what we're
13 doing here. Problem is that we keep getting --
14 hitting these stumbling blocks and then we're not

15 moving forward --

16 MS. LAMBERTON: No, I respect
17 that. I understand.

18 MR. HOLAHAN: -- with helping
19 the other places too.

20 MS. HAASE: If you really think
21 about it, the goal was to try to give additional
22 signage to some businesses. And if we do the
23 special event, federal holiday, they're really not
24 gonna pick up any holidays because we're not gonna
25 meet Memorial Day, we're not gonna meet 4th of

74

1 July, the only thing that they're really gonna be
2 able to pick up is Labor Day. So if you'd really
3 think about it that way --

4 MS. PICKARD: And the races.

5 MS. HAASE: Well, the races --

6 MS. PICKARD: Isn't there
7 already --

8 MS. HAASE: -- the races are
9 already in the ordinance.

10 MR. MOYER: We can do that.

11 MS. PICKARD: Yeah.

12 MR. MOYER: Yeah.

13 MS. HAASE: So it's really that
14 specific amendment isn't going to make that much of

15 a difference.

16 MS. PICKARD: Okay. All right.

17 Well, then --

18 MR. MOYER: Labor Day only.

19 MS. PICKARD: Then we might as

20 well wait then.

21 MR. MOYER: And that's the end

22 of the year?

23 MS. PICKARD: But the sandwich

24 boards for the sidewalk.

25 MR. MOYER: Good-bye.

75

1 MR. HOLAHAN: Can I also add

2 that if we're not doing anything --

3 And I'm sorry, Mike.

4 -- that we have a little

5 committee where we all get pickup trucks and drive

6 around this township and pick up some of the crap

7 that we see sitting on the side of the road here?

8 MR. MOYER: It's a good idea.

9 MS. LAMBERTON: How about it,

10 you should see --

11 MR. MOYER: I would like to see

12 it cleaned up, honestly

13 MS. LAMBERTON: It's awful, it's

14 just awful.

15 MR. HOLAHAN: Yeah, Mike was --

16 MS. LAMBERTON: Go ahead, Mike.

17 I'm sorry.

18 MR. MIKE CHRISTIAN: Yeah. Good

19 evening, folks. Mike Christian.

20 Really pleased to hear the

21 direction this is going and looking at this more

22 holistically. Put on my board of trustees, I'm on

23 the board of trustees of Lake Naomi, Pocono Pines

24 Lake (inaudible), and we're real -- we're really

25 concerned with the direction it was going, really

76

1 pleased to hear that, you know, you're looking at

2 this as a -- you know, individual overlays and

3 taking time with it.

4 What we were concerned about --

5 and really support the businesses, we're a business

6 and we're really concerned, that we have a

7 fiduciary duty to our own members just to maintain

8 this Pocono experience. It's a win-win with the

9 businesses because we want the businesses to see,

10 we give the business a lot business. You all know

11 this, but I'm just gonna just give you one piece of

12 information.

13 We need 16 new members a year,

14 plus we also need to maintain the current
15 membership; otherwise our dues go up. If this --
16 the nature of this area changes and we start losing
17 members, the dues go up; dues go up, we lose more
18 members. We lose more members, the dues go up;
19 dues go up, we lose more members. So this -- we
20 don't want to end up like some other communities in
21 this township. So we're really looking to keep the
22 Pocono experience, we want people come here, not
23 just us, but all the other communities in the
24 township.

25 So think of it that way, we like

77

1 to work with the businesses more and with you just
2 to see. And we're talking about how we can work
3 with businesses, we're having some discussions
4 about that so that we can meet with the business
5 and come up some ideas, come back to you and try to
6 come up with some ideas that everybody's a winner.
7 We don't wanna lose our members, they don't lose
8 their business and I think it's -- it can be a
9 win-win.

10 I do have a couple of questions.

11 For the interstate billboard signage, is that
12 off-premise or is that on or off-premise? And

13 therefore, can it advertise anything like you

14 talked about?

15 MR. MOYER: I think they're all

16 off-premise.

17 MS. MINNICK: It would be

18 off-premise signs.

19 MR. MIKE CHRISTIAN: Off-premise

20 sign, which means that it can -- it can advertise

21 anything.

22 MS. LAMBERTON: Be just like a

23 billboard.

24 MR. MIKE CHRISTIAN: Okay. The

25 other thing --

78

1 MS. LAMBERTON: Just like --

2 MR. MIKE CHRISTIAN: -- I'd like

3 to see is, if we can think of -- again, this is

4 self-serving. If we can start to think of what we

5 can do with the Pocono Pines area as far as the

6 village commercial, something, where we can be

7 thinking long-term.

8 One of the concerns we have is

9 what's the long-term vision, obviously, not just

10 the whole township, but especially in this area.

11 So be really interested to know from, you know, the

12 supervisors, not necessarily tonight, but what the

13 long-time vision for Pocono Pines is, how we can
14 encourage that to be more of a New Hope, you hate
15 to say that -- but New Hope, you mentioned --

16 MS. LAMBERTON: Jim Thorpe.

17 MR. MIKE CHRISTIAN: -- Jim
18 Thorpe, to try to eventually get there or
19 otherwise, you know, where are we gonna be 30 years
20 from now, 50 years from now. So thank you very
21 much for thinking of this --

22 MR. HOLAHAN: Thanks, Mike.
23 I'd like to say that the Poconos is already
24 changing, this area's already changing. So now,
25 how do we -- how do we manage that because it's not

79

1 gonna get stopped at this point? I mean, we -- we
2 passed some tipping points, so now how do we -- how
3 do we preserve what we've -- what we've got and we
4 do need some input from folks like yourself. So I
5 can appreciate that.

6 MR. MIKE CHRISTIAN: Well, I
7 hope we haven't gone past the tipping point.

8 MR. HOLAHAN: Well, we just got
9 some big stuff that -- that we're looking for and I
10 think we've got that in the right areas too. It's
11 something that's needed and I think it's in the

12 right spot. And we're gonna continue to pursue
13 other venues that may want to come into those
14 areas.

15 In the meantime, we don't
16 necessarily want them to stop there, we still want
17 them to come through the township. I'm not just
18 talking about visitors, though, I am talking about
19 your residents. They got to drive by -- you know,
20 down 380. I mean, make sure that when they get
21 off, it doesn't look like hell coming in type of
22 thing. And there's where we are trying to make
23 sure that we don't have any unintended consequences
24 of we've allowed something and now it looks like,
25 well, you let that guy do it, why can't we do it

80

1 type of thing. So before we make a mistake --
2 yeah.

3 MS. PICKARD: And on that
4 point, I just want to mention, when you said about
5 anything could go on that sign, you know, there was
6 -- what's the name of that -- Pringle? The Supreme
7 Court decision says that we can't police anything
8 that's said on those signs now.

9 MR. MIKE CHRISTIAN: Well,
10 that's not exactly true, actually. I've been doing
11 a lot of reading and talking to some lawyers about

12 that. And there -- Justice Alito did make some
13 reference to the fact that you can have different
14 regulations for on and off-premise signage. So you
15 could -- you could regulate that.

16 MR. REISS: Well, you could
17 regulate --

18 MR. MIKE CHRISTIAN: There's a
19 lot of discussion about that.

20 MR. REISS: You could regulate
21 different types of signage, but you can't regulate
22 -- you can't make distinctions between the type of
23 speech. So you can't make a distinction between
24 commercial advertising versus church directional
25 signs, that sort of thing. You have to -- the

81

1 regulations have to be content neutral.

2 MR. MIKE CHRISTIAN: Plus you
3 can have different sizes for those sign --
4 off-premise and on-premise.

5 MR. REISS: Yes. You can
6 regulate different types of signs like electronic
7 signs versus nonelectronic signs. Those you can
8 make distinctions about.

9 MR. HOLAHAN: The thing is it's
10 just easier to change content all with one method

11 than another.

12 MR. REISS: Right.

13 MS. NANCY DRESSEL: I was just

14 curious, is there --

15 I'm sorry. Nancy Dressel.

16 I was curious, is there a limit

17 to how large the sign can be?

18 MS. LAMBERTON: Yes.

19 MR. HOLAHAN: Yes.

20 MS. LAMBERTON: Yes. Like

21 Maureen was stating earlier for commercial

22 properties, it's a square footage, you're allowed a

23 certain --

24 MS. NANCY DRESSEL: I'm not --

25 the electronic signs, some of them are --

82

1 MS. LAMBERTON: It would be the

2 same.

3 MR. MOYER: Yeah.

4 MS. MINNICK: It would be

5 limited on the size of the building and the use.

6 MR. MOYER: Or do you mean on

7 the highway?

8 MS. NANCY DRESSEL: They're off

9 premises. No, I mean on the highway.

10 MS. MINNICK: Off-premise signs?

11 Yeah, they're -- right now, off-premise sign is now
12 200 square feet, it wouldn't be any larger than
13 that.

14 MS. NANCY DRESSEL: But the --
15 and the height, is that also --

16 MS. MINNICK: That would be --
17 I don't know what the height is off the top of my
18 head.

19 MS. PICKARD: That sign on
20 Wezmar's, that seems like one of the larger ones
21 that we had.

22 MS. MINNICK: It's 200 square
23 feet.

24 MS. PICKARD: That's 200 square
25 feet on each side?

83

1 MS. LAMBERTON: Mike, to comment
2 on the growth of the area, you know, I look at Lake
3 Naomi as well. And, you know, you have a new
4 welcome center, you have more modernized things
5 that are attracting people. We have to look at
6 that as well and say, look, you know, with the --
7 the Kalahari types of the world and what Pocono
8 Manor may be looking at, that'll also attract your
9 property owners up here, because they could still

10 go back in their nestled little woods, but they
11 want things to do as well, you know? And I think
12 that that -- you know, where we used to go on a
13 canoe all the time for that Saturday night thing,
14 that mode has changed generationally, you know,
15 as -- as --

16 MR. MIKE CHRISTIAN: No, we're
17 thrilled to see development around us and we were
18 sorry to see -- like when you lost the supermarket
19 right here, Melissa's --

20 MS. LAMBERTON: Yes.

21 MR. MIKE CHRISTIAN: That hurts
22 us, so we want to encourage business.

23 MS. LAMBERTON: Absolutely.

24 MR. MIKE CHRISTIAN: Be great to
25 have another restaurant around the area, I support

84

1 Billy, but, you know, I'd like to have
2 some alternative.

3 MS. LAMBERTON: No, no. And
4 rightfully so and then more folks come up, 'cause
5 there are things to do. And, you know, the younger
6 generation wants cooler places to go and things to
7 do, so --

8 MR. MIKE CHRISTIAN: And
9 Donny's.

10 MS. LAMBERTON: And Donny's.

11 MR. MOYER: Yeah. We had a good

12 conversation, so I think that's good.

13 MR. MIKE CHRISTIAN: That's

14 good.

15 MS. LAMBERTON: Any other

16 comments?

17 We will move on to our next

18 item. So do we have direction? Do we know what

19 we're doing here?

20 MS. HAASE: I think let's recap.

21 MS. LAMBERTON: Yeah, that -- I

22 didn't mean to roll right into that.

23 MS. HAASE: Maureen is going to

24 look at the zoning map and carve out properties

25 that are contiguous to or adjacent to 380, 80, and

85

1 the entrance and exit ramps, okay?

2 MS. LAMBERTON: Right.

3 MS. HAASE: And we are gonna

4 hold off then on the signage or we're gonna move

5 forward with the signage?

6 MR. HOLAHAN: My -- yeah. So

7 my thought was, we were looking at moving forward

8 on the signage, but leaving the electronic out.

9 MS. LAMBERTON: And I thought
10 Phyllis said it wouldn't matter anyway.
11 MR. HOLAHAN: It would -- didn't
12 matter to -- oh, that's right.
13 MS. HAASE: The only change --
14 they'll be able to pick up Labor Day and hopefully
15 by then we'll be able to have something resolved.
16 MS. PICKARD: And Wezmar was
17 looking to do something rather sooner than --
18 MS. HAASE: Because timewise
19 they're not gonna -- we're not gonna be able to
20 accommodate them Memorial Day and 4th of July.
21 MS. LAMBERTON: So am I talking
22 out of turn if we put a moratorium on enforcement
23 with maybe people putting sales or, you know -- I
24 don't know, 4th of July sale or -- is that
25 something that -- I don't know, I'm asking.

86

1 MS. PICKARD: Do we have special
2 event things they could use?
3 MS. MINNICK: We do.
4 MS. LAMBERTON: But then again,
5 if we allow something one year and then we don't
6 another, is that an issue?
7 MS. MINNICK: Well, we're gonna
8 eventually change it. However, I mean, if the

9 board so chooses, I don't know how -- I mean, in

10 zoning I -- I don't know.

11 MS. PICKARD: Yeah.

12 MR. REISS: The way -- I mean,

13 depending -- I don't know how long these scofflaw

14 signs are up for, but even if the zoning officer

15 went out and issued a zoning enforcement notice,

16 that person has 30 days to come into compliance.

17 So there's a window there that they have that the

18 sign could stay up for. I mean, I hate to say

19 that, but that's the reality.

20 MR. MOYER: No, it's --

21 MS. LAMBERTON: What did you

22 call them?

23 MR. REISS: Scofflaws.

24 MR. HOLAHAN: Here's the way

25 out.

87

1 MS. LAMBERTON: Scaffles (sic).

2 MR. REISS: There's the 30-day

3 window under the Municipalities' Planning Code that

4 a zoning enforcement notice sets for and that the

5 property owner has 30 days to file an appeal to the

6 zoning hearing board or to come into compliance.

7 MS. PICKARD: Or they can

8 just --

9 MS. MINNICK: These signs are --

10 MS. PICKARD: -- put them up on

11 Friday when Maureen goes home and --

12 MS. MINNICK: Let me just say

13 something, these signs are brutal and I have

14 property owners now that are fighting over signs.

15 MR. HOLAHAN: Right.

16 MS. MINNICK: I don't want it to

17 continue. I want to try to resolve what's going on

18 now. At this point in time, I think let a sleeping

19 dog lay.

20 MS. PICKARD: Yeah.

21 MS. HAASE: Just -- just for the

22 --

23 MS. MINNICK: If you're gonna

24 put a sign up for a holiday, I can turn my head. I

25 don't know --

88

1 MR. HOLAHAN: Yeah, I don't --

2 MS. MINNICK: -- but, I don't

3 want to continue causing havoc between property

4 owners.

5 MS. LAMBERTON: No, no. I

6 respect that. I wouldn't want to either.

7 MS. HAASE: This is six weeks of

8 complaints that we received at the township. And
9 it gets frustrating for Maureen when she feels she
10 has to do her job and we have people that call or
11 send in and we have -- like I said, this is six
12 weeks of them -- that reporting they have a sign up
13 or they have this up and it needs to come down. So
14 it puts Maureen in a difficult position because
15 that is her position here, to enforce what you
16 folks have adopted.

17 MS. LAMBERTON: So right now
18 what would make your life easy?

19 MS. MINNICK: Number one, let's
20 get rid of the complaints altogether. No. And I
21 just want to -- I just want to make a mention with
22 these complaints, I had an employee bring to my
23 attention about another property owner. I went out
24 onto the property and right away it was well, who
25 complained? I'm sorry, I can't let you know. I

89

1 know it was this neighbor. Now, I have two
2 neighbors bickering because of another person, that
3 I don't like. That was not -- it put me in a real
4 bad situation.

5 So now because it's somebody
6 else complaining about this, and there's been a few

7 there for a long time, a lot of times I'll say,
8 I'll look into it, blah, blah, blah, but now
9 they're bickering back and forth bad.
10 MS. LAMBERTON: So what's your
11 resolution --
12 MS. HAASE: The one --
13 MS. LAMBERTON: -- is what I'm
14 asking.
15 MS. MINNICK: Hopefully you'll
16 let things calm down between the two neighbors, but
17 it's not -- that's not --
18 MS. LAMBERTON: Can you inform
19 them that we are currently working on a new sign
20 ordinance?
21 MS. HAASE: It's not signage.
22 MS. PICKARD: That's not on this
23 one.
24 MS. MINNICK: It's not signage,
25 it was --

90

1 MS. HAASE: It's not a signage
2 issue.
3 MR. MOYER: What's the issue?
4 MS. LAMBERTON: Yeah, what's the
5 issue?
6 MS. PICKARD: Well, we're

7 talking complaints, we're talking about --

8 MS. MINNICK: I was just -- it

9 was a complaint.

10 MS. LAMBERTON: Oh, I'm --

11 MR. MOYER: What are the

12 complaints?

13 MS. LAMBERTON: -- thinking it's

14 a sign complaint. I'm sorry.

15 MS. MINNICK: No, it was just a

16 complaint, it wasn't --

17 MS. HAASE: You know, it's --

18 it's -- it's mentioned many times about being

19 friendly, and we are. I've been with the township

20 11 years and there's been one case that's gone to

21 court. So in 11 years that is a really good

22 record. Other municipalities don't have that

23 around here. And that's something that Maureen

24 will set or I did in the past and we tried to get

25 it resolved, because many times the neighbors or

91

1 businesses are fighting amongst themselves and we

2 try to diffuse the situation. And, yes, it takes a

3 little extra time, but that's our job here.

4 So our record at Tobyhanna

5 Township is very strong with trying to resolve the

6 problems, it's a good record we've had.

7 MR. HOLAHAN: My concern is that

8 -- what are those complaints that you have there?

9 Are they sign or just a -- just all kinds of

10 complaints?

11 MS. HAASE: There are multiple,

12 but there are signs. One business will report

13 another business or a homeowner will report a

14 business.

15 MR. HOLAHAN: A business or

16 something like that. My concern is here that if we

17 put our zoning officer into this difficult

18 situation of almost like selectively enforcing our

19 ordinance, and it's like an all or nothing, maybe

20 we need to -- I guess here's the thing is, I know

21 we want to wait because one change is only going to

22 -- we're only looking at one change. Is it that

23 difficult if we tried to pass this the way we're

24 talking about, without the changes in it and then

25 go ahead and amend it afterwards? 'Cause I know we

92

1 have to advertise it, is it gonna add a lot of

2 expense to do that type of thing?

3 MS. HAASE: There's an expense,

4 but the changes that are being proposed really --

5 MR. MOYER: Won't fix it.

6 MS. HAASE: -- it's not gonna
7 fix it. The big complaint from the property owners
8 pertaining to signage, and Maureen certainly will
9 agree, are the temporary signs that are stuck in
10 the ground. Residents will complain they don't
11 like the looks of it, they didn't move here to see
12 that. One business will complain about it to the
13 other. That seems --

14 Would you agree, Maureen, that's
15 really --

16 (Inaudible discussion.)

17 MS. MINNICK: I have -- I have a
18 bunch of deputies too.

19 MS. HAASE: Yeah. We've always
20 said that, we have a lot of deputies, they'll call.
21 Monday morning's pretty active here.

22 MS. LAMBERTON: And that's part
23 of the job, so I respect that, but --

24 MS. MINNICK: My thing is, I
25 don't wanna be put in this situation that I have

1 somebody calling and I'm asking for their name and
2 somebody over here said, they're out in the
3 township going, well, they called the township on
4 you, I don't want to be put in that situation, you

5 know. I don't want names being -- if somebody
6 calls to make an anonymous complaint to let them --
7 if they get enough nerve to call, let them call.
8 If they don't want to give their name, that's fine.
9 I still have a complaint, I still have to follow up
10 on it regardless.

11 MS. LAMBERTON: Well, I think
12 that that's --

13 MR. MOYER: I thought we were
14 doing written, right?

15 MS. LAMBERTON: Yeah, that's our
16 next item here on the agenda, is the complaint
17 policy.

18 So let me ask you a question, so
19 you are here at your desk and you get someone's
20 name and somebody within our office is going and
21 telling people in the public?

22 MS. MINNICK: Well, no, I'm not
23 saying -- I'm not saying that, but when I have that
24 and if somebody over here said --

25 MR. MOYER: So you're saying it?

94

1 MS. MINNICK: They could take it
2 out -- you know?

3 MS. LAMBERTON: Well, I mean our
4 office should have a certain policy that that's not

5 allowed.

6 MR. MOYER: That's like
7 executive session.

8 MS. MINNICK: I agree. But --
9 and again, if somebody's calling in and has enough
10 nerve to call on their neighbor and say, hey,
11 something's going on here, I don't want to give a
12 name -- I don't want to give my name, I think that
13 should be good enough to -- and it's a valid
14 complaint.

15 MS. LAMBERTON: Yeah, I think
16 you need to validate it by -- I think if someone
17 has a valid complaint --

18 MS. PICKARD: She investigates
19 it.

20 MR. MOYER: That's not right,
21 yeah.

22 MS. LAMBERTON: I think if I
23 had -- trust me, if I had something to complain
24 about, I'd say it's Anne Lamberton.

25 MS. MINNICK: There's a lot of

1 people that -- and that's fine.

2 MR. HOLAHAN: They'll recognize
3 the voice.

4 MS. LAMBERTON: They absolutely
5 will.

6 MS. MINNICK: You know what,
7 Annie, and there's a lot of people that don't care.

8 MS. LAMBERTON: Well, it's not
9 that I don't care, but you have to have some
10 validity somewhere --

11 MS. PICKARD: No, but --

12 MS. LAMBERTON: This is where
13 you have the -- the -- what is it, the McCoys and
14 the whoever.

15 MR. HOLAHAN: Hatfields.

16 MS. LAMBERTON: Thank you.

17 MS. PICKARD: No, but it's not
18 always that, because you have people that are
19 saying somebody built a pool or somebody put up a
20 shed and didn't get a permit, so she goes and she
21 can physically see that. That's tax revenue we're
22 losing and --

23 MS. HAASE: It's also a safety
24 concern if it wasn't done properly.

25 MS. PICKARD: It's -- you know,

1 if it's not built to codes. I mean, it's better to
2 get that stuff up, but there's neighbors that --

3 MS. LAMBERTON: So if they know

4 their name isn't going to be divulged and it
5 shouldn't be -- I mean, I think we have a problem
6 where this information is being obtained from. I
7 don't think the problem is the person giving us
8 their name.

9 MR. MOYER: Unless the speaker
10 --

11 MS. LAMBERTON: I mean, Heidi,
12 you even said -- you even said last meeting that
13 it's never been without a written complaint.

14 MS. HAASE: That's -- well,
15 Bob's been here 15 years and Donna Knecht's been
16 here 29 years and there's never been a policy --
17 and I've been here 11 -- we have never had a policy
18 that requires it. We have a lot of elderly people
19 that don't have access --

20 MR. MOYER: We'll need an
21 affidavit for that.

22 MS. HAASE: -- they don't want
23 to come in, they have an issue, they want us to act
24 on it, but they're still our taxpayers. And I even
25 put this on the PSATS discussion group, 'cause I

1 was kind of having a hard time of how do we
2 accommodate our taxpayers.

3 Annie, I would have to say
4 probably 90 percent of the people give us their
5 information or they may not give it to us, but it
6 comes up on caller ID or they'll send us a fax and
7 it's at the top of it; so we get an idea of who it
8 is. But we still have a group of elderly people
9 that really don't want to. You know, they have the
10 concern with their neighbors doing X, Y and Z and
11 they want the zoning officer to look at it; but
12 once that has been brought forth to Maureen's
13 attention, it's very difficult for her when she's
14 responsible for enforcing those regulations not to
15 do that, when a lot of it is a safety concern.

16 MR. HOLAHAN: Well, can we --
17 can we have some kind of way that we vet this
18 before it becomes a formal complaint? 'Cause I
19 imagine that you get a phone call and the first
20 thing you want to do is kind of diffuse it, find
21 out, is it a valid complaint or somebody's just
22 kind of griping about something? So you diffuse
23 that rather quickly. And if it escalates and then
24 you say, okay, then these are the steps that we're
25 gonna have to do and then start filling out the --

1 the form and saying -- I don't know how to do that
2 because you got to be on the phone when somebody's

3 com -- and you've done that, you know, you've heard
4 that yourself.

5 I think we all have been on that
6 line, the other end of the line when somebody's
7 calling and complaining. What's the first thing
8 you're gonna do? You know, you don't push back on
9 them and say, well, wait a second, you know, you
10 got to -- you got to kind of diffuse the situation.
11 I'm not gonna tell you how to do that other than
12 for the process that the township should be doing
13 is still a vetting process.

14 You know, I think to pull out
15 the complaint right away -- I'll tell you what we
16 did at the builder association. Somebody called
17 and they wanted to file a complaint against the
18 builder, say, well, how can we work this out?
19 Well, they wanted to push it. Said, okay, what you
20 have to do is fill this all out? We'll send you
21 the form and it's gonna be -- and you gotta put
22 down \$250 because we're gonna go through ARD or
23 something like that -- or ADR, so -- but they had
24 to really commit to it, so it kept people that were
25 just trying to nail somebody.

2 point, that's exactly my point. It gets the people
3 that have their own family feud going on back and
4 forth, and you've got legitimate complaints where
5 someone says, as long as my name is kept
6 confidential, you fill out a form or send me an
7 email or fax me a document --

8 MS. MINNICK: And I still--

9 MS. LAMBERTON: -- or tell me
10 where you live and I'll come pick it up and have
11 you fill one out, I think -- that's just my
12 opinion.

13 MR. HOLAHAN: Yes, but I'm
14 thinking that -- and I -- look, Anne, I agree with
15 you, but that's not -- I'm -- I guess what I'm
16 saying is that's not the first thing. Are we
17 directing our employees to say, the first -- the
18 first thing that happens is --

19 MS. LAMBERTON: Oh, no, no, no.

20 MR. HOLAHAN: -- you receive a
21 phone call, go ahead and try to see if you can
22 diffuse it?

23 MS. LAMBERTON: Absolutely.

24 MR. HOLAHAN: And then --

25 MS. LAMBERTON: I don't

1 disagree with that at all.

2 MR. HOLAHAN: -- to become a

3 valid complaint, now you've got to --

4 MS. LAMBERTON: But in order

5 for me to go out and check this, I would need to

6 have this in writing.

7 MR. HOLAHAN: I'm all right with

8 that.

9 MS. HAASE: Well, what do you

10 do in a situation where somebody calls up and

11 saying, my neighbor's burning? That's a zoning

12 issue, we're not gonna require them to put it in

13 writing.

14 MR. HOLAHAN: Yeah.

15 MS. HAASE: She's gonna go and

16 make certain it's not illegal burn because it

17 becomes a safety issue. The regulations are in

18 place for health, safety and welfare, not to create

19 a problem for somebody.

20 MR. HOLAHAN: I think she just

21 needs to log that.

22 MS. HAASE: So -- but that's

23 where -- speaking of this, reaching out to Tunk and

24 other municipalities, everybody has a complaint

25 form like we do. Where they seem to enforce it

1 more when you have that neighbor who's in
2 constantly -- who's in constantly and saying my
3 neighbor's barking or this one's doing that and
4 trying to diffuse it that way, but it's -- it's --
5 again, I think it seems hard to turn your head at
6 something.

7 MS. LAMBERTON: Well, I notice
8 at the top of it, it says complainant.

9 MS. HAASE: Correct. Because we
10 do ask. But if they refuse to give it, the
11 township has never said then we're not gonna
12 address your concern.

13 MR. MOYER: That's not --

14 MS. LAMBERTON: Let me ask you,
15 what do --

16 MR. MOYER: How did we do -- I
17 don't know how. It was always phone call or --

18 MS. HAASE: We've had these
19 forms forever.

20 MR. MOYER: But not filled out
21 as many as --

22 MS. HAASE: No. Some will fill
23 it out, some will call, some will call and leave a
24 message on our voicemail.

25 MR. MOYER: Right.

1 MS. HAASE: So, no, it's not --

2 MR. MOYER: It's a combination.

3 MS. HAASE: Exactly.

4 MS. LAMBERTON: But you did say,
5 you stated earlier that 90 percent will give their
6 name.

7 MS. HAASE: I would say most of
8 these are, but we do have -- and it seems to be
9 more the elderly than anything else that really
10 don't want to.

11 MS. LAMBERTON: Hey, Wendi, how
12 do you handle Lake Naomi complaints?

13 MS. PICKARD: That's what I was
14 gonna ask.

15 MS. WENDI FREEMAN: Well, I
16 mean, both ways, I just -- but there's some times
17 that you have to go out and if somebody says who
18 called, you just have to say, nobody called, I saw
19 it or, you know, just say it's a violation, you
20 have a violation. It doesn't matter who said what.
21 Yeah, I mean, this happens all the time, every
22 single day and most people don't want to --
23 especially in Lake Naomi because they're not there
24 and then, you know, creates problems with my
25 neighbor and then they're gonna be mad at me, but

1 they have this happening or they have that
2 happening.

3 In my case they can blame it on
4 the rangers, you can say the rangers were doing
5 property checks and -- and somebody saw your
6 propane tank or your detached shed that you're not
7 allowed to have or -- so it's a little bit harder
8 for Maureen to deal with that because, you know,
9 it's -- the chances of her seeing most of these
10 things are probably pretty slim. And we also have
11 the right to go onto somebody's property, she
12 doesn't, you know, so it's just -- it's different.
13 And, yeah, sometimes it's just really disheartening
14 to be put in that situation, but it happens.

15 MR. MOYER: You're getting a
16 lot of repeat, same people calling one after
17 another and then might go away for a week and then
18 all of a sudden, he's got it back up, the signs are
19 back up and then you have one that's just being
20 defiant, I mean -- right?

21 MS. MINNICK: That happens.

22 MS. PICKARD: That's all of it.

23 MS. MINNICK: And in the
24 summer, I'll get a lot of noise complaints. My
25 neighbor --

1 MR. MOYER: The rented houses.

2 MS. HAASE: Short-term rentals.

3 MS. MINNICK: And they don't
4 want to -- and they don't want to give their name
5 because they're people that are here full-time.

6 MS. HAASE: They're afraid of
7 retaliation.

8 MR. MOYER: Yeah. I understand.

9 MS. MINNICK: They don't want
10 to give their name or somebody's septic system's
11 leaking, you know. They don't want to give their
12 name because they don't want retaliation.

13 MR. McHALE: Those people that
14 you're speaking to that wanna have their name kept
15 in confidence, does the Right To Know Law protect
16 that?

17 MS. HAASE: Yes.

18 MS. PICKARD: Yeah.

19 MS. HAASE: Yes, they're
20 protected.

21 MS. LAMBERTON: Exactly. And
22 that was one of our --

23 MR. REISS: Well, everybody's
24 protected. Under the Right To Know Law, if they
25 file a written complaint with their name on it,

1 it's an exempt document --

2 MR. MOYER: Right.

3 MR. REISS: -- from the Right

4 To Know Law.

5 MS. HAASE: And we have that in

6 policy too, it speaks to that.

7 MS. LAMBERTON: And I'm sure

8 that you would -- you explain that to people.

9 MS. MINNICK: What, about the

10 Right To Know Law?

11 MS. LAMBERTON: That their name

12 is protected.

13 MS. HAASE: No. What they are

14 told is that their name is not divulged.

15 MS. MINNICK: Yeah, I'll tell

16 them that.

17 MS. HAASE: They don't

18 understand the Right To Know.

19 MS. MINNICK: That we don't say

20 -- we won't --

21 MS. HAASE: Unless they get

22 subpoenaed to go to court.

23 MR. MOYER: Some people

24 understand Right To Know.

25 MR. KERRICK: If 90 percent of

1 these people give their name -- I agree with John,
2 I think that -- I'm sure Maureen tries to diffuse
3 it, get their -- after that, go to the written
4 complaint so we have record for her legal aspect as
5 well and let's move on.

6 MS. MINNICK: I agree.

7 MS. LAMBERTON: Think about it.
8 Think about it, honestly, if you -- if you cannot
9 diffuse it, that could actually help you because if
10 they know they're not gonna get anywhere unless
11 they come in and sign a form for you, it might
12 quiet things down for you, for the petty stuff. I
13 mean, if you have someone --

14 MS. MINNICK: Yeah, for --

15 MS. LAMBERTON: -- that there
16 seriously is --

17 MS. MINNICK: -- yeah,
18 absolutely.

19 MS. LAMBERTON: -- the petty
20 stuff.

21 MS. MINNICK: For the petty
22 stuff it will work. For the person that's calling
23 and complaining about their neighbor, about the
24 noise or burning garbage and they want to be kept
25 confidential, it's not gonna work. But I still

1 have to go out and check on it. If somebody's

2 burning, I still have to go out.

3 MS. LAMBERTON: Well, then maybe

4 you can pull a Wendi and ask the location, do a

5 drive-by --

6 MR. HOLAHAN: Send the rangers

7 over, yeah.

8 MS. LAMBERTON: We'll send the

9 rangers over.

10 MR. MOYER: Send your deputy.

11 MS. WENDI FREEMAN: Well, the

12 burning, you -- I mean, there's -- depending on

13 where it was, you could say that you saw it --

14 MR. HOLAHAN: Oh, yeah.

15 MS. WENDI FREEMAN: -- I mean,

16 or smelled it.

17 MS. LAMBERTON: You could drive

18 by and smell a septic or hear some loud noise.

19 MS. MINNICK: Right now I think

20 what we have works, I don't think it's a -- it's

21 bad. It works for the township in our day-to-day

22 operations. Girls get a call, they fill out the

23 form, give it to me, I'll look into it --

24 MR. HOLAHAN: Is that pol --

25 but is that policy? Is that --

108

1 MS. MINNICK: Do we have a
2 written policy for it?

3 MR. HOLAHAN: Right.

4 MS. MINNICK: No, we never did.

5 MR. HOLAHAN: Then that's what
6 I would like to see.

7 MS. HAASE: For the --

8 MR. HOLAHAN: What you're doing,
9 let's put it in writing --

10 MS. HAASE: I did.

11 MR. HOLAHAN: Yes, right. And
12 I saw that too, so --

13 MS. HAASE: The only difference
14 to this, John, is, this is what we currently do.

15 MR. HOLAHAN: Right.

16 MS. HAASE: The only difference
17 is, I included a formal complaint, 'cause that was
18 the board's desire. This is exactly what we do
19 now.

20 MR. HOLAHAN: But I guess -- I
21 guess like what we were looking for is policy on
22 that because then we could also -- this gives
23 Maureen the ability to say, here's the policy on
24 how we handle complaints. And if it gets to that

25 point, then I need to fill this form out and then

109

1 what's your name, please.

2 MS. LAMBERTON: Correct. And

3 also too, I think maybe the girls that answer

4 should say, I can leave this information for our

5 zoning officer.

6 MR. HOLAHAN: Right. You can

7 handle all complaints.

8 MS. LAMBERTON: No, I mean,

9 seriously, that way you can diffuse it, you follow

10 the procedure that's put in place and only one

11 person is dealing with them. That way they're not

12 getting mixed information. Not -- I don't -- I

13 don't mean that to sound wrong, that our girls are

14 not doing it, 'cause the front office --

15 MR. MOYER: Well, no --

16 MS. MINNICK: I think they

17 could take --

18 MS. LAMBERTON: Because then it

19 says, well, here's our form, let me fill it out,

20 let me do this, maybe people become intimidated at

21 that point.

22 MS. MINNICK: I think they can

23 take the complaint, to be honest with you.

24 MS. PICKARD: Maureen doesn't
25 have that kind of time to --

110

1 MS. MINNICK: Yeah. Because if
2 it's -- sometimes it goes to DE -- DPW; sometimes
3 it goes to me.

4 MS. HAASE: It could be
5 stormwater, it could be many different things, it's
6 not just pertaining to --

7 MR. ED TUTRONE: Yeah. I just
8 got one about two weeks ago that said concerned
9 citizen about a sign down. They wouldn't leave
10 their name, but that there was a road sign down,
11 they didn't want to leave their name for whatever
12 reason.

13 MR. MOYER: Did we get the sign
14 up?

15 MS. LAMBERTON: So do you get a
16 call back number to talk to these people or --

17 MR. ED TUTRONE: If the girls
18 can get it, they do, but it's -- if not, then I
19 just --

20 MS. PICKARD: Still have to fix
21 the road sign.

22 MS. LAMBERTON: I think maybe
23 that should be part of our policy, to require a

24 call back number.

25 MR. HOLAHAN: I know, but if a

111

1 sign's down --

2 MS. HAASE: If a sign's down, we

3 have to act on it.

4 MS. PICKARD: That's a

5 liability, if it's a stop sign down and they --

6 they don't leave their name, what are we gonna

7 leave the stop sign down? I mean, that's -- or

8 leave the fire burn?

9 MR. HOLAHAN: Our policy's

10 only --

11 MS. MINNICK: What are you gonna

12 do, call them back and say, okay, we found the down

13 sign, we're going to replace it?

14 MR. HOLAHAN: Our policy is not

15 going to solve all the issues. Our policy is gonna

16 put out there that we have a -- a method of how we

17 handle these things, that is measurable and

18 quantifiable. So we've got the form, we say this

19 is what our policy is and I think that'll -- I

20 think that'll help. And I agree with you, because

21 I think that at that point, when people that answer

22 the phones at this building don't want to wait and

23 say, let me get Maureen for you, what you want --
24 what people want is, they want -- they want to be
25 heard right then type of thing.

112

1 MS. MINNICK: Yeah, I mean --

2 MR. HOLAHAN: So let me take
3 this stuff down and get it to the right person.

4 MS. MINNICK: They want to talk
5 somebody now.

6 MR. HOLAHAN: And we'll follow
7 up, what's your name.

8 MS. PICKARD: Then Maureen can
9 prioritize what needs to be addressed.

10 MS. LAMBERTON: I understand if
11 it's emergency, you should go and act on it.

12 MR. REISS: I was going to
13 suggest you can add even a line to the policy that
14 verbal complaints will -- for emergency situations
15 will be acted on without a written complaint or
16 something like that.

17 MR. HOLAHAN: Yeah.

18 MS. PICKARD: Okay.

19 MS. LAMBERTON: I would
20 understand that.

21 MS. PICKARD: Thank you. That
22 sounds like it makes sense.

23 MS. LAMBERTON: Fair enough.

24 MS. MINNICK: And, Annie, keep

25 in mind too that there's days that I'm out of the

113

1 office 90 percent of the day out in the field. So

2 for somebody to go, well, you have to talk to

3 Maureen, it's merely impossible.

4 MS. LAMBERTON: I was just

5 trying to streamline it to not put the girls in

6 that position, to try to diffuse, when you'd be the

7 person dealing with it.

8 MS. MINNICK: I'm just not the

9 zoning officer, I'm the sewage enforcement officer

10 too. And during my summer months, I'm busy out in

11 the field doing inspections.

12 MS. LAMBERTON: That's a good

13 busy.

14 MS. MINNICK: Yeah.

15 MR. HOLAHAN: So once we put

16 this policy into place, though, then can we handle

17 this administratively on going to the staff and

18 saying, here's what our policy is? In the event

19 that you've got a complaint, here's the policy.

20 Now, they're gonna go, duh, right? But at least we

21 got --

22 MS. LAMBERTON: It was spoken,
23 yes.
24 MR. HOLAHAN: Right.
25 MS. HAASE: Yeah, and they're

114

1 familiar with it because it's exactly what we do
2 now.

3 MS. LAMBERTON: Except for we're
4 gonna get in writing.

5 MR. ED TUTRONE: I can tell you
6 for the most part, the DPW, the office staff is
7 excellent when it comes to getting -- if they can
8 get the information and getting the complaint and
9 if it's something that they know is pressing,
10 they'll get a hold of me or get a hold of Dave, and
11 -- if it's an emergency situation about a sign down
12 or something to that effect.

13 And if not, it's something that,
14 you know, a drainage complaint on my end, anyway,
15 they'll get the people's name usually -- 99 percent
16 on the DPW side, we get names and property
17 locations. And they're really good about that,
18 they document it and they send it to me, set it on
19 my desk and as soon as I get it, I take a look at
20 it and call the people back.

21 MS. LAMBERTON: Yeah, yours is

22 of a less personal --

23 MR. ED TUTRONE: Yeah.

24 MS. LAMBERTON: -- nature. I

25 understand that, yeah.

115

1 MR. MOYER: It's a different --

2 yeah, a different --

3 MS. PICKARD: But there's also

4 --

5 MS. HAASE: Well, here's an

6 example what we received in the mail -- I'm

7 sorry --

8 MS. LAMBERTON: It's okay.

9 MS. HAASE: -- what we received

10 in the mail this week and I included that. So this

11 again is something that would need to be looked

12 into. Now, they didn't leave their name, they're

13 someone that cares, but this becomes now an issue

14 with taxes, becomes an issue with safety. Was it

15 built properly? It's now a complaint from someone

16 that's -- lives there or around that area.

17 MS. LAMBERTON: That was

18 emailed, right?

19 MS. HAASE: No, this came in

20 the mail.

21 MS. LAMBERTON: Oh, in the
22 regular mail.

23 MS. HAASE: Oh, yeah. We get
24 complaints mailed to us as well. So it's very
25 difficult for Maureen at this point because this

116

1 now involves the township, this involves the
2 building code official, this gets moved on to
3 building code official as well.

4 MR. MOYER: Is that the swimming
5 pool deal or something?

6 MS. HAASE: This is a --

7 MS. PICKARD: Garage to living
8 space.

9 MS. LAMBERTON: It's like a roof
10 over a deck over --

11 MS. HAASE: They enclosed a
12 garage into a living space.

13 MR. HOLAHAN: Oh, it became a
14 nasium (phonetic) project after, right?

15 MS. HAASE: And a few other
16 things.

17 MR. MOYER: What's the highest
18 percentage of complaints, like what's -- the signs
19 or it's all over the board?

20 MS. PICKARD: It's all over the

21 board.

22 MS. MINNICK: Yeah, it's all
23 over. I mean, I get them right down to, seriously,
24 there's raccoons under my porch --

25 MS. PICKARD: Yeah, and that was

117

1 --

2 MS. MINNICK: -- and there are
3 possums living under my porch.

4 MS. PICKARD: And that was --
5 that's just what I was going to say is, our girls
6 that answer the phone --

7 MS. MINNICK: I'm serious.

8 MS. PICKARD: -- are on the
9 phone forever just for things like that, that
10 people don't know where to go and they call here.

11 MS. LAMBERTON: That's a
12 legitimate complaint.

13 MR. KERRICK: Can I ask what our
14 goal is here?

15 MS. MINNICK: There's possums
16 under my porch?

17 MS. PICKARD: I don't know.

18 MR. KERRICK: Where are we
19 going with this?

20 MS. LAMBERTON: What we need --

21 MR. KERRICK: Are we looking for
22 the policy? I think John already stated it or are
23 we worried whether they sign a name, don't sign a
24 name? Let's get on board and move on.

25 MS. LAMBERTON: Okay. I think

118

1 it started out, do we want a written policy --

2 MR. KERRICK: We said yes.

3 MS. HAASE: And I provided that
4 to the board.

5 MS. LAMBERTON: Then do we want
6 people's names? Yes.

7 MS. PICKARD: Well, John just
8 said we're gonna act on things of a safety nature.

9 MS. LAMBERTON: That's -- yeah,
10 that makes sense for that to be separate.

11 MR. KERRICK: Yes, absolutely.

12 MS. LAMBERTON: Okay. So we
13 would like them not to be anonymous and we'd like a
14 policy in place so we can state that this is the
15 policy of the township, is to obtain your name.

16 MR. KERRICK: Perfect.

17 MS. LAMBERTON: Is everybody in
18 agreement with that?

19 MR. HOLAHAN: No.

20 MR. KERRICK: That's what you

21 just said.

22 MR. HOLAHAN: No, because I

23 think -- I'm not requiring the -- let me take that

24 back. Vet it first and log --

25 MS. LAMBERTON: Oh, yeah.

119

1 MR. HOLAHAN: Vet it first, log

2 the complaint and then to move forward, is get the

3 information.

4 MR. KERRICK: Agreed.

5 MR. MOYER: Yeah.

6 MS. MINNICK: And I think --

7 here's the thing, if there's repeat offenders, I

8 think at that time, it should be up to me --

9 MS. LAMBERTON: It's gonna work

10 in your favor.

11 MS. MINNICK: -- to get that

12 information. If somebody's calling about their

13 neighbor's septic system drain, they don't want to

14 give me their name, that's fine. I know it's gonna

15 be one of four neighbors or five neighbors. So at

16 that point, does it really matter what name it is?

17 MR. HOLAHAN: Unless it's a

18 really bad septic.

19 MR. KERRICK: Depends on which
20 way the wind is blowing.

21 MS. MINNICK: Yeah, but what I'm
22 saying is, does it really matter if I get a name or
23 a telephone number for a leaky septic system?

24 MR. HOLAHAN: No. That's --
25 that's to me would be -- but you have to handle

120

1 that --

2 Yeah, Mike is trying to talk.

3 MS. LAMBERTON: I'm sorry,
4 Mike, go ahead.

5 MR. MIKE CHRISTIAN: If you had
6 a form online, then people can submit it, they
7 don't have to submit their names and that way
8 everything's coming in online.

9 MS. HAASE: Understood, but
10 there's still the elderly people that don't have
11 computers --

12 MS. PICKARD: That mail it.

13 MS. HAASE: -- that don't have
14 fax machines. And that is where the majority -- I
15 can't speak to something like this, but the phone
16 calls, you can tell by the voice.

17 MR. MOYER: Yeah, even if they
18 had an emergency thing --

19 MS. HAASE: But, again, it's
20 like -- it's minimal amount of complaints that we
21 receive like this and we've never had an issue
22 doing it this way.
23 MS. LAMBERTON: I just -- I was
24 trying to diffuse the petty ones where, you know,
25 people are going out and --

121

1 MS. MINNICK: Yeah, the petty
2 ones --
3 MS. LAMBERTON: -- looking for
4 trouble for somebody.
5 MS. MINNICK: Listen --
6 MS. LAMBERTON: And that's
7 unfair to that taxpayer.
8 MS. MINNICK: -- the petty ones,
9 I could say, my deputies -- I could say, you know
10 what, here's a form, fill out, put your name. They
11 come in again, fill it out, here's a form, put your
12 name on it. Those ones I can see.
13 MS. LAMBERTON: You get one
14 complaint a year. After that you got to fill out a
15 form.
16 MS. MINNICK: Yeah. You know,
17 those ones -- those type of people I could -- I

18 could see. But I mean, for the people that are
19 calling about this or about that, just let me take
20 the complaint and go out and do what I need to do.
21 I mean, at that point, I don't need that person's
22 name to go out and inspect or issue a violation. I
23 don't need their name, I could care less. What I
24 care about is fixing what's broke.

25 MS. LAMBERTON: Well, I guess

122

1 the person that's being complained upon wants to
2 make sure it's a valid person going and
3 complaining.

4 MS. PICKARD: But they're not
5 allowed to know who it is.

6 MS. LAMBERTON: But the point is
7 --

8 MR. KERRICK: No, but it's a
9 valid complaint --

10 MS. LAMBERTON: -- we have --

11 MR. KERRICK: -- it's not
12 somebody --

13 MS. LAMBERTON: We could
14 validate it by having --

15 MR. KERRICK: -- driving down
16 the road calling on somebody just 'cause he doesn't
17 like them.

18 MS. LAMBERTON: Correct.
19 MS. KERRICK: This is a valid
20 complaint.
21 MS. LAMBERTON: I think that
22 that's safe.
23 MS. PICKARD: Well, they are
24 calling to complain 'cause they don't like them
25 probably.

123

1 MS. HAASE: But Maureen won't
2 know what's --
3 MR. KERRICK: Understood.
4 MS. HAASE: -- valid until she
5 investigates it, that's her -- that's the point
6 that she's making. Whatever the problem is, just
7 let her fix it, is I think what she's saying.
8 MR. KERRICK: I thought we
9 decided that we are going to -- exactly what John
10 said, try to diffuse it --
11 MS. LAMBERTON: Yep.
12 MR. KERRICK: -- written
13 complaint, sign, name and we're moving forward.
14 MS. LAMBERTON: Yes.
15 MR. KERRICK: Are we gonna talk
16 about this all night?

17 MS. LAMBERTON: No.
18 MR. MOYER: I hope not, 'cause
19 I'm getting --
20 MS. HAASE: So then the -- what
21 I have proposed to the board, you're in agreement
22 with that?
23 MR. HOLAHAN: I am.
24 MS. PICKARD: I am. Can we --
25 MS. LAMBERTON: Outside of, I

124

1 think, Jonathan, if you want to put --
2 MS. PICKARD: Yes.
3 MS. LAMBERTON: -- some language
4 there that --
5 MS. PICKARD: Exactly.
6 MS. LAMBERTON: -- if it's an
7 emergency of any sort, for your benefit or for Ed's
8 benefit, that you can just go ahead and act on it.
9 MR. HOLAHAN: Well --
10 MR. MOYER: Just act on it.
11 MS. PICKARD: The health,
12 safety --
13 MS. LAMBERTON: Is it health,
14 safety, welfare?
15 MS. MINNICK: Well, every septic
16 complaint that I have is an emergency complaint.

17 MS. PICKARD: That is.
18 (Inaudible discussion amongst
19 board members.)
20 MS. HAASE: Would it be in the
21 discretion of the zoning officer to make that
22 determination?
23 MR. HOLAHAN: Yes.
24 MS. PICKARD: It has to be.
25 MS. LAMBERTON: For safety

125

1 issues or you? I don't have a problem with that at
2 all, because you'd be more on a safety issue than
3 like a tree or a sign or whatever comes down. I
4 don't consider that a complaint, I consider that
5 somebody looking out for the better of everybody.
6 MR. HOLAHAN: We're not gonna be
7 able to address all these things and I think we
8 need to leave it up to our zoning officer to be
9 bright enough to be able to figure out how to
10 handle these things without coming to us, so if we
11 could just go with --
12 MS. LAMBERTON: Diffuse or
13 signature?
14 MR. HOLAHAN: Diffuse or carry
15 forward.

16 MS. LAMBERTON: Yep.

17 MR. HOLAHAN: Are we going to

18 wait till the next meeting to pass this? I take

19 that back. Does it need to be passed or is it just

20 administrative?

21 MS. LAMBERTON: I don't think

22 so, I think it's administrative.

23 MS. PICKARD: It's

24 administrative.

25 MS. LAMBERTON: Unless you want

126

1 to put --

2 MR. REISS: I would recommend

3 -- I would recommend that you add what was

4 discussed, in that you have it on your agenda and

5 you adopt it.

6 MS. LAMBERTON: For Monday?

7 MS. PICKARD: Okay.

8 MS. LAMBERTON: Okay.

9 MR. HOLAHAN: Oh, that'd be that

10 nice, that carries a stick with it as well.

11 MS. PICKARD: And then it's a

12 public meeting also.

13 MS. LAMBERTON: Yep.

14 MS. PICKARD: Regular board

15 meeting.

16 MR. HOLAHAN: Therefore the
17 stick reference.
18 MS. PICKARD: Yes. Thank you
19 for clarifying that.
20 MR. HOLAHAN: You're welcome.
21 MS. HAASE: I had a few items
22 that came out of the zoning overlay committee. We
23 were fortunate enough, Eddie Abraham came and
24 joined us and he gave his point of view as a
25 developer on what he felt would work, what may not

127

1 work. And I think it was interesting and it was
2 some good input.
3 Out of that, we had also
4 discussed that the committee was looking into
5 perhaps doing a regional stormwater assessment and
6 how could we help with the NPDES permit. Eddie
7 said that was great, but what he would like more --
8 it would be more important to a developer is we
9 looked at something related to the point of access,
10 to obtaining HOPs or some type of an access to the
11 940/115.
12 MR. HOLAHAN: That was actually
13 one of the things that came out of that study too.
14 We were looking to fast track that HOP.

15 MS. HAASE: Umm-hmm.

16 MR. HOLAHAN: Correct? Yes.

17 MS. HAASE: So with that, I was
18 directed to try to get a proposal from our traffic
19 engineer. Today Bob and I had a teleconference
20 with her and another engineer.

21 MR. McHALE: They were
22 partners.

23 MS. HAASE: She thought it was
24 rather ambitious and thought that there definitely
25 needed to be more discussion. They couldn't put a

128

1 proposal together at this particular point.

2 Bob, did you want to touch on
3 some of the topics? We had talked about maybe
4 looking into roundabout. We had talked about
5 traffic circulation, access points. It was also
6 interesting -- and Bob can add a little bit more to
7 it -- that in one aspect of it, we're looking at
8 potentially proposing to the board the Act 209
9 again. Now, that was presented to the board maybe
10 six years ago, seven years ago?

11 MS. LAMBERTON: Refresh my
12 memory, what's Act 209?

13 MR. MOYER: Yeah, what's this
14 for?

15 MS. PICKARD: I don't think it
16 was that long ago.
17 MS. HAASE: Rich Manfredi was
18 here.
19 MR. KERRICK: It's been a long
20 time, though.
21 MS. PICKARD: Was it?
22 MR. KERRICK: Yeah, it's been a
23 while.
24 MS. HAASE: Rich Manfredi is the
25 one that brought the individual here. That's like

129

1 a traffic impact.
2 MR. MOYER: For where, the
3 whole --
4 MR. McHALE: Blakeslee.
5 MS. HAASE: Blakeslee.
6 MR. MOYER: Blakeslee? Okay.
7 MR. McHALE: I think the bottom
8 line was that you invited him to the next overlay
9 committee meeting and that would be a good setting
10 for them to offer up some suggestions and guide
11 them on which direction to go toward. And that's
12 either that, the Vermont Village concept with the
13 boulevards landscaped and multiple access points

14 for pedestrians and bike paths and those kind of
15 things. Or you're going to strictly street
16 improvements, traffic signals, points of access
17 using the 209, so they were saying --

18 MS. HAASE: Because --

19 MR. McHALE: -- that they're
20 kind of opposing around -- the other ends of each
21 end of the scale, so it would be good for them to,
22 I think, go to the next overlay committee meeting
23 and get a feel for what the overlay committee is
24 trying to accomplish. And then based upon that,
25 guide them --

130

1 MR. MOYER: Go from there.

2 MR. McHALE: -- in a direction.

3 MS. PICKARD: Yeah, I think that
4 was a good idea.

5 MS. LAMBERTON: What's the 209
6 mean?

7 MR. KERRICK: I have a question.

8 MS. LAMBERTON: I'm sorry. Go
9 ahead, John.

10 MR. McHALE: That allows them
11 to study an area and evaluate your transportation
12 infrastructure. And then if they're at failing
13 levels, the township is required to bring them up

14 to certain standard and then you can impose impact
15 fees rather than a developer coming in and say --
16 and doing a study and having to put in a left turn
17 lane at a particular location at a traffic signal.
18 Maybe they just pay X amount for those trips. And
19 then when the time comes to where that left turn
20 lane is needed, in theory, the money is there then
21 for the township to move forward, to make that
22 improvement; but that doesn't always work smoothly
23 like that, but nonetheless --
24 MS. LAMBERTON: John, that's
25 going back to Tannersville exit ramp that we spoke

131

1 of --
2 MR. KERRICK: Yeah.
3 MS. LAMBERTON: -- where you do
4 a general overall plan and this is something that
5 I'm looking at out by where we're talking for the
6 signalization out on 940, by 84 Lumber and Pocono
7 Manor.
8 MS. PICKARD: That access.
9 MS. LAMBERTON: I'd like to -- I
10 have a meeting coming up with Pennoni at the end of
11 May which wants to do the same tactic as that, is
12 taking that whole section and build it out to its

13 maximum capability and have everybody put in their
14 fair share amount. And when the upgrade is needed
15 at that time, do it -- instead of putting it in
16 twice and make it nice kind of thing and ripping up
17 what somebody just spends \$1.2 million on an
18 upgrade for HOP --

19 MR. MOYER: Do it all in one
20 shot.

21 MS. LAMBERTON: -- do an
22 overall plan and do it one shot and do it right.
23 And then you'll also only have folks coming up for
24 the weekend under construction once and not every
25 other year, when somebody else builds a new

132

1 business and then you're coming in and ripping up
2 that improvement and making it larger. So I think
3 that you could do that for each one of the little
4 village commercial overlays, including Blakeslee,
5 with your stormwater, your HOP and have a permit
6 ready.

7 MR. McHALE: Their initial take
8 on these --

9 MS. LAMBERTON: I'm such a
10 dreamer, aren't I?

11 MR. McHALE: But L&V's initial
12 take on the concept was that perhaps a roundabout

13 would better complement the village center rather
14 than traffic signals and multi-lanes, and dual
15 lefts and all that stuff.

16 MS. LAMBERTON: How would that
17 work with the amount of property that would be
18 needed with -- you have the Wawa, you have Choices,
19 you have --

20 MR. McHALE: That would have to
21 be all evaluated, how much right-of-way we needed,
22 how big does it need to be and all that kind of
23 thing.

24 (Inaudible discussion.)

25 MS. LAMBERTON: 'Cause we still

133

1 have a lot of truck traffic there, too, which it
2 has to be --

3 MR. McHALE: Well, I think on
4 that --

5 THE REPORTER: There's too many
6 things going on.

7 MS. LAMBERTON: Sorry.

8 MR. McHALE: On that drawing
9 right there that's before the board, that was a
10 part of the village master plan, I think even in
11 the northwest quadrant, rather than a roundabout,

12 there's actually, I think, a little traffic circle
13 which is like a mini -- mini roundabout type thing,
14 if you will. So there's -- it's good for them to
15 go to the meeting and to sit there and digest
16 what's trying to be accomplished. And then, like I
17 said, they can then provide or offer
18 recommendations to guide the folks in the committee
19 in a direction.

20 MS. LAMBERTON: I think that's
21 great.

22 MR. KERRICK: I had a question,
23 Bob. I don't recall when he -- when they were here
24 the last time. Did they have to do the whole
25 township or could we break it into pieces?

134

1 MR. McHALE: I believe they can
2 just focus on an area like this.

3 MR. KERRICK: And then you
4 could -- you could impose that fee or did they have
5 to study the whole township from one end to the
6 other? I don't remember.

7 MR. McHALE: I don't recall.
8 Actually L&V said that they would look into the
9 details of the Act 209, refresh themselves again on
10 implementation, 'cause we were asking them
11 questions about how long out can you -- or what's

12 the design here that you're actually projecting for
13 those 209 improvements and they were gonna research
14 some of that in the interim. So I imagine if --
15 like I said, at the next overlay committee meeting,
16 whenever that is, they'll have some of that
17 information as well.

18 MS. PICKARD: We did talk about
19 it when Jaime was here and we -- I went to a PSATS
20 seminar on that, but it was very expensive and it
21 -- and what they came up with was we already were
22 too far gone. And we've been doing the fair share
23 contribution kind of thing, but I --

24 MR. KERRICK: Did we have to --
25 if it was a failing condition, did we have to bring

135

1 it up to standard?

2 MS. PICKARD: Yeah.

3 MR. McHALE: Yes.

4 MS. HAASE: Yes.

5 MR. KERRICK: The township
6 itself, so if --

7 MS. HAASE: The township.

8 MR. KERRICK: If it was -- if it
9 was studied and it was failed, we had to bring it
10 up?

11 MR. McHALE: Correct.
12 MR. KERRICK: Maybe that's why
13 we stopped.
14 MS. PICKARD: That's why we
15 stopped.
16 MR. McHALE: Correct.
17 MS. LAMBERTON: Yeah, you're
18 opening a can of worms there.
19 MS. PICKARD: Yes, you are.
20 MS. LAMBERTON: Absolutely.
21 MR. KERRICK: I have to go dig
22 some notes.
23 MR. McHALE: That particular
24 intersection, though, is not failing, it's in good
25 shape.

136

1 MS. PICKARD: We can't charge
2 them back for the --
3 MR. KERRICK: No, it's only
4 going forward.
5 MR. McHALE: The Blakeslee
6 intersection.
7 MR. KERRICK: That would work
8 better than this -- when they talked about this
9 intersection, there wasn't enough -- really enough
10 property to make it work properly, but Blakeslee

11 would.

12 MR. McHALE: Part of the problem
13 with the 423/940 intersection is that the -- the
14 legs of the intersection, the ADT was so off
15 balance, whereas in 940/115, the numbers were much
16 closer together and that's ideally what PennDOT
17 likes to see for roundabouts.

18 MS. PICKARD: We have \$34,000
19 in our traffic fund for that.

20 MR. KERRICK: For a roundabout?

21 MR. HOLAHAN: For studies.

22 MS. PICKARD: Whatever, the left
23 turn lanes --

24 MR. KERRICK: It won't get very
25 far.

137

1 MR. McHALE: That'll get started
2 on the design part.

3 MR. KERRICK: A month.

4 MS. PICKARD: When we were
5 talking with Mark, it was about two and half
6 million dollars in intersection, they were talking.

7 MS. LAMBERTON: That's crazy.

8 Phyllis, anything else?

9 MS. HAASE: No. I will place on

10 the board's agenda for Monday for your
11 reconsideration the improvement and the study
12 that's being suggested by the overlay committee.

13 MS. PICKARD: The what? I can't
14 -- can you speak up --

15 MR. McHALE: And the
16 stormwater --

17 MS. PICKARD: -- Phyllis?

18 MR. McHALE: -- also I think you
19 were going to move forward with that as well,
20 right?

21 MS. HAASE: The stormwater.

22 MS. PICKARD: Did you hear her?

23 MR. KERRICK: No.

24 MS. PICKARD: We couldn't hear
25 you here.

138

1 MS. HAASE: The information
2 that I had sent out two weeks ago pertaining to the
3 proposal --

4 MS. PICKARD: For the stormwater
5 --

6 MS. HAASE: -- the stormwater.

7 MS. PICKARD: -- desktop.

8 MS. HAASE: Yes. I will put
9 that on the agenda for the board's consideration on

10 Monday.

11 MS. PICKARD: And we do have
12 some money for the village overlay that we did have
13 in the budget.

14 MS. HAASE: So it's a -- it's a
15 -- the grant will cover 75 percent of the cost. So
16 we're looking at \$3,750 for the desktop study for
17 the township.

18 MS. PICKARD: Just, can you spin
19 that chair around 'cause I can't see Anne? But
20 just as for food for thought, depending on what
21 Jonathan comes out, if we do have any money from
22 the sewer treatment plant, I think it should go
23 into some of these planning projects that we're
24 talking about.

25 MR. HOLAHAN: I have thought for

139

1 further discussion at another time, but I like your
2 idea.

3 MS. LAMBERTON: Anything else?

4 Anyone with public comment?

5 Yes, sir? If you could just
6 state your name for her.

7 MR. PETER TOTA: Peter Tota,
8 Lake Naomi.

9 The -- I had a discussion with
10 Ed the other day on the phone about the (inaudible)
11 near Judge's Pond, on moving about a guardrail.
12 The lake took it upon themselves, which I thank
13 them very much, to put a guardrail there on the
14 high water end. Ed said it didn't meet the
15 criteria. Can somebody explain to me what criteria
16 means in that area?

17 If it's unsafe on one side of
18 the road and the lake took it upon themselves --
19 you have boulders, you have a slope. I have
20 grandkids on a school bus, no seat belts, they come
21 down that hill. If it happens to be a flat tire
22 and it goes off to the right side, you have propane
23 trucks, you have oil trucks, you have people on
24 bicycles. I know you can go on forever about
25 what's safe and what isn't unsafe.

140

1 That's an unsafe area and the
2 word criteria, what proposes criteria? I don't
3 know what that means.

4 MS. LAMBERTON: Ed, if you can
5 bring us up to speed?

6 MR. ED TUTRONE: PennDOT has a
7 standard for a guide rail, what the area needs to
8 be in order to warrant putting in a guide rail.

9 And Bob is a little more up to speed with that
10 because there's some different scenarios with
11 steepness of slope with what's around there. And
12 in that area that's why we never put a guide rail
13 up there. That's come up numerous times in the
14 past, it didn't meet the criteria set forth by
15 PennDOT with the liquid fuels money that we get for
16 roads.

17 MS. LAMBERTON: And the reason
18 that the PennDOT specifications matter is because
19 that's what the township adheres to?

20 MR. ED TUTRONE: Sort of.

21 MR. McHALE: You don't want to
22 go outside that specification.

23 MS. LAMBERTON: Right. I'm just
24 trying to explain that to you. The reason that
25 those PennDOT specifications matter is, that's the

141

1 rules the township adheres to.

2 MR. PETER TOTA: I -- I already
3 have --

4 MS. LAMBERTON: Am I explaining
5 that correctly?

6 MR. KERRICK: Yes, legalities.

7 MS. LAMBERTON: Hang on one

8 second. Yes, no?

9 You want to speak to this?

10 MR. KERRICK: Well, John can or

11 Bob can speak to it. It's -- you got to follow the

12 criteria or you open yourself up for a lawsuit if

13 anything would happen. And the speed was the

14 number one thing there years ago, it's -- I'm sure

15 it didn't change. The speed wasn't enough,

16 correct?

17 MR. ED TUTRONE: The speed, the

18 steepness of the slope, there was a -- there were a

19 few factors that did not warrant a guide rail. I

20 know Lake Naomi had a concern about it a couple

21 years ago and that's why it's there.

22 MS. WENDI FREEMAN: The water's

23 deeper on that side of the -- the water's quite a

24 bit deeper on that side of Woodland Avenue. Also

25 the -- the distance between the road edge and the

142

1 actual drop-off into the water is about this much.

2 On the other side it slopes down, it goes past the

3 boulders into dry land and then into a very, very

4 shallow portion of the lake. We asked the township

5 supervisors for permission to put in that guardrail

6 on that side at our cost and we also indemnified

7 the township so that if it didn't perfectly meet

8 the specifications from PennDOT, you would be

9 indemnified from it.

10 MS. LAMBERTON: So the

11 guardrail's installed.

12 MR. KERRICK: Guide rail.

13 MS. WENDI FREEMAN: The guide

14 rail.

15 MS. LAMBERTON: Guide, guide.

16 That was another lawsuit, right? The guide rail is

17 installed. So your question is --

18 MR. PETER TOTA: I've contacted

19 PennDOT and PennDOT said they have no jurisdiction

20 over the township. And just so you all understand,

21 the meeting of -- that's -- I already called before

22 I --

23 MS. LAMBERTON: No, that's okay.

24 Thank you.

25 MR. McHALE: We're not saying

143

1 in this discussion that PennDOT has jurisdiction.

2 We're just saying that we follow their

3 specifications, their guidance and pretty much

4 their policies --

5 MS. LAMBERTON: Even when we

6 build a road --

7 MR. McHALE: -- as a rule so
8 that we don't expose ourselves to undue liability.
9 MR. PETER TOTA: Okay. Now,
10 traffic barrier. Traffic barriers also known in
11 North America as guide rails or guardrails, keep
12 vehicles within their road and prevent vehicles
13 from colliding with dangerous obstacles such as
14 boulders, buildings, walls and large storm drains.
15 You have boulders on the opposite side. A bus
16 comes down and they -- kids have no seat belts on,
17 hits a boulder, rolls over, you'll have lawsuits
18 out of this world.

19 MS. WENDI FREEMAN: You'll have
20 a lawsuit anyway.

21 MR. PETER TOTA: Well, I'm just
22 saying. I just want to go on record that -- and I
23 guess Ed said to me, well, it's never happened
24 before. Well, now, you just said, okay, now it can
25 happen.

144

1 MR. ED TUTRONE: I did follow up
2 with, and I hope it never does happen.

3 MR. PETER TOTA: Well -- say
4 why is one side of the road unsafe and yet the
5 opposite side of the road where it is a slope and
6 there are boulders and it rolls over?

7 MR. KERRICK: You just explained

8 it.

9 MR. MIKE CHRISTIAN: That was

10 something we chose to --

11 MR. PETER TOTA: I know you did,

12 that's fine. I understand.

13 MR. MIKE CHRISTIAN: That was

14 our choice.

15 MR. PETER TOTA: That's the

16 choice of the lake, but obviously somebody must

17 have said it's a big slope and it's water. It's

18 just as unsafe on the opposite side and it can't be

19 that much to put a guardrail up.

20 MS. WENDI FREEMAN: Well, it was

21 about \$15,000.

22 MR. PETER TOTA: Is that all?

23 MS. WENDI FREEMAN: Yeah. And

24 it's -- you know, I mean, my opinion differs from

25 yours.

145

1 MR. PETER TOTA: Of course it

2 does, but \$15,000 for a school bus flipping over

3 and God forbid kid becomes a vegetable --

4 MR. MIKE CHRISTIAN: You could

5 pick a lot of roads --

6 MR. PETER TOTA: I know you can.

7 MR. MIKE CHRISTIAN: Another

8 thing, this is guide rail, not a guardrail.

9 MR. PETER TOTA: Whatever you

10 want to call it, but PennDOT said they have no

11 jurisdiction whatever the township wants to do.

12 My second concern is the

13 trenches in Lake Naomi, is there a maintenance

14 program for that to clean them up? Because they're

15 not working. The grass from the edge of the

16 roadway to the edge of the trench is about two

17 inches higher than the trench. They don't work,

18 the water never gets there. It's filled with

19 leaves and brushes, you have raccoons living in the

20 pipe underneath the driveway. And you have you

21 possums living in there and all sorts of animals.

22 I've seen kids playing what they

23 call a war game where they take a tennis ball, it

24 looks like a hand grenade, they pull on it and they

25 throw it across the road to other kids that are

146

1 hiding in the trench and they get up and they run

2 out of this trench. Imagine somebody riding down

3 the road and not even expecting a kid coming up and

4 running across.

5 If the trenches worked, you

6 wouldn't have animals living in there. If a kid
7 lost his ball and went into the trench to get it
8 and gets bit, you know -- I know you can say you
9 can go on forever about the safety issues and so
10 on, but something has to be done with those
11 trenches, they don't work.

12 MS. LAMBERTON: Well, there's
13 like multiple issues going on there.

14 MR. KERRICK: This is the
15 Pocono experience.

16 MS. LAMBERTON: Well, it is --

17 (Inaudible discussion.)

18 MS. LAMBERTON: What kind of
19 place are we running back there? No.

20 I'm sorry. Go ahead, Ed.

21 MR. ED TUTRONE: (Inaudible).

22 Actually behind John over there is a road manager
23 plan for 2016 that addresses drainage because we
24 have 50 some miles of road to address. We're
25 actually doing progressive drainage when we put it

1 in and now we're going back to -- it's been for
2 several years, probably five to ten years. Now
3 we're going back to do the maintenance out in those
4 areas and we have a plan laid out. If you'd like

5 to come in, make an appointment to come in and I'll
6 sit down and go over everything we're doing --

7 MR. PETER TOTA: Well, as long
8 as it gets maintained, it's just --

9 MS. LAMBERTON: I think that
10 would help.

11 MR. KERRICK: The grass is a
12 good thing, it filters out the sediment, it's a
13 good thing.

14 MS. PICKARD: It is.

15 MR. PETER TOTA: It's a good
16 thing?

17 MR. KERRICK: Sure it is.

18 MS. LAMBERTON: I think that
19 would be beneficial to you to meet with Ed.

20 MR. PETER TOTA: I will.

21 MS. LAMBERTON: And then I think
22 maybe you'll have a better understanding on how the
23 maintenance program works and where they're at this
24 point and that should be helpful for you. And the
25 parents need to be called about those kids because

148

1 we can't know when kids are going, that's not
2 our --

3 MR. PETER TOTA: Oh, no, no, I
4 understand. It's just that --

5 MR. MOYER: They're not allowed
6 to go --

7 MS. LAMBERTON: And I can't tell
8 raccoons, we might give a complaint to Maureen
9 about the raccoon. I can't make any other
10 promises.

11 MR. PETER TOTA: There's a
12 raccoon in the trenches.

13 MS. LAMBERTON: And you live in
14 a very lovely community, so --

15 MR. MOYER: Beautiful.

16 MR. PETER TOTA: Just wanted to
17 have it on record because if something happens --

18 MS. LAMBERTON: Yeah. No, I
19 approach that, but I say get with Mr. Tutrone and I
20 think maybe that will help both of you understand.

21 MR. PETER TOTA: I have one more
22 question.

23 MS. LAMBERTON: One more
24 question, guys.

25 THE REPORTER: One more

1 question, one person at a time.

2 MR. PETER TOTA: On the Woodland
3 Avenue where you're coming down by Judge's Pond and

4 coming up to Miller --

5 MS. LAMBERTON: Okay.

6 MR. MOYER: Yep.

7 MR. PETER TOTA: -- it's not a

8 stop sign there, right? It's a -- you can run

9 right through it, no stop sign at that point.

10 MR. MOYER: Right.

11 MS. WENDI FREEMAN: Because of

12 the --

13 MR. PETER TOTA: Yet we have our

14 school bus stops there and last year the road was

15 icy. When he stopped, he started rolling

16 backwards. Now, does that school bus have to stop

17 there? He makes the right turn anyway going --

18 MS. LAMBERTON: I would have to

19 say that would be a school board issue.

20 MR. PETER TOTA: That's a

21 school board issue?

22 MS. LAMBERTON: Yeah.

23 MR. KERRICK: There's no stop

24 sign there, is there?

25 MS. LAMBERTON: Yeah. They take

150

1 their own routes.

2 MR. ED TUTRONE: That's why we

3 -- that's why we never put the stop sign there

4 mainly for that issue. So people don't get stopped

5 on that hill in ice.

6 MR. KERRICK: That's right, it's

7 a three-way stop.

8 MR. ED TUTRONE: That -- yeah,

9 that would definitely --

10 MR. PETER TOTA: I understand,

11 but then --

12 MS. LAMBERTON: One at a time,

13 guys.

14 I'm sorry, sir. Go ahead.

15 MR. PETER TOTA: The bus

16 doesn't have to really stop there because he makes

17 the -- he could stop on the right turn.

18 MS. LAMBERTON: I'm not passing

19 the buck, but the school district, they designate

20 their routes.

21 MR. PETER TOTA: Okay.

22 MS. LAMBERTON: That really has

23 nothing to do with this and I believe that Mr.

24 Tutrone explains it perfectly. The reason there's

25 not a stop sign is because of the incline, you

1 don't want to stop there, which makes sense.

2 MR. PETER TOTA: Then I would

3 have to go the school bus and explain to them.

4 MR. MOYER: Absolutely, yeah.

5 MS. LAMBERTON: Yeah. That
6 should be helpful to you.

7 MR. PETER TOTA: All right.

8 Thank you very much.

9 MS. LAMBERTON: You're very
10 welcome. Thank you for your comments.

11 Any other questions or comments
12 from the public?

13 MR. HOLAHAN: Motion to
14 adjourn.

15 MS. PICKARD: Second.

16 MS. LAMBERTON: Amen. Thank you
17 all.

18 Are we -- are we going into
19 executive?

20 MS. PICKARD: Yeah, I think we
21 had the one, yeah.

22 MS. LAMBERTON: Do I need to
23 take -- need a motion or --

24 MR. REISS: You've got to
25 adjourn to executive discussion -- session to

1 discuss personnel.

2 MS. LAMBERTON: Folks, we need

3 to adjourn, to make a statement that we're going
4 into executive session to discuss a personnel
5 issue.

6 MR. HOLAHAN: Yeah, and I don't
7 believe we voted on the motion to adjourn either.

8 MR. KERRICK: You don't have to.

9 MR. MOYER: Yeah, we don't have
10 to.

11 MR. HOLAHAN: Oh, no.

12 MR. MOYER: No.

13 (Meeting concluded at 7:48 p.m.)

14 ---

15

16

17

18

19

20

21

22

23

24

25

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

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

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, May 9, 2016, beginning at 9:30 a.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor

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 MS. LAMBERTON: Good morning and
2 thank you for the 5th Grade Class TEC to visit with
3 us at our regular board meeting for the board of
4 supervisors. I would like to call the meeting to
5 order with the pledge of allegiance. Please stand.

6 (Pledge of Allegiance.)

7 MS. LAMBERTON: That was the
8 best Pledge of Allegiance we've had in a long time.
9 Thank you.

10 Who has artwork at Clymer
11 Library? I saw an article in today's paper that
12 TEC art students -- anybody? We'll have to take a
13 look and see. It looks beautiful.

14 We'll start with announcements.
15 Phyllis.

16 MS. HAASE: Yes, ma'am. I have
17 a few announcements. There was an executive
18 session, actually two held by the board of
19 supervisors April 22nd for personnel and May 2nd

20 for personnel. Also May 20th will be concert in
21 the park, so everyone can bring their lawn chairs
22 and blankets and come join us for a night of
23 entertainment. And May 30th Memorial Day Parade
24 will begin at I believe 10 o'clock, I believe.

25 MS. PICKARD: When is the

3

1 concert in the park, Phyllis?

2 MS. HAASE: It is from 6 to 8.

3 MS. LAMBERTON: Very good. Is
4 that all?

5 MS. HAASE: Yes, ma'am.

6 MS. LAMBERTON: Very good.

7 Thank you. I'll entertain a motion to consider the
8 minutes of March 14th, 2016 regular business
9 meeting.

10 MS. HAASE: I do have a few
11 corrections. Page 11, line 16, and should be at;
12 page 28, line 11, spelling correction VanGilder;
13 page 93, line 6, Matt should be spelled Mac; page
14 96, line 5 again Mac; and page 98, line 2, should
15 be sign, s-i-g-n.

16 MS. LAMBERTON: Thank you.
17 Okay.
18 MR. MOYER: I'll make a motion
19 to approve the March 14, 2016 regular business
20 meeting minutes.
21 MS. PICKARD: I'll second.
22 MS. LAMBERTON: I have a motion
23 and a second. Any questions or comments from the
24 board?
25 Any questions or comments from

4

1 the public? Seeing none, call the vote, John?
2 MR. KERRICK: In favor.
3 MS. LAMBERTON: Heidi?
4 MS. PICKARD: Vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: Yes.
7 MS. LAMBERTON: Donny?
8 MR. MOYER: I vote in favor.
9 MS. LAMBERTON: I vote in favor.
10 Motion carries.
11 Now, just for the fifth grade
12 class, the minutes are kept of every meeting and

13 all that means is this lady over here is a
14 stenographer and she types down everything that's
15 said so that if anyone needs to go back and reflect
16 on something to help or assist with your memory or
17 whatever we might have voted on, it is posted every
18 month on our website for anybody for their viewing
19 or reading pleasure.

20 I'll entertain a motion for the
21 approval of the treasurer's report in the amount of
22 \$528,496.76.

23 MR. HOLAHAN: So moved.

24 MR. MOYER: Second.

25 MS. LAMBERTON: I have a motion

5

1 and a second. Any questions or comments from the
2 board?

3 MS. PICKARD: I just want to
4 comment that the \$73,000 that we returned to
5 Kalahari on the escrow was included in that.

6 MS. LAMBERTON: Yes. Any
7 questions or comments from the public? Seeing
8 none, call the vote, John?

9 MR. KERRICK: I will abstain.
10 MS. LAMBERTON: Heidi?
11 MS. PICKARD: I vote in favor.
12 MS. LAMBERTON: John?
13 MR. HOLAHAN: Aye.
14 MS. LAMBERTON: Donny.
15 MR. MOYER: Vote in favor.
16 MS. LAMBERTON: I'll abstain,
17 motion carries.
18 Solicitors report.
19 MR. REISS: I have two items
20 actually. There is a Resolution 2016-13, which
21 would approve the general reimbursement agreement
22 for the traffic signal at New Ventures Park. You
23 already actually approved the agreement, but this
24 is required as part of the package with PennDOT.
25 So I would need you to adopt Resolution 2016-13.

6

1 MS. PICKARD: I'll make a motion
2 that we approve Resolution 2016-13.
3 MR. MOYER: I'll second that
4 motion.
5 MS. LAMBERTON: I have a motion

6 and a second. Any questions or comments from the
7 board?

8 Any questions or comments from
9 the public? Seeing none, call the vote, John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: Vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Aye.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: I vote in favor.

17 MS. LAMBERTON: I'll vote in
18 favor. Motion carries.

19 MR. REISS: And the other item
20 is also related to that project and it is a right
21 of way clearance certification that PennDOT
22 requires. At 1 o'clock today they're going to be
23 auditing the township's records. Those three
24 easements -- actually only two easements were
25 required and we've obtained those. They are

1 recorded at the recorder of deeds office. So I

2 need a motion by the board to approve the PennDOT
3 right of way clearance certificate.

4 MR. KERRICK: So moved.

5 MS. LAMBERTON: I have a motion.

6 MR. MOYER: Second.

7 MS. LAMBERTON: I have a motion
8 and a second. Any questions or comments from the
9 board?

10 Questions or comments from the
11 public? Seeing none, call the vote, John?

12 MR. KERRICK: In favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: I vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: Yes.

17 MS. LAMBERTON: Donny?

18 MR. MOYER: I vote in favor.

19 MS. LAMBERTON: I'll vote in
20 favor. Motion carries.

21 MR. REISS: That's all I have.

22 Thank you.

23 MS. LAMBERTON: Thank you.

24 We'll move to item number 7 on our agenda,
25 manager's report.

1 MS. HAASE: Yes, ma'am. I don't
2 know how the board would like me to do this. Do
3 you want me to recap the reports that I've given or
4 anything that's changed?

5 MS. LAMBERTON: We've all
6 reviewed them. Does anyone have any questions on
7 the report that Phyllis had emailed to us
8 previously?

9 MR. KERRICK: I have a comment
10 on, not the last one, the one before that when we
11 were talking about the entrance to Emerald Lakes.

12 MS. HAASE: Yes.

13 MR. KERRICK: I thought we were
14 holding off on the township installing any signs.

15 MS. HAASE: We are.

16 MR. KERRICK: Well, in your
17 thing, corrected me if I'm wrong, but you said that
18 we'd be installing signs after they got their HOP.

19 MS. HAASE: Correct. I believe
20 that was -- the decision of the board was the board
21 would not be installing the signs because Mr.
22 McHale had brought forward his concern that the
23 entrance did not have an HOP. So the board decided

24 at that time not to move forward with that until
25 Emerald Lakes acquired an HOP.

9

1 MR. KERRICK: Well, I still --
2 if in fact we voted on it, I'm still -- go on
3 record that I'm opposed to it because then we would
4 accept liability. I didn't think we voted on it.

5 MS. LAMBERTON: I thought that
6 that's how it was discussed too, if I remember
7 correctly. Maybe I'm wrong with my interpretation,
8 but I did think that Bob mentioned we did not want
9 to put signs up because of liability. And I think,
10 John, you commented, Kerrick, you commented on that
11 as well.

12 MR. KERRICK: Yeah, I thought we
13 were going to hold off and see if PennDOT made them
14 put them up, number one, which that would be
15 PennDOT's liability. I didn't want the township to
16 have the liability.

17 MS. HAASE: Okay. I can review
18 the minutes. That's something that Bob and I had
19 discussed and maybe if we misunderstood the

20 direction of the board we certainly can go back to
21 the minutes and review that. But it's my
22 understanding then, even if they do obtain an HOP
23 then it's the wishes of the board not to put the
24 signs up?

25 MS. LAMBERTON: That's how I

10

1 remember it.

2 MS. PICKARD: I also think that
3 we would talk about it at such time as that was
4 required.

5 MS. LAMBERTON: So bring it back
6 up for discussion once the HOP is acquired. Fair
7 enough?

8 MR. KERRICK: Fair enough.

9 MS. LAMBERTON: Okay.

10 MS. HAASE: And then also, as
11 Mr. Reiss had stated, the resolution that the board
12 just approved, PennDOT is requiring a new signature
13 page for the reimbursement agreement, so I will ask
14 the chair at the end of the meeting to sign that.

15 MS. LAMBERTON: Thank you.
16 Anything else?

17 MS. HAASE: No, ma'am. That's
18 it.

19 MS. LAMBERTON: Okay, we'll move
20 on to committee reports. Pocono Mountain Regional
21 Police Commission. Donny? They didn't have
22 anything really.

23 MR. MOYER: We really didn't
24 have nothing. We have a meeting tomorrow night, so
25 next month we should have something.

11

1 MS. LAMBERTON: And I had put
2 all the documents from the meeting up on the email
3 I should have sent to each of the board members, if
4 you guys had any questions.

5 Open space, Heidi?

6 MS. PICKARD: Well, Ann was here
7 last week, so there is a walk in the park on the
8 24th. I'll have the information on our website and
9 we talked about doing some maintenance with
10 Tunkhannock Township on getting the millings for
11 the parking lot.

12 MS. LAMBERTON: This is down at

13 Austin T. Blakeslee area, the rec area. Have any
14 of you guys gone down there? No. It's a beautiful
15 spot with a pavilion by the stream. Very nice.
16 You should show them their location, they might
17 want to take their family there.

18 MS. HAASE: I also wanted to
19 follow up, Ms. Sincavage had mentioned the two
20 structures they were looking to raze. We had
21 reached out to MCCD about two months ago and they
22 were requiring us to meet with them at their
23 office. We've asked them again to reconsider that
24 to meet onsite because we feel that that would be
25 beneficial for them to actually see what we are

12

1 willing to do and what we would like to do. So Mr.
2 Craig Todd is reviewing that and hopefully we can
3 schedule a meeting next week.

4 MS. LAMBERTON: Very good.
5 Overlay committee. Phyllis, John, Heidi, whoever
6 would like to speak to that. John, why don't you
7 do it.

8 MR. HOLAHAN: I wasn't at the
9 last meeting.

10 MS. LAMBERTON: Oh, I'm sorry.

11 MS. HAASE: Our next meeting is
12 scheduled for June 14th at 5 p.m. Our traffic
13 engineer is going to be joining us to discuss how
14 we can move forward with assisting developers in
15 that area with our HOP or access to the state
16 routes.

17 MS. LAMBERTON: Would you like
18 to explain what the overlay is for?

19 MS. HAASE: Yes. In
20 Blakeslee -- everyone knows where Blakeslee is at,
21 right? We're looking at improving that section of
22 the township and we're trying to find ways that we
23 could help developers making permit process a
24 little easier to move into our area and hopefully
25 then provide jobs for our area, for our residents,

13

1 perhaps your parents or someone that you know. And
2 then hopefully be able to develop and we can grow
3 that area and have it flourish a little bit more
4 than it is. So we are looking at improving our
5 ordinances, improving items for the developers

6 whether it would be stormwater improvements or
7 access improvements to the state routes.

8 MR. HOLAHAN: If I can make a
9 comment as well. We're looking to make it like a
10 pretty cool place to kind of hang out too, so we're
11 looking at like some wider sidewalks, maybe some
12 cafÈs. You can go down there and get maybe a milk
13 shake or something like this to walk around. You
14 could -- there might be fountains down there and
15 things like this, maybe a little place to kind of
16 run around, keeping the traffic away, so it will be
17 a neat place to go. So if you ever go on vacation
18 and you go to these nice little villages and it's
19 got all those neat stuff downtown, that's what
20 we're looking to do down in Blakeslee as well.
21 That's going to take a long time. Your children
22 will be able to enjoy them, okay, but we need your
23 vote when you get to that age to help us out.
24 Okay?

25 MS. LAMBERTON: Is that all for

14

1 overlay committee?

2 MS. HAASE: Yes.

3 MS. LAMBERTON: Pocono Mountain
4 Regional EMS.

5 MS. PICKARD: I neglected to let
6 Denise know we had the meeting earlier today.

7 MR. HOLAHAN: So she will be
8 here at 7 tonight?

9 MS. PICKARD: She'll be here at
10 7 tonight. But -- so I didn't get the statistics,
11 but I'll get those and forward those to you. And I
12 think we mentioned before, Phyllis mentioned in her
13 report that Denise and Lenny Deaver came in and did
14 CPR training and AED training for us. We had six
15 or seven of our staff and some of Jack Rader's, so
16 we're ready if any of you drop.

17 MS. LAMBERTON: Thanks. I feel
18 so much better now, thank you.

19 Is anyone here from Thornhurst
20 Ambulance? Seeing none, we'll move on to old
21 business. Proposed zoning ordinance. I believe it
22 looks like we're currently in the stages of working
23 on that.

24 MS. HAASE: We are. The
25 direction that the zoning officer was given at the

1 last meeting was to look at an interstate overlay
2 for billboards and we'll be discussing that at the
3 work session in June.

4 MS. LAMBERTON: Wonderful. The
5 LERTA, we also need the areas to be detected on
6 what we want to --

7 MS. HAASE: Did the board wish
8 to move forward with that? The direction we
9 received last time was to wait for the overlay.

10 MS. LAMBERTON: Yeah. I
11 believe -- is that the consensus of the board? We
12 need that to be on the back burner until we decide
13 on what's going to be where.

14 MS. HAASE: Would you want me to
15 keep that on the agenda?

16 MS. LAMBERTON: Yes, please.
17 Thank you.

18 Moving on to new business.
19 Kalahari Resorts. Request to waive pool permit
20 fee. I will entertain a motion.

21 MR. MOYER: I'll make a motion
22 we waive the pool fee.

23 MS. PICKARD: I'll second the

24 motion.

25 MS. LAMBERTON: I have a motion

16

1 and a second. Any questions or comments from the
2 board?

3 MR. HOLAHAN: Yes. Why are we
4 considering waiving the fee? My understanding is
5 that when the application was first made it was
6 inadvertently left out of the application, so the
7 square footage wasn't calculated into the fee
8 structure, is that correct?

9 MS. HAASE: Yes and no. When
10 Kalahari submitted it, they were submitting for the
11 buildings, and their pool company was going to
12 submit for the pools separately. And that step,
13 Newman Pools, that kind of was skipped over. The
14 township didn't detect it and Kalahari assumed --
15 it's my understanding assumed that it was done by
16 Newman Brothers, which that did not occur.

17 MR. HOLAHAN: Okay. So it just
18 wasn't in -- but had it been in initially, would
19 the fee that we're -- that are paid now, been
20 included in the overall fee.

21 MS. HAASE: Yes, sir.

22 MR. HOLAHAN: I speak against
23 the motion.

24 MR. KERRICK: If you look at
25 some of that documentation, it looks like something

17

1 was changed. Is that true or did they make a
2 mistake on their application? If you look where
3 they have it typed, it's all -- I don't have it in
4 front of me, I can get it, the square footage, but
5 then it's reduced. You can see that somebody
6 changed it on the application.

7 MS. HAASE: Yes. When Kalahari
8 Resorts submitted the square footage it was
9 different. The engineering or I'm sorry,
10 architect, it's an architect firm, ADCI, since it
11 was such a large building, we decided it would be
12 best to have them kind of break down the square
13 footage. So there's a difference initially of what
14 Kalahari submitted versus ADCI. At that time we
15 had a discussion and what they were including was
16 patios, I think some balconies that we would not

17 have permitted, so that's where we blacked out. I
18 think it was 9,000 and change in square footage.

19 MR. KERRICK: There's a posted
20 note here.

21 MS. HAASE: We backed it out --

22 MR. KERRICK: 9478.

23 MS. HAASE: -- so the figure
24 would work with what Kalahari was submitting.

25 MR. KERRICK: Okay. Thank you.

18

1 MR. HOLAHAN: Anyway, I speak
2 against the motion to waive it. They need to pay
3 it like anybody else would. I understand the
4 oversight, but should pay the fee. That's what's
5 in our fee structure. That's in our agreements. I
6 think they should hold to that.

7 MS. LAMBERTON: I have a motion
8 and a second on the floor. Any other questions or
9 comments from the board?

10 Any questions or comments from
11 the public? Seeing none, call the vote, John?

12 MR. KERRICK: In favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: Vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: Ney.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I vote in favor.
19 MS. LAMBERTON: I'll abstain.
20 Motion carries.
21 MS. LAMBERTON: Clymer Library
22 presentation. Laura Laspee, our director of Clymer
23 Library is here.
24 MR. HOLAHAN: There's no talking
25 in the library.

19

1 MS. LASPEE: Good morning
2 everyone. What we thought we would do today is
3 just give a 2015 overview of how the Library is
4 doing. So we made a nice Power point presentation
5 and if anyone has any questions, just stop me along
6 the way and you can see how the library is doing.
7 Do you all know where the library is? You've all
8 visited, right, beginning of the year, right, fifth
9 grade. Okay.

10 We had 12,262 patrons. That
11 means those are library card holders. So hopefully
12 all of you are library card holders. Last year we
13 had 33,059 visits, that's how many people came into
14 the library last year. We had 50,854 items taken
15 out on cards, so that's a lot. We had 4,009
16 computer users and wifi users. Our whole entire
17 building, you can come in and use your wireless
18 device. So we track that now. And references --
19 that's reference questions asked, so that's 8680
20 questions that were asked. So anyone that comes in
21 and asks where a book is or if we have something or
22 where a bathroom is, it's a reference question, so
23 we track all of those questions. We track them
24 everyday. Next.

25 We've had 186 children's

20

1 programs and that includes the summer reading
2 programs. We had 83 adult programs and that's
3 author visits, game nights, any kind of talks that
4 people use the library for. We had 19 programs and
5 we are trying to really make that a higher number.
6 So what we thought was if everyone can -- when we

7 can get the kids when they're young, and we can
8 keep them engaged and entertained in the library,
9 they'll continue to use it as teens and then adults
10 and be lifelong learners at the library. So we're
11 really working on that. But overall we have 5052
12 people come to our programs. That's really
13 awesome. We're really happy about that.

14 Okay. Now we come to the
15 revenue and expense part. As you see, our highest
16 revenue, the money that the library takes in,
17 that's what revenue is, comes from taxes. And we
18 get taxes from Tobyhanna Township and Tunkhannock
19 Township. So we really rely on taxes. We also get
20 a little bit of money from state aid. That's a
21 formula that the State of Pennsylvania figures out,
22 and it's based on a number of things, patrons,
23 circulation, items, tax payers. It's a formula I
24 haven't been able to figure out yet, but we leave
25 it to them to figure it out.

21

1 And then contributions, that's
2 any kind of -- any kind of money that people will

3 give us, you know, if they want to make a donation.
4 And then our expenses, as you can see, it's always
5 going to be staffing. Our staffing is 51 percent
6 of our budget, so we like to pay our people well
7 and we have qualified people and we want them to
8 stay, so we pay them well.

9 Operation and building cost is
10 another. It takes a lot of money to run the
11 library, to keep our lights on, to keep the heat
12 on, to keep it safe and clean, and then buildings
13 and grounds, and that is our lawn care, painting,
14 maintenance of the building.

15 And our volunteers, we have over
16 forty volunteers at any one time at the library.
17 We don't pay them in money, but we pay them in
18 kindness and they pay us in kindness.

19 MS. LAMBERTON: And books.

20 MS. LASPEE: And books. We
21 saved over \$50,000 last year with our volunteers,
22 and that would be money that we would have to pay
23 people to work there if we didn't have our
24 volunteers. Our volunteers help with our
25 circulation desk. They help with shelving our

1 books and they help our -- they help any of our
2 patrons with any kind of questions that they have,
3 so we can't thank our volunteers enough for the
4 service that they provide to the library.

5 MS. PICKARD: How old do you
6 have to be to be a volunteer?

7 MS. LASPEE: Student volunteers
8 are about 14. They're not allowed behind the desk
9 because there's money exchanged and things like
10 that, so our student volunteers will put books
11 away, make our shelves look nice, clean the books.
12 Anyone that's over 18 can work behind the desk.

13 And we have strived to keep our
14 facilities -- we keep improving our facilities all
15 within our budget. So we've put new parking lights
16 in so that the parking lot is well lit and safe.
17 We have new pavers that when you walk into the
18 library you keep seeing the little brick pavers
19 that we have with people's names on it, that makes
20 our entrance look very, very nice. We've painted
21 in the last year. We've replaced part of our HVAC.
22 We have a new storage container shed that's behind
23 our dumpsters for our items and, now we have -- our
24 whole entire library is wifi connected. So we only

25 had parts of it before, but now every part of the

23

1 library is. And we have the new children's
2 learning center which is an all in one computer
3 that kids can use and there's games that they learn
4 on that computer, so that's nice. But we can
5 always do more. We always have to do more.

6 We are looking to replace both
7 the front and the back roof of the library. It's
8 showing its age. We'd like to have new computers
9 and software for our patrons and our staff to keep
10 up with the new technology. We'd like to have more
11 safe and efficient lighting in the library, so that
12 it's energy savings. We have to replace our
13 remaining HVA system. We'd like to replace our
14 ceiling fans and we'd like to put automated doors
15 for the people with disabilities and the elderly so
16 that, you know, people can just hit the button and
17 come in. We are looking for mobile shelving to
18 have our space be condensed and it'll be more
19 efficient for other things in the collection to
20 come in. And we'd also like to have a stationary

21 generator to be able to be opened for when the
22 electric goes out. We could be a library that
23 people could come to when their electric is out and
24 we would be able to run and have water and heat and
25 electric.

24

1 And last year we worked with a
2 group of Marywood students in the architecture
3 school of design, interior design department. They
4 came up with 21 different plans to either redesign
5 existing spaces or to create new spaces. And we
6 worked together with them to find four different
7 areas of the library that we wanted to work on.
8 One was the children's area, seniors, a team space
9 and a community room.

10 So any time you want to come
11 over to the library I have huge drawings that the
12 students provided with us and we are looking to see
13 what everyone's ideas are to see if they have any
14 ideas or if they like any of the designs that the
15 students have that we could create new spaces or
16 redesign the space that we have. We had a
17 presentation last year of it, so I have all the

18 drawings.

19 Now, of course, we can always
20 use more funding, so we are looking for grants,
21 donations and or loans to help with our design or
22 refreshing project that we have at the library.
23 So we're doing great things with the library, but
24 we can always do more. And we are hoping that we
25 have ideas and people that are really excited about

25

1 coming to the library. It's your library. We want
2 to make it the best library for everyone.

3 MS. LAMBERTON: Thank you very
4 much.

5 MS. LASPEE: Any questions?

6 MR. KERRICK: When they
7 register, the difference between Tobyhanna
8 residence and Tunkhannock numbers, I know you serve
9 both, I'm just curious.

10 MS. LASPEE: I do. I have those
11 numbers back at the library.

12 MR. KERRICK: Okay. I just was
13 curious, going off the top of your head.

14 MS. LASPEE: I'm thinking it's
15 around 6400 for Tunkhannock, and then Tobyhanna
16 about 7000, something like that.
17 MR. KERRICK: About 60/40,
18 50/50.
19 MS. LAMBERTON: That's
20 wonderful, yeah. Nice to hear.
21 MR. KERRICK: That's great.
22 MR. HOLAHAN: Ms. Laspee, which
23 books need the most cleaning? Like which ones are
24 the dustiest?
25 MR. CACCHIONE: Oh, I can answer

26

1 that, because I've tried to clean the children's
2 books.
3 MR. HOLAHAN: Children's books.
4 I would think that they would get used more often,
5 is that what it is?
6 MS. CACCHIONE: Sticky fingers.
7 MR. HOLAHAN: Oh. I'm thinking
8 the ones that had the most amount of dust. Like
9 some literatures, like Oliver Twist or something
10 like that. No.

11 MS. LASPEE: The dirtiest really
12 are children's books. They are the easiest to
13 clean because they have all plastic ones.

14 MR. HOLAHAN: Young children's,
15 not folks like these.

16 MS. LASPEE: Young children.

17 MS. LAMBERTON: Thank you for
18 all you do. That's wonderful. And your programs,
19 you've proven to really take them to the best of
20 your ability. Thank you very much for that.

21 MS. LASPEE: Thank you. Thanks
22 for allowing us to come in and share this.

23 MS. LAMBERTON: It's a huge
24 community resource, so we appreciate it. Thank you
25 very much.

27

1 MS. PICKARD: As I said earlier,
2 we're just so excited to see the artwork from the
3 TEC students that are there. That's just a
4 fantastic idea.

5 MS. LASPEE: I worked really
6 hard with partnering with the school to have the

7 art come into the library. And also to get every
8 single grade over to the library for the visit.
9 When I came in it was kindergarten through 5th
10 grade that came into the library. We now have
11 every grade come in and visit the library. So I'm
12 really proud of that.

13 MS. LAMBERTON: That's
14 fantastic.

15 MS. PICKARD: Thank you.

16 MS. LASPEE: You're welcome.

17 MS. LAMBERTON: Thank you for
18 your time. We appreciate it.

19 Moving on to our next item,
20 consider awarding the 2016 bituminous seal coat
21 bid. I'll entertain a motion.

22 MR. HOLAHAN: So moved.

23 MS. LAMBERTON: Should we
24 clarify the motion? I'll entertain a motion,
25 John --

28

1 MR. HOLAHAN: Yep, go ahead.

2 MS. LAMBERTON: Pocono Spray

3 Patching appears to be the low bidder in the amount

4 of \$24,288.15. Will you amend your motion?

5 MR. HOLAHAN: I'll amend the
6 motion to accept that bid.

7 MS. LAMBERTON: Very good. I
8 have a motion. Do I have a second?

9 MS. PICKARD: I'll second that
10 as long as all the requisite information was
11 provided.

12 MS. HAASE: It was.

13 MS. LAMBERTON: Very good. I
14 have a motion, I have a second. Any questions?

15 MR. KERRICK: I have a question
16 for Mr. Tutrone. Did you do any reference with
17 Pocono Spray Patch.

18 MR. TUTRONE: Not in any kind
19 official -- I did talk to a few communities that
20 have used them and they have been satisfied with
21 them. Actually PennDOT is using them to do some of
22 their pothole patches.

23 MR. KERRICK: I knew they did
24 the potholes, I didn't know about as far as the
25 regular tar and chip.

1 MR. TUTRONE: They have done
2 PennDOT work before and I've talked to John Murphy
3 the owner, and, as a matter of fact, I talked to
4 him last Friday. He said he has to get his
5 equipment calibrated for the state.

6 MR. MOYER: Was that the only
7 bid?

8 MS. LAMBERTON: No, there is
9 four. You have to scroll all the way down. They
10 are the lowest. Very good.

11 Any other questions or comments
12 from the board? Any questions or comments from the
13 public? Seeing none, call the vote, John?

14 MR. KERRICK: In favor.

15 MS. LAMBERTON: Heidi?

16 MS. PICKARD: I vote in favor.

17 MS. LAMBERTON: John?

18 MR. HOLAHAN: Aye.

19 MS. LAMBERTON: Donny?

20 MR. MOYER: I vote in favor.

21 MS. LAMBERTON: I'll vote in
22 favor. Motion carries.

23 Moving on, Locust Lake Village
24 Property Owners Association fireworks display on

25 September 4th, 2016. Is that something that needs

30

1 board approval?

2 MS. HAASE: Yes.

3 MS. LAMBERTON: I'll entertain a
4 motion to approve fireworks display for Locust Lake
5 Village Property Owners Association on September
6 4th, 2016.

7 MS. PICKARD: So moved.

8 MS. LAMBERTON: I have a motion.
9 Do I of have a second?

10 MR. KERRICK: Second.

11 MS. LAMBERTON: I have a motion
12 and a second. Questions or comments from the
13 board? Questions or comments from the public?
14 Seeing none, call the vote, John?

15 MR. KERRICK: In favor.

16 MS. LAMBERTON: Heidi?

17 MS. PICKARD: I vote in favor.

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: Aye.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I'll vote in
23 favor. Motion carries.
24 Moving on to our item 10E,
25 complaint policy. Everyone have a chance to review

31

1 it?

2 MR. HOLAHAN: I did. I was good
3 with that. I'll make a motion that we adopt that
4 complaint policy.

5 MS. LAMBERTON: I have a motion.

6 MS. PICKARD: I'll second.

7 MS. LAMBERTON: And a second.

8 Any questions or comments from the board?

9 Questions or comments from the public? Seeing
10 none, call the vote, John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Aye.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: I vote in favor.

19 Motion carries.

20 I'll entertain a motion to
21 consider accepting proposal to conduct an audit for
22 the LSA Grant for the Old Route 940 bridge
23 rehabilitation project.

24 MR. HOLAHAN: So moved.

25 MS. LAMBERTON: I have a motion.

32

1 Do I have a second?

2 MR. MOYER: Second.

3 MS. LAMBERTON: Any questions or
4 comments from board? Phyllis had something to
5 bring to our attention.

6 MS. HAASE: I do. There is
7 actually two proposals. If we can specify which
8 one.

9 MR. HOLAHAN: Between the Riley
10 and --

11 MS. LAMBERTON: Yes. Which one
12 are we accepting?

13 MR. HOLAHAN: My recommendation
14 is Riley.

15 MS. LAMBERTON: I have a motion.
16 Is that your second?
17 MR. MOYER: I amend my second.
18 MS. LAMBERTON: So we clarified
19 that it's Riley. I'm sorry about that. Any
20 questions or comments from the board? Any
21 questions or comments from the public? Seeing
22 none, call the vote, John?
23 MR. KERRICK: In favor.
24 MS. LAMBERTON: Heidi?
25 MS. PICKARD: Vote in favor.

33

1 MS. LAMBERTON: John?
2 MR. HOLAHAN: Aye.
3 MS. LAMBERTON: Donny?
4 MR. MOYER: I vote in favor.
5 MS. LAMBERTON: I'll vote in
6 favor. Motion carries.
7 Entertain a motion to request a
8 waiver of land development for Robert Tutrone CR
9 Landscaping, 280 square foot pergola.
10 MR. HOLAHAN: I make a motion

11 that we waive the -- let him build the plan for the
12 pergola request.

13 MS. LAMBERTON: I have a motion.
14 Do I have a second?

15 MS. PICKARD: I second the
16 motion.

17 MS. LAMBERTON: I have a motion
18 and a second. Questions or comments from the
19 board? Any questions or comments from the public?
20 Seeing none, call the vote, John?

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: I vote in favor.

24 MS. LAMBERTON: John?

25 MR. HOLAHAN: Aye.

34

1 MS. LAMBERTON: Donny?

2 MR. MOYER: I vote in favor.

3 MS. LAMBERTON: I vote in favor.

4 Motion carries.

5 Moving on to Kurt Faraczek from
6 Arrowhead Lakes is requesting a waiver for \$150.00
7 administrative fee. I'll entertain a motion.

8 MR. HOLAHAN: I have to announce
9 I have a relationship with the Faraczeks and will
10 be abstaining from the discussion or vote.

11 MS. PICKARD: I'll make a motion
12 that we approve the \$150.00 administrative fee
13 waiver.

14 MS. LAMBERTON: I have motion.
15 Do I have a second?

16 MR. KERRICK: I'll second that.

17 MS. LAMBERTON: I have a motion
18 and second. Any questions or comments from the
19 board? Questions or comments from the public?
20 Seeing none, call the vote, John.

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.

35

1 MS. LAMBERTON: I vote in favor.

2 Motion carries.

3 I'll move on to board of

4 supervisor report or comment, but before we do, if
5 I could, kids, you're in for a real treat today.
6 We have State Representative Jack Rader here.

7 MR. RADER: Dressed up.

8 MS. LAMBERTON: Dressed up as
9 always. He just wanted to come up and say a few
10 words to the 5th grade class at Tobyhanna
11 Elementary today. If you would, please, Jack.

12 MS. RADER: Well, thank you so
13 much for inviting me up there.

14 It's really great to see
15 children who are interested in government here
16 because it's really the driving force of our
17 country. People have to get involved in voting.
18 And in order to vote you have to know what you're
19 voting for. So many people go to the poles who
20 don't know what they are voting for. So it's good
21 to see an interest to find out what's happening
22 locally because the local government is, actually,
23 I think the most important government in
24 Pennsylvania because of our commonwealth. So a lot
25 of things happen locally. It's nature control,

1 land use plans, a lot of things are happening right
2 here. So it's important that you guys are involved
3 and know what's going on. So don't just come once
4 and watch them mess up because they will, but come
5 more than once and it's really an interesting thing
6 once you're here for a while. And they go very
7 fast, but they know what they're doing and they
8 talk about the issues and they understand those.
9 So if you have questions I'm sure they'll be happy
10 to help you with them.

11 So I'm glad to see all of you
12 here today. My office is right over there. If you
13 guys have any questions, your parents do, come over
14 and talk to me. Thank you.

15 MS. LAMBERTON: Thank you, Jack.

16 MS. PICKARD: Jack, they might
17 be interested, I saw that on your weekly flyer
18 there that were two bills so that the school funds
19 don't get -- if we don't adopt a budget then
20 they'll still be able to have school.

21 MR. RADER: Yes. We tried to do
22 that last year. You guys probably won't understand
23 because you just go to school and you're happy to
24 be there, but last year the school funding was held
25 up. We tried to pass the budget three or four

1 times and the governor didn't go along with it so
2 he held up some of the spending. So this year
3 we're trying to -- we're doing it for human
4 services also. We are trying to pass something
5 that if we do have a budget impasse, that the
6 schools will still be funded, human services will
7 still be funded, and that's really important
8 because all of us want the schools to get their
9 money. All of us want human services to be funded,
10 and it didn't happen last time. But it should
11 never happen that way again, I don't think. So
12 hopefully -- I know we'll pass it. Hopefully the
13 governor will sign it.

14 MS. LAMBERTON: Before you
15 leave, Jack, do any of the students have any
16 questions that they would like to have taken back
17 to Harrisburg? That's where Jack works out of and
18 he has the ear of our governor. So if anybody
19 would like to have anything said to Governor Wolfe
20 now is the time.

21 MR. RADER: I see a smile. Do

22 you have any questions? Do you have any answers?

23 I need more answers than questions.

24 MS. LAMBERTON: But that's

25 Jack's job, as state representative, he takes our

38

1 voice back to Harrisburg to speak on behalf of the

2 tax payers from the areas that he represents.

3 MR. RADER: And it's important

4 that people talk to me so I know how they feel

5 about different issues and I'm here to represent

6 them and represent you. So when you talk to me,

7 tell me what your issues are and that's what I

8 should be working on in Harrisburg.

9 MS. LAMBERTON: So it's a treat

10 to have you. Thank you very much for stopping in.

11 MR. MOYER: Thank you, Jack.

12 MS. LAMBERTON: Board of

13 supervisors reports or comments? Anything from the

14 board.

15 MR. HOLAHAN: I do.

16 MS. LAMBERTON: Mr. Holahan.

17 MR. HOLAHAN: I went on a field

18 trip to Hershey. Anybody been out to Hershey?

19 Right? Guess what? I didn't get to do any fun
20 stuff. It was all business. But we went out there
21 because we go to a convention that's called PSATS,
22 it's an acronym, it's an abbreviation for the
23 Pennsylvania State Association of Township
24 Supervisors. So, anyway, supervisors from all over
25 the state go out there and we go to class all day.

39

1 First of all, I take that back, we go to a meeting
2 first, sometimes they are little boring. No,
3 they're not, but we conduct some business, and some
4 of the things that we've done is we've come up with
5 some ideas from other townships around the state,
6 and we kind of pass these things called
7 resolutions. These resolutions are the ideas that
8 we as a group think that we should be doing in our
9 communities. When we pass these resolutions we
10 take them back to Representative Rader and other
11 representatives from the other areas in the state
12 so that Representative Rader goes to the governor
13 and to the other representatives and they'll vote
14 on some of these things. So we're out there doing

15 that.

16 So now here's some real exciting
17 stuff that I did. I learned if I bring my I-phone
18 for business, and that's what I'm doing, is I'm
19 actually reading the minutes and the agenda being
20 on my I-phone, I'm not reading emails or playing
21 games here, and I've got my I-pad back there, but
22 it's plugged in. So I learned what are the rules
23 when you use your personal device for government
24 business? It might not sound like much to you all,
25 but it's scary to us. So I'm going to stop doing

40

1 that. And then land use, how about when residents
2 and ordinances clash, how about when we pass rules
3 up here and the residents don't like the ones that
4 we pass? They say we don't want to do that. We
5 want to put signs in front of our businesses, we
6 don't want you to tell us what to do. How do we
7 resolve some of that kind of stuff. Let's see.
8 Stormwater regulations, that's boring, you don't
9 want to know about that.

10 Oh, we listened to the auditor
11 general, we listened to the governor, Governor

12 Wolfe was there and he spoke well. He did a nice
13 job. Congressman Lou Barletta spoke with us. He's
14 very good in speaking, right? He was very good.
15 And then, oh, Terry Madonna. Terry Madonna is a
16 polster. He's one of those guys -- ever watch TV,
17 your folks ever make you watch TV on like Sunday
18 morning, Meet the Press and that kind of stuff,
19 it's like, oh, man, I don't want to listen anymore?
20 But he's one of the guys that says this is what the
21 politicians are doing, this is what they're really
22 thinking. He was very good. If you ever get a
23 chance to listen to Terry Madonna, you want to do
24 that. And then, let's see, oh we had a report from
25 the office of open records. Do you know that your

41

1 folks can come in here and request information
2 about what we're doing at any time? It's the right
3 to know. None of this is secret. So the things
4 that we talked about today, we were actually given
5 the agenda and we were given a little bit of
6 homework, so when we got here we know what we're
7 going to speak about and that way we don't have to

8 have -- we're not going to have a whole lot of
9 discussion because we've already kind of read this
10 stuff.

11 And the last thing was a
12 motivational presentation by some guy named Kim
13 Kuhn (phonetic). I wasn't motivated. You ever
14 listen to somebody come in and try to cheer you up?
15 Everybody stand up and get all excited and stuff
16 like that? I wasn't. But that was me. There was
17 other people that were excited. That concludes my
18 report of my field trip to PSATS.

19 MS. LAMBERTON: Thank you.
20 Anyone else from the board?

21 MR. HOLAHAN: And while I'm on a
22 roll, Chair Lambertson, could we have Mr. Tutrone
23 stand up and tell us what he does with the
24 township, with the DPW?

25 MS. LAMBERTON: Absolutely. Ed,

42

1 why don't you come up front here and tell the 5th
2 grade class of Tobyhanna Elementary Center what it
3 is that you do.

4 MR. HOLAHAN: This is the cool

5 stuff that happens at the township.

6 MR. ED TUTRONE: Good morning.

7 My name is Ed Tutrone. I'm the superintendent of
8 the department of public works. The department of
9 public works with the township encompasses all of
10 the road maintenance for the township roads, not
11 the state roads. We take care of all the buildings
12 and grounds for all the buildings that the township
13 owns, your parks that you play, the people who play
14 little league, we take care of all the ballfields.
15 We have the park over here in Blanche Price, we take
16 care of that. There's numerous playground
17 equipment there. Also we are at Keiper field, if
18 anybody is familiar with that. There's a ballfield
19 there with playground equipment. And we help with
20 the Austin T. Blakeslee Park that they partnership
21 between us and Tunkhannock Township. So we take
22 care of all those grounds. Our biggest role,
23 though, is with the roads. We plow the roads so
24 you guys can get to school on those snowy winter
25 days and we take care of fixing all the potholes

1 and repaving everything.

2 We have various pieces of
3 equipment and machinery and after the meeting, if
4 you guys have some time we could give you a brief
5 tour of the building and of the equipment that we
6 have. The guys are out on the road today, so some
7 of the stuff is not here. You probably actually
8 saw the signs when you came up to the meeting
9 today, they're working right on the street just
10 below us here. So that's pretty much in a nutshell
11 what we do. Is there any questions about that?

12 MR. HOLAHAN: Mr. Tutrone, could
13 you give them your cell phone number in case they
14 have any complaints about the roads or something
15 like that or if their folks have any complaints?

16 MS. PICKARD: You have to fill
17 out a form. We just voted on that.

18 MR. HOLAHAN: Oh, never mind.
19 You gotta fill out the form.

20 MR. ED TUTRONE: If there is any
21 problems or complaints or you see anything that
22 might be unsafe out there, you call the township
23 and we will get out and take care of it
24 immediately. Anything else? Anybody? Thank you.

25 MS. LAMBERTON: Thank you very

1 much. Any questions from the audience?

2 MR. HOLAHAN: I have a question

3 for them. So like what are you studying right now?

4 What's the main subject? Sir, in front there.

5 What are you studying right now?

6 A STUDENT: Like the

7 constitution.

8 MR. HOLAHAN: The constitution.

9 Very cool. So this is appropriate to be here at

10 this time when you're studying the constitution.

11 MR. MOYER: Yep.

12 MR. HOLAHAN: Anybody else?

13 Exciting.

14 A STUDENT: I have a question

15 about the new business. It says down here the

16 request of the \$150.00 administration fee for

17 Arrowhead Lakes. What's that about?

18 MS. LAMBERTON: That was an

19 actual fee for someone applying for a septic permit

20 and it was issued to them. There was some question

21 within the township actually. So it moved it into

22 a developer's fee, if I'm not mistaken and the

23 person -- a professional service fee, and the
24 person owned a lot in Arrowhead Lakes, so they're
25 not really a developer, they're just building a

45

1 house, so we wanted to waive that fee because
2 they're not technically what is considered a
3 developer that would build a bunch of houses.

4 A STUDENT: Thank you.

5 MS. LAMBERTON: You're welcome.

6 MS. DEWITSKY: Could you explain
7 to them what the fees are all about, why you charge
8 a fee?

9 MS. LAMBERTON: Actually, we
10 have our zoning officer here, Maureen Minnick, not
11 to throw you under the bus, but she would best
12 describe what she does and this would answer a lot
13 of the fee structure for your students.

14 MR. HOLAHAN: And she's very
15 loquacious, so you're going to have to limit her on
16 her statement time.

17 MS. MINNICK: Does anybody have
18 any pools in their backyard or sheds in their

19 backyard?

20 MR. HOLAHAN: Get their names.

21 MS. MINNICK: So in order for
22 your parents to put those sheds or pools in your
23 backyard they have to come into the township and
24 apply for a zoning permit. Those zoning permits
25 would allow your folks to put that in. My duty as

46

1 the zoning officer would go and I would make sure
2 that it's placed right, that it's on the amount of
3 stone, that it meets the setbacks within the
4 township. The fees are to cover those expenses, to
5 cover everything from my time and my secretaries
6 time to do those permits. Okay.

7 MS. HAASE: It also includes the
8 time of our finance department for taking the
9 monies, depositing the monies, filling out the
10 forms, so we calculate all the time that the entire
11 staff in the township would put into reviewing or
12 processing a certain application, and off of that
13 then that's how we come up with fees. And then the
14 fees, once a year, are presented in front of our
15 board of supervisors and they approve the fees.

16 Fortunately we have not needed to adjust them or
17 change them in many years, but those fees are all
18 approved by our board of supervisors. So in order
19 for them to be waived, they are the only ones
20 pertaining to those type of permits that have the
21 authority to do that.

22 MR. HOLAHAN: I'd like to make a
23 comment in that Ms. Minnick's job is not just to --
24 it's not about just compliance, making sure that
25 everybody is following the rules, but it's for the

47

1 safety of the residence as well. So sometimes
2 these structures that are built back there, you
3 have to make sure that they're built properly so
4 nobody gets injured by that. And that's her
5 overall job. So we kind of came up with some
6 ordinances to regulate those things to keep people
7 safe. And then it's Ms. Minnick's job to enforce
8 it. She does a great job.

9 MS. MINNICK: Thank you.

10 MS. LAMBERTON: Anyone else?
11 Seeing none I'll entertain a motion to adjourn.

12 MR. MOYER: So move.
13 MS. PICKARD: Second.
14 MS. LAMBERTON: All in favor?
15 (All say aye.)
16 (Meeting concluded at 10:19
17 a.m.)
18 ---
19
20
21
22
23
24
25

48

1
2
3
4
5
6
7 I hereby certify that the
8 proceedings and evidence are contained fully and

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, May 9, 2016, beginning at 9:30 a.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor

PHYLLIS HAASE, Township Manager

ALSO PRESENT: Maureen Minnick, Zoning Officer

PANKO REPORTING
537 Sarah Street, Second Floor

1 MS. LAMBERTON: Good morning and
2 thank you for the 5th Grade Class TEC to visit with
3 us at our regular board meeting for the board of
4 supervisors. I would like to call the meeting to
5 order with the pledge of allegiance. Please stand.

6 (Pledge of Allegiance.)

7 MS. LAMBERTON: That was the
8 best Pledge of Allegiance we've had in a long time.
9 Thank you.

10 Who has artwork at Clymer
11 Library? I saw an article in today's paper that
12 TEC art students -- anybody? We'll have to take a
13 look and see. It looks beautiful.

14 We'll start with announcements.
15 Phyllis.

16 MS. HAASE: Yes, ma'am. I have
17 a few announcements. There was an executive
18 session, actually two held by the board of
19 supervisors April 22nd for personnel and May 2nd
20 for personnel. Also May 20th will be concert in
21 the park, so everyone can bring their lawn chairs
22 and blankets and come join us for a night of
23 entertainment. And May 30th Memorial Day Parade

24 will begin at I believe 10 o'clock, I believe.

25 MS. PICKARD: When is the

3

1 concert in the park, Phyllis?

2 MS. HAASE: It is from 6 to 8.

3 MS. LAMBERTON: Very good. Is

4 that all?

5 MS. HAASE: Yes, ma'am.

6 MS. LAMBERTON: Very good.

7 Thank you. I'll entertain a motion to consider the

8 minutes of March 14th, 2016 regular business

9 meeting.

10 MS. HAASE: I do have a few

11 corrections. Page 11, line 16, and should be at;

12 page 28, line 11, spelling correction VanGilder;

13 page 93, line 6, Matt should be spelled Mac; page

14 96, line 5 again Mac; and page 98, line 2, should

15 be sign, s-i-g-n.

16 MS. LAMBERTON: Thank you.

17 Okay.

18 MR. MOYER: I'll make a motion

19 to approve the March 14, 2016 regular business

20 meeting minutes.

21 MS. PICKARD: I'll second.

22 MS. LAMBERTON: I have a motion

23 and a second. Any questions or comments from the

24 board?

25 Any questions or comments from

4

1 the public? Seeing none, call the vote, John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: Vote in favor.

5 MS. LAMBERTON: John?

6 MR. HOLAHAN: Yes.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I vote in favor.

9 MS. LAMBERTON: I vote in favor.

10 Motion carries.

11 Now, just for the fifth grade

12 class, the minutes are kept of every meeting and

13 all that means is this lady over here is a

14 stenographer and she types down everything that's

15 said so that if anyone needs to go back and reflect

16 on something to help or assist with your memory or

17 whatever we might have voted on, it is posted every

18 month on our website for anybody for their viewing

19 or reading pleasure.

20 I'll entertain a motion for the

21 approval of the treasurer's report in the amount of

22 \$528,496.76.

23 MR. HOLAHAN: So moved.
24 MR. MOYER: Second.
25 MS. LAMBERTON: I have a motion

5

1 and a second. Any questions or comments from the
2 board?

3 MS. PICKARD: I just want to
4 comment that the \$73,000 that we returned to
5 Kalahari on the escrow was included in that.

6 MS. LAMBERTON: Yes. Any
7 questions or comments from the public? Seeing
8 none, call the vote, John?

9 MR. KERRICK: I will abstain.

10 MS. LAMBERTON: Heidi?

11 MS. PICKARD: I vote in favor.

12 MS. LAMBERTON: John?

13 MR. HOLAHAN: Aye.

14 MS. LAMBERTON: Donny.

15 MR. MOYER: Vote in favor.

16 MS. LAMBERTON: I'll abstain,
17 motion carries.

18 Solicitors report.

19 MR. REISS: I have two items
20 actually. There is a Resolution 2016-13, which
21 would approve the general reimbursement agreement
22 for the traffic signal at New Ventures Park. You

23 already actually approved the agreement, but this
24 is required as part of the package with PennDOT.
25 So I would need you to adopt Resolution 2016-13.

6

1 MS. PICKARD: I'll make a motion
2 that we approve Resolution 2016-13.

3 MR. MOYER: I'll second that
4 motion.

5 MS. LAMBERTON: I have a motion
6 and a second. Any questions or comments from the
7 board?

8 Any questions or comments from
9 the public? Seeing none, call the vote, John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: Vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Aye.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: I vote in favor.

17 MS. LAMBERTON: I'll vote in
18 favor. Motion carries.

19 MR. REISS: And the other item
20 is also related to that project and it is a right
21 of way clearance certification that PennDOT

22 requires. At 1 o'clock today they're going to be
23 auditing the township's records. Those three
24 easements -- actually only two easements were
25 required and we've obtained those. They are

7

1 recorded at the recorder of deeds office. So I
2 need a motion by the board to approve the PennDOT
3 right of way clearance certificate.

4 MR. KERRICK: So moved.

5 MS. LAMBERTON: I have a motion.

6 MR. MOYER: Second.

7 MS. LAMBERTON: I have a motion
8 and a second. Any questions or comments from the
9 board?

10 Questions or comments from the
11 public? Seeing none, call the vote, John?

12 MR. KERRICK: In favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: I vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: Yes.

17 MS. LAMBERTON: Donny?

18 MR. MOYER: I vote in favor.

19 MS. LAMBERTON: I'll vote in
20 favor. Motion carries.

21 MR. REISS: That's all I have.

22 Thank you.

23 MS. LAMBERTON: Thank you.

24 We'll move to item number 7 on our agenda,

25 manager's report.

8

1 MS. HAASE: Yes, ma'am. I don't
2 know how the board would like me to do this. Do
3 you want me to recap the reports that I've given or
4 anything that's changed?

5 MS. LAMBERTON: We've all
6 reviewed them. Does anyone have any questions on
7 the report that Phyllis had emailed to us
8 previously?

9 MR. KERRICK: I have a comment
10 on, not the last one, the one before that when we
11 were talking about the entrance to Emerald Lakes.

12 MS. HAASE: Yes.

13 MR. KERRICK: I thought we were
14 holding off on the township installing any signs.

15 MS. HAASE: We are.

16 MR. KERRICK: Well, in your
17 thing, corrected me if I'm wrong, but you said that
18 we'd be installing signs after they got their HOP.

19 MS. HAASE: Correct. I believe
20 that was -- the decision of the board was the board

21 would not be installing the signs because Mr.
22 McHale had brought forward his concern that the
23 entrance did not have an HOP. So the board decided
24 at that time not to move forward with that until
25 Emerald Lakes acquired an HOP.

9

1 MR. KERRICK: Well, I still --
2 if in fact we voted on it, I'm still -- go on
3 record that I'm opposed to it because then we would
4 accept liability. I didn't think we voted on it.

5 MS. LAMBERTON: I thought that
6 that's how it was discussed too, if I remember
7 correctly. Maybe I'm wrong with my interpretation,
8 but I did think that Bob mentioned we did not want
9 to put signs up because of liability. And I think,
10 John, you commented, Kerrick, you commented on that
11 as well.

12 MR. KERRICK: Yeah, I thought we
13 were going to hold off and see if PennDOT made them
14 put them up, number one, which that would be
15 PennDOT's liability. I didn't want the township to
16 have the liability.

17 MS. HAASE: Okay. I can review
18 the minutes. That's something that Bob and I had
19 discussed and maybe if we misunderstood the
20 direction of the board we certainly can go back to

21 the minutes and review that. But it's my
22 understanding then, even if they do obtain an HOP
23 then it's the wishes of the board not to put the
24 signs up?

25 MS. LAMBERTON: That's how I

10

1 remember it.

2 MS. PICKARD: I also think that
3 we would talk about it at such time as that was
4 required.

5 MS. LAMBERTON: So bring it back
6 up for discussion once the HOP is acquired. Fair
7 enough?

8 MR. KERRICK: Fair enough.

9 MS. LAMBERTON: Okay.

10 MS. HAASE: And then also, as
11 Mr. Reiss had stated, the resolution that the board
12 just approved, PennDOT is requiring a new signature
13 page for the reimbursement agreement, so I will ask
14 the chair at the end of the meeting to sign that.

15 MS. LAMBERTON: Thank you.
16 Anything else?

17 MS. HAASE: No, ma'am. That's
18 it.

19 MS. LAMBERTON: Okay, we'll move

20 on to committee reports. Pocono Mountain Regional
21 Police Commission. Donny? They didn't have
22 anything really.
23 MR. MOYER: We really didn't
24 have nothing. We have a meeting tomorrow night, so
25 next month we should have something.

11

1 MS. LAMBERTON: And I had put
2 all the documents from the meeting up on the email
3 I should have sent to each of the board members, if
4 you guys had any questions.

5 Open space, Heidi?

6 MS. PICKARD: Well, Ann was here
7 last week, so there is a walk in the park on the
8 24th. I'll have the information on our website and
9 we talked about doing some maintenance with
10 Tunkhannock Township on getting the millings for
11 the parking lot.

12 MS. LAMBERTON: This is down at
13 Austin T. Blakeslee area, the rec area. Have any
14 of you guys gone down there? No. It's a beautiful
15 spot with a pavilion by the stream. Very nice.
16 You should show them their location, they might
17 want to take their family there.

18 MS. HAASE: I also wanted to
19 follow up, Ms. Sincavage had mentioned the two

20 structures they were looking to raze. We had
21 reached out to MCCD about two months ago and they
22 were requiring us to meet with them at their
23 office. We've asked them again to reconsider that
24 to meet onsite because we feel that that would be
25 beneficial for them to actually see what we are

12

1 willing to do and what we would like to do. So Mr.
2 Craig Todd is reviewing that and hopefully we can
3 schedule a meeting next week.

4 MS. LAMBERTON: Very good.
5 Overlay committee. Phyllis, John, Heidi, whoever
6 would like to speak to that. John, why don't you
7 do it.

8 MR. HOLAHAN: I wasn't at the
9 last meeting.

10 MS. LAMBERTON: Oh, I'm sorry.

11 MS. HAASE: Our next meeting is
12 scheduled for June 14th at 5 p.m. Our traffic
13 engineer is going to be joining us to discuss how
14 we can move forward with assisting developers in
15 that area with our HOP or access to the state
16 routes.

17 MS. LAMBERTON: Would you like
18 to explain what the overlay is for?

19 MS. HAASE: Yes. In
20 Blakeslee -- everyone knows where Blakeslee is at,
21 right? We're looking at improving that section of
22 the township and we're trying to find ways that we
23 could help developers making permit process a
24 little easier to move into our area and hopefully
25 then provide jobs for our area, for our residents,

13

1 perhaps your parents or someone that you know. And
2 then hopefully be able to develop and we can grow
3 that area and have it flourish a little bit more
4 than it is. So we are looking at improving our
5 ordinances, improving items for the developers
6 whether it would be stormwater improvements or
7 access improvements to the state routes.

8 MR. HOLAHAN: If I can make a
9 comment as well. We're looking to make it like a
10 pretty cool place to kind of hang out too, so we're
11 looking at like some wider sidewalks, maybe some
12 cafés. You can go down there and get maybe a milk
13 shake or something like this to walk around. You
14 could -- there might be fountains down there and
15 things like this, maybe a little place to kind of
16 run around, keeping the traffic away, so it will be
17 a neat place to go. So if you ever go on vacation
18 and you go to these nice little villages and it's

19 got all those neat stuff downtown, that's what
20 we're looking to do down in Blakeslee as well.
21 That's going to take a long time. Your children
22 will be able to enjoy them, okay, but we need your
23 vote when you get to that age to help us out.
24 Okay?
25 MS. LAMBERTON: Is that all for

14

1 overlay committee?
2 MS. HAASE: Yes.
3 MS. LAMBERTON: Pocono Mountain
4 Regional EMS.
5 MS. PICKARD: I neglected to let
6 Denise know we had the meeting earlier today.
7 MR. HOLAHAN: So she will be
8 here at 7 tonight?
9 MS. PICKARD: She'll be here at
10 7 tonight. But -- so I didn't get the statistics,
11 but I'll get those and forward those to you. And I
12 think we mentioned before, Phyllis mentioned in her
13 report that Denise and Lenny Deaver came in and did
14 CPR training and AED training for us. We had six
15 or seven of our staff and some of Jack Rader's, so
16 we're ready if any of you drop.
17 MS. LAMBERTON: Thanks. I feel

18 so much better now, thank you.

19 Is anyone here from Thornhurst

20 Ambulance? Seeing none, we'll move on to old

21 business. Proposed zoning ordinance. I believe it

22 looks like we're currently in the stages of working

23 on that.

24 MS. HAASE: We are. The

25 direction that the zoning officer was given at the

15

1 last meeting was to look at an interstate overlay

2 for billboards and we'll be discussing that at the

3 work session in June.

4 MS. LAMBERTON: Wonderful. The

5 LERTA, we also need the areas to be detected on

6 what we want to --

7 MS. HAASE: Did the board wish

8 to move forward with that? The direction we

9 received last time was to wait for the overlay.

10 MS. LAMBERTON: Yeah. I

11 believe -- is that the consensus of the board? We

12 need that to be on the back burner until we decide

13 on what's going to be where.

14 MS. HAASE: Would you want me to

15 keep that on the agenda?

16 MS. LAMBERTON: Yes, please.

17 Thank you.

18 Moving on to new business.

19 Kalahari Resorts. Request to waive pool permit

20 fee. I will entertain a motion.

21 MR. MOYER: I'll make a motion

22 we waive the pool fee.

23 MS. PICKARD: I'll second the

24 motion.

25 MS. LAMBERTON: I have a motion

16

1 and a second. Any questions or comments from the

2 board?

3 MR. HOLAHAN: Yes. Why are we

4 considering waiving the fee? My understanding is

5 that when the application was first made it was

6 inadvertently left out of the application, so the

7 square footage wasn't calculated into the fee

8 structure, is that correct?

9 MS. HAASE: Yes and no. When

10 Kalahari submitted it, they were submitting for the

11 buildings, and their pool company was going to

12 submit for the pools separately. And that step,

13 Newman Pools, that kind of was skipped over. The

14 township didn't detect it and Kalahari assumed --

15 it's my understanding assumed that it was done by

16 Newman Brothers, which that did not occur.

17 MR. HOLAHAN: Okay. So it just
18 wasn't in -- but had it been in initially, would
19 the fee that we're -- that are paid now, been
20 included in the overall fee.
21 MS. HAASE: Yes, sir.
22 MR. HOLAHAN: I speak against
23 the motion.
24 MR. KERRICK: If you look at
25 some of that documentation, it looks like something

17

1 was changed. Is that true or did they make a
2 mistake on their application? If you look where
3 they have it typed, it's all -- I don't have it in
4 front of me, I can get it, the square footage, but
5 then it's reduced. You can see that somebody
6 changed it on the application.
7 MS. HAASE: Yes. When Kalahari
8 Resorts submitted the square footage it was
9 different. The engineering or I'm sorry,
10 architect, it's an architect firm, ADCI, since it
11 was such a large building, we decided it would be
12 best to have them kind of break down the square
13 footage. So there's a difference initially of what
14 Kalahari submitted versus ADCI. At that time we
15 had a discussion and what they were including was
16 patios, I think some balconies that we would not

17 have permitted, so that's where we blacked out. I
18 think it was 9,000 and change in square footage.

19 MR. KERRICK: There's a posted
20 note here.

21 MS. HAASE: We backed it out --

22 MR. KERRICK: 9478.

23 MS. HAASE: -- so the figure
24 would work with what Kalahari was submitting.

25 MR. KERRICK: Okay. Thank you.

18

1 MR. HOLAHAN: Anyway, I speak
2 against the motion to waive it. They need to pay
3 it like anybody else would. I understand the
4 oversight, but should pay the fee. That's what's
5 in our fee structure. That's in our agreements. I
6 think they should hold to that.

7 MS. LAMBERTON: I have a motion
8 and a second on the floor. Any other questions or
9 comments from the board?

10 Any questions or comments from
11 the public? Seeing none, call the vote, John?

12 MR. KERRICK: In favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: Vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: Ney.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I vote in favor.
19 MS. LAMBERTON: I'll abstain.
20 Motion carries.
21 MS. LAMBERTON: Clymer Library
22 presentation. Laura Laspee, our director of Clymer
23 Library is here.
24 MR. HOLAHAN: There's no talking
25 in the library.

19

1 MS. LASPEE: Good morning
2 everyone. What we thought we would do today is
3 just give a 2015 overview of how the Library is
4 doing. So we made a nice Power point presentation
5 and if anyone has any questions, just stop me along
6 the way and you can see how the library is doing.
7 Do you all know where the library is? You've all
8 visited, right, beginning of the year, right, fifth
9 grade. Okay.
10 We had 12,262 patrons. That
11 means those are library card holders. So hopefully
12 all of you are library card holders. Last year we
13 had 33,059 visits, that's how many people came into
14 the library last year. We had 50,854 items taken
15 out on cards, so that's a lot. We had 4,009

16 computer users and wifi users. Our whole entire
17 building, you can come in and use your wireless
18 device. So we track that now. And references --
19 that's reference questions asked, so that's 8680
20 questions that were asked. So anyone that comes in
21 and asks where a book is or if we have something or
22 where a bathroom is, it's a reference question, so
23 we track all of those questions. We track them
24 everyday. Next.

25 We've had 186 children's

20

1 programs and that includes the summer reading
2 programs. We had 83 adult programs and that's
3 author visits, game nights, any kind of talks that
4 people use the library for. We had 19 programs and
5 we are trying to really make that a higher number.
6 So what we thought was if everyone can -- when we
7 can get the kids when they're young, and we can
8 keep them engaged and entertained in the library,
9 they'll continue to use it as teens and then adults
10 and be lifelong learners at the library. So we're
11 really working on that. But overall we have 5052
12 people come to our programs. That's really
13 awesome. We're really happy about that.
14 Okay. Now we come to the

15 revenue and expense part. As you see, our highest
16 revenue, the money that the library takes in,
17 that's what revenue is, comes from taxes. And we
18 get taxes from Tobyhanna Township and Tunkhannock
19 Township. So we really rely on taxes. We also get
20 a little bit of money from state aid. That's a
21 formula that the State of Pennsylvania figures out,
22 and it's based on a number of things, patrons,
23 circulation, items, tax payers. It's a formula I
24 haven't been able to figure out yet, but we leave
25 it to them to figure it out.

21

1 And then contributions, that's
2 any kind of -- any kind of money that people will
3 give us, you know, if they want to make a donation.
4 And then our expenses, as you can see, it's always
5 going to be staffing. Our staffing is 51 percent
6 of our budget, so we like to pay our people well
7 and we have qualified people and we want them to
8 stay, so we pay them well.

9 Operation and building cost is
10 another. It takes a lot of money to run the
11 library, to keep our lights on, to keep the heat
12 on, to keep it safe and clean, and then buildings
13 and grounds, and that is our lawn care, painting,
14 maintenance of the building.

15 And our volunteers, we have over
16 forty volunteers at any one time at the library.
17 We don't pay them in money, but we pay them in
18 kindness and they pay us in kindness.

19 MS. LAMBERTON: And books.

20 MS. LASPEE: And books. We
21 saved over \$50,000 last year with our volunteers,
22 and that would be money that we would have to pay
23 people to work there if we didn't have our
24 volunteers. Our volunteers help with our
25 circulation desk. They help with shelving our

22

1 books and they help our -- they help any of our
2 patrons with any kind of questions that they have,
3 so we can't thank our volunteers enough for the
4 service that they provide to the library.

5 MS. PICKARD: How old do you
6 have to be to be a volunteer?

7 MS. LASPEE: Student volunteers
8 are about 14. They're not allowed behind the desk
9 because there's money exchanged and things like
10 that, so our student volunteers will put books
11 away, make our shelves look nice, clean the books.
12 Anyone that's over 18 can work behind the desk.

13 And we have strived to keep our

14 facilities -- we keep improving our facilities all
15 within our budget. So we've put new parking lights
16 in so that the parking lot is well lit and safe.
17 We have new pavers that when you walk into the
18 library you keep seeing the little brick pavers
19 that we have with people's names on it, that makes
20 our entrance look very, very nice. We've painted
21 in the last year. We've replaced part of our HVAC.
22 We have a new storage container shed that's behind
23 our dumpsters for our items and, now we have -- our
24 whole entire library is wifi connected. So we only
25 had parts of it before, but now every part of the

23

1 library is. And we have the new children's
2 learning center which is an all in one computer
3 that kids can use and there's games that they learn
4 on that computer, so that's nice. But we can
5 always do more. We always have to do more.
6 We are looking to replace both
7 the front and the back roof of the library. It's
8 showing its age. We'd like to have new computers
9 and software for our patrons and our staff to keep
10 up with the new technology. We'd like to have more
11 safe and efficient lighting in the library, so that
12 it's energy savings. We have to replace our
13 remaining HVA system. We'd like to replace our

14 ceiling fans and we'd like to put automated doors
15 for the people with disabilities and the elderly so
16 that, you know, people can just hit the button and
17 come in. We are looking for mobile shelving to
18 have our space be condensed and it'll be more
19 efficient for other things in the collection to
20 come in. And we'd also like to have a stationary
21 generator to be able to be opened for when the
22 electric goes out. We could be a library that
23 people could come to when their electric is out and
24 we would be able to run and have water and heat and
25 electric.

24

1 And last year we worked with a
2 group of Marywood students in the architecture
3 school of design, interior design department. They
4 came up with 21 different plans to either redesign
5 existing spaces or to create new spaces. And we
6 worked together with them to find four different
7 areas of the library that we wanted to work on.
8 One was the children's area, seniors, a team space
9 and a community room.

10 So any time you want to come
11 over to the library I have huge drawings that the
12 students provided with us and we are looking to see

13 what everyone's ideas are to see if they have any
14 ideas or if they like any of the designs that the
15 students have that we could create new spaces or
16 redesign the space that we have. We had a
17 presentation last year of it, so I have all the
18 drawings.

19 Now, of course, we can always
20 use more funding, so we are looking for grants,
21 donations and or loans to help with our design or
22 refreshing project that we have at the library.
23 So we're doing great things with the library, but
24 we can always do more. And we are hoping that we
25 have ideas and people that are really excited about

25

1 coming to the library. It's your library. We want
2 to make it the best library for everyone.

3 MS. LAMBERTON: Thank you very
4 much.

5 MS. LASPEE: Any questions?

6 MR. KERRICK: When they
7 register, the difference between Tobyhanna
8 residence and Tunkhannock numbers, I know you serve
9 both, I'm just curious.

10 MS. LASPEE: I do. I have those
11 numbers back at the library.

12 MR. KERRICK: Okay. I just was

13 curious, going off the top of your head.

14 MS. LASPEE: I'm thinking it's

15 around 6400 for Tunkhannock, and then Tobyhanna

16 about 7000, something like that.

17 MR. KERRICK: About 60/40,

18 50/50.

19 MS. LAMBERTON: That's

20 wonderful, yeah. Nice to hear.

21 MR. KERRICK: That's great.

22 MR. HOLAHAN: Ms. Laspee, which

23 books need the most cleaning? Like which ones are

24 the dustiest?

25 MR. CACCHIONE: Oh, I can answer

26

1 that, because I've tried to clean the children's

2 books.

3 MR. HOLAHAN: Children's books.

4 I would think that they would get used more often,

5 is that what it is?

6 MS. CACCHIONE: Sticky fingers.

7 MR. HOLAHAN: Oh. I'm thinking

8 the ones that had the most amount of dust. Like

9 some literatures, like Oliver Twist or something

10 like that. No.

11 MS. LASPEE: The dirtiest really

12 are children's books. They are the easiest to

13 clean because they have all plastic ones.

14 MR. HOLAHAN: Young children's,

15 not folks like these.

16 MS. LASPEE: Young children.

17 MS. LAMBERTON: Thank you for

18 all you do. That's wonderful. And your programs,

19 you've proven to really take them to the best of

20 your ability. Thank you very much for that.

21 MS. LASPEE: Thank you. Thanks

22 for allowing us to come in and share this.

23 MS. LAMBERTON: It's a huge

24 community resource, so we appreciate it. Thank you

25 very much.

27

1 MS. PICKARD: As I said earlier,

2 we're just so excited to see the artwork from the

3 TEC students that are there. That's just a

4 fantastic idea.

5 MS. LASPEE: I worked really

6 hard with partnering with the school to have the

7 art come into the library. And also to get every

8 single grade over to the library for the visit.

9 When I came in it was kindergarten through 5th

10 grade that came into the library. We now have

11 every grade come in and visit the library. So I'm

12 really proud of that.

13 MS. LAMBERTON: That's

14 fantastic.

15 MS. PICKARD: Thank you.

16 MS. LASPEE: You're welcome.

17 MS. LAMBERTON: Thank you for

18 your time. We appreciate it.

19 Moving on to our next item,

20 consider awarding the 2016 bituminous seal coat

21 bid. I'll entertain a motion.

22 MR. HOLAHAN: So moved.

23 MS. LAMBERTON: Should we

24 clarify the motion? I'll entertain a motion,

25 John --

28

1 MR. HOLAHAN: Yep, go ahead.

2 MS. LAMBERTON: Pocono Spray

3 Patching appears to be the low bidder in the amount

4 of \$24,288.15. Will you amend your motion?

5 MR. HOLAHAN: I'll amend the

6 motion to accept that bid.

7 MS. LAMBERTON: Very good. I

8 have a motion. Do I have a second?

9 MS. PICKARD: I'll second that

10 as long as all the requisite information was

11 provided.

12 MS. HAASE: It was.

13 MS. LAMBERTON: Very good. I
14 have a motion, I have a second. Any questions?

15 MR. KERRICK: I have a question
16 for Mr. Tutrone. Did you do any reference with
17 Pocono Spray Patch.

18 MR. TUTRONE: Not in any kind
19 official -- I did talk to a few communities that
20 have used them and they have been satisfied with
21 them. Actually PennDOT is using them to do some of
22 their pothole patches.

23 MR. KERRICK: I knew they did
24 the potholes, I didn't know about as far as the
25 regular tar and chip.

29

1 MR. TUTRONE: They have done
2 PennDOT work before and I've talked to John Murphy
3 the owner, and, as a matter of fact, I talked to
4 him last Friday. He said he has to get his
5 equipment calibrated for the state.

6 MR. MOYER: Was that the only
7 bid?

8 MS. LAMBERTON: No, there is
9 four. You have to scroll all the way down. They
10 are the lowest. Very good.

11 Any other questions or comments
12 from the board? Any questions or comments from the
13 public? Seeing none, call the vote, John?
14 MR. KERRICK: In favor.
15 MS. LAMBERTON: Heidi?
16 MS. PICKARD: I vote in favor.
17 MS. LAMBERTON: John?
18 MR. HOLAHAN: Aye.
19 MS. LAMBERTON: Donny?
20 MR. MOYER: I vote in favor.
21 MS. LAMBERTON: I'll vote in
22 favor. Motion carries.
23 Moving on, Locust Lake Village
24 Property Owners Association fireworks display on
25 September 4th, 2016. Is that something that needs

30

1 board approval?
2 MS. HAASE: Yes.
3 MS. LAMBERTON: I'll entertain a
4 motion to approve fireworks display for Locust Lake
5 Village Property Owners Association on September
6 4th, 2016.
7 MS. PICKARD: So moved.
8 MS. LAMBERTON: I have a motion.
9 Do I of have a second?

10 MR. KERRICK: Second.

11 MS. LAMBERTON: I have a motion

12 and a second. Questions or comments from the

13 board? Questions or comments from the public?

14 Seeing none, call the vote, John?

15 MR. KERRICK: In favor.

16 MS. LAMBERTON: Heidi?

17 MS. PICKARD: I vote in favor.

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: Aye.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I'll vote in

23 favor. Motion carries.

24 Moving on to our item 10E,

25 complaint policy. Everyone have a chance to review

31

1 it?

2 MR. HOLAHAN: I did. I was good

3 with that. I'll make a motion that we adopt that

4 complaint policy.

5 MS. LAMBERTON: I have a motion.

6 MS. PICKARD: I'll second.

7 MS. LAMBERTON: And a second.

8 Any questions or comments from the board?

9 Questions or comments from the public? Seeing

10 none, call the vote, John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Aye.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: I vote in favor.

19 Motion carries.

20 I'll entertain a motion to

21 consider accepting proposal to conduct an audit for

22 the LSA Grant for the Old Route 940 bridge

23 rehabilitation project.

24 MR. HOLAHAN: So moved.

25 MS. LAMBERTON: I have a motion.

32

1 Do I have a second?

2 MR. MOYER: Second.

3 MS. LAMBERTON: Any questions or

4 comments from board? Phyllis had something to

5 bring to our attention.

6 MS. HAASE: I do. There is

7 actually two proposals. If we can specify which

8 one.

9 MR. HOLAHAN: Between the Riley
10 and --
11 MS. LAMBERTON: Yes. Which one
12 are we accepting?
13 MR. HOLAHAN: My recommendation
14 is Riley.
15 MS. LAMBERTON: I have a motion.
16 Is that your second?
17 MR. MOYER: I amend my second.
18 MS. LAMBERTON: So we clarified
19 that it's Riley. I'm sorry about that. Any
20 questions or comments from the board? Any
21 questions or comments from the public? Seeing
22 none, call the vote, John?
23 MR. KERRICK: In favor.
24 MS. LAMBERTON: Heidi?
25 MS. PICKARD: Vote in favor.

33

1 MS. LAMBERTON: John?
2 MR. HOLAHAN: Aye.
3 MS. LAMBERTON: Donny?
4 MR. MOYER: I vote in favor.
5 MS. LAMBERTON: I'll vote in
6 favor. Motion carries.
7 Entertain a motion to request a
8 waiver of land development for Robert Tutrone CR

9 Landscaping, 280 square foot pergola.

10 MR. HOLAHAN: I make a motion

11 that we waive the -- let him build the plan for the

12 pergola request.

13 MS. LAMBERTON: I have a motion.

14 Do I have a second?

15 MS. PICKARD: I second the

16 motion.

17 MS. LAMBERTON: I have a motion

18 and a second. Questions or comments from the

19 board? Any questions or comments from the public?

20 Seeing none, call the vote, John?

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: I vote in favor.

24 MS. LAMBERTON: John?

25 MR. HOLAHAN: Aye.

34

1 MS. LAMBERTON: Donny?

2 MR. MOYER: I vote in favor.

3 MS. LAMBERTON: I vote in favor.

4 Motion carries.

5 Moving on to Kurt Faraczek from

6 Arrowhead Lakes is requesting a waiver for \$150.00

7 administrative fee. I'll entertain a motion.

8 MR. HOLAHAN: I have to announce
9 I have a relationship with the Faraczeks and will
10 be abstaining from the discussion or vote.
11 MS. PICKARD: I'll make a motion
12 that we approve the \$150.00 administrative fee
13 waiver.
14 MS. LAMBERTON: I have motion.
15 Do I have a second?
16 MR. KERRICK: I'll second that.
17 MS. LAMBERTON: I have a motion
18 and second. Any questions or comments from the
19 board? Questions or comments from the public?
20 Seeing none, call the vote, John.
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.

35

1 MS. LAMBERTON: I vote in favor.
2 Motion carries.
3 I'll move on to board of
4 supervisor report or comment, but before we do, if
5 I could, kids, you're in for a real treat today.
6 We have State Representative Jack Rader here.
7 MR. RADER: Dressed up.

8 MS. LAMBERTON: Dressed up as
9 always. He just wanted to come up and say a few
10 words to the 5th grade class at Tobyhanna
11 Elementary today. If you would, please, Jack.
12 MS. RADER: Well, thank you so
13 much for inviting me up there.
14 It's really great to see
15 children who are interested in government here
16 because it's really the driving force of our
17 country. People have to get involved in voting.
18 And in order to vote you have to know what you're
19 voting for. So many people go to the poles who
20 don't know what they are voting for. So it's good
21 to see an interest to find out what's happening
22 locally because the local government is, actually,
23 I think the most important government in
24 Pennsylvania because of our commonwealth. So a lot
25 of things happen locally. It's nature control,

36

1 land use plans, a lot of things are happening right
2 here. So it's important that you guys are involved
3 and know what's going on. So don't just come once
4 and watch them mess up because they will, but come
5 more than once and it's really an interesting thing
6 once you're here for a while. And they go very

7 fast, but they know what they're doing and they
8 talk about the issues and they understand those.
9 So if you have questions I'm sure they'll be happy
10 to help you with them.

11 So I'm glad to see all of you
12 here today. My office is right over there. If you
13 guys have any questions, your parents do, come over
14 and talk to me. Thank you.

15 MS. LAMBERTON: Thank you, Jack.

16 MS. PICKARD: Jack, they might
17 be interested, I saw that on your weekly flyer
18 there that were two bills so that the school funds
19 don't get -- if we don't adopt a budget then
20 they'll still be able to have school.

21 MR. RADER: Yes. We tried to do
22 that last year. You guys probably won't understand
23 because you just go to school and you're happy to
24 be there, but last year the school funding was held
25 up. We tried to pass the budget three or four

1 times and the governor didn't go along with it so
2 he held up some of the spending. So this year
3 we're trying to -- we're doing it for human
4 services also. We are trying to pass something
5 that if we do have a budget impasse, that the
6 schools will still be funded, human services will

7 still be funded, and that's really important
8 because all of us want the schools to get their
9 money. All of us want human services to be funded,
10 and it didn't happen last time. But it should
11 never happen that way again, I don't think. So
12 hopefully -- I know we'll pass it. Hopefully the
13 governor will sign it.

14 MS. LAMBERTON: Before you
15 leave, Jack, do any of the students have any
16 questions that they would like to have taken back
17 to Harrisburg? That's where Jack works out of and
18 he has the ear of our governor. So if anybody
19 would like to have anything said to Governor Wolfe
20 now is the time.

21 MR. RADER: I see a smile. Do
22 you have any questions? Do you have any answers?
23 I need more answers than questions.

24 MS. LAMBERTON: But that's
25 Jack's job, as state representative, he takes our

1 voice back to Harrisburg to speak on behalf of the
2 tax payers from the areas that he represents.

3 MR. RADER: And it's important
4 that people talk to me so I know how they feel
5 about different issues and I'm here to represent

6 them and represent you. So when you talk to me,
7 tell me what your issues are and that's what I
8 should be working on in Harrisburg.

9 MS. LAMBERTON: So it's a treat
10 to have you. Thank you very much for stopping in.

11 MR. MOYER: Thank you, Jack.

12 MS. LAMBERTON: Board of
13 supervisors reports or comments? Anything from the
14 board.

15 MR. HOLAHAN: I do.

16 MS. LAMBERTON: Mr. Holahan.

17 MR. HOLAHAN: I went on a field
18 trip to Hershey. Anybody been out to Hershey?
19 Right? Guess what? I didn't get to do any fun
20 stuff. It was all business. But we went out there
21 because we go to a convention that's called PSATS,
22 it's an acronym, it's an abbreviation for the
23 Pennsylvania State Association of Township
24 Supervisors. So, anyway, supervisors from all over
25 the state go out there and we go to class all day.

1 First of all, I take that back, we go to a meeting
2 first, sometimes they are little boring. No,
3 they're not, but we conduct some business, and some
4 of the things that we've done is we've come up with
5 some ideas from other townships around the state,

6 and we kind of pass these things called
7 resolutions. These resolutions are the ideas that
8 we as a group think that we should be doing in our
9 communities. When we pass these resolutions we
10 take them back to Representative Rader and other
11 representatives from the other areas in the state
12 so that Representative Rader goes to the governor
13 and to the other representatives and they'll vote
14 on some of these things. So we're out there doing
15 that.

16 So now here's some real exciting
17 stuff that I did. I learned if I bring my I-phone
18 for business, and that's what I'm doing, is I'm
19 actually reading the minutes and the agenda being
20 on my I-phone, I'm not reading emails or playing
21 games here, and I've got my I-pad back there, but
22 it's plugged in. So I learned what are the rules
23 when you use your personal device for government
24 business? It might not sound like much to you all,
25 but it's scary to us. So I'm going to stop doing

1 that. And then land use, how about when residents
2 and ordinances clash, how about when we pass rules
3 up here and the residents don't like the ones that
4 we pass? They say we don't want to do that. We

5 want to put signs in front of our businesses, we
6 don't want you to tell us what to do. How do we
7 resolve some of that kind of stuff. Let's see.
8 Stormwater regulations, that's boring, you don't
9 want to know about that.
10 Oh, we listened to the auditor
11 general, we listened to the governor, Governor
12 Wolfe was there and he spoke well. He did a nice
13 job. Congressman Lou Barletta spoke with us. He's
14 very good in speaking, right? He was very good.
15 And then, oh, Terry Madonna. Terry Madonna is a
16 polster. He's one of those guys -- ever watch TV,
17 your folks ever make you watch TV on like Sunday
18 morning, Meet the Press and that kind of stuff,
19 it's like, oh, man, I don't want to listen anymore?
20 But he's one of the guys that says this is what the
21 politicians are doing, this is what they're really
22 thinking. He was very good. If you ever get a
23 chance to listen to Terry Madonna, you want to do
24 that. And then, let's see, oh we had a report from
25 the office of open records. Do you know that your

1 folks can come in here and request information
2 about what we're doing at any time? It's the right
3 to know. None of this is secret. So the things
4 that we talked about today, we were actually given

5 the agenda and we were given a little bit of
6 homework, so when we got here we know what we're
7 going to speak about and that way we don't have to
8 have -- we're not going to have a whole lot of
9 discussion because we've already kind of read this
10 stuff.

11 And the last thing was a
12 motivational presentation by some guy named Kim
13 Kuhn (phonetic). I wasn't motivated. You ever
14 listen to somebody come in and try to cheer you up?
15 Everybody stand up and get all excited and stuff
16 like that? I wasn't. But that was me. There was
17 other people that were excited. That concludes my
18 report of my field trip to PSATS.

19 MS. LAMBERTON: Thank you.
20 Anyone else from the board?

21 MR. HOLAHAN: And while I'm on a
22 roll, Chair Lamberton, could we have Mr. Tutrone
23 stand up and tell us what he does with the
24 township, with the DPW?

25 MS. LAMBERTON: Absolutely. Ed,

1 why don't you come up front here and tell the 5th
2 grade class of Tobyhanna Elementary Center what it
3 is that you do.

4 MR. HOLAHAN: This is the cool
5 stuff that happens at the township.

6 MR. ED TUTRONE: Good morning.
7 My name is Ed Tutrone. I'm the superintendent of
8 the department of public works. The department of
9 public works with the township encompasses all of
10 the road maintenance for the township roads, not
11 the state roads. We take care of all the buildings
12 and grounds for all the buildings that the township
13 owns, your parks that you play, the people who play
14 little league, we take care of all the ballfields.
15 We have the park over here in Blanche Price, we take
16 care of that. There's numerous playground
17 equipment there. Also we are at Keiper field, if
18 anybody is familiar with that. There's a ballfield
19 there with playground equipment. And we help with
20 the Austin T. Blakeslee Park that they partnership
21 between us and Tunkhannock Township. So we take
22 care of all those grounds. Our biggest role,
23 though, is with the roads. We plow the roads so
24 you guys can get to school on those snowy winter
25 days and we take care of fixing all the potholes

1 and repaving everything.

2 We have various pieces of
3 equipment and machinery and after the meeting, if

4 you guys have some time we could give you a brief
5 tour of the building and of the equipment that we
6 have. The guys are out on the road today, so some
7 of the stuff is not here. You probably actually
8 saw the signs when you came up to the meeting
9 today, they're working right on the street just
10 below us here. So that's pretty much in a nutshell
11 what we do. Is there any questions about that?

12 MR. HOLAHAN: Mr. Tutrone, could
13 you give them your cell phone number in case they
14 have any complaints about the roads or something
15 like that or if their folks have any complaints?

16 MS. PICKARD: You have to fill
17 out a form. We just voted on that.

18 MR. HOLAHAN: Oh, never mind.
19 You gotta fill out the form.

20 MR. ED TUTRONE: If there is any
21 problems or complaints or you see anything that
22 might be unsafe out there, you call the township
23 and we will get out and take care of it
24 immediately. Anything else? Anybody? Thank you.

25 MS. LAMBERTON: Thank you very

1 much. Any questions from the audience?

2 MR. HOLAHAN: I have a question

3 for them. So like what are you studying right now?

4 What's the main subject? Sir, in front there.

5 What are you studying right now?

6 A STUDENT: Like the

7 constitution.

8 MR. HOLAHAN: The constitution.

9 Very cool. So this is appropriate to be here at

10 this time when you're studying the constitution.

11 MR. MOYER: Yep.

12 MR. HOLAHAN: Anybody else?

13 Exciting.

14 A STUDENT: I have a question

15 about the new business. It says down here the

16 request of the \$150.00 administration fee for

17 Arrowhead Lakes. What's that about?

18 MS. LAMBERTON: That was an

19 actual fee for someone applying for a septic permit

20 and it was issued to them. There was some question

21 within the township actually. So it moved it into

22 a developer's fee, if I'm not mistaken and the

23 person -- a professional service fee, and the

24 person owned a lot in Arrowhead Lakes, so they're

25 not really a developer, they're just building a

1 house, so we wanted to waive that fee because

2 they're not technically what is considered a

3 developer that would build a bunch of houses.

4 A STUDENT: Thank you.

5 MS. LAMBERTON: You're welcome.

6 MS. DEWITSKY: Could you explain
7 to them what the fees are all about, why you charge
8 a fee?

9 MS. LAMBERTON: Actually, we
10 have our zoning officer here, Maureen Minnick, not
11 to throw you under the bus, but she would best
12 describe what she does and this would answer a lot
13 of the fee structure for your students.

14 MR. HOLAHAN: And she's very
15 loquacious, so you're going to have to limit her on
16 her statement time.

17 MS. MINNICK: Does anybody have
18 any pools in their backyard or sheds in their
19 backyard?

20 MR. HOLAHAN: Get their names.

21 MS. MINNICK: So in order for
22 your parents to put those sheds or pools in your
23 backyard they have to come into the township and
24 apply for a zoning permit. Those zoning permits
25 would allow your folks to put that in. My duty as

1 the zoning officer would go and I would make sure

2 that it's placed right, that it's on the amount of
3 stone, that it meets the setbacks within the
4 township. The fees are to cover those expenses, to
5 cover everything from my time and my secretaries
6 time to do those permits. Okay.

7 MS. HAASE: It also includes the
8 time of our finance department for taking the
9 monies, depositing the monies, filling out the
10 forms, so we calculate all the time that the entire
11 staff in the township would put into reviewing or
12 processing a certain application, and off of that
13 then that's how we come up with fees. And then the
14 fees, once a year, are presented in front of our
15 board of supervisors and they approve the fees.
16 Fortunately we have not needed to adjust them or
17 change them in many years, but those fees are all
18 approved by our board of supervisors. So in order
19 for them to be waived, they are the only ones
20 pertaining to those type of permits that have the
21 authority to do that.

22 MR. HOLAHAN: I'd like to make a
23 comment in that Ms. Minnick's job is not just to --
24 it's not about just compliance, making sure that
25 everybody is following the rules, but it's for the

1 safety of the residence as well. So sometimes

2 these structures that are built back there, you
3 have to make sure that they're built properly so
4 nobody gets injured by that. And that's her
5 overall job. So we kind of came up with some
6 ordinances to regulate those things to keep people
7 safe. And then it's Ms. Minnick's job to enforce
8 it. She does a great job.

9 MS. MINNICK: Thank you.

10 MS. LAMBERTON: Anyone else?

11 Seeing none I'll entertain a motion to adjourn.

12 MR. MOYER: So move.

13 MS. PICKARD: Second.

14 MS. LAMBERTON: All in favor?

15 (All say aye.)

16 (Meeting concluded at 10:19

17 a.m.)

18 ---

19

20

21

22

23

24

25

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

I hereby certify that the
proceedings and evidence are contained fully and
accurately 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: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, June 13, 2016, beginning at 7:00 p.m.

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

JONATHAN REISS, 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 MS. LAMBERTON: Thank you all
2 for coming to attend our meeting. I would like to
3 call the board of supervisors regular business
4 meeting of June 13, 2016 to order. We'll start
5 with the pledge of allegiance, please.

6 (Pledge of allegiance was
7 recited.)

8 MS. LAMBERTON: If we could all
9 just take a moment and have a moment of silence for
10 all the victims in Orlando.

11 (Moment of silence observed.)

12 MS. LAMBERTON: Thank you.

13 We will start with
14 announcements.

15 MS. HAASE: Yes, ma'am, a few
16 announcements. Congressman Cartwright will be
17 holding a town hall meeting, Tobyhanna Township, on
18 June 20, at 6:30. And also Community Day will be

19 held on July 9, from 2 p.m. till dusk.
20 MS. LAMBERTON: Is that all?
21 MS. HAASE: Yes, ma'am.
22 MS. LAMBERTON: Thank you.
23 I'll entertain a motion to
24 consider the minutes of the April 4, 2016 work
25 session.

3

1 MS. HAASE: I have a few
2 corrections.
3 MS. LAMBERTON: Okay.
4 MS. HAASE: Page 23, Line 23,
5 Cathy's should be Palffys, P-a-l-f-f-y-s; Page 160,
6 Line 16, Max, should be M-a-s -- I'm sorry, M-a-c;
7 Page 164, Line 16 are, should be o-u-r; Page 165,
8 Line 1, seven, should be 537; Page 193, Line 23,
9 Rob should be Rodney.
10 MS. PICKARD: Should be what?
11 MS. HAASE: Rodney.
12 And I have corrections for the
13 9th as well. Are you doing that together or
14 separate?
15 MS. LAMBERTON: You know, is the

16 --

17 MR. HOLAHAN: Please, let's do
18 them all together.

19 MS. LAMBERTON: We'll do them
20 all together, if that -- if that pleases the board.

21 MS. HAASE: May 9. Page 11,
22 Line 10, billings should be millings,
23 m-i-l-l-i-n-g-s; Page 12, Line 25, should be
24 r-e-s-i-d-e-n-t-s; Page 22, Line 5, hold should be
25 old; and Page 40, Line 1 should be

4

1 r-e-s-i-d-e-n-t-s.

2 MS. LAMBERTON: Is that all?

3 MS. HAASE: Yes, ma'am.

4 MS. LAMBERTON: Very good.

5 I'll entertain a motion to
6 accept the minutes of the April 4, 2016 work
7 session with corrections; April 11, 2016 regular
8 business meeting; April 29, 2016 special meeting;
9 May 2, 2016 work session; and the May 9, 2016
10 regular business meeting with corrections.

11 MR. HOLAHAN: So moved.

12 MS. PICKARD: Second.
13 MS. LAMBERTON: I have a motion
14 and second.
15 Any questions or comments from
16 the board?
17 Any questions or comments from
18 the public?
19 Seeing none. Call the vote.
20 John?
21 MR. KERRICK: In favor.
22 MS. LAMBERTON: Heidi?
23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: John?
25 MR. HOLAHAN: Yes.

5

1 MS. LAMBERTON: Donny?
2 MR. MOYER: In favor.
3 MS. LAMBERTON: I vote in favor.
4 Motion carries.
5 I'll entertain a motion to
6 consider the treasurer's report in the amount of
7 \$425,386.76.
8 MS. PICKARD: I'll make that

9 motion.

10 MR. HOLAHAN: I'll second.

11 MS. LAMBERTON: I have a motion
12 and a second.

13 Any questions or comments from
14 the board?

15 MS. PICKARD: I have a couple
16 comments.

17 MS. LAMBERTON: Sure.

18 MS. PICKARD: I just wanted to
19 note that we did make a -- we were making a
20 transfer of \$210,000 into the ESSA Sinking Fund due
21 to the change, the drop in interest rate from
22 Landmark. So we were -- instead of transferring 30
23 every month, we moved that over, so I just wanted
24 to note that. And also as we had discussed, we had
25 that money in there to reimburse from the capital

6

1 for the -- the device, the iPad devices for the
2 board.

3 MS. LAMBERTON: Very good.

4 Thank you.

5 Any other comments from the
6 board?
7 Yes, sir?
8 MR. ARAM CALFAYAN: Is that
9 cash on hand?
10 THE REPORTER: Your name, sir?
11 MS. LAMBERTON: If you could
12 just state your name, please, for the record.
13 MR. ARAM CALFAYAN: Oh, I'm
14 sorry. Aram Calfayan in Arrowhead Lakes.
15 Is that cash on hand you're
16 referring to 425,000?
17 MS. PICKARD: No, that was the
18 bills to be paid.
19 MS. LAMBERTON: That's the
20 monthly.
21 MR. ARAM CALFAYAN: Bills that
22 were paid?
23 MS. LAMBERTON: Umm-hmm.
24 MR. ARAM CALFAYAN: Okay.
25 MS. PICKARD: And being paid.

1 MR. ARAM CALFAYAN: 'Cause I --

2 I see further on you gotta disburse about four
3 hundred and thirty or forty thousand dollars.

4 MS. PICKARD: That's what the
5 motion is for, is to pay the bills.

6 MS. LAMBERTON: Any other
7 questions or comments from the public?

8 Seeing none. Call the vote.
9 John?

10 MR. KERRICK: I'll abstain. I
11 have a conflict.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Yes.

16 MS. LAMBERTON: Donny?

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

18 MS. LAMBERTON: I'll abstain.

19 I have a conflict. The company I work for is
20 receiving a check in the bill pack.

21 Motion carries.

22 MS. PICKARD: I had one other
23 thing, Anne, I just wanted to mention.

24 MS. LAMBERTON: Sure.

25 MS. PICKARD: In your financial

1 packet, I did put an account, our check refund
2 account, is gone way over and I just wanted to note
3 that we had a large disbursement of tax refunds for
4 quality asset management in Pine Crest that had a
5 judgment in their favor from the court.

6 MS. LAMBERTON: Very good.

7 Thank you.

8 Solicitor's report.

9 MR. REISS: I have nothing.

10 MS. LAMBERTON: Manager's
11 report.

12 MS. HAASE: Not so lucky. I
13 had provided the board with updates -- with the
14 updates. Were there any questions or concerns that
15 I need to look into?

16 MS. LAMBERTON: I have none.

17 Any questions or comments on
18 Phyllis' weekly reports?

19 MR. HOLAHAN: No, I'm good.

20 MS. PICKARD: No, I'm good.

21 MS. HAASE: I do have a few
22 other items. The -- as I informed the board on my

23 May 20 report, it appears that our grant that was
24 submitted to MCCD will be awarded on June 17 for
25 the dirt and gravel. So I'm just going to need the

9

1 board to authorize a member of the board or the
2 chair to sign the grant once it's been approved by
3 MCCD.

4 MS. LAMBERTON: Do we need to do
5 that in the form of a motion?

6 MR. REISS: Yes.

7 MR. HOLAHAN: I'll make a
8 motion that we authorize the chair to sign that
9 grant agreement.

10 MS. PICKARD: I'll second that.

11 MS. LAMBERTON: I have a motion
12 and a second.

13 Any questions or comments from
14 the board?

15 MR. KERRICK: I have a question.
16 That's the dirt and gravel grant?

17 MS. LAMBERTON: Yes.

18 MR. KERRICK: We have to match
19 that?

20 MS. HAASE: It is a in-kind.
21 MR. KERRICK: In-kind? So what
22 is the grant for total?
23 MS. HAASE: The total project
24 is 47,615; the grant is 22,472. So in-kind with
25 our labor and our machinery, we're looking at

10

1 twenty-five one four three.
2 MS. LAMBERTON: What was the
3 name of that road that's --
4 MS. HAASE: Gordon Lane.
5 MS. LAMBERTON: Gordon Lane.
6 Any other questions or comments
7 from the board?
8 Seeing none.
9 Questions or comments from the
10 public?
11 Seeing none. Call the vote.
12 John?
13 MR. KERRICK: In favor.
14 MS. LAMBERTON: Heidi?
15 MS. PICKARD: I vote in favor.

16 MS. LAMBERTON: John?
17 MR. HOLAHAN: Yes.
18 MS. LAMBERTON: Donny?
19 MR. MOYER: I'll vote in favor.
20 MS. LAMBERTON: I vote in
21 favor. Motion carries.
22 MS. HAASE: A few months ago we
23 had spoken about revising the 537 and there was
24 going to be some further discussion with a possible
25 landowner in Kidder Township may be interested in

11

1 connecting to our sewer plant. That's been taken
2 off the table now, so would the board like the
3 staff to move forward with putting the RFP together
4 for the 537 or would you like us to still wait on
5 that?
6 MS. LAMBERTON: I think --
7 weren't we waiting for the -- Ann Hutchinson with
8 stormwater and --
9 MS. HAASE: Yes. But we still
10 have some work to do up to that point, did you want
11 us just to hold off?
12 MS. LAMBERTON: I don't -- how

13 does the board feel about just waiting until we're
14 -- we're looking at some information for an RFP to
15 do the stormwater as a comprehensive plan.

16 MR. HOLAHAN: So how long would
17 that -- will we be waiting?

18 MS. LAMBERTON: I think --

19 MS. HAASE: To be honest with
20 you, John, I don't know. We're still kind of in
21 the early stages with the committee. The grant
22 that the board agreed upon, we must complete the
23 overlay by February of 2017.

24 MR. HOLAHAN: Okay.

25 MS. HAASE: So we're about

12

1 halfway to that point.

2 MS. PICKARD: And we do have
3 money that was in, I believe, the contingency
4 reserve --

5 MS. HAASE: Yes.

6 MS. PICKARD: -- for this
7 project?

8 MR. HOLAHAN: Then we should --

9 then we should move forward with this.

10 MS. PICKARD: That's what I was
11 going to say.

12 MS. LAMBERTON: Is that the
13 pleasure of the board?

14 MS. PICKARD: Yeah. I'll make
15 a motion that we move forward with the (inaudible).

16 MR. HOLAHAN: I'll 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.

13

1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: I vote in favor.

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: Yes.

5 MS. LAMBERTON: Donny?

6 MR. MOYER: I vote in favor.

7 MS. LAMBERTON: I vote in
8 favor. Motion carries.

9 MS. HAASE: My final item I
10 wanted to bring forward to the board, as I
11 mentioned in one of my reports when I was at PSATS,
12 they had a discussion about bringing your own
13 device to work policy. And currently our staff --
14 all of our key players, they have cell phones, they
15 also have either laptops or tablets; so they are
16 using township equipment right now.

17 I've spoken to Rodney Smith. He
18 doesn't have that much of a concern about breaching
19 into our system the way he has is it set up with
20 the staff. There's a few other stippling (phonetic)
21 point -- points related to the BYOD policy. One
22 would be, how the staff member, when they read
23 their emails, technically if they were assigned a
24 task to constantly look at their emails or respond
25 to them, even if it's off hours, then they would be

1 responsible to be paid for that. So a suggestion

2 of PSATS, that we put a policy in place to spell
3 out the staff using their own devices on-site. I
4 didn't know if this is something the township
5 wanted to move forward with?

6 MS. LAMBERTON: Well, it seems
7 like we have to have a policy for everything, so --
8 and I'm not being sarcastic, I'm -- that's just the
9 way it is. So I would suggest, why don't we get a
10 few ideas of policies. Maybe you can email out a
11 couple suggestions --

12 MS. HAASE: I'll put a draft
13 together.

14 MS. LAMBERTON: -- and then we
15 could all take a look at it and take some action at
16 our next work session or meeting?

17 MS. PICKARD: Okay.

18 MS. LAMBERTON: Fair enough?

19 MS. PICKARD: Is there something
20 that you're proposing or that's recommended? I'm
21 thinking of, like Eddie has to look at his for the
22 roads and stuff more outside than --

23 MS. HAASE: Well, it would be
24 across the board for all staff members. So if it
25 pleases the board, then I will put a draft together

1 of a policy and then it could be changed.

2 MS. LAMBERTON: Let's look at
3 some that are already in place for a couple
4 townships, you know, we don't have to reinvent the
5 wheel, let's --

6 MS. HAASE: Yeah, I don't know
7 if --

8 MS. LAMBERTON: If anybody --
9 well --

10 MS. HAASE: I've tried --

11 MS. LAMBERTON: -- PSATS, you
12 said --

13 MS. HAASE: Yeah, I don't
14 know -- I didn't find a policy that they had nor
15 did they provide one to us. I could reach out to
16 them. They have ordinances more so than policies.
17 They provide sample ordinances.

18 MS. LAMBERTON: I would reach
19 out to them and see how they --

20 MS. HAASE: Okay.

21 MS. LAMBERTON: -- think it
22 should be handled.

23 MS. PICKARD: You could

24 probably do that on the portal and just ask for
25 people to post them to the portal on the discussion

16

1 group.

2 MS. LAMBERTON: Very good.

3 Anything else, Phyllis?

4 MS. HAASE: No, ma'am.

5 MS. LAMBERTON: We will move on

6 to committee reports. Pocono Mountain Regional

7 Police Commission.

8 Donny, you want to speak to it?

9 MR. MOYER: Yeah --

10 MS. LAMBERTON: Not much really

11 happened. Everyone's received the reports via

12 email? And I know Cathy sent out the public --

13 MS. HAASE: Yes.

14 MS. LAMBERTON: -- publication.

15 MS. PICKARD: I just had one.

16 We do seem to be high in overusage, is there

17 anything in --

18 MS. LAMBERTON: They say

19 traditionally that's common for us and then we

20 level out.

21 MS. PICKARD: Okay.

22 MS. LAMBERTON: Like Tunk is
23 very low and then they have a NASCAR race --

24 MS. PICKARD: I didn't know if
25 there was something in particular that was driving

17

1 that.

2 MS. LAMBERTON: No, no. Our
3 stats seemed very equal with last year when they --
4 when you look at the report.

5 Any other questions, comments?

6 Open space.

7 Heidi, or --

8 MS. PICKARD: We did have a
9 meeting, we were out on the property. And we also
10 did have a meeting that Bob McHale -- and he could
11 speak to that probably better than I -- with the
12 conservation district about looking at taking those
13 buildings down and whether we could get through.
14 So I think the one building we can get to --

15 MS. LAMBERTON: And we're
16 talking Austin T. Blakeslee?

17 MS. PICKARD: Yeah --
18 MS. LAMBERTON: Just so the --
19 MS. HAASE: -- the Blakeslee
20 Natural Area.
21 MS. LAMBERTON: -- the folks
22 know.
23 MS. PICKARD: And there was
24 another one that you're doing, a GP-8?
25 MR. McHALE: We're gonna need

18

1 two permits; one is GP-8, temporary road crossing
2 to get across the wetlands. And the other would be
3 a temporary access onto 115 from PennDOT. And
4 we'll be submitting those within the next week or
5 so.
6 MS. LAMBERTON: We need permits
7 too.
8 Overlay committee?
9 MS. HAASE: We did not have a
10 meeting last month. We have a meeting tomorrow
11 evening at five o'clock, that is a public meeting
12 open to anyone who would like to join.

13 MS. LAMBERTON: Okay.
14 I'm sorry, anything else?
15 MS. HAASE: I just have a
16 general comment after about reports.
17 MR. HOLAHAN: But could we --
18 probably a fair number of people that might be here
19 for their first time, so if we could just briefly
20 state what that overlay committee is, so if you
21 want to attend the -- if you want to attend the
22 meeting, why would you feel compelled to come to
23 this exciting meeting right after this one? Well,
24 the next day actually.
25 What we're doing is, we're

19

1 looking at the overlay for Blakeslee, what we're
2 looking to do with the Blakeslee Corners area and
3 how we're going to -- we don't want to continue
4 with the strip malls and things like that, so we're
5 trying to take a look at how we can make -- make it
6 like a village center or something like that down
7 the way. So with that said, maybe you would like
8 to come in and hear what the proposal is, 'cause
9 right now we have a woman from the Natural Lands

10 Trust that is helping us -- she's done this for
11 other places.

12 Anybody from Doylestown or New
13 Hope or Lahaska or some of those different areas
14 where they kind of revitalize? Don't necessarily
15 want to turn this into Lahaska, but we certainly
16 would like to have a nice little village down
17 there. So if you'd like to hear more about it --

18 What time does that meeting
19 start?

20 MS. PICKARD: Five o'clock.

21 MR. HOLAHAN: Five? Okay.
22 Five o'clock tomorrow.

23 MS. PICKARD: Just as an aside,
24 one of our initial things, when we talked about the
25 Blakeslee Visioning, was to get a set of standards

20

1 that we could use to replicate and tweak in other
2 village centers like Pocono Pines and in Pocono
3 Summit --

4 MR. HOLAHAN: Good point.

5 MS. PICKARD: -- with their own

6 different characteristics, that needed the most
7 help.

8 MS. LAMBERTON: Anything else on
9 the overlay? No?

10 Pocono Mountain Regional EMS.

11 MS. PICKARD: I think Denise is
12 here in the back.

13 MS. LAMBERTON: Denise.

14 MS. DENISE DOREMUS: I'm here.
15 Hi.

16 MR. HOLAHAN: Hi, Denise.

17 MS. DENISE DOREMUS: Denise
18 from Pocono Mountain Regional EMS.

19 The month of May we had 495
20 calls total, which is about two percent up from
21 last year. And then Tobyhanna, actually you guys
22 are up almost 26 percent with 100 more calls than
23 last year so far; 105 so far this year and 477
24 total for the year.

25 We will be at the Community Day,

21

1 I won't be there, but we will be, the Pocono
2 Mountain Regional will be there and we'll be at the

3 National Night Out also. Thank you.

4 MS. PICKARD: And we are still,
5 Denise, we're in our subscriptions, so --

6 MS. DENISE DOREMUS: Well, yeah
7 --

8 MS. PICKARD: We're finished,
9 winding down.

10 MS. DENISE DOREMUS: -- they
11 started in June. The new -- started in June, so
12 it's June to June.

13 MS. PICKARD: Okay. Maybe you
14 could briefly explain that since we have so many
15 people here.

16 MS. DENISE DOREMUS: Our
17 subscription?

18 MS. PICKARD: Yeah.

19 MS. DENISE DOREMUS: Our
20 subscription is \$75 a year, it covers with -- we
21 bill your insurance. Whatever your insurance
22 doesn't pay is written off. If it doesn't come in
23 as if it was medically necessary, you're just
24 charged the Medicare rate, which is between 400 and
25 \$500.

1 Any other questions?

2 It runs from June to June and
3 it's per -- \$75 per household, so it's for your
4 whole family if you're in need -- you know, if you
5 need an ambulance.

6 MS. LAMBERTON: It's worth
7 every penny. Thank you, Denise.

8 MS. DENISE DOREMUS: You can see
9 it on PMREMS.org.

10 MS. LAMBERTON: One more.
11 Thornhurst Ambulance Squad,
12 anyone --

13 MS. PICKARD: I just had one
14 other thing --

15 MS. LAMBERTON: I'm sorry.

16 MS. PICKARD: -- that I just
17 wanted to mention, 'cause we do use that to get a
18 lot of equipment and we do leverage other grants.
19 We did get two grants for two new ambulances this
20 year. We also, Tobyhanna Township, did donate our
21 LUCAS automatic defibrillator and we do have a
22 grant in, to get a couple others.

23 MS. DENISE DOREMUS: We had

24 another one also --

25 MS. PICKARD: Yes.

23

1 MS. DENISE DOREMUS: -- that --
2 that paid for another one that is --

3 MS. PICKARD: Another donation.

4 MS. DENISE DOREMUS: -- in use
5 at the -- we did receive another one.

6 MS. PICKARD: And just --

7 MS. DENISE DOREMUS: The half
8 was by grant and half was -- from an anonymous
9 donor and I would like to thank them.

10 MS. PICKARD: From this
11 township as a matter of fact. And we do have two
12 that we have applied for with the local service --
13 Local Share Grant. And I was informed today that
14 there was supposed to be a meeting with the
15 governor, but he cancelled it again. So the whole
16 LSA Grant thing is going to be delayed for another
17 month. So contact your legislators.

18 MS. LAMBERTON: Moving on to
19 Thornhurst Ambulance Squad.

20 Is anyone here from Thornhurst?

21 Seeing no, we will move on.

22 MS. HAASE: Uhm --

10 MS. LAMBERTON: Fair enough.

11 MS. HAASE: Would that be
12 acceptable to everyone?

13 MS. LAMBERTON: What's the
14 pleasure of the board?

15 MR. HOLAHAN: Oh, certainly.

16 MS. PICKARD: That's -- that's

17 fine.

18 MR. HOLAHAN: Should be
19 interesting reading.

20 MR. KERRICK: I don't need to
21 know, I trust them.

22 MS. LAMBERTON: General
23 consensus is yes.

24 MS. HAASE: Thank you.

25 MS. LAMBERTON: You're very

25

1 welcome.

2 Moving on to old business.

3 Proposed zoning ordinance, interstate overlay for
4 billboards. I'm -- I'm sure that that's why the
5 majority of everyone is here tonight. I had 300
6 emails possibly, which is wonderful, because we
7 want your input, we -- this is as much your town as
8 it is ours. We all live here, we share our
9 community and we want to -- we want to know how
10 everyone feels about it.

11 In doing so, I had had some
12 conversations and it was suggested to me that
13 wouldn't it be in our benefit and everyone's

14 benefit, not for just this board to decide, but to
15 get the input and possibly put together a committee
16 of you folks that live in the residential and also
17 some folks that live in the business community.
18 Maybe -- I don't know what the board's feeling is
19 on this, I figured we'd just throw it out there.
20 But it was suggested to me, and I thought that does
21 make sense -- I mean, you have your ideas of how
22 you would like your township to look and we see
23 what comes in the door here as to the growth of the
24 community.
25 So maybe if we put a committee

26

1 of five to seven members together and maybe receive
2 emails this week to our township manager on who may
3 be interested -- and reach out to folks that aren't
4 here and let them know, you know, what -- if this
5 is the pleasure of the board at the end of the day.
6 And, you know, maybe in a week we pick a committee
7 and that committee can bring some ideas that we
8 might not have thought of, because we maybe only
9 hear what comes in the door as far as what's being

10 developed in the area, and how residential
11 communities would like to sustain what they
12 currently have. It's just a thought.

13 MR. HOLAHAN: Are we --

14 MS. PICKARD: I had a --

15 MR. HOLAHAN: Are we
16 considering a digital signage down 940 or are we --

17 MS. LAMBERTON: No, I believe
18 that --

19 MR. HOLAHAN: -- only looking at
20 the -- the overlay?

21 MS. LAMBERTON: We are only
22 looking, in my mind, my intention was, at the
23 overlay. We do not want to see digital signs up
24 and down 940 or 115 for that matter.

25 MR. HOLAHAN: So I -- I just --

27

1 Anne, I just wanted to bring that out because I
2 don't want people thinking that no decision's
3 getting made, we're just gonna go to committee with
4 this and who knows what will happen from that.

5 MS. LAMBERTON: Oh, no, I don't
6 think that's --

7 MR. HOLAHAN: So it's really not
8 --
9 MS. LAMBERTON: -- the
10 intention.
11 MR. HOLAHAN: -- it's really
12 not the intent --
13 MS. LAMBERTON: No.
14 MR. HOLAHAN: -- of putting any
15 digital signs down 940 and 115.
16 MS. LAMBERTON: No, that's not
17 my intention. And I don't think it's the intention
18 --
19 MR. KERRICK: Somehow that's the
20 word that got out from the phone calls I had.
21 MS. LAMBERTON: And I understand
22 that and you know how -- how things can get started
23 and it might be misconstrued with information. But
24 I know with our conversation here, digital signage
25 has been brought up. I -- I know that in certain

28

1 areas there may be a way to put it there, but as
2 far as strewing them up and down 940 through Pocono

3 Pines out through Pocono Lake, out through
4 Blakeslee, that's not the intent that I know we
5 have discussed.

6 MR. HOLAHAN: So the committee
7 that we'd be putting together --

8 MS. LAMBERTON: So I hope that's
9 --

10 MR. HOLAHAN: -- is just to
11 discuss --

12 MS. LAMBERTON: Well, you know,
13 the whole sign ordinance.

14 MR. HOLAHAN: Well, I'm
15 certainly okay with that, 'cause I -- I know that I
16 got -- I got a couple emails myself. And I think
17 people were concerned not just with the digital
18 signs, but that the condition of signs, the static
19 signs that are already on our roadside as well.
20 And -- and maybe even the -- the illegal ones that
21 we know that are out there, they're just kind of
22 stuck on roadsides and things like that, so I --

23 MS. LAMBERTON: And it seems --

24 MR. HOLAHAN: I imagine we
25 might get some excitement if we wanted some people

1 to join that.

2 MS. LAMBERTON: Well, I think
3 this whole sign ordinance needs to be revamped
4 because look what we have out there, go up and down
5 940. In my personal opinion, and I can't dictate
6 taste, but I think that we need to have a way to
7 clean up what's fallen down and broken down. I
8 think that that is not attractive to our community.
9 And I think that if we establish something that
10 pleases both the residential and the business
11 community, then we have a sign ordinance we can
12 use.

13 Yes? I'm sorry.

14 MR. GEORGE CANARDI: George
15 Canardi.

16 It seems to me, shouldn't you be
17 putting something together from what your
18 expectations are from a committee before you charge
19 a committee of residents? You know, we saw that
20 happen in Coolbaugh with Pocono Mountain Regional
21 Police and go nowhere. I mean, is the expertise in
22 terms of the existing ordinance and everything
23 knowledgeable to members? Are you suggesting that
24 this be a combined committee with supervisors or

25 just residents and business.

30

1 MS. LAMBERTON: My thought on
2 this, and this is just myself speaking, I would
3 like to see you work with our zoning officer and
4 possibly a person from the planning commission, who
5 is very instrumental in putting an ordinance
6 together prior to it coming to the board of
7 supervisors. So they could speak to the language
8 and then maybe that would help assist the folks
9 that aren't as familiar.

10 MR. GEORGE CANARDI: Thank you.

11 MS. LAMBERTON: Yes?

12 MR. MIKE CHRISTIAN: Yes, good
13 evening. Mike Christian.

14 The ordinance that was gonna be
15 discussed was interstate overlay for billboards.
16 Would that part of the remit of this committee, to
17 look at billboards and whether they be digital?
18 And is it the intention of the supervisors to have
19 digital billboards?

20 MS. LAMBERTON: To me, I think

21 it should all be a complete sign ordinance. I
22 don't think we should kick the can down the road, I
23 think we should do once and done. And if you have
24 a committee of both residential and business, I
25 think you should be able to come to some sort of

1 educated decisions.

2 MR. MIKE CHRISTIAN: Thank you.

3 MS. LAMBERTON: You're very
4 welcome.

5 Yes, Dan?

6 MR. DAN DOUGHERTY: Dan
7 Dougherty, Locust Lake Village.

8 For my own educ -- education,
9 'cause I'm getting a little confused, when you say
10 overlay, are you talking about Kalahari area.

11 MS. LAMBERTON: Well, actually
12 we had --

13 MR. DAN DOUGHERTY: -- because
14 you called that -- you called the Blakeslee thing
15 --

16 MS. LAMBERTON: Yes.

17 MR. DAN DOUGHERTY: So now I'm

18 confused what overlay we're talking.

19 MS. LAMBERTON: You're right.

20 There are two different types of overlay areas. We
21 had asked our zoning officer to put together two --
22 I don't even know how to explain -- maps of the
23 parcels that are along the 380/940 intersection and
24 also for the Route 80/115 section. So we were to
25 determine any type of digital, I'll say, or other

32

1 type of off-premise type of advertising, that is
2 the only two areas that we would even think of
3 wanting to put that type of signage in.

4 MR. DAN DOUGHERTY: Is that --
5 are those -- are those maps available anywhere for
6 anybody to look at? I mean, I tried to look -- I
7 tried -- I'll be honest, I went -- I tried to
8 Google today to get --

9 MS. LAMBERTON: I don't -- I
10 don't know that it's -- you know what we could do
11 --

12 MR. DAN DOUGHERTY: I tried to
13 get more information before I came today, so I

14 would know what you were talking about.

15 MS. LAMBERTON: I appreciate
16 that.

17 MS. PICKARD: Can we go over
18 this --

19 MS. LAMBERTON: Maybe we could
20 have --

21 MS. PICKARD: -- a little bit,
22 please?

23 MS. LAMBERTON: Absolutely.
24 Maybe could have Bob or Maureen
25 put this on our web page.

33

1 MR. DAN DOUGHERTY: That'd be
2 great.

3 MS. LAMBERTON: And then that
4 way everyone has access to it and you know what
5 areas we're speaking to.

6 Fair enough?

7 MR. DAN DOUGHERTY: The only
8 thing I found was something from 2013, you talked
9 about digital signs, that's the last thing I could
10 find.

11 MS. LAMBERTON: That I think
12 maybe we could do that in the morning and then
13 folks could have --
14 MS. HAASE: I'll send that over
15 to Linda tomorrow.
16 MS. LAMBERTON: I'm sorry --
17 MR. DAN DOUGHERTY: Does your
18 committee have to be a township resident?
19 MS. PICKARD: Yes.
20 MS. LAMBERTON: Personally I
21 think they should be.
22 MR. DAN DOUGHERTY: Okay.
23 Sorry.
24 MS. HAASE: Just to be clear,
25 though, they will be open meetings, so anyone could

34

1 attend.
2 MS. LAMBERTON: Well, you know,
3 that's a very good point because some of our
4 business owners might not live in the area. And
5 I'm looking at you thinking you are a manager --
6 general manager of a large community, so --

7 MR. DAN DOUGHERTY: Also have a
8 (inaudible) for signage.

9 MS. LAMBERTON: So I'd say maybe
10 we need to discuss that and see if people other
11 than -- I mean, if they have an interest within the
12 community, if they are a business owner or maybe a
13 community manager. I'm just throwing this out
14 there so we could all talk open and get your
15 feedback.

16 MR. HOLAHAN: And Bud's --

17 MS. LAMBERTON: Oh, I'm sorry.

18 I'm sorry, Bud?

19 MR. BUD COOK: Hi.

20 MS. LAMBERTON: How are you?

21 MR. BUD COOK: Okay.

22 Bud Cook, Wagner Forest.

23 Is there an ordinance proposed?

24 Is there something on the table already?

25 MS. LAMBERTON: As far as

35

1 digital?

2 MR. BUD COOK: As far as --

3 MS. LAMBERTON: Any type of

4 updated signage?

5 MR. BUD COOK: -- any amendment
6 to the sign ordinance.

7 MS. LAMBERTON: Well, I know
8 the planning commission had worked on a sign
9 ordinance and that's as far as it went, it never
10 went any further.

11 MS. PICKARD: It didn't have
12 digital or electronic signs in it.

13 MR. BUD COOK: So there's
14 nothing --

15 MS. LAMBERTON: So the answer
16 is, it is not complete.

17 MR. BUD COOK: -- before the
18 supervisors?

19 MS. LAMBERTON: Excuse me. No.
20 No, not at this time, no. And this isn't something
21 we're going to decide on anytime soon. We want to
22 make sure that it's done correctly for the future,
23 'cause we -- I -- I -- the general consensus of the
24 emails were basically we have to look maybe to the
25 future of the community and what do we want it to

1 look like. And I agree with the majority that I do
2 not want it to look like the strip from 611 from
3 Mount Pocono to Stroudsburg, that's not what I
4 would like either. And I don't think the board
5 wants that.

6 MR. HOLAHAN: Oh, the message I
7 got from the emails was, hell, no.

8 MS. PICKARD: Can we just go
9 over this, Bob, because I -- I did have some
10 comments when we talked about this that are --

11 MS. LAMBERTON: Let's just take
12 her question, please.

13 Go ahead, ma'am?

14 MS. SHEILA CALFAYAN: What are
15 you doing about the distress --

16 Oh, Sheila Calfayan, Arrowhead
17 Lake.

18 What are you doing about the
19 distressed signs that are already on 940 that are
20 falling down and should be taken down?

21 MR. HOLAHAN: Nothing at this
22 point, that's what we need to address, Sheila.

23 MS. PICKARD: But we do --

24 MS. SHEILA CALFAYAN: There's

25 nothing in place to --

37

1 MS. PICKARD: -- already have a
2 maintenance --

3 MR. HOLAHAN: Yep. We've got a
4 -- we've got a maintenance ordinance, and probably
5 that's one of the things we have to take a look at
6 is enforcing -- actually enforcing our ordinances,
7 so -- yeah, we got something that addresses that.
8 I think we need to get a little bit stronger on how
9 we're doing some things as well, so -- but good
10 point.

11 So we're not really talking
12 about -- we're talking about the possibility of --
13 you have to take a look at or listen to about this
14 overlay that we're speaking of. The overlay that
15 we're speaking of is allowing -- perhaps allowing
16 off-premise digital signs or billboards in two
17 particular areas; 115 and 80 and 940 and 380. And
18 the discussion is, do we allow those? And if we
19 do, how far out are we gonna allow them to
20 promulgate -- no -- be located. So that's actually
21 what we're going to be --

22 So the discussion about digital
23 signs, electronic signs is not over, it's just
24 we're not looking to go in between those areas. So
25 now, do you want coming into -- and this is what

38

1 has to be decided -- coming into the township from
2 380, coming from 940 moving west or coming in from
3 80 and coming into -- me coming from the west and
4 from the east, do we have digital signs there?
5 That's one of the things that will be next.

6 MS. LAMBERTON: Joey?

7 MR. JOSEPH COLYER: We already
8 have some of them on 380 and on 9 --

9 Joseph Colyer.

10 We already have some of that,
11 though, right? We have two already?

12 MR. HOLAHAN: Yeah, do we want
13 any more?

14 MR. JOSEPH COLYER: It's kind
15 of hard to let one person do it and not somebody
16 else.

17 MR. HOLAHAN: It might be

18 hard --

19 MR. JOSEPH COLYER: Kind of set

20 the precedent.

21 MR. HOLAHAN: -- but it's not

22 impossible.

23 MS. LAMBERTON: I'm sorry, sir,

24 just state your name.

25 MR. PETER TOTA: Peter Tota,

39

1 Pocono Pines.

2 As far as this interstate

3 overlay, you're saying like after I come up 380 and

4 make a left, we're gonna have billboards there with

5 advertising for our people? Or is it each

6 individual business has a sign by each one.

7 MS. PICKARD: Off-premise

8 digital. Off-premise is billboards, which is --

9 MR. PETER TOTA: Okay. But say

10 if there were 10 businesses, STS, you have

11 AutoZone, each one could put their own individual

12 sign? Like you can have 10 individual billboards?

13 MS. LAMBERTON: I think that's

14 one of the reasons we asked our zoning officer to

15 give us an idea of the size of the lots that are
16 currently there. And looking at it, I know you
17 haven't had a chance to see this and it will be for
18 your viewing pleasure tomorrow morning, but they're
19 large parcels. So I think when you take an
20 understanding at that, if that is developed, what
21 would you have, one sign?

22 MR. PETER TOTA: Well, that's my
23 --

24 MS. LAMBERTON: That's, I think,
25 what we need --

40

1 MR. PETER TOTA: -- individuals
2 going down each, like I said STS, you have
3 AutoZone, you got Lowe's, you got -- you're gonna
4 have each individual --

5 MS. LAMBERTON: Well, that's
6 not our township.

7 MR. PETER TOTA: Okay. Right.

8 MS. LAMBERTON: We stop right at
9 Cramer's Cashway for lack of a better delineation.

10 MR. PETER TOTA: Okay.

11 MS. LAMBERTON: That's where our
12 township ends.

13 MR. PETER TOTA: Okay.

14 MS. LAMBERTON: So from there
15 west is what we got to concentrate on.

16 MR. PETER TOTA: It's gonna be
17 one big sign with individual -- whether it's gonna
18 be individual billboards.

19 MS. LAMBERTON: And that's what
20 we need to discuss.

21 MR. PETER TOTA: Okay.

22 MS. LAMBERTON: Yes.

23 MR. PETER TOTA: All right.

24 Thank you.

25 MS. LAMBERTON: You're very

41

1 welcome.

2 MS. PICKARD: It's not
3 on-premise for the businesses there, this would be
4 for off-premise. So it's not for the businesses
5 that are located there, that would be an on-premise
6 electronic sign or digital sign. This is for
7 off-premise which is basically a billboard.

8 MR. PETER TOTA: Okay.

9 MS. PICKARD: So it's

10 advertising something not on the property.

11 MR. HOLAHAN: So Lowe's could

12 put the sign there, they could advertise there --

13 MS. PICKARD: Yes.

14 MR. HOLAHAN: -- even though

15 Lowe's is not there.

16 MR. PETER TOTA: But there's

17 still the discussion on the digital signs, you

18 started to discuss that?

19 MS. LAMBERTON: I think that's

20 the basis of a committee, to look at all types of

21 signs to say, yes, we want this, this we feel this

22 is a good idea; or no, we do not feel that this is

23 the perfect fit for that.

24 And going back to the previous

25 with the --

42

1 MR. PETER TOTA: Thank you.

2 MS. LAMBERTON: You're very

3 welcome. Thank you.

4 As far as, we do have a -- a
5 ordinance in process, but nothing has been
6 determined. So the planning commission --

7 How many years have they been
8 wanting to update the ordinances and the signage?

9 MS. PICKARD: Back 2008 to
10 2011.

11 MS. LAMBERTON: Yeah. So I
12 don't know, I guess we just come to a -- you know,
13 you can't keep kicking the can down the road.

14 Go ahead, sir.

15 MR. CONNELL MCGILL: Connell
16 McGill.

17 I was just wondering what the
18 driving force behind off-premise advertising is.
19 We recognize the fact that business owners,
20 business developers, shopping center developers in
21 an overlay, trying to commit -- create a different
22 village environment, is important to advertise
23 those businesses. I question why the off-premise
24 thing and what is the driving motivation behind
25 that, and who.

1 MS. LAMBERTON: Well, I know if
2 you look up and down 940 right now there are a
3 number of wooden billboards -- I'm just saying,
4 they currently exist.

5 MR. CONNELL MCGILL: I agree.

6 MS. LAMBERTON: So --

7 MR. CONNELL MCGILL: And I agree
8 --

9 MS. LAMBERTON: -- if --

10 MR. CONNELL MCGILL: I agree
11 with John that they're -- and I agree with this
12 woman over here, there's a lot of them that those
13 businesses are dead, there's still -- there's still
14 signs out there for businesses and the ordinance
15 probably should clean those up.

16 But I'm just -- now there we're
17 talking about electronic digital signage that can
18 potentially be very large, impacting a lot of
19 things, I can see the need to advertise your local
20 business, businessmen's right, create, drive
21 market, but why open it up to just billboards?

22 MS. LAMBERTON: And that's
23 something very valid that needs to have discussion
24 on. I agree with that.

25 MR. HOLAHAN: Connell, we do

1 have -- we do have places in those areas that are
2 -- so we've got Arcadia Industrial Park down there
3 and we've Pocono Manor and Kalahari up at the other
4 end. It's not going to stop there. Take that --
5 let me take that back. Those are where the growth
6 is gonna happen, there's no commercial/industrial
7 to go any further except those areas.

8 So we can see the pressure
9 coming in once those things -- those places start
10 to develop. What else is gonna come in next to
11 Kalahari? There are other plots back there that
12 won't be able to get signage visible from the main
13 road, so an anticipation of some of these things
14 coming in.

15 So we have to be careful in that
16 we want to -- we want to attract some of these
17 businesses that are coming in. But by the same
18 token, we don't want to pass something and then go,
19 oh, my God, what have we done, right? This is --
20 this is -- this is the conundrum that we're in.

21 MS. LAMBERTON: Sir, just state

22 your --

23 MR. JOE BALABAN: Joe Balaban,

24 Lake Naomi.

25 THE REPORTER: What was your

45

1 name? I'm sorry.

2 MR. JOSE BALABAN: Joe Balaban,

3 Lake Naomi.

4 Couple things. One, these signs

5 that are there now, off-premises, are not

6 advertising local businesses, they're advertising a

7 business all the way down 611. I don't know if

8 that's anything you can control. The other thing

9 is, is there any recourse if the decision is not to

10 allow digital signs, to get those removed, since

11 they're there already and should they put on

12 notice.

13 MS. LAMBERTON: I don't know

14 that you can take something that was once allowed

15 away from someone.

16 MR. JOE BALABAN: Were they

17 allowed?

18 MS. LAMBERTON: They must have

15 committee because when you have digital signs, what
16 will you -- you say it's -- it's our right-of-way,
17 you can't have a sign on the right-of-way digital.
18 Is the business allowed to put a digital sign
19 inside his window advertising we have a sale on
20 nuts and bolts or whatever? Because you're now
21 driving down the road and you're looking to the
22 right, looking at the sign and now you're not
23 paying attention. I don't know how far you can
24 stop him, can he put it on the side of his
25 building? It's not really --

47

1 MS. LAMBERTON: That would all
2 be -- that would all be how the ordinance would be
3 written at that point, that's what we'd have to
4 agree upon.

5 MR. PETER TOTA: That's to be
6 discussed.

7 MS. LAMBERTON: Yes, exactly.

8 MR. PETER TOTA: Fine. Thank
9 you.

10 MS. LAMBERTON: Troy, I saw
11 your hand up back there.

12 MR. TROY COUNTERMAN: Troy
13 Counterman, Blakeslee.
14 Correct me if I'm wrong, but
15 we're kind of a little confused here. We're
16 talking about on-premise advertising and billboards
17 off-premise. Billboards, again, correct me if I'm
18 wrong, but billboards are regulated by PennDOT,
19 they can only be placed in certain areas. So where
20 you see a billboard now is the only place that a
21 billboard can be placed for off-premise
22 advertising. And I think down at the truck stop,
23 the new plaza down there, when that thing was so
24 bright, they put regulations on them that they
25 could only advertise for on-site properties.

48

1 MS. LAMBERTON: When you say
2 the truck stop, you mean down in Bartonsville,
3 Troy?
4 MR. TROY COUNTERMAN: Correct.
5 'Cause there was a lot of complaints when that
6 thing went up, that it was too bright. We got the
7 same thing with Kalahari when it went up. So I

8 would suggest that somebody contact PennDOT for
9 their rules and regulations because I do believe
10 they put restrictions on them, that they could not
11 advertise off-site.

12 MS. LAMBERTON: Thank you for
13 brining that up. As a matter of fact, our township
14 engineer, Bob McHale --

15 Would you like to speak to --

16 MR. McHALE: Sure. There's --
17 there's three maps or plans that are in front of
18 the board right now. And one is, just to give you
19 an example, Interstate 380 and 940 -- and what Troy
20 has said is correct. If you flip to the third
21 page, you'll see that this is a figure directly out
22 of PennDOT's Publication 581, which is addressing
23 the Highway Beautification Act and that's the
24 manual that PennDOT will go by.

25 If you see the checkerboard kind

49

1 of cross hatch immediately near the interchange
2 around for controlled access highways, they have,
3 from their right-of-way, 660 feet back, where
4 around the interchanges is prohibited. There are

5 none that are gonna go there. And on the
6 controlled highways, they take 500 feet from the
7 tapers and they -- they extend that distance back
8 and that is also prohibited.

9 Now, if you go to the second
10 page which shows the -- it's the interstate and
11 federal aid primary highway system and this is what
12 PennDOT uses as a part of this package too, to show
13 that the interstates, of course; but 940, the
14 entire length in Tobyhanna Township, as well as
15 115, they are controlled highways. So what it
16 means then, you flip back to Page 3 again, is that
17 for 660 feet back, after you get to the edge of the
18 prohibited section, now PennDOT has control over
19 off-premise, those type of billboard signs, in
20 those corridors.

21 So really what PennDOT will do
22 -- the front sketch with the aerial just only
23 depicts the prohibited areas for that interchange
24 area based upon our estimate off of tapers from
25 aerial photos. What PennDOT will do is, if there's

1 a municipal ordinance in place, they will ask the
2 applicant to get the township's approval before
3 they'll issue a permit.

4 So the township has an
5 opportunity to have an ordinance in place to
6 regulate off-premise electronic billboards or
7 off-premise static billboards, you know, in those
8 areas that are controlled by PennDOT; but they can
9 also have ordinances in place for our township.
10 And, again, there's prohibited areas, just as Troy
11 was indicating, where they're not allowed to have
12 off-premise signs.

13 MS. LAMBERTON: And if I can
14 take it one step further, and correct me if I'm
15 wrong, even though the township might approve that
16 signage, that does not necessarily mean PennDOT --

17 MR. McHALE: Correct.

18 MS. LAMBERTON: -- will allow
19 it.

20 MR. McHALE: That's it. So the
21 committee would take this into account and probably
22 even at some point, once they pull a draft
23 ordinance together, is to run it by -- there's a
24 gentleman I spoke to a couple times, Michael
25 Paffrath. He's the one that oversees this portion

1 of the regulations. And to run the draft by him
2 and to say, here's what we're thinking, Mike, can
3 you take a look at it, see if we need to tweak it.
4 So that would be my suggestion.

5 MS. LAMBERTON: We may have you
6 sit on that committee, Bob. Makes sense, right?

7 Any other comments?

8 MR. HOLAHAN: Have them at eight
9 o'clock at night, right, Bob?

10 MR. McHALE: That'd be fine.

11 MS. LAMBERTON: So I hope
12 everyone agrees that we're going in the right
13 direction. We are open to any input. And whoever
14 may be interested, if you just want to contact our
15 township manager with your name and contact
16 information and if you'd be interested. And then
17 we'll just -- we can't pick everybody, 'cause you
18 know the larger the group that you have, the longer
19 it takes to get anything resolved.

20 Yes, ma'am.

21 MS. MARY DANIEL: Mary Daniel.
22 How would you choose the people

19 areas.

20 MS. LAMBERTON: -- you know, we
21 can have a couple -- we just can't get too large, I
22 hope everyone would understand that, 'cause if not,
23 you're just gonna be going in circles until you
24 have some ideas. And everyone, of course, is
25 welcome to come to the open meetings and we'll

53

1 discuss that multiple times before we make a
2 decision. There's no reason to rush into it.

3 MS. PICKARD: Okay. I just had
4 a couple of comments that I wanted to say. One was
5 on that billboard down by Cramer's, at the edge of
6 the township, that was a zoning hearing board
7 decision that permitted that digital sign. And I
8 think the other ones that are on 940 are
9 grandfathered in and I don't think we could remove
10 them because they already had a right to be there,
11 was one thing.

12 And one thing I know, Mike
13 Christian's brought up a couple times and what the
14 new decisions that the courts have handed down, if
15 we do allow anything in our gateway to the

16 community, we don't get to regulate the content.

17 So we can't stop the massage parlor advertising on
18 these things, it will be whatever it is, will be.

19 MS. LAMBERTON: That is a true
20 statement. That was brought to our attention by
21 our solicitor.

22 If you'd like to speak to the
23 Supreme Court ruling or --

24 MR. REISS: There was a decision
25 issued last summer by the Supreme Court out of a

54

1 case out of Arizona which restricts the ability of
2 municipalities to regulate content. The
3 regulations have to be neutral as it come -- as it
4 speaks to different types of signs. You can
5 regulate the different types of signs, digital,
6 on-premise, off-premise, that sort of thing. But
7 when you speak to an on-premise sign, for instance,
8 it has to be content neutral. So whether it's for
9 a church, whether it's for a township, whether it's
10 for a gas station, the regulations have to be the
11 same. Same for all types of signs, temporary signs

12 all have to be content neutral.

13 So that's the challenge for a
14 municipality because it used to be that you could
15 regulate a certain amount of content. You had to
16 be somewhat neutral, but you could regulate your
17 sign, you had more flexibility in your regulations.
18 So if you want to allow, for instance, temporary
19 signs, you can't say, well, it's okay for churches
20 when they're having their bazaars, but it's not
21 okay for realtors or whatever. It has to be same
22 regulation.

23 So that -- that would be the
24 challenge that you'll work through. And it's
25 difficult because municipalities typically do like

55

1 to make those distinctions.

2 MS. LAMBERTON: Yes, Mike?

3 MR. MIKE CHRISTIAN: Thank you.

4 Just as -- correct me if I'm
5 wrong, but my understanding is that it does come
6 down to the on-site, off-site, that if you -- as
7 you regulate on-site, that has to advertise only
8 the business on that site. So they can say

9 anything so long as it's about their business.
10 Once you allow off-site, then they can say anything
11 about any commercial entity.
12 MR. REISS: Correct.
13 MR. MIKE CHRISTIAN: Thank you.
14 MS. LAMBERTON: But can a
15 business --
16 MS. PICKARD: I had a question
17 for Jonathan.
18 MS. LAMBERTON: I'm sorry. Go
19 ahead, Heidi.
20 MS. PICKARD: Can we regulate
21 or to say that our off-site signs could only
22 advertise in-township businesses?
23 MR. REISS: No, I don't think
24 you could.
25 MS. PICKARD: Okay. Just a

56

1 question.
2 MS. LAMBERTON: Mr. Tota?
3 MR. PETER TOTA: Yeah. About
4 three years or four years ago, Pennsylvania Power

5 and Light reconducted all of 940, they put in 45
6 foot poles rather than 40 foot poles. The reason
7 why that is -- 'cause I worked for the power line
8 company -- is you can't put a three phase
9 transformer on a 40 foot pole. There's a safety
10 gap between the neutral line and cable or -- cable
11 or telephone, there's got to be so many feet. If
12 you put a three phrase transformer, which is higher
13 in height, that has -- you have to drop the neutral
14 zone down which now makes that safety of four foot
15 down to about three feet.

16 When you put it on a 45 foot
17 pole, it becomes 8 foot because now Power and Light
18 just doesn't say well, we have nothing to do, let's
19 put in all new poles and reconduct it, they know
20 businesses are coming. Now, if a business comes
21 and says, I can't -- you're not gonna let them
22 advertise and I'm just wondering if it's going to
23 stop a business from coming or --

24 MS. LAMBERTON: In -- in all
25 honesty, we have to be sensitive to that --

2 MS. LAMBERTON: -- because, I
3 mean, our township revenue --

4 MR. PETER TOTA: Comes from the
5 business.

6 MS. LAMBERTON: -- not only
7 comes from the residential, but the commercial and
8 the commercial/industrial pay a much higher rate
9 and it does -- and they don't feed children into
10 the school districts and -- so you have to also be
11 very sensitive to that as well, so --

12 MR. PETER TOTA: Because I
13 mentioned it to my wife, I said, well, businesses
14 are coming here. She says, why do you say that?
15 So I explained to her the same thing I just told
16 you. Tractor Supply, you got Lowe's, you got
17 AutoZone come up, these are businesses, right. Now
18 you have the Ford -- what is it, Ray Price Ford,
19 they're gonna need three phase right off the get-go
20 because of their --

21 MS. LAMBERTON: Expansion.

22 MR. PETER TOTA: -- machines --
23 expansion and it's there, so it's something to be
24 considered.

25 MS. LAMBERTON: And along that

1 line, we -- I mean, I know we've talked about
2 density and that's what a lot of the planners that
3 are in this for a living do. They'd rather see it
4 in a dense area instead of a sprawl. So that's why
5 we were trying to concentrate our commercial to
6 grow at the intersections of the interstate on both
7 ends of our township and leave the rest alone.

8 MR. PETER TOTA: Okay. Thank
9 you.

10 MS. LAMBERTON: Thank you.

11 MR. MOYER: Who's in charge --

12 MR. CONNELL MCGILL: Connell
13 McGill.

14 MS. LAMBERTON: I'm sorry. Go
15 ahead.

16 MR. CONNELL MCGILL: Connell
17 McGill.

18 Jonathan, can I just ask a
19 question? I understand what the dilemma there is
20 on content, but can you -- you can't effect the
21 content because of free speech, freedom of speech
22 laws and I understand that portion. But can you

23 limit the rate of the number of ads, the rate of
24 the ads, the changing of the ads, how many people
25 are allowed to advertise? You know, maybe, you

59

1 know, Wawa would love to have coffee time to go to
2 Wawa and then the massage parlor might like at
3 nighttime to get a massage. I don't know exactly
4 -- but can you regulate it and slow it down so that
5 you're not constantly barraged --

6 MR. REISS: Yes.

7 MR. CONNELL MCGILL: -- by
8 different ads that it would be -- okay, this is
9 gonna be a Kalahari ad or this it gonna be a Lowe's
10 ad or whomever?

11 MR. REISS: For electronic signs
12 you can -- you can regulate how often they change,
13 the rate of change, how it changes. You have the
14 brightness of the sign.

15 MR. CONNELL MCGILL: Can you
16 say how many times a day you can change it?
17 Meaning that if I have a message, can I change that
18 message at whim during the day. I mean, I know I
19 have an interface with the -- with the billboard.

20 Can you restrict that?

21 MR. REISS: Yes. The
22 advertising companies tell you -- I forget what
23 their best practices is, but they say it's -- let's
24 say every five seconds or ten seconds --

25 MR. McHALE: It's actually

60

1 around 15 seconds --

2 MR. REISS: -- because they want
3 to catch --

4 MR. McHALE: -- is fairly
5 normal.

6 MR. REISS: They want to catch
7 the next car going by with another sign. Williams
8 Township, which is on I-78, they adopted an
9 ordinance and I think they limited the change to
10 like two or three minutes and they regulated the
11 brightness of the sign at nighttime. You can --
12 you can put those regulations in place.

13 MR. CONNELL MCGILL: Thank you.

14 MS. LAMBERTON: I was speaking
15 to a gentleman who owns a sign company. He said

16 you can actually even regulate the type of LED that
17 you put in, that is even almost a calmer light. So
18 you can write your ordinance to list all of those
19 items. And PennDOT actually has its own regulation
20 --

21 Bob, correct me if I'm wrong.

22 -- on the amount of time and
23 brightness that they'll allow.

24 MR. McHALE: I didn't look into
25 PennDOT's regulations specific to that. But what

61

1 Jonathan is saying is correct, you can regulate all
2 those items that he mentioned.

3 MS. LAMBERTON: Don, you had a
4 question about the speed limit?

5 MR. MOYER: Yeah, I didn't know
6 who was in charge, is that PennDOT?

7 MS. LAMBERTON: On the state,
8 yeah, 940 and 80 and 380 is a big -- yeah. Slow
9 them down a little bit.

10 Yes, sir?

11 MR. JIM FEELEY: Yeah, Jim
12 Feeley, Lake Naomi.

13 I think the guy hit on a good
14 point here about grandfathered signs. You know,
15 I'm from the West Chester/202 corridor area. It's
16 almost like overnight in the last five years I've
17 seen just plain wooden signs get converted to a
18 digital sign overnight. And some of the areas
19 where I see some of these signs are kind of in the
20 residential area where we wouldn't expect to see
21 that. And possibility maybe that might be
22 something you might want to address, because how do
23 you stop them? You got somebody who has a sign
24 that's grandfathered in and some digital company
25 comes along and says, we'll -- we'll electrify that

62

1 thing for you for nothing and before you know it --

2 MS. LAMBERTON: Well, it's not
3 allowed yet.

4 MR. JIM FEELEY: Right here,
5 it's not allowed?

6 MS. PICKARD: Yeah.

7 MS. LAMBERTON: Yeah. And
8 that's why we're having this discussion --

9 MS. PICKARD: Exactly.

10 MS. LAMBERTON: -- so we can

11 get out in front of it.

12 Sir?

13 MR. PETER TOTA: Just one more

14 point of interest. Can you make a time limit, say

15 seven o'clock it would be shut off?

16 MS. LAMBERTON: That's also --

17 that was also an item that was brought up. Is like

18 can we turn them off at 10 p.m. or 9 p.m., is that

19 what you're saying?

20 MR. PETER TOTA: Right. 'Cause

21 people seeing going down the road, I don't want to

22 see them crash, shut them off. I mean, businesses

23 usually close, say, seven o'clock, can it be done?

24 As far as timewise, make it eight o'clock at night.

25 And if they don't, give them a \$500 fine. Make it

63

1 so high that they know they have to shut it off.

2 MS. LAMBERTON: And those are

3 things we can put into our discussion group. I

4 think that's a very valid comment.

5 MR. PETER TOTA: Thank you.

6 MS. LAMBERTON: Thank you.
7 Anyone else have any comments?
8 MR. JOSEPH COLYER: Just one.
9 MS. LAMBERTON: Joe?
10 MR. JOSEPH COLYER: Are we
11 gonna not have like digital flashing speed limit
12 signs on township roads either? 'Cause we have
13 them now and they're hideous, half of them are in
14 the road.
15 MALE VOICE: What's good for the
16 goose is good for the gander.
17 MR. JOSEPH COLYER: Right. So
18 if it's not allowed, it's not allowed. So be
19 careful what you wish for because if a business
20 can't have it, that means we can't tow these little
21 trailers and leave them on the shoulder of the road
22 in the car path, which is prohibited in our
23 township, according to the ordinance, but they're
24 there now so -- we shouldn't have them either.
25 MS. PICKARD: What signs are you

1 talking about, Joey?

2 MR. JOSEPH COLYER: The
3 flashing speed limit --

4 MS. LAMBERTON: Speed limit.

5 MR. JOSEPH COLYER: -- signs in
6 Lake Naomi, that they park right in the shoulder of
7 the road.

8 MS. PICKARD: But I think if
9 it's on a private road --

10 MR. JOSEPH COLYER: It's not on
11 a private road, they're township road, Miller
12 Drive's township.

13 MS. PICKARD: Okay. I missed
14 that.

15 MS. LAMBERTON: Thank you.
16 Anyone else?

17 MS. HAASE: Before we move on,
18 I just -- 'cause this will have to be by
19 resolution.

20 MS. LAMBERTON: Okay.

21 MS. HAASE: So if I can get
22 direction from the board what you would like in the
23 resolution for your next work session. So it's my
24 understanding right now, it's been discussed, the
25 zoning officer, engineer and a planning commission

1 member, so that's three members right now. How
2 many members would you like from the business
3 community and how many from the resident?

4 MR. McHALE: Could I offer up --

5 MS. LAMBERTON: Yes.

6 MR. McHALE: If I might just say
7 that maybe myself not be one of the committee
8 members, but I could just be a go-to for technical
9 advice if you wish or research documents on an
10 as-needed basis and that would free up a chair or a
11 position for a resident to be able to do that.

12 MR. KERRICK: Nice move, Bob.

13 MS. LAMBERTON: That's how you
14 do that.

15 (Inaudible outbursts.)

16 MR. HOLAHAN: It's for you
17 folks. It's for the benefit of you folks.

18 MS. LAMBERTON: It's to help
19 everyone else.

20 MS. PICKARD: Just let me tell
21 you, Bob --

22 FEMALE VOICE: It's not
23 Coolbaugh.

24 MS. PICKARD: Bob does have some
25 -- some guidance, some really thick documents that

66

1 he's provided me with, that are really good sleep
2 aides, from Penn State and the Federal Highway
3 Administration, that you would be required to
4 probably read, so keep that in mind.

5 MR. HOLAHAN: For a number of
6 members that would be -- I think we need to give
7 that a little more thought, because we take a look
8 at how many businesses there are and then what
9 percentage of that and then people from a couple of
10 different communities, so we get several of those,
11 and then people aren't in committee. So I think
12 it's premature to be able to kind of figure that
13 out right now. I don't want to hold this off, but,
14 I mean, I wouldn't mind if --

15 MS. PICKARD: If we come back
16 at our work session, maybe, and come back with some
17 idea?

18 MR. HOLAHAN: In three weeks,
19 do we need to get this figured out in three weeks?

20 Well, I don't think so. Don't worry, we're not
21 gonna be putting digital signs up anywhere in the
22 next three weeks. So if we could -- yeah, if we
23 could hold that off and get it figured out?

24 MS. LAMBERTON: Yes, sir.

25 MR. GEORGE BISHOP: George

67

1 Bishop, Pocono Pines.

2 I'm just looking at the other
3 guy, he's the guy that's been in this business for
4 20 years, how long have these signs been going up?
5 He knows every answer, every question, every trick
6 of the trade, how to get the thing done, what we
7 want to do. How do we fight them? How do we --
8 how do we know what to -- what -- they know
9 everything about the business. We know nothing
10 about it, really, as a -- you know, a committee
11 we're forming and we're gonna -- we don't even know
12 what questions to ask. We don't know where the
13 signs can be.

14 MS. LAMBERTON: I think the
15 purpose of the committee is to bring your ideas on
16 the type of signage you would like to see in the

17 community or --

18 MR. GEORGE BISHOP: But whatever
19 we decide they'll have a counteract.

20 MS. LAMBERTON: Who's they?

21 MR. GEORGE BISHOP: Whoever
22 wants to put up a sign.

23 MS. LAMBERTON: Well, I think
24 once you have an ordinance in place, that's the
25 sign you're allowed to put up.

68

1 MR. GEORGE BISHOP: But they'll
2 be able to counteract it, I just -- I'm just
3 thinking out loud.

4 MS. LAMBERTON: That's okay. I
5 appreciate your comments, but I -- I think that
6 that's why the ordinances are put in place so if
7 someone new would come into the area, a business
8 would look at our ordinances. They would say, this
9 is what I'm allowed to do and I have to stay within
10 that ordinance. I mean, they can't step outside of
11 it, unless they would request a waiver or something
12 from the zoning hearing board.

13 MR. HOLAHAN: Right.

14 MS. LAMBERTON: So that's why
15 you have them in place, to protect what your
16 decisions are at that time, but I do respect what
17 you're saying.

18 MR. GEORGE BISHOP: Okay.

19 MR. HOLAHAN: I think we all
20 know that what happens is -- with signs is, a sign
21 goes up and then another business has to shout out
22 that business to catch the attention, right? So
23 that's where we're -- so if we kind of standardize
24 some things -- and that's one of things we spoke
25 about before, a little more standardization in the

69

1 signs, that now you can no longer -- look, these
2 things are commercials and we're bombarded by
3 commercials all the time so how can we make them
4 less intrusive, less garish. Someone used garish,
5 I love that word now, garish.

6 MS. LAMBERTON: Mrs. Zabaleta?

7 MS. VILMA ZABALETA: I've been
8 driving here for 43 years and I feel that these
9 signs are distracting when people are driving at 70

10 miles an hour trying to pass you or are right on
11 the bumper. So I don't want anything that is
12 shining and is taking attention out of driving.
13 I'm sorry, it's very dangerous.

14 MR. HOLAHAN: Don't apologize,
15 good point.

16 MS. LAMBERTON: Yeah, no,
17 that's --

18 MS. VILMA ZABALETA: I mean, you
19 go by Kalahari and they're telling you, you have --
20 you know go here, go there, you know? That should
21 not be happening when you're driving with all
22 trucks and everybody. So, you know, I don't want
23 any more. I feel that with the ones we have is
24 enough. The other thing is once you let --

25 MS. LAMBERTON: Is that 70

70

1 there? Is that 70 miles an hour there, Mrs.
2 Zabaleta?

3 (Audience outburst.)

4 MS. VILMA ZABALETA: I need to
5 know the website, what's your website?

6 MS. LAMBERTON: We'll have
7 Phyllis announce that or --
8 MS. VILMA ZABALETA: All right.
9 Thank you.
10 MS. HAASE: I have some
11 business cards --
12 MS. LAMBERTON: That might be
13 the best way, yes.
14 MS. HAASE: I'd be happy to give
15 you.
16 MS. LAMBERTON: Phyllis has a
17 business card --
18 MS. HAASE: With my email
19 address and also the website on it.
20 MR. HOLAHAN: I think what's
21 gonna happen is once you all get the kind of thing
22 what this overlay thing is that we're referring to,
23 it will be less abstract to you and then it will
24 make some kind of sense of what we're talking
25 about. And that will be put up on the website.

71

1 MS. LAMBERTON: Mr. Tota?
2 MR. PETER TOTA: I think we

3 should get a committee because there's so many
4 loopholes in this sign, you're gonna tell a
5 business that he can't put a sign inside his
6 business? I mean, that's, you know -- he could put
7 a little four by four sign in the window saying,
8 nuts and bolts on sale. You're gonna tell him he
9 can't do it? I don't know what the legal end of it
10 is, but I think we should get all the ideas
11 together --

12 MS. LAMBERTON: I agree.

13 MR. PETER TOTA: -- put it out
14 and go from there.

15 MS. LAMBERTON: That's the
16 direction --

17 MR. PETER TOTA: There's a lot
18 of loopholes, there are a lot of loopholes.

19 MS. LAMBERTON: Agreed. That's
20 the direction we want to take. Thank you.

21 Sir?

22 MR. TED MOYER: Ted Moyer,
23 Pocono Lake.

24 I would like to ask the
25 audience, is there anybody here pushing, that would

1 like to have a digital sign.

2 To answer your question, sir, we
3 got to vote them out, that's the only way we can
4 fight them because the special --

5 MR. PETER TOTA: Who out?

6 MR. TED MOYER: The special
7 interest sits up there, what goes on behind the
8 scenes is what's driving these signs, end of story.

9 MS. LAMBERTON: Well, to that
10 comment, and I -- I understand your comment, Teddy,
11 I appreciate that. Thank you. I think what we are
12 looking at too is, it is 2016, we do have
13 businesses that are looking in the Pocono
14 Mountains. We need to see what they're -- a lot of
15 the businesses have requirements for their models,
16 that they already have in place in other areas, so
17 we have to be sensitive to that.

18 And if it is something -- we are
19 a resort community, we are a tourism community, I
20 mean, that's what the Poconos is. So just like
21 communities needs change and -- I mean, let's take
22 for instance -- and I'm not picking on Lake Naomi,
23 but you have a new welcome center because the needs

24 for your younger generation coming in is changing
25 and you want your grandchildren to come and you

73

1 want to have something for them, the township has
2 to look at that as well. You know, you also want
3 to have some areas -- but you want to maintain the
4 rest your community as it is, 'cause that's what we
5 all are here for.

6 I'm born -- I'm a feared local,
7 so I lived here my entire life, so I get it. I
8 remember when 940 and I think John and Donny you
9 can contest to it, was two lanes, there wasn't a
10 thing built. I rode snowmobiles up and down 940.
11 So we've seen the changes and if we don't get
12 something done now, it's gonna develop and we're
13 gonna be playing catch up with a project-driven
14 ordinance and you don't want that. You want to
15 have your ordinance in place, but you have to look
16 at both sides of it to be fair.

17 MR. HOLAHAN: Well said.

18 MS. LAMBERTON: Thank you.

19 Here, here. Okay.

20 But I appreciate everyone coming

21 out and this is what we need to make our community
22 sustain, 'cause if we don't know what you guys
23 want, we -- I mean, it helps us get the right
24 decisions made.

25 MS. VILMA ZABALETA: What are

74

1 these towers that they're putting on 940 for the
2 electric?

3 MS. LAMBERTON: Mr. Tota worked
4 for the Pennsylvania -- I'm only kidding.

5 (Inaudible comments.)

6 MS. LAMBERTON: That's
7 Pennsylvania -- that's Pennsylvania Power and
8 Light, that's out of our control.

9 MR. PETER TOTA: I can answer
10 that.

11 MS. LAMBERTON: Oh, no, here we
12 go. I'm ready.

13 MR. PETER TOTA: First on the
14 right -- 'cause I back up to the right-of-way. You
15 had wood poles, what they call a single conductor
16 or single -- what happens is one substation feeds

14 doing 70 on 380, Mrs. Zabaleta.

15 Are there any other comments?

16 Jim?

17 MS. PICKARD: I did have a
18 comment. I know Phyllis is trying --

19 I did want to bring something up
20 and I know we're gonna go probably long, but I did
21 want to talk about Middle Smithfield and some of
22 the ways that they're encouraging economic
23 development to dovetail with the signs. I was
24 hoping to get another committee thought process
25 going on economic development to get our businesses

76

1 so they can look at different ways and ways to
2 market our community so that they don't need neon
3 signs and flashing lights as part of that.

4 And I've been doing some poking
5 around Middle Smithfield and some of the things --
6 I know they had an app, I couldn't find it. But
7 they do have an economic development committee and
8 I would like to -- if we're going to have a
9 committee for signs, I would like to see another

10 way -- I know -- I've talked with several people, I
11 think we have some smart people in our community
12 that may be willing to help out other businesses as
13 well.

14 MS. LAMBERTON: Sure. That
15 sounds like a lovely idea.

16 MS. PICKARD: Maybe we can talk
17 about that at our work session.

18 MS. LAMBERTON: That sounds
19 great.

20 MS. HAASE: So I'm clear then,
21 a resolution will not need to be prepared prior to
22 work session for the --

23 MS. LAMBERTON: For to put a
24 committee together?

25 MS. HAASE: Correct.

77

1 MS. LAMBERTON: I'd like to see
2 everybody send their emails into --

3 MR. HOLAHAN: Phyllis.

4 MS. LAMBERTON: -- Phyllis for a
5 letter of interest to join a committee and then I
6 guess the -- we diligently have to put something

7 together so you guys can get working on it and -- I
8 think a very valid comment that was just made to me
9 was, maybe we could have the staff not as members
10 so that would allow more residential and commercial
11 people on the committee. We would just use their
12 guidance instead of being committee members as Bob
13 so eloquently backed himself right out of that
14 position so -- but that's a very valid comment that
15 you made.

16 MR. HOLAHAN: Anne, to Phyllis'
17 question then, perhaps we could go and draft what
18 the ordinance may be and then just plug the numbers
19 in when we have the discussion?

20 MS. LAMBERTON: The resolution?

21 MR. HOLAHAN: Yeah. Well, for
22 -- yeah, the resolution, sorry.

23 MS. LAMBERTON: I'm fine with
24 that if the board's -- if that's the board's
25 pleasure?

78

1 MS. PICKARD: That's fine.

2 MS. HAASE: So the business

3 members of -- and do they need to be a resident of
4 our community or not?

5 MS. PICKARD: Yes.

6 MS. LAMBERTON: I think they
7 have to have an interest. No, I think they -- I
8 think if a business owner doesn't live in the
9 community, they should be able to be part of this
10 committee as well.

11 MS. PICKARD: I think they
12 should be a taxpayer.

13 MS. LAMBERTON: And I'm thinking
14 of Dan -- Dan, like you had a perfect comment,
15 where you'd be instrumental as a community general
16 manager. I mean, you could speak for your entire
17 community, so I don't think we should limit it to
18 people that reside in the township.

19 MR. HOLAHAN: Well --

20 MS. PICKARD: I disagree. I
21 think it should be taxpayers.

22 MR. HOLAHAN: Well, I know
23 you're saying that, but --

24 MS. LAMBERTON: Well, they are
25 taxpayers if they own the business.

1 MS. PICKARD: Well, then
2 somebody from Locust Lake's board could be on.

3 MR. HOLAHAN: What we don't want
4 is everybody that may agree with the group. I
5 think it needs some dissenting --

6 MS. LAMBERTON: Oh, you need
7 diversity.

8 MR. HOLAHAN: Right.

9 MS. LAMBERTON: I agree.

10 MR. HOLAHAN: So even though you
11 might have a person that owns a business within the
12 township but doesn't reside here, I still want to
13 know what they think. Whether we move forward with
14 it --

15 MS. LAMBERTON: 'Cause if they
16 have businesses -- I'm sorry, I didn't mean to
17 interrupt you. If they have a business in another
18 location, they might already have some great ways
19 of having signage without or with digital.

20 MR. HOLAHAN: Certainly.

21 MR. GEORGE BISHOP: As you
22 said, they can come to the public meeting too.

23 MS. LAMBERTON: Absolutely,
24 that's true.

25

MS. HAASE: It would be

80

1 advertised public meeting, correct.

2 That's correct, Mr. Bishop.

3 MR. PETER TOTA: And advertised
4 with a digital sign.

5 MS. HAASE: Also, Annie, the
6 purpose -- what I jotted down was you had --

7 (Audience interruption.)

8 MS. HAASE: You had said bring
9 ideas of what type of signage the committee would
10 like to see in the community.

11 MS. LAMBERTON: Yes.

12 MS. HAASE: That's the purpose?

13 MS. LAMBERTON: The purpose is
14 to draft a sign ordinance.

15 MR. HOLAHAN: It's probably
16 gonna be more what they don't want to see than what
17 they want to see, but that's a good list as well.

18 MS. LAMBERTON: Umm-hmm.

19 Fair enough?

20 Yes, sir?

21 MR. GEORGE BISHOP: One of the
22 gentlemen -- excuse me.
23 George Bishop, Pocono Pines.
24 One of the gentlemen reminded me
25 of the responsibility that you people have, that if

81

1 you sense that there's an outpouring of opposition
2 to this signage, would you be able to take our
3 feelings and convey them to the people that want to
4 put up these electronic signs?
5 MS. LAMBERTON: That's what we
6 would pass in an ordinance. I'll take it one step
7 further, we did the same thing with the sewer line
8 extension. We had an ability to extend a sewer
9 line, but we wanted to know what the property
10 owners along that corridor wanted to do. We had a
11 town hall meeting, we listened to, I would say,
12 99.9 percent of the folks and there was a
13 percentage of business owners that wanted the sewer
14 line, but we listened to the majority. And they
15 did not want the extension, so we did not -- we did
16 not make that an issue any longer. So we did
17 listen to the majority of the people talking.

18 MR. GEORGE BISHOP: I'm not sure
19 I understand the answer --

20 MS. LAMBERTON: The answer is,
21 yes, we would listen to the majority of what people
22 want.

23 MR. GEORGE BISHOP: Right.

24 MS. LAMBERTON: Yes.

25 MR. GEORGE BISHOP: So what's

82

1 the point of getting a committee? And I mean, can
2 you sense that this is what we want now?

3 MS. LAMBERTON: I can sense
4 what you -- you don't want digital signs, I can
5 sense that now, but what do you want? Do you want
6 nice monument signs, do you want people to
7 advertise on -- what do we do with the billboards
8 that are standing? Do we put an ordinance to take
9 -- we can't take them down, what do we do? There's
10 a lot more to it than just, no, we don't want any
11 digital signs, I guess is what I'm trying to say.
12 We're open to all suggestions, Mr. Bishop.

13 MR. HOLAHAN: I'm afraid Mr.

14 Bishop is thinking that they'll be a fair trial
15 before we hang somebody.
16 MR. GEORGE BISHOP: I don't
17 want to hang anybody.
18 MS. LAMBERTON: Please, no.
19 Please, no.
20 Any other comments?
21 MS. WENDI FREEMAN: Just one for
22 question.
23 MS. LAMBERTON: Yes, Wendi?
24 MS. WENDI FREEMAN: Wendi
25 Freeman.

83

1 So did you say yes, it has to be
2 a resident?
3 MS. LAMBERTON: I personally do
4 not feel that it does. For instance, you'd be a
5 perfect candidate for our committee.
6 MS. WENDI FREEMAN: Well, I do
7 pay taxes here, so -- I mean, I pay through my
8 employment here, I pay taxes to Tobyhanna Township
9 as we stand.
10 MS. LAMBERTON: Oh, there you

11 go. Yeah, you work within the township, you pay
12 one percent earned income tax, there you have it.

13 MS. WENDI FREEMAN: So you could
14 -- I just wanted to say that you could get around
15 it, but --

16 MS. LAMBERTON: No, I like that
17 comment. I personally think there are people that
18 do work within communities and you have more
19 knowledge than a lot of folks do because you've
20 been around this for a long time. And you have the
21 -- you hear from your community members more
22 than -- you know, I mean, that's what you do. So I
23 don't know. I personally don't think they have to
24 be residents.

25 MR. DAN DOUGHERTY: We'll be at

84

1 the meetings though.

2 MS. LAMBERTON: Okay. That
3 sounds great.

4 MR. DAN DOUGHERTY: Doesn't
5 matter, we'll be at the meeting.

6 MS. LAMBERTON: So that could be

7 determined.

8 MS. HAASE: So how would you
9 like this drafted?

10 MS. LAMBERTON: She's flipped
11 over like five pages already.

12 MS. HAASE: Will be or will not
13 be?

14 MS. LAMBERTON: Do we have to
15 make that a stipulation in it?

16 MS. MINNICK: Or it could just
17 say the taxpayer in Tobyhanna Township.

18 MS. LAMBERTON: What's the
19 consensus of the board? Do they have to be
20 taxpayers in the township?

21 MS. PICKARD: I wanted them to,
22 but I'm probably the minority here.

23 MS. LAMBERTON: Okay.

24 MALE VOICE: Excuse me?

25 MS. LAMBERTON: Yes?

85

1 MALE VOICE: I'm a resident.

2 MS. LAMBERTON: A resident, I'm
3 sorry.

4 MR. PETER TOTA: What you're
5 trying to say is that anyone outside the township
6 can influence what's going on in our township and
7 --

8 MS. LAMBERTON: No. What I was
9 saying, there might be someone that owns a business
10 in the township that does not the reside here,
11 that's my comment.

12 MR. PETER TOTA: Well, that's
13 the people that should be here not somebody out of
14 the township.

15 (Inaudible discussion.)

16 MS. LAMBERTON: That's why that
17 --

18 MS. PICKARD: I said taxpayer
19 not resident.

20 THE REPORTER: Excuse me.
21 Sorry.

22 MR. MOYER: I agree with that.

23 MS. LAMBERTON: Yes, sir?

24 MR. MIKE CUMMARD (phonetic):
25 Yeah, Mike Cumnard, Lake Naomi.

1 You said there's a tremendous
2 response of emails that you received. Can you give
3 us a ballpark proportion of pros and cons?

4 MS. LAMBERTON: A hundred
5 percent --

6 MR. HOLAHAN: Yeah, a hundred
7 percent against.

8 MS. LAMBERTON: -- against.

9 MR. MIKE CUMMARD: End of
10 discussion.

11 MS. LAMBERTON: Yeah. No, it
12 is. It is for that particular item, but we want to
13 know what else. I mean, there's more to just that
14 than an ordinance, so we want to make sure we do it
15 right. But thank you for that comment, yes.

16 Okay. So can we agree that it
17 has to be a person that pays taxes within the
18 township?

19 MR. HOLAHAN: Yes.

20 MR. KERRICK: Yes, I will agree.

21 MS. LAMBERTON: Fair enough?

22 MS. PICKARD: Yeah.

23 MS. LAMBERTON: I like that.

24 See, this is easy.

25

You good?

87

1

MS. HAASE: I'm good.

2

MS. LAMBERTON: She's almost out

3

of paper.

4

MS. HAASE: I'm good.

5

MS. LAMBERTON: If there's no

6

other comments in regards to this, we're gonna move

7

on to our next agenda item.

8

Seeing none. LERTA. I believe

9

we're gonna table that until we --

10

MS. PICKARD: Do overlay.

11

MS. LAMBERTON: -- get through

12

our overlay.

13

Do I need to entertain a motion

14

to table? Or can I just table and move on?

15

Okay. Natural Lands Trust

16

Grant, desktop study.

17

MS. HAASE: Yes, ma'am. We had

18

spoken about this last month and there is not an

19

agreement that needs to be signed, but the minutes

20

do need to reflect that the board of supervisors

21

are requesting assistance for the Blakeslee Village

22 stormwater management analysis. They approved with
23 the scope of work, that they agree to match the 25
24 percent that's confirmed at \$3,750 towards the
25 work. And they will endeavor to complete the

88

1 project by December 31, 2016.

2 MS. LAMBERTON: I'll entertain a
3 motion.

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

6 MS. LAMBERTON: I have a motion.
7 Do I have a second?

8 MR. HOLAHAN: Second.

9 MS. LAMBERTON: I have a motion
10 and a second.

11 Questions or comments from the
12 board?

13 MR. KERRICK: Could I have a
14 detail, what actually they're going to do?

15 MS. LAMBERTON: It was --

16 MR. KERRICK: Is it just a
17 comprehensive study or they're gonna look at the

18 land use that's proposed now?
19 MS. PICKARD: No, they're
20 looking at the soil.
21 MS. HAASE: No, yes.
22 MR. KERRICK: They're looking at
23 the soil?
24 MS. LAMBERTON: And the use.
25 MR. KERRICK: I mean, I -- I

89

1 agree with the concept --
2 MS. LAMBERTON: Right.
3 MR. KERRICK: -- I just was
4 curious if -- what actually they were going to do.
5 MS. HAASE: What was presented
6 to the committee was to look into having almost
7 like a regional drainage plan --
8 MR. KERRICK: I agree with
9 that.
10 MS. HAASE: -- for lack of a
11 better word.
12 MS. LAMBERTON: Right.
13 MS. HAASE: So this study would
14 solely just be desktop. They're not really going

15 out studying the soils, going on the property.
16 They're really looking at all the information
17 that's provided to them through the MCCD, anything
18 the township can provide, anything that they can
19 view that's already been created, and to come back
20 with a cost that would pertain to this project to
21 do a regional -- a regional permit.

22 MS. LAMBERTON: Isn't there data
23 on soil types?

24 MS. HAASE: There is some.

25 MS. LAMBERTON: So it would

90

1 include? It would have to, for stormwater.

2 MS. HAASE: They will need to
3 go out and do further testing --

4 MS. LAMBERTON: Okay.

5 MS. HAASE: -- but that is
6 another stage of this.

7 MS. LAMBERTON: I've got a
8 motion and a second.

9 Any other questions or comments
10 from the board?

11 Any questions or comments from
12 the public?
13 Seeing none. Call the vote.
14 John?
15 MR. KERRICK: In favor.
16 MS. LAMBERTON: Heidi?
17 MS. PICKARD: Vote in favor.
18 MS. LAMBERTON: John?
19 MR. HOLAHAN: Yes.
20 MS. LAMBERTON: Donny?
21 MR. MOYER: I vote in favor.
22 MS. LAMBERTON: I vote in
23 favor. Motion carries.
24 You good?
25 MS. HAASE: I'm good.

91

1 MS. LAMBERTON: New business.
2 Consider approving certificate of developer and
3 request for Payment No. 15 for the Kalahari Resorts
4 Sewer Account in the amount of \$51,921.54.
5 MR. REISS: If I may, I've
6 spoken with Kalahari's attorney actually on my way
7 up here tonight. There's one item that T&M, the

8 engineers that are assisting the township on this
9 project, that on the punch list that still is not
10 resolved. It's regarding restoration of the Decker
11 property. I think there's an outstanding agreement
12 that has to be prepared, agreed to, signed.

13 Tonight if you approve this
14 motion, I would ask that it be conditional upon
15 resolution to my satisfaction of that one last
16 remaining punch list item. That way if it's done
17 by Friday, I can tell Phyllis to release the funds
18 without having to come back to another meeting.

19 MR. HOLAHAN: I'm okay with
20 that. So with that said, do I make a motion to go
21 ahead and release that from the sewer account for
22 fifty-one nine twenty-one fifty-four conditional
23 upon our solicitor approving of the resolution of
24 the conditions?

25 MR. REISS: The Decker

92

1 restoration.

2 MR. HOLAHAN: Yep.

3 MR. KERRICK: I'll second it.

4 MS. LAMBERTON: I have a motion
5 and a second.
6 Any questions or comments from
7 the board?
8 MS. PICKARD: That would be on
9 T&M's approval of that too?
10 MR. REISS: Well, T&M has to
11 first sign off on it --
12 MS. PICKARD: Okay.
13 MR. REISS: -- to me.
14 MS. PICKARD: Got it.
15 MS. LAMBERTON: Any other
16 questions or comments from the board?
17 Questions or comments from the
18 public?
19 Seeing none. Call the vote.
20 John?
21 MR. KERRICK: In favor.
22 MS. LAMBERTON: Heidi?
23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: John?
25 MR. HOLAHAN: Aye.

1 MS. LAMBERTON: Donny?
2 MR. MOYER: I vote in favor.
3 MS. LAMBERTON: And I'll
4 abstain.
5 MS. HAASE: I apologize. Who
6 second that motion?
7 MS. LAMBERTON: I think it was
8 John Kerrick?
9 MR. KERRICK: John Holahan and
10 John Kerrick.
11 MS. HAASE: Thank you.
12 MS. LAMBERTON: I'll entertain a
13 motion considering approving the certificate of
14 developer and request for Payment No. 14 for the
15 Kalahari Resorts Access Road Account in the amount
16 of \$30,933.09.
17 MS. HAASE: Yes, ma'am. I did
18 receive notification from T&M today, they did
19 approve that amount. I am prepared to sign off as
20 soon as the board agrees.
21 MS. LAMBERTON: I'll entertain
22 a motion.
23 MR. MOYER: So moved.
24 MR. KERRICK: Second.
25 MS. LAMBERTON: I have a motion

1 and second.

2 Any questions or comments from

3 the board?

4 Questions or comments from the

5 public?

6 Seeing none. Call the vote.

7 John?

8 MR. KERRICK: In favor.

9 MS. LAMBERTON: Heidi?

10 MS. PICKARD: I vote in favor.

11 MS. LAMBERTON: John?

12 MR. HOLAHAN: Aye.

13 MS. LAMBERTON: Donny?

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

15 MS. LAMBERTON: I'll abstain.

16 Motion carries.

17 MS. HAASE: And just also to

18 mention to the board, this will now zero out that

19 secured account with the TIF Fund. So the access

20 road will be zeroed out.

21 MS. LAMBERTON: Thank you.

22 Moving on. Banking proposals.

23 MS. HAASE: Yes. As I
24 mentioned in one of my updates to the board, we've
25 recently had some meetings with some banking

95

1 institutions after receiving notification from
2 Landmark that they're going to be reducing the
3 interest rate on all of our accounts. And there's
4 a few that they're gonna slightly increase, but
5 it's not gonna balance out. And also Landmark has
6 stopped reviewing checks that require two
7 signatures. So they would no longer be responsible
8 for reviewing that prior to them being submitted.

9 MS. LAMBERTON: Yeah, I can't
10 think of many banks now that look at more than one
11 signature.

12 MS. PICKARD: ESSA does.

13 MS. HAASE: Well, ESSA does,
14 we've confirmed that. So an analysis was provided
15 through Landmark, ESSA, PLGIT for the interest
16 rates. And if we go by what was being proposed by
17 the new entities, as well as Landmark, there --
18 there is a difference in the interest rate that we

19 would receive. Off of the balance that's in our
20 accounts right now, Landmark would be providing an
21 interest for the year of \$9,428 versus ESSA, was
22 the higher, at 12,163.26 as an estimate.

23 MS. LAMBERTON: Did anyone
24 contact Landmark and ask them if they would meet
25 what the others are providing?

96

1 MS. PICKARD: We contacted them
2 and that's what they did.

3 MS. HAASE: Yes.

4 MS. LAMBERTON: They lowered
5 them?

6 MS. PICKARD: They're not really
7 -- yeah.

8 MR. HOLAHAN: That was the
9 negotiation.

10 MS. PICKARD: Yeah, that was
11 negotiation.

12 MS. HAASE: They actually --

13 MS. LAMBERTON: I was just --

14 MS. HAASE: -- to meet with us.

15 MS. LAMBERTON: Okay. Just a
16 question.

17 MS. PICKARD: I think they don't
18 want to be in the government banking business
19 anymore, frankly. They -- they did not replace
20 their government banking position.

21 MS. LAMBERTON: Just a question.

22 MR. HOLAHAN: So do we need to
23 do anything here?

24 MS. PICKARD: Well, I think we
25 wanted approval to move our major accounts to ESSA.

97

1 MR. HOLAHAN: I'll make that
2 motion.

3 MS. PICKARD: That being said,
4 I just wanted to say that some things like the
5 sewer account where we have a lot of things tied in
6 with credit cards that we're gonna be winding down
7 anyway --

8 MS. LAMBERTON: Leave it alone.

9 MS. PICKARD: -- we would leave
10 it alone.

11 MR. HOLAHAN: Okay.

12 MS. LAMBERTON: I've got a
13 motion on the floor, table.
14 Do I have a second?
15 MS. PICKARD: I'll second the
16 motion.
17 MS. LAMBERTON: I have a motion
18 and a second.
19 Any questions or comments from
20 the board?
21 MR. HOLAHAN: Okay. So we're
22 gonna move everything except the --
23 MS. LAMBERTON: Sewer.
24 MR. HOLAHAN: -- sewer
25 operating?

98

1 MS. PICKARD: Well, we still
2 have investment accounts at PLGIT and we still have
3 CDs in Morgan Stanley --
4 MR. HOLAHAN: Gotcha.
5 MS. PICKARD: -- and in PLGIT,
6 but this is for our major --
7 MR. HOLAHAN: For the funds that

8 we're looking at here.

9 MS. PICKARD: For the bank

10 account.

11 MR. HOLAHAN: Okay.

12 MS. PICKARD: But, yeah.

13 MR. HOLAHAN: Yeah, I'm good.

14 MS. LAMBERTON: Any questions

15 or comments from the board?

16 Questions or comments from the

17 public? Any bankers?

18 Seeing none. Call the vote.

19 John?

20 MR. KERRICK: Abstain.

21 MS. LAMBERTON: Heidi?

22 MS. PICKARD: I vote in favor.

23 MS. LAMBERTON: John?

24 MR. HOLAHAN: Aye.

25 MS. LAMBERTON: Donny?

99

1 MR. MOYER: I vote in favor.

2 MS. LAMBERTON: I vote in

3 favor. Motion carries.

4 Moving on. Alternate engineer.

5 MS. HAASE: Yes, ma'am. It was
6 brought to the board's attention that Mr. Jim
7 Hendricks recently resigned from RETTEW. And I had
8 some discussion with some of the members, the board
9 was asked to place it on the agenda.

10 RETTEW was appointed at the
11 reorganizational meeting at a rate of \$130 per
12 hour. T&M is also -- has also been working with us
13 reviewing the Kalahari project and the inspections.
14 The other concern I had was, Pocono Township has
15 recently released T&M from their duties,
16 engineering. And I received a phone call from
17 Pocono Township wanting to know the status of the
18 Kalahari project and whether or not we still wanted
19 to retain T&M. I did ask them to continue with T&M
20 in fairness with Kalahari, because it would cost
21 them so much to bring the new engineering team up
22 to speed and we're so close to the end.

23 I've had multiple conversations.
24 The last one, the commissioners have agreed to
25 retain T&M for this project. So it's not that big

1 of a concern as I had when I asked to place this on
2 the agenda, but there is a difference of a rate
3 RETTEW is 130 an hour and T&M is 108. We certainly
4 hope that we don't need to use on outside
5 engineering firm too frequently, but I did want to
6 bring that to the board's --

7 MS. PICKARD: What was the
8 rates?

9 MS. HAASE: For RETTEW is 130 an
10 hour and T&M is 108 an hour.

11 MS. LAMBERTON: I think we
12 should --

13 MS. PICKARD: 180?

14 MS. LAMBERTON: 8, 1-0-8.
15 1-0-8.

16 MS. PICKARD: I'm sorry, I
17 couldn't hear.

18 MS. LAMBERTON: Well, I think --
19 I don't know, my opinion is well, we -- we
20 appointed them at the beginning of the year, we're
21 in June. I mean, we could look at this January and
22 put an RFP out and see what else we get.

23 MS. PICKARD: So leave RETTEW
24 in?

25 MS. LAMBERTON: That would be

1 my opinion.

2 MS. HAASE: So if it -- it
3 pleases the board, then I'll put an RFP out, say,
4 in November, end of October, November of next year
5 for your (inaudible).

6 MS. LAMBERTON: Right. We'll
7 just make sure Bob does all the work since he's not
8 on committees.

9 MS. PICKARD: So we don't need
10 to re -- reiterate that we want to keep T&M in case
11 Pocono changes their mind for the Kalahari project,
12 if they pulled out, that we would still have them?

13 MS. HAASE: I have asked Pocono
14 Township if you'd like me to send something on
15 behalf of the board, I certainly can do that.

16 MS. PICKARD: I'm just --

17 MS. LAMBERTON: I -- I think
18 you could just let us know if there's any question.

19 MS. PICKARD: Okay.

20 MS. HAASE: Okay.

21 MS. LAMBERTON: Let the
22 sleeping dog lie.

23 MS. HAASE: I agree.
24 MS. LAMBERTON: Discussion
25 related to Religious Land Use and Institutionalized

102

1 Persona Act, acronym R-L-U-I-P-A.
2 MS. HAASE: Yes.
3 MS. LAMBERTON: RLUIPY
4 (phonetic).
5 MS. HAASE: RLUIPA. In PSATS
6 this was another session that I attended. And upon
7 returning, it was -- we had a case that kind of
8 spoke to this. We have a church that is interested
9 in going into a strip mall. And our ordinance does
10 not allow places of worship in a commercial
11 district. According to RLUIPA, if you're allowing
12 for public gatherings for other types of uses, say,
13 a theatre or public event, gathering event, it's
14 very difficult to say then the church cannot do
15 that.
16 MS. LAMBERTON: And it's in our
17 ordinance that way?
18 MS. HAASE: Yes, ma'am. And

19 many, many ordinances in the state is like that.
20 So I wanted to bring that to the board's attention.
21 I did speak to Mr. Reiss on that because we had a
22 church that was interested to see if there's a way
23 we could move forward with that. The only way at
24 this particular time they could go into the
25 commercial district would be to grant -- receive

103

1 relief from the zoning hearing board.

2 But I did want the board to
3 recognize that this something we should look at and
4 perhaps amend our ordinance.

5 MS. LAMBERTON: Couldn't we
6 just amend that ordinance now?

7 MS. HAASE: We have to
8 advertise it.

9 MS. LAMBERTON: No, I understand
10 that, but we --

11 MR. REISS: It has to go to the
12 planning commission.

13 MS. LAMBERTON: Okay.

14 MR. HOLAHAN: Or you can form a
15 committee.

16 MS. LAMBERTON: We'll throw
17 that in with the sign ordinance.
18 MS. HAASE: Would you like me
19 to address this and submit a draft to the board --
20 MS. LAMBERTON: Yes.
21 MS. HAASE: -- and then if
22 you're in agreement, then move it to the planning
23 commission --
24 MS. LAMBERTON: Sure.
25 MS. HAASE: -- Tobyhanna

104

1 Township --
2 MS. LAMBERTON: I'm fine with
3 that, how's the rest of the board?
4 MR. HOLAHAN: Yes.
5 MS. PICKARD: I don't know, are
6 we gonna look at the other ordinances so we could
7 just --
8 MS. LAMBERTON: No, we're gonna
9 do one at a time. That was a joke.
10 MR. HOLAHAN: That shouldn't
11 take long.

12 MS. PICKARD: I know, but we
13 already have that other ordinance with all the uses
14 and then if we wanted to bring that back up --
15 MS. HAASE: Well, that still
16 did not change this requirement, it still was
17 prohibited --
18 MS. PICKARD: Well, we could
19 change it in the new ordinance --
20 MS. HAASE: -- in a commercial
21 district.
22 MS. PICKARD: -- while we're
23 changing and updating everything.
24 MS. LAMBERTON: I think we need
25 to make this one right.

105

1 What's -- is -- is that okay?
2 Is that consensus of the board? JK?
3 MR. KERRICK: I'm fine.
4 MS. LAMBERTON: Heidi?
5 MS. PICKARD: I want to just get
6 them all done.
7 MS. LAMBERTON: I understand,
8 but are you okay with taking care of this in case a

9 church comes in?

10 MS. PICKARD: I just think it's
11 a waste of time, money in advertising and hearings
12 and stenographers, but --

13 MS. LAMBERTON: How does
14 everybody else feel?

15 MR. HOLAHAN: Well, now that
16 she said that --

17 MS. LAMBERTON: We're good.
18 Okay. Discussion related to Greenleaf Drive
19 complaint.

20 MS. HAASE: Yes. I wanted to
21 discuss this again with the board because there was
22 some difference of opinion of what the board had --
23 the direction the board wanted to go the last
24 meeting. I did review the minutes. And with
25 regards to the Greenleaf complaint, it was stated

106

1 that Emerald Lakes would seek a highway occupancy
2 permit and at that particular point once granted,
3 that we replace the signs.

4 I know Mr. Kerrick had a

5 different view on that. In fairness to Emerald
6 Lakes, they're spending a tremendous amount of
7 money to move forward with an HOP. And it's not
8 the intent of the board -- we wanted to inform them
9 of that.

10 MS. LAMBERTON: It's still there
11 --

12 MR. KERRICK: They still have to
13 do an HOP, Phyllis. My question is Lake Naomi
14 wanted to put signs up, we made them hold us
15 harmless. There's a lot more things to it than
16 just throwing two signs up.

17 MS. HAASE: No, I understand
18 that. Mr. McHale's here --

19 MR. KERRICK: And Bob agreed
20 with me when we talked about it. We were gonna
21 hold off and see if they wanted to put it up with
22 the -- or had to do it with their HOP. So I don't
23 know where--

24 MS. LAMBERTON: As part of their
25 --

1 MR. KERRICK: We shouldn't be

2 involved in it at all at this point.

3 MS. LAMBERTON: I have to agree
4 with John. I think --

5 Wasn't that a liability issue
6 to --

7 MR. KERRICK: Absolutely.

8 MS. LAMBERTON: -- replace the
9 sign --

10 MR. MOYER: That's all he said.

11 MS. LAMBERTON: -- and we're
12 responsible? So I would suggest that they place
13 the sign along with their HOP work.

14 MR. KERRICK: Well, they may
15 have to -- they may be required to --

16 MS. LAMBERTON: Right. You
17 would think so.

18 MR. KERRICK: -- do it, that's
19 what I'm saying.

20 MS. HAASE: Well, the
21 discussion Mr. McHale and I had --

22 Bob, you can jump in on this.

23 -- is they may restrict the
24 access as just right turn out or right turn in,
25 period, and no left turn. But we're not clear that

1 PennDOT will require the signage.

2 Am I speaking correctly?

3 MR. McHALE: They should apply
4 for an HOP because currently that road, Greenleaf
5 Drive, does not have a highway permit for access.
6 So during that process, PennDOT will stipulate
7 anything they wish to stipulate or reconfigure the
8 driveway, but they'll check sight distances and
9 they'll check all those items.

10 As far as this particular sign
11 use that we're speaking to, that's done by the
12 municipality as we were talking about, but it's
13 better to wait until PennDOT issues an HOP and then
14 if it's still valid to put them in, then we can
15 proceed to put them in. But at this point, to put
16 them in now, somebody has an accident, they turn to
17 you and say, well, it's because of these signs and
18 they didn't have a legitimate access according to
19 PennDOT.

20 MR. KERRICK: Well, we -- we
21 have to get permission from PennDOT to put them up
22 anyway.

23 MR. McHALE: Yes. We have to
24 write a letter to them, say that we'll maintain
25 them in perpetuity and that we'll take care of the

109

1 cost and --

2 MR. KERRICK: And -- and in
3 Lake Naomi's case, they took care of that.

4 MS. HAASE: So this is
5 something the board is still interested in pursuing
6 if in fact PennDOT does not require they put the
7 signs up? That's the only direction we're trying
8 to get.

9 MR. KERRICK: I say we'll review
10 it when that time comes.

11 MR. MOYER: When it comes, yeah,
12 when the HOP is done with.

13 MS. LAMBERTON: We're gonna
14 leave that answer open.

15 MS. HAASE: I'll let them know.
16 Thank you.

17 MS. LAMBERTON: Um-hmm.
18 Discussion related to the Sullivan Trail compliant.
19 I had received an email from a woman for the

20 property that's at the corner of the -- at the
21 corner where you turn into the back entrance off of
22 Sullivan Trail into Pocono Mountain High School,
23 Pocono Mountain West. There's a home, I don't even
24 know -- I think my question was, A, who is the
25 rightful owner? And B, what are our rights as a

110

1 township if a property has, I don't know how many,
2 bags of garbage dumped there, appliances,
3 refrigerators --

4 Yes, Joey?

5 MR. JOSEPH COLYER: If you call
6 the waste -- the Waste Authority, they'll clean
7 that stuff up.

8 MS. LAMBERTON: Actually they
9 were mentioned in the email and Jim Lambert said he
10 was unallow -- unable legally to enter someone's
11 property without their permission, 'cause that was
12 a question I had. It ended up, I think, that the
13 church -- the church down the road cleaned up the
14 property because the parishioners were going back
15 and forth looking at this and once an area starts

16 collecting garbage, it seems to be a magnet for
17 other people going by and I mean, it was pretty
18 bad, it was pretty unsightly.

19 MS. HAASE: I can update you,
20 if you'd like.

21 MS. LAMBERTON: Yes, please.

22 MS. HAASE: The township's been
23 working on this for over a year so there's been --
24 correspondence been circulating back and forth.
25 You are correct with the fact that the township

111

1 cannot go on the property to remove items nor can
2 the county without a court order. The property
3 recently was sold on May 18 at the judicial sale in
4 the amount of \$443.52. So there is a new owner,
5 the property has been cleaned up as much as we can
6 see from the back. Maureen cannot access the back
7 of the property, she cannot trespass.

8 So from what we can see from the
9 road, the property has been cleaned up. It's been
10 a concern from some complainants that they actually
11 would like the building demolished as well, so --

12 MS. LAMBERTON: Who's the new

13 owner?

14 MS. HAASE: It is a company from
15 Paramus, New Jersey.

16 MS. LAMBERTON: Have we
17 contacted them?

18 MS. HAASE: Well, the property
19 has been cleaned up.

20 MS. LAMBERTON: I understand
21 that, but have we contacted them at all?

22 MS. HAASE: For?

23 MS. LAMBERTON: I would say
24 there's -- there's more garbage being thrown there
25 now. So it's a continuous --

112

1 MR. MOYER: And to get a look at
2 the back.

3 MS. HAASE: Yeah. I mean,
4 Maureen could contact them --

5 MS. LAMBERTON: I would suggest
6 that.

7 MS. HAASE: The last time you
8 were out there, I believe it was cleaned up.

9 MS. MINNICK: Yeah.

10 MS. LAMBERTON: It's -- it's

11 accumulating more.

12 MS. MINNICK: Again?

13 MS. LAMBERTON: Yeah. Just to

14 touch base, the owners knew, I think it's courteous

15 to reach out as a township and say, hey, what are

16 your intentions? You know, just so they're aware

17 that it was an issue. And, you know, if the

18 property is abused like that --

19 MS. PICKARD: Waste Management

20 can also cite them again if it starts up again.

21 MS. LAMBERTON: Well, I'd rather

22 contact them friendly before we go and cite

23 anybody.

24 So if you would please, that

25 would be great. Thank you.

113

1 Moving on. Kalahari Resorts

2 fireworks display permit for July 2, 3 and 4, it's

3 already here. It's crazy.

4 I'll entertain a motion.

5 MR. MOYER: So moved.

6 MR. HOLAHAN: Second.

7 MS. LAMBERTON: I have a motion

8 and a second.

9 Any questions or comments from

10 the board?

11 Questions or comments from the

12 public?

13 They're dropping like flies.

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: John?

20 MR. HOLAHAN: Aye.

21 MS. LAMBERTON: Donny?

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

23 MS. LAMBERTON: I'll abstain.

24 Motion carries.

25 Lake Naomi fireworks display

1 permit for September 3. I'll entertain a motion.

2 MR. MOYER: So moved.

3 MS. PICKARD: Second.

4 MR. KERRICK: Second.

5 MS. LAMBERTON: Motion and a

6 second and a second.

7 Any questions or comments from

8 the board?

9 Questions or comments from the

10 public?

11 MS. WENDI FREEMAN: Thank you.

12 MS. LAMBERTON: Seeing none.

13 Call the vote.

14 John?

15 MR. KERRICK: In favor.

16 MS. LAMBERTON: Heidi?

17 MS. PICKARD: Favor.

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: Aye.

20 MS. LAMBERTON: Donny?

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

22 MS. LAMBERTON: I vote in

23 favor. Motion carries.

24 I'll entertain a motion to

25 approve the release of the Pocono Pines Dollar

1 General, LLC's surety bond in the amount of
2 \$376,140.70.

3 MR. MOYER: Are there any
4 issues?

5 MS. HAASE: No, sir.

6 MR. MOYER: I'll make that
7 motion.

8 MS. LAMBERTON: I have a motion

9 MR. HOLAHAN: Second.

10 MS. LAMBERTON: I have a motion
11 and a second.

12 Any questions or comments from
13 the board?

14 Questions or comments from the
15 public?

16 Seeing none. Call the vote.
17 John?

18 MR. KERRICK: In favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: I vote in favor.

21 MS. LAMBERTON: John?

22 MR. HOLAHAN: Aye.

23 MS. LAMBERTON: Donny?

24 MR. MOYER: I vote in favor.

25 MS. LAMBERTON: I vote in favor.

116

1 Motion carries.

2 MS. LAMBERTON: Moving on.

3 Board of supervisors reports or comments. Anyone
4 have anything to say?

5 MR. HOLAHAN: Yes.

6 (Inaudible comments.)

7 MR. HOLAHAN: I'm concerned
8 that we haven't been clear with our sign ordinances
9 that are already in place that need to be enforced
10 now. And I'd like to -- I'd like to see the signs
11 that out front of several of the businesses that
12 aren't supposed to be there removed, people cited,
13 let them know we're serious about this.

14 So does that require board
15 action or I could just make a statement?

16 MS. LAMBERTON: I'm sorry, I was
17 not listening, I apologize.

18 MR. HOLAHAN: Neither was
19 anybody else.

20 MS. LAMBERTON: I try to listen
21 as much -- I'm sorry, John, what was that?

22 MR. HOLAHAN: Okay. Motion
23 passed. But I guess it's not really board action
24 if we take in -- in asking our zoning officer to --
25 not asking for specific things, only in -- to

117

1 enforce our ordinances. Do that as board action or
2 just make a statement? I'm not sure how to get
3 involved in that.

4 MR. MOYER: Yeah, I don't know.
5 Jonathan --

6 MR. KERRICK: I don't think we
7 ever said to not enforce them.

8 MR. HOLAHAN: I know, but I --
9 but --

10 MR. KERRICK: We're not
11 supposed to tell her what to do -- our zoning
12 officer what to do.

13 MR. HOLAHAN: I asked her to
14 get me coffee earlier and she didn't do it.

15 MS. LAMBERTON: Okay. So what
16 we -- what are -- what are we asking?

17 MS. PICKARD: Her to enforce the
18 sign ordinance as it is written.

19 MR. REISS: I think -- I hope
20 that's what she's doing now.

21 MR. HOLAHAN: Okay. So could I
22 just be emphatic?

23 MS. PICKARD: All right. Well,
24 I just, on -- on that note, we talked about the
25 maintenance of the signs. And there's certainly

118

1 signs that have been run over from the winter and
2 there are signs that are deteriorated; and
3 maintenancewise, I don't think that's anything that
4 we really focused on.

5 MS. HAASE: We do have a
6 section in the ordinance that speaks to that. And
7 actually Maureen and I were just recently
8 discussing that.

9 MR. HOLAHAN: Okay. Good. I'm
10 happy.

11 MS. LAMBERTON: Anything else
12 from the board?

13 MR. KERRICK: Can we discuss
14 the letter we got from the fire company?

15 MS. LAMBERTON: I just was
16 handed the letter, I apologize. I must not have
17 seen that.

18 MR. KERRICK: I saw that
19 earlier.

20 MS. LAMBERTON: We have a
21 letter from the Tobyhanna Township Volunteer --
22 Volunteer Fire Company, Chief Troy Counterman. It
23 says: The Thornhurst Volunteer Company and
24 Tobyhanna Township Volunteer Fire Company want to
25 do a joint project to install a dry hydrant in the

119

1 area where PennDOT is replacing the bridge on
2 Locust Ridge Road. We are asking if Tobyhanna
3 Township would be the permit applicant for this
4 project because there is no permit fee if a
5 municipality is applying.

6 If the fire company applies for
7 the permit, there is a \$2,000 application fee.
8 Yeah, right? It's a fire company. Thornhurst has
9 a member who is a certified engineer and is willing

10 to do the work to put together the permit packet
11 for the township. If you do agree to apply for the
12 permit, the township would be the owner of the
13 hydrant and an easement agreement would have to be
14 done between Arrowhead Lakes Association and
15 Tobyhanna Township, which would incur some legal
16 costs.

17 If you are interested in doing
18 this, we are also asking for a donation of \$868 for
19 the parts and \$500 if an ENS permit is required.
20 And the fire companies would supply the equipment
21 and labor to do the installation. We would like to
22 present this at your meeting on June 13. If time
23 doesn't allow, blah, blah, blah.

24 What's the pleasure of the
25 board?

120

1 MR. KERRICK: Can I ask Troy a
2 question?

3 Do you use the dry hydrants we
4 have now? I know we had some issues back in the
5 day.

6 MR. TROY COUNTERMAN: Some we
7 do, some we do.
8 MS. LAMBERTON: How many do we
9 have?
10 MR. KERRICK: Seven.
11 MR. TROY COUNTERMAN: We don't
12 have any, communities have --
13 MS. LAMBERTON: Oh, they're not
14 designated --
15 MR. TROY COUNTERMAN: We don't
16 own anything. If this project were to go through,
17 we would own them now or you guys would own them.
18 MS. LAMBERTON: How many would
19 you say are throughout our township?
20 MR. KERRICK: Twelve.
21 MS. LAMBERTON: I'm sorry,
22 three?
23 MR. TROY COUNTERMAN: There's
24 three in Lake Naomi.
25 MS. WENDI FREEMAN: We have

121

1 three in Lake Naomi alone.
2 MS. LAMBERTON: Oh, and you own

1 use it on the Locust Ridge Road side, it would --
2 we wouldn't have to go into the development. On
3 the Orono side, we had a couple house fires in
4 there. We had to travel a long way to get to the
5 other dry hydrant, that one would've worked.

6 MR. KERRICK: They never put one
7 at the main entrance at that dam, that they
8 supposed to put one there years ago?

9 MR. ED TUTRONE: It's at the --
10 it's at the beach there, it's not outside the
11 entrance.

12 MS. LAMBERTON: Oh, you mean at
13 Arrowhead?

14 MR. MOYER: Yeah.

15 MR. KERRICK: There is one at
16 the beach, though, each one?

17 MR. ED TUTRONE: Yeah.

18 MR. KERRICK: I think it's a
19 good idea for the residents.

20 MR. ED TUTRONE: I -- I spoke
21 with Bob McHale briefly on this when Troy had
22 called me and we looked up the -- Bob looked up the
23 permit that we would need to do and it's 102 pages,

24 I think. So that being said --

25 MR. KERRICK: Is that why you

123

1 asked -- got off the other committee, you're gonna
2 do this, Bob?

3 MR. ED TUTRONE: There's an
4 engineer that works -- or that's on the Thornhurst
5 Fire Company and that's why I apologize for the
6 letter for sending to you last minute, 'cause I
7 just found out that he was willing to do it.

8 MS. LAMBERTON: I just saw
9 this, I'm sorry.

10 MR. ED TUTRONE: So, yeah, I
11 just -- I actually just gave it to Phyllis this
12 morning. So -- 'cause I just found out about him
13 being willing to do it. But there is some other
14 expenses that will be incurred. We will be
15 responsible as a township for the maintenance on
16 that, we will be responsible to get an easement
17 with Arrowhead. And from what Dave McFadden said,
18 that it will -- that he's talked to Arrowhead and
19 they don't have a problem giving us an easement for
20 it, so they'll be some legal fees incurred with

21 that.

22 And then we're not sure what
23 else DEP or whoever regulates that would throw at
24 us. So they were hoping to get it done with the
25 bridge project. I can't see it happening anyway,

124

1 because all those permits are in place now, and
2 they would have to amend them, like Bob was saying.
3 So this would be something that would have to be
4 put in after the bridge work is done.

5 MR. HOLAHAN: What kind of
6 maintenance is required on those?

7 MR. MOYER: Yeah, and liability.

8 MR. ED TUTRONE: There's really
9 not much maintenance. We as a fire company usually
10 go around in the springtime and blow them all out,
11 backwash them.

12 MS. LAMBERTON: Oh, you do them
13 on the private ones that other communities own?

14 MR. ED TUTRONE: Yes. Yeah, we
15 usually go out to each development and we'll go in
16 and we'll flush them all out on a drill night.

17 MR. HOLAHAN: I still don't see
18 a downside to this. If this would make things a
19 little more accessible and help protect Arrowhead
20 Lakes better --

21 MS. LAMBERTON: And all the
22 other residents.

23 MR. ED TUTRONE: Mine and Troy's
24 discussion was that if -- and along with Bob, as
25 long as Thornhurst's engineer is willing to do the

125

1 work for us, because this is an extensive permit
2 application due to the quality of the stream. To
3 put a six inch pipe, you would not believe what we
4 -- what it has to go through. So as long as
5 they're willing to do that leg work, you know, we
6 don't have an issue on -- on our fire company end
7 and even paying, if you guys wouldn't want to
8 donate for the parts, we would split the cost with
9 Thornhurst, but --

10 MS. LAMBERTON: That was my next
11 question, Thornhurst will utilize this as well, I'm
12 assuming?

13 MR. ED TUTRONE: Yes. We're a

14 dual response, when it comes to Arrowhead Lakes,
15 for Tobyhanna and Coolbaugh Township.

16 MS. LAMBERTON: Would they be
17 willing -- would they be willing to help us with
18 maybe maintenance fees or something?

19 MR. ED TUTRONE: Well, actually
20 Dave McFadden is willing to bring his equipment in,
21 he has a excavator. To bring his equipment in, to
22 put the hydrant in.

23 MR. McHALE: There's also
24 another fee, I know Troy and Ed looked into this,
25 and that \$2,000 fee is for that Chapter 105 water

126

1 obstruction and encroachment permit for small
2 projects. There's also gonna be an ENS plan
3 required for another 450, so you're gonna -- the
4 volunteer fire companies will save a good amount on
5 the application fees, but the township will incur
6 some costs related to easements, which is gonna
7 work out good for everybody to let them do it the
8 way they're speaking to.

9 MR. ED TUTRONE: This is all --

10 when I spoke with Dave, this is all contingent on
11 their engineer doing all this application work.
12 And our township's paying --

13 MS. LAMBERTON: Good
14 contribution.

15 MR. ED TUTRONE: -- for our
16 township to sign off on, if they do.

17 MS. LAMBERTON: Okay.

18 MR. MOYER: But it won't
19 actually be in our township, right?

20 MS. LAMBERTON: It is in our
21 township.

22 MR. ED TUTRONE: Yeah, it is in
23 our township.

24 MS. LAMBERTON: Yes, Mr. Tota.

25 MR. PETER TOTA: You could

127

1 actually hook up to the pipe -- okay. Anything
2 where you can take a hose or a flotation and throw
3 it in?

4 MR. ED TUTRONE: Not in the that
5 area. Not in that area they --

6 MR. PETER TOTA: 'Cause that

7 would stop a lot of expenses and maintenance and --

8 MR. ED TUTRONE: We can't get
9 close enough. Plus the purpose of the dry hydrant
10 is for wintertime, so you don't have to waste the
11 time trying to cut through the ice to put a plug
12 in.

13 MR. PETER TOTA: All right.
14 Okay. Thank you.

15 MR. McHALE: It would actually
16 go in Trout Creek, below the dam.

17 MS. LAMBERTON: Any other
18 questions or comment --

19 MR. KERRICK: Did anyone ask
20 Arrowhead if they would take re -- you know,
21 responsibility for maintenance and liability?

22 MR. ED TUTRONE: Well, when I
23 discussed that with Bob a little bit, that was
24 where, if they took responsibility of it and we
25 permit, they would have to permit it. The owner

128

1 would be the ones, that's why we came back to the
2 township.

3 MS. LAMBERTON: Could they be
4 co-committee? Let's not go down that road.

5 (Inaudible comments.)

6 MS. LAMBERTON: We understand
7 what it takes. That's how crazy this stuff is.
8 Okay. I'll enter -- one more question.

9 MS. PICKARD: Just one more
10 question. We did get the audit report back, I was
11 gonna ask if maybe we could --

12 MS. LAMBERTON: Oh, do we need
13 to make a motion on the -- I'm sorry, while we're
14 still --

15 MS. PICKARD: But I was just
16 thinking if Debbie could come into a work session
17 or they could do a presentation like they generally
18 always do for an audit?

19 MS. LAMBERTON: Okay.

20 MS. PICKARD: Most everybody
21 else, I think it would be appropriate.

22 MS. LAMBERTON: Let's entertain
23 a motion back to the fire companies' fire hydrants.

24 MR. HOLAHAN: So moved that we
25 support that.

1 MR. MOYER: Second.

2 MS. LAMBERTON: I have a motion

3 and second.

4 Questions or comments from the

5 board?

6 Questions or comments from the

7 public?

8 Seeing none. Call the vote.

9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: In favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Aye.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: In favor.

17 MS. LAMBERTON: I vote in favor.

18 Motion carried.

19 Heidi wants to do an exciting

20 audit.

21 MR. HOLAHAN: Well, she wants to

22 read the auditor's report. So you start from Page

23 1 to --

24 MS. LAMBERTON: Yeah, we're

25 gonna pass on that.

130

1 MR. MOYER: No, we're not gonna
2 read it, right? We're gonna have somebody come in?

3 MS. PICKARD: No, we're gonna
4 have Debbie come in, 'cause we pay her \$10,000, we
5 should make her show up and --

6 MS. LAMBERTON: Why don't we
7 have Phyllis contact her for the work session and
8 she can give a presentation.

9 MR. HOLAHAN: Okay.

10 MS. LAMBERTON: Fair enough?

11 MS. PICKARD: Yep.

12 MS. HAASE: You have the hard
13 copies, so I will provide a copy of that, but your
14 bound copies you have.

15 MS. LAMBERTON: Oh, I have it,
16 yeah.

17 MS. HAASE: It's right in front
18 of you.

19 MS. LAMBERTON: We'll open up
20 for public questions or comments, if we haven't

21 had --

22 Joey? Just state your name for
23 the record, please.

24 MR. JOSEPH COLYER: Joseph
25 Colyer.

131

1 I was wondering if some of yous
2 could take the time to drive by Keiper Field soon,
3 it's pretty horrible. We're talking about bad
4 signs and bad homes, that park is a mess. It's
5 horrible, I have pictures I could show you.

6 MS. PICKARD: We had a
7 complaint this week --

8 MR. JOSEPH COLYER: It's
9 horrible.

10 MS. PICKARD: -- and I think
11 it's being addressed. We did have a telephone
12 compliant.

13 MR. ED TUTRONE: Annie, can I
14 address that?

15 MS. PICKARD: Ed was dealing
16 with that.

17 MS. LAMBERTON: Absolutely. Go

18 ahead.

19 MR. ED TUTRONE: We did get a
20 complaint on it. What happened was, we have mulch,
21 it's in the lower lot, we have a hundred yards of
22 mulch to redo that playground. We were waiting for
23 the summer help to come in because we're trying to
24 get that paving project done. So we were doing all
25 the base work on the roads. Now, the summer help

132

1 just started last week. We will be addressing that
2 park within two weeks. We're tearing all that
3 mulch out because of all the weeds growing up
4 through it, so we're carrying all that mulch out
5 and putting all new mulch. And it sits down in the
6 parking lot, we already have it.

7 MR. PETER TOTA: Question.

8 MS. LAMBERTON: Mr. Tota?

9 MR. PETER TOTA: Are you putting
10 any fabric down before you put the mulch?

11 MR. ED TUTRONE: There's fabric
12 down already.

13 MR. JOSEPH COLYER: It's ripped

14 up and shredded.

15 MR. ED TUTRONE: The problem
16 with mulch, you can put as much fabric down as you
17 want, the mulch breaks down the dirt
18 and (inaudible) --

19 MS. LAMBERTON: Any other
20 questions or comments from the public?

21 I'm sorry, Teddy?

22 MR. TED MOYER: Ted Moyer,
23 Pocono Lake.

24 I currently operate Moyer's
25 Automotive, Darwin Keiper's facility. And back in

133

1 March, I decided to print out the application to
2 apply for a used car dealer license for that
3 premises. The way it works in Pennsylvania is, if
4 you sell more than six vehicles a year, you have to
5 get a used car dealer license. So I printed this
6 application and Line 6 simply asked for
7 documentation from your local municipality
8 verifying that your business location has proper
9 zoning, which over the phone it did.

10 However, that phone call was

11 made March 24 and 77 days later I got the letter
12 stating that it was not. That is in my hands, I
13 will deal with that answer, the answer of no.
14 However, I just wanted to make you aware that 77
15 days for that simple request, I think that's -- I
16 think that's terrible, quite honestly.

17 Thank you.

18 MR. HOLAHAN: Anything else?

19 MS. LAMBERTON: Any other
20 comments from the public?

21 Seeing none.

22 MR. DAVID ARGOT: Comment.

23 MS. LAMBERTON: Oh.

24 MR. DAVID ARGOT: David Argot,
25 Pocono Lake.

134

1 I sit here and I hear a lot of
2 stuff going on. And you want people to come in,
3 you want to be a friend, but all you do is put
4 everybody down on everything they want to do.
5 There's people in the township, good citizens that
6 pay taxes and every time the township board gets a

7 hold of it, they turn them down. You don't want
8 business in the township, you're trying to drive
9 everybody out. So I -- you're two-faced, you're
10 two-sided and I think you should take that in
11 consideration.

12 MS. LAMBERTON: Thank you. I
13 don't know what projects we've turned down that
14 have come to the board level. Maybe you're talking
15 something that we're not aware of or --

16 MR. DAVID ARGOT: You're always
17 -- these guys that are in business, you're always
18 picking on them. They can't tow a car in at 10
19 o'clock at night but -- or till 11 o'clock,
20 everything goes down the line and it's just a --
21 just trying make it rough on these people. And I
22 think the whole township is pretty upset about it
23 too, 'cause you hear a lot of comments and nobody's
24 got enough nerve to come in and tell you. But I
25 think you should mend your ways, your zoning stinks

135

1 and a lot of other things here too and I'm fed up
2 with it. I'm old enough now, I don't care what I
3 say.

4 MS. LAMBERTON: I appreciate
5 that.

6 MR. DAVID ARGOT: I'm tired of
7 being -- worrying about everything we do if we're
8 gonna get caught. We shouldn't have to get caught,
9 you should have stuff that's fair and up on the top
10 and you shouldn't try to fight everybody.

11 MS. LAMBERTON: I agree with
12 you, Mr. Argot, I think that's why --

13 MR. DAVID ARGOT: And another
14 thing I'm thinking about is maintaining. The
15 township's going downgrade because you can't put
16 your home up without getting a permit, why? Why
17 can't you keep your house in -- in shape? And you
18 -- you want everything rotten down, you talk about
19 signs. Well, houses are rotting down and you won't
20 let us fix them unless we get permission, we
21 shouldn't have to have permission to maintain your
22 home.

23 MS. LAMBERTON: I don't know
24 that you need permission to maintain your home.

25 MR. DAVID ARGOT: Everything you

1 do you need a permit.

2 MS. LAMBERTON: I know how you
3 feel.

4 MR. DAVID ARGOT: Well, I think
5 it should be changed. I think you should change
6 the zoning to help out the public.

7 MS. LAMBERTON: I couldn't agree
8 with you more. We need to be more business
9 friendly and I think that the ordinances that are
10 in place are 40, 50 years old and they don't work
11 anymore.

12 MS. PICKARD: And we have a
13 draft ordinance that we need to get on and take --

14 MS. LAMBERTON: But really
15 what's being changed in it?

16 MS. PICKARD: There was a lot
17 of things that were cleaned up and made easier when
18 we went through it for three years.

19 MR. TED MOYER: If it's true
20 that the ordinances are 40 and 50 years old, then
21 there's a lot of businesses doing right now what
22 I'm not allowed to do, that would not be considered
23 grandfathered. They're new enough they wouldn't be
24 grandfathered, but they were given the okay to do

25 it.

137

1 MS. LAMBERTON: I might have
2 exaggerated on the 40 or 50, but that was my
3 opinion --

4 MR. TED MOYER: You understand
5 my point.

6 MS. LAMBERTON: -- that they are
7 outdated. We need to help businesses like you and
8 Joey.

9 MR. TED MOYER: I look out my
10 window and it's like he can do it, but I can't. I
11 need four -- every 400 square feet of heated space,
12 I can sell a car which means I can say -- sell 12
13 cars. But the guy across the way has a thousand
14 square foot building where he could sell two cars
15 legally by your ordinance, but yet 40 cars out
16 there. Now, how do this work? How come he can get
17 away with it, the outsider, and the local guy
18 can't? I mean, to me that's how I see it.

19 If you're an outsider, you can
20 do all this stuff, you're in the club. If you're a
21 local, you're not in that club, however it works.

22 If it's lining pockets, I mean, that's -- of
23 course, that's what I think, I've told yous all
24 that before. How does it work? Tell me, how does
25 it work? What do I have to do?

138

1 MS. LAMBERTON: I personally
2 don't know your issue, so I apologize for that --

3 MR. TED MOYER: But why? You
4 should.

5 MS. LAMBERTON: It doesn't come
6 to us if it's a zoning issue, it goes to a zoning
7 officer. The board never hears -- and I -- I -- I
8 understand your anguish, I get it. I -- I --

9 MR. TED MOYER: That's why I'm
10 reaching out to yous because 77 days to a -- for --
11 for a five minute -- it should've taken five
12 minutes, yes or no, five minutes. 77 days. So
13 what do I have to do for you folks who are in
14 charge of the zoning to change that?

15 MR. MOYER: It was yes and then
16 it took 77 days to change it to no?

17 MR. TED MOYER: Exactly,

18 correct. Correct.

19 MS. LAMBERTON: I don't know if
20 you want to speak on this or not.

21 MS. MINNICK: No, I don't, I
22 don't. And if the board would like to discuss this
23 in private, that's fine.

24 MR. PETER TOTA: Well, why does
25 the board have to discuss it in private?

139

1 MR. KERRICK: We can't get
2 involved.

3 MR. PETER TOTA: What are you
4 hiding?

5 MS. LAMBERTON: If you -- if it
6 pleases you, Teddy, how about we do get an
7 explanation from our zoning officer so we
8 understand what your property is.

9 MR. TED MOYER: Okay.

10 MS. LAMBERTON: Is that helpful
11 to you?

12 MR. TED MOYER: I would
13 appreciate that, sure. Anything you can do, I'd
14 appreciate, because --

15 MS. LAMBERTON: I will
16 personally call Maureen in the morning and have a
17 phone conversation with her.

18 MR. TED MOYER: I feel it is
19 absolute selective enforcement with everything I
20 try to do. I mean, I'm trying to grow a business.

21 MS. LAMBERTON: And I -- I want
22 small business because I don't know if any -- I
23 know -- I don't know if anyone was here the night
24 we had a special meeting, Joey, and the gentleman
25 very well spoken in the front here said that's what

140

1 our country is built on is small business. And if
2 we can't help somebody start a business in our
3 township, well, then shame on us, shame on us. And
4 I agree with that.

5 MR. TED MOYER: And
6 unfortunately, I have to get so mad and rattle, I
7 can't even think before I speak. I'm not a fighter
8 with words. I'd love to take you all out back,
9 then we can do something.

10 MS. JOLENE FETTE: I got to say

11 something.

12 MS. LAMBERTON: Jolene, just
13 state your name for the record.

14 MS. JOLENE FETTE: Jolene Fette,
15 F-e-t-t-e.

16 Where you can start, the thing
17 that's been a thorn in my side from the day we
18 started walking into here is when you walk in this
19 hallway out here, what do you see? Two gigantic
20 not that well done pictures of Kalahari. There are
21 no pictures out here of the small businesses that
22 built this township, like my stepfather's business,
23 the business that our landlord owns, your business.

24 There's a lot of local
25 businesses around here that have been here since

141

1 before I was born. There are no pictures here
2 showing any pride in them, but, oh, we got two big
3 hideous signs -- you know, pictures out here with
4 Kalahari on it. That's very disrespectful and it's
5 disgusting to me, as not only a person who has
6 lived here her entire life, who has worked here
7 almost her entire life for township owned

8 businesses, for someone who's trying, by the grace
9 of God, to run a business in this township. It's
10 disgusting, it's a slap in the face.

11 So maybe you should think a
12 little bit about what you're portraying to the
13 people that walk into this place about what you
14 care about if you want to stand up there and say,
15 you care about us, 'cause this doesn't show us
16 that, this shows us one side.

17 MS. LAMBERTON: I respect your
18 comments. Thank you. And I'm not opposed to have
19 every business's picture on the walls, because
20 that's what makes our township.

21 MS. JOLENE FETTE: Well, it
22 should be.

23 MR. JOSEPH COLYER: Well, we
24 always talk about --

25 Joseph Colyer, sorry.

142

1 -- the history and how nice
2 Vermont is and the way it sounds like with the sign
3 ordinance, we should all be riding horses here,

4 really. I mean, this -- we're not in the stone
5 ages anymore, it's 2016, it's time to modernize.

6 If somebody needs to put a
7 digital sign up to stay in business here, 45
8 percent of the commercial businesses that are
9 buildings, not land, are empty in our township.
10 What's the reason? Taxes and it's too hard. I can
11 go to Tunkhannock Township and they'll give me a
12 list of places I can run my business. You don't
13 get that here and this is where I live, pay my
14 taxes and I try to run my business here, all right
15 here. There's no help.

16 MS. LAMBERTON: That's something
17 --

18 MR. JOSEPH COLYER: The help
19 comes from a lawyer at my cost, that's where my
20 help comes from.

21 MS. LAMBERTON: And I have feel
22 that that's something the board needs to recognize
23 and it's our job to make that change.

24 MR. JOSEPH COLYER: But these
25 ordinances we keep hearing are gonna change.

1 Nothing's happening. I've been coming for two
2 years fighting for my business, nothing's changed.
3 We haven't done any ordinance changes since, let's
4 get on it. I mean, Jesus.

5 MS. LAMBERTON: Thank you for
6 your comments, I appreciate that.

7 Anyone else?

8 Motion to adjourn?

9 MS. PICKARD: So moved.

10 MS. LAMBERTON: Thank you all
11 for coming. I appreciate your input.

12 (Meeting concluded at 8:58 p.m.)

13 ---

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

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, June 23, 2016, beginning at 4:00 p.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor

ALSO PRESENT: Phyllis Haase, Township Manager

Panko Reporting
537 Sarah Street, Second Floor

1 MS. LAMBERTON: Good afternoon.
2 I'd like to call the board of supervisors special
3 meeting of Thursday, June 23, 2016 to order. We'll
4 start with the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Okay. We'll
8 start with old business. I actually called this
9 meeting 'cause I wanted to have some clarity.

10 It appeared that -- it was
11 confusion with the letter that went from our
12 solicitor to -- Joey, your -- your attorney, to see
13 who actually had to produce an affidavit and there
14 was multiple people offering.

15 By the end of that meeting, my
16 impression was that, Bobby, we would just be
17 requesting it for you.

18 So that's why --

19 MR. BOB SELIG: I would be -- I
20 would be the only --

21 THE REPORTER: Can you state
22 your name, please?
23 MS. LAMBERTON: I'm sorry.
24 MR. BOB SELIG: I'm Bob Selig.
25 MS. LAMBERTON: Sorry about

3

1 that.
2 THE REPORTER: It's okay.
3 MR. BOB SELIG: My impression
4 that I was gonna be the only one. There was other
5 people that volunteered, but it wasn't official
6 that they were going to do anything and I don't
7 think it's fair to ask somebody else to do an
8 affidavit --
9 MS. LAMBERTON: And that's not
10 our intention.
11 MR. BOB SELIG: -- under the
12 circumstances.
13 MS. LAMBERTON: My intention.
14 MR. BOB SELIG: Joe's attorney
15 was gonna come up with a letter. He did draft a
16 letter and sent it to us and it was not anywhere
17 near correct, so we're either gonna have him draft

18 a new letter or Joe and I will do the letter
19 ourselves and give it to you, if that would be
20 acceptable?

21 MS. LAMBERTON: I don't have an
22 issue with that.

23 MR. BOB SELIG: Forget about
24 the attorney.

25 MS. LAMBERTON: As long as the

4

1 items that -- or the uses of what you did on that
2 property are explained and they make sense, that's
3 -- that's the intension of the affidavit.

4 MR. BOB SELIG: -- attorney
5 'cause he doesn't know either.

6 MS. LAMBERTON: Right. But
7 it's you.

8 MR. BOB SELIG: All we're doing
9 with him is going back and forth.

10 MS. LAMBERTON: Right. Like I
11 don't think it has to be from an attorney, does it?

12 MR. REISS: Well, no. The
13 reason I -- the reason why I would think it would

14 be good to come from the attorney is, he
15 understands the zoning ordinance so he knows -- I
16 don't want to say the key words or the key uses but
17 he does. I mean, he knows the things that need to
18 get in there so that the zoning officer has enough
19 information to say, yes, this is the nonconforming
20 use.

21 MR. BOB SELIG: Maybe we'll
22 write it and give it to him and he can just tweak
23 it --

24 MR. REISS: Right.

25 MR. BOB SELIG: -- so it's

5

1 legal.

2 MR. REISS: That would be fine
3 and it -- and he has to put it in the form of an
4 affidavit that you would sign in front of a notary.

5 MR. BOB SELIG: Okay. Yeah.
6 No, that we understood.

7 MS. LAMBERTON: And that's the
8 reason I called this meeting just to make it clear
9 that that's all I really feel the township should
10 need as a document. I don't think we need your

11 neighbors and your neighbor's wife's children first
12 brother's uncle bringing in, so -- but we needed to
13 formally have a meeting to clear that up so there's
14 no issue with that. I hate to drag everybody out
15 for that --

16 MR. BOB SELIG: If everybody's
17 okay with that, just one letter from me.

18 MS. LAMBERTON: And is that the
19 consensus of the board?

20 MR. MOYER: I'm fine with it.

21 MS. PICKARD: And that's fine.

22 I think it was his -- it was Joey's attorney that
23 stated the conditions that got approved, so --

24 MR. HOLAHAN: Right. That was
25 confusing.

6

1 MS. PICKARD: It was confusing.

2 MS. LAMBERTON: So we just
3 wanted to clear it up.

4 MR. JOSEPH COLYER: Okay.

5 MS. LAMBERTON: So that's
6 really the reason that we wanted to call this so it

7 didn't hold you up any longer and, Joey, then you
8 can know that's it's just Bobby we need the
9 information from and --

10 MS. PICKARD: And that goes --
11 that has to go to the zoning officer and the zoning
12 officer issues --

13 MR. REISS: Makes the
14 determination.

15 MS. LAMBERTON: Yes.

16 MS. PICKARD: -- makes her
17 decisions.

18 MS. HAASE: She'll make the
19 decision.

20 MR. REISS: You'll -- you'll
21 have --

22 MR. BOB SELIG: When that's
23 finished, we can just get it directly to the zoning
24 officer?

25 MR. REISS: Yes.

7

1 MR. BOB SELIG: Okay.

2 MR. REISS: It would probably
3 make sense to make sure a copy is sent to me.

4 MR. BOB SELIG: Okay.

5 MR. JOSEPH COLYER: Yeah, we'll
6 send it to him, he'll send it to you and we'll send
7 it --

8 THE REPORTER: Can you state
9 your name, please?

10 MR. JOSEPH COLYER: It's Joseph
11 Colyer. Sorry.

12 And then --

13 MR. REISS: Okay. And then the
14 only other thing that would be left would be for
15 the supervisors to waive the stand-alone junk
16 ordinance provisions.

17 MS. LAMBERTON: I'll entertain
18 a motion to waive the stand-alone junk ordinance
19 provisions.

20 MR. REISS: There's provisions
21 in there --

22 MS. PICKARD: What are we
23 actually waiving? I just want to get --

24 MR. REISS: There's provisions
25 --

1 MS. PICKARD: I want to be
2 specific --

3 MR. REISS: Right.

4 MS. PICKARD: -- so we don't
5 have this question.

6 MR. REISS: There's provisions
7 in the stand-alone ordinance, which state that in
8 order for a junkyard -- and this fits the def --
9 even though it's -- I know it's salvage, it still
10 meets the definition of a junkyard.

11 In order to be able to operate
12 and licensed in the township, it can't be located
13 in a residential zoning district in accordance with
14 that ordinance.

15 MS. LAMBERTON: I'll entertain
16 a motion for a waiver.

17 MR. MOYER: So moved.

18 MS. LAMBERTON: I have a
19 motion. Do I have second?

20 MR. KERRICK: Second.

21 MS. LAMBERTON: I have a motion
22 and a second.

23 Any questions or comments from
24 the board?

25

MR. HOLAHAN: Yes. We're gonna

9

1 waive an ordinance?

2 MR. REISS: Not your zoning
3 ordinance, it's a stand-alone ordinance.

4 MR. HOLAHAN: Okay. Did we
5 have this discussion already?

6 MR. REISS: Yes. It was --
7 this was in my e-mail, original --

8 MS. PICKARD: One of the many
9 discussions.

10 MR. REISS: This was in the
11 e-mail that I sent out on May 2nd. I'll read you
12 the sentence. Once that determination -- referring
13 to the zoning officer's determination -- is made,
14 the township board of supervisors will be requested
15 by your client to waive the stand-alone junkyard
16 ordinance provisions that prohibit the use in a
17 residential area.

18 MR. HOLAHAN: Okay.

19 MS. LAMBERTON: Any other
20 questions or comments from the board?

21 Questions or comments from the

22 public?

23 Brendon, Brendon Carroll.

24 MR. BRENDON CARROLL: Brendon

25 Carroll.

10

1 Just -- just for my own
2 understanding and clarification, Mr. Selig's
3 property is a nonconforming use. Prior to zoning
4 in Tobyhanna Township, whether it's in a
5 residential zone or on the moon, it's a permitted
6 use under my interpretation of the zoning. All
7 this is before zoning, doesn't matter where it is,
8 what it is, it was there first. He's -- it's
9 nonconforming use, which the zoning provides for
10 it, that simple. No affidavit. No anything. It
11 was there.

12 I don't -- I don't -- I'm
13 unclear why --

14 MR. REISS: Well --

15 MR. BRENDON CARROLL: -- this
16 continues to go on with -- with something that was
17 prior to zoning.

18 MS. PICKARD: It was a
19 nonconforming certificate in the file that didn't
20 have a --

21 MR. BRENDON CARROLL: Which
22 proved Mr. Selig was running a nonconforming use
23 prior to zoning.

24 MS. PICKARD: But it didn't say
25 --

11

1 MR. BRENDON CARROLL: All he
2 did is admit that it was nonconforming.

3 MS. PICKARD: It needed
4 clarification. It didn't say what we needed it to
5 say.

6 MR. REISS: It didn't say the
7 type of business that Joey's gonna run -- runs from
8 there. That was the -- that was the question.
9 That was the issue. And the zoning officer didn't
10 have enough information to -- on her own to make
11 the determination that the use of that property was
12 beyond what was set forth in the certificate that's
13 in the file.

14 MR. BRENDON CARROLL: Thank

15 you.

16 MS. LAMBERTON: I understand
17 what you're saying. My mind works the same way.
18 So we were trying to come to a way to help this
19 move forward.

20 MR. BRENDON CARROLL: I think
21 that's great.

22 MS. LAMBERTON: Yeah.

23 MR. BRENDON CARROLL: It just
24 seems like we're all looking for a way that in my
25 opinion --

12

1 MS. LAMBERTON: It's already
2 done.

3 MR. BRENDON CARROLL: -- in my
4 understanding, it already exists.

5 MS. LAMBERTON: I understand.

6 MR. BRENDON CARROLL: Okay.
7 But thank you.

8 MR. HOLAHAN: The paper trail
9 still needs to be in sync. You still have to have
10 everything in the file that needs to be in the

11 file, right? Or we'll go through this again. I
12 won't. I won't go through it again, but ten years
13 or when -- when Joey retires and he sells the place
14 and becomes a waterpark or something like that,
15 then it will be an easy task. Cool?

16 MS. LAMBERTON: Call the vote.
17 John?

18 MR. KERRICK: In favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: In favor.

21 MS. LAMBERTON: John?

22 MR. HOLAHAN: Yes.

23 MS. LAMBERTON: Donny?

24 MR. MOYER: I vote in favor.

25 MS. LAMBERTON: I vote in

13

1 favor. Motion carries.

2 MR. BOB SELIG: Thank you.

3 MS. LAMBERTON: So get your
4 letter to Jonathan and the zoning officer after you
5 have it reviewed with the -- Joey's attorney and
6 hopefully this will be resolved.

7 MR. BOB SELIG: Okay. Great.

8 MS. LAMBERTON: Okay?

9 MR. BOB SELIG: Thank you.

10 MR. JOSEPH COLYER: Thank you.

11 MS. LAMBERTON: You're very

12 welcome. Thank you for your time. Sorry to call

13 you out for just that, but we wanted to make sure

14 it was clear that you didn't have any other issues.

15 MR. BOB SELIG: No, that's --

16 that's fine. Let's get it ironed out.

17 MS. LAMBERTON: Okay. Moving

18 on to new business or do we want to address the

19 town -- the --

20 MS. HAASE: If we could.

21 MS. LAMBERTON: -- fire

22 company, yeah.

23 MS. HAASE: Did you --

24 MS. LAMBERTON: Sure. This was

25 just put in front of us on the -- to the

14

1 supervisors from the Tobyhanna Township Volunteer

2 Fire Company. We would like to request a release

3 of our tax fund moneys for the payment due on our

4 Pierce truck. The payment is due August 1, 2016.
5 And they also add they will provide our 2014 tax
6 return, as well as the additional information
7 requested.

8 So I guess we need a motion to
9 release --

10 MS. HAASE: For a hundred
11 thousand.

12 MS. LAMBERTON: For a motion --
13 I'll entertain a motion for \$100,000 to be released
14 to the fire company so they can make their
15 payments.

16 MS. PICKARD: So moved.
17 Contingent upon them getting the documents.

18 MS. HAASE: They have.

19 MS. PICKARD: They have.

20 MS. HAASE: It's -- it's in our
21 hands.

22 MR. HOLAHAN: I'll second that.

23 MS. LAMBERTON: Oh, I didn't
24 even go past that.

25 MS. HAASE: That's okay.

1 MS. LAMBERTON: I have a motion
2 and a second.
3 Any questions or comments from
4 the board?
5 Any questions or comments from
6 the public?
7 Seeing none. Call the vote.
8 John?
9 MR. KERRICK: In favor.
10 MS. LAMBERTON: Heidi?
11 MS. PICKARD: I vote in favor.
12 MS. LAMBERTON: John?
13 MR. HOLAHAN: Yes.
14 MS. LAMBERTON: Donny?
15 MR. MOYER: I vote.
16 MS. LAMBERTON: I vote in
17 favor. Motion carried.
18 MALE VOICE: Thank you.
19 MS. LAMBERTON: You're very
20 welcome. Thank you.
21 Oh, it was actually brought up
22 at the last meeting for the chair to sign the
23 documents for the BCRA for -- no, BC -- M CCD,
24 Monroe County Conservation District, for the dirt
25 and gravel grant. Due to the conflict that I have,

1 it appears that my company that I work for will be
2 doing work involved in this, so I prefer not to
3 sign it, so authorization from the board for Donny
4 to sign the documents.

5 MR. HOLAHAN: Yep. So moved.

6 MS. PICKARD: That's fine.

7 Can I just make a suggestion that if we do this
8 again, that we can say the chair or vice-chair just
9 so --

10 MS. LAMBERTON: I'm okay with
11 any member.

12 MS. PICKARD: And it -- that's
13 fine, whatever.

14 MS. LAMBERTON: 'Cause we're
15 all equal.

16 MS. PICKARD: Whatever.

17 MS. LAMBERTON: Okay. Yeah,
18 I'm fine with that as well.

19 MS. PICKARD: All right. So
20 I'll second that motion.

21 MS. LAMBERTON: I have a motion

22 and a second.

23 Questions or comments from the

24 board?

25 Questions or comments from the

17

1 public?

2 Seeing none. Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: Yes.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I vote.

11 MS. LAMBERTON: I vote in

12 favor. Motion carries.

13 Oh, this is the bill.

14 MS. HAASE: Yeah.

15 MS. LAMBERTON: And these are

16 the documents.

17 MS. HAASE: Thank you.

18 MS. LAMBERTON: I grabbed the

19 whole packet --

20 MS. HAASE: You did.

21 MS. LAMBERTON: -- from you.

22 MS. HAASE: That's okay.

23 MS. LAMBERTON: Okay. Moving

24 on to new business. Electronic devices discussion.

25 MS. HAASE: Yes. As I brought

18

1 up at our board's last meeting, actually I was
2 gonna present this at the July work session, but it
3 was my understanding you wanted to discuss that
4 today with the electronic devices.

5 So I did put the draft together.
6 Jonathan has reviewed this. If the board so
7 chooses to move this forward today, I would like it
8 conditional upon also Mr. Rodney Smith reviewing it
9 as well.

10 MS. LAMBERTON: This -- is this
11 a normal policy? I read it and -- I mean, that's
12 the first and only one I've ever read, so I have
13 nothing to compare it to. Is this standard?

14 MR. REISS: Yes. I also

15 provided Phyllis and she incorporated some of the
16 provisions from some other model policies that
17 other townships' cooperative insurance companies
18 have provided for that type of policy.

19 MS. LAMBERTON: I notice in
20 there, the manager is the person that actually
21 monitors e-mails and things along that nature, do I
22 read that correctly?

23 MS. HAASE: It's currently in
24 our employee manual that way. It's just repeated.

25 MS. LAMBERTON: Any comments

19

1 from the board?

2 MR. HOLAHAN: No, I --

3 MR. KERRICK: I think that our
4 e-mails should not be monitored by the manager. I
5 believe if somebody -- if a resident wants to send
6 us an e-mail, I don't want it censored or
7 monitored. That's how I feel.

8 MS. HAASE: It's the staff
9 that's monitored on a need basis.

10 MR. KERRICK: That's not the
11 way I read it.

12 MS. HAASE: This is related to
13 the staff, not to the board of supervisors. This
14 is a staff policy.

15 MS. PICKARD: Of course then I
16 have my one question then too 'cause I don't really
17 care either way, but as far as, I use my personal
18 phone sometimes right now to access board e-mail,
19 the same e-mail for work as board, so I just want
20 to make sure that I don't run into a conflict
21 because I will be using my personal device for
22 supervisor e-mails.

23 MS. LAMBERTON: Right. Yeah,
24 you have the double edge there.

25 MS. HAASE: You're also an

20

1 exempt employee, so you wouldn't follow some of the
2 --

3 MS. PICKARD: I am. I am.
4 Yeah, because I'm salaried, yeah.

5 MS. HAASE: -- restrictions as
6 far as being paid; however, we just need -- we
7 would need to make certain that the proper

8 protections are on your phone to protect our
9 server.

10 MS. PICKARD: Okay. And we
11 were gonna be taken care of that, I guess, with the
12 Ipads as well, so then that would probably be a
13 little bit, you know -- if I'm away or whatever,
14 I'm monitoring for a couple reasons, as long as I
15 don't -- I don't run into a --

16 MS. HAASE: Yeah. This is
17 pertaining to the staff so we would have to maybe
18 have something in writing for you.

19 MS. PICKARD: Okay.

20 MS. HAASE: It's a unique
21 situation for you.

22 MS. LAMBERTON: Any other
23 questions or comments from the board?

24 Any questions or comments from
25 the public?

21

1 Brendon?

2 MR. BRENDON CARROLL: Do any of
3 the supervisors use there own personal server for
4 township business?

5 MR. HOLAHAN: Well, I was
6 thinking about it but --

7 MR. BRENDON CARROLL: It was a
8 joke. I'm sorry.

9 MS. LAMBERTON: I was like --
10 thanks for lightening up the day. Thanks, I
11 appreciate that.

12 MR. BRENDON CARROLL: You got
13 to laugh.

14 MS. LAMBERTON: You have to.

15 MR. BRENDON CARROLL: You got
16 to laugh.

17 MS. LAMBERTON: You have to.
18 Any other questions or comments
19 from the public?

20 Seeing none. Call the vote.
21 John?

22 MR. KERRICK: There was no
23 motion.

24 MS. LAMBERTON: Oh, geez, I'll
25 entertain a -- do we have to? Yes, we do.

1 MR. REISS: Yes.

2 MS. LAMBERTON: I'll entertain
3 a motion to approve the policy for the acceptable
4 use technology policy to be put in place.

5 MR. HOLAHAN: I'll make that
6 motion.

7 MS. LAMBERTON: I have a
8 motion. Do I have a second?

9 MS. PICKARD: I'll make -- I'll
10 second it, but I'm gonna abstain just because I'm
11 not sure of my conflict is here.

12 MS. LAMBERTON: Okay. I have a
13 motion and a second.

14 Any other questions or comments
15 from the board?

16 Brendon, any other comments?

17 Any questions or comments from
18 the public?

19 Seeing none. Call the vote.

20 John?

21 MR. KERRICK: I'm gonna vote
22 nay --

23 MS. LAMBERTON: Heidi?

24 MR. KERRICK: -- at this time.
25 I'm willing to talk about it in the future.

1 MS. LAMBERTON: Okay. Fair
2 enough.

3 MR. HOLAHAN: Well, do we want
4 to have discussion before we vote then?

5 MR. KERRICK: I just -- I read
6 it but I wanted to do some research --

7 MS. LAMBERTON: You want to
8 table it? We can table this.

9 MR. KERRICK: We already had a
10 motion and a second on the floor, you got to --

11 MS. LAMBERTON: Okay. Let's
12 vote it.

13 MS. PICKARD: I'm gonna
14 abstain.

15 MS. LAMBERTON: Okay. John?

16 MR. HOLAHAN: Aye.

17 MS. LAMBERTON: Donny?

18 MR. MOYER: I'm gonna vote nay.

19 MS. LAMBERTON: I will vote
20 nay. We will table it till our next work session.

21 MR. MOYER: I -- I haven't read
22 it, to be honest with you.

23 MS. LAMBERTON: That's okay.
24 Fair enough. Then we shouldn't move forward until
25 everybody has a profound understanding of what it

24

1 is that we're voting on.

2 MR. HOLAHAN: I understand it's
3 for the staff, right?

4 MS. LAMBERTON: Yes.

5 MS. HAASE: Yes, it's to
6 protect the township.

7 MS. LAMBERTON: Okay. I'll
8 move on to public comment. Is there any additional
9 public comment to be had?

10 All right. I guess we're not
11 gonna adjourn, we're gonna go into executive, so
12 I'll leave the meeting open, if you wouldn't mind
13 just waiting for us --

14 THE REPORTER: Yeah.

15 MS. LAMBERTON: -- please.

16 MS. HAASE: I have one item --

17 MS. LAMBERTON: Oh, I'm sorry.

18 MS. HAASE: (Inaudible

19 comment.)

20 MS. LAMBERTON: Oh, okay. Very
21 good. Ready? We're gonna go into executive now.

22 Thank you very much.

23 (Meeting recessed at 4:15 p.m.
24 and resumed at 6:00 p.m.)

25 MS. LAMBERTON: We're

25

1 reconvening at 6 p.m. I'll entertain a motion to
2 terminate employment for Phyllis Haase as the
3 township manager.

4 MR. MOYER: So moved.

5 MS. LAMBERTON: I have a
6 motion.

7 MR. KERRICK: Second.

8 MS. LAMBERTON: And a second.

9 Any questions or comments from
10 the board?

11 MR. HOLAHAN: Yeah, I oppose
12 the motion. I speak against the motion. I'd like
13 to know why she is being asked to -- or she's being
14 terminated. I would like to know why the board of
15 supervisors is asking -- is terminating Phyllis.

16 MS. LAMBERTON: I think as --
17 if you want this on record?

18 MR. HOLAHAN: Yes.

19 MS. LAMBERTON: Okay. I will
20 say that the majority of the board feels that the
21 current manager lacks the ability to compromise.
22 She has a personality that she's always right and
23 is not conducive to a management role. This is a
24 personality trait and not something that we can
25 change. Her job is not to control every aspect of

26

1 every township issue. She is unable to realize
2 that this is what is creating a division. She was
3 merely supposed to present facts, not to persuade
4 to her opinion and she has proven that she is
5 unable to do.

6 We have given this a try, admit
7 we had made a mistake with not requiring someone
8 with a management degree.

9 MR. HOLAHAN: I still speak
10 against the motion.

11 MS. LAMBERTON: Any other

12 questions or comments from the board?
13 Any questions or comments 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'm opposed.
20 MS. LAMBERTON: John?
21 MR. HOLAHAN: Nay.
22 MS. LAMBERTON: Donny?
23 MR. MOYER: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

27

1 A couple other items here.
2 I'll entertain a motion to appoint Bob McHale as
3 interim.
4 MR. MOYER: So moved.
5 MR. KERRICK: Second.
6 MS. LAMBERTON: I have a motion
7 and a second.
8 Questions or comments from the

9 board?

10 Seeing none.

11 MS. PICKARD: I just wanted to

12 question I think, you know, the executive, whether

13 Bob McHale is willing to become a interim manager.

14 MS. LAMBERTON: Understood. If

15 he does not accept it, then I guess we can

16 reconvene and discuss other options.

17 MS. PICKARD: Are we going to

18 appoint him as township secretary as well?

19 MS. LAMBERTON: I believe we

20 would have -- well, we have Margie as assistant.

21 MS. PICKARD: Yeah, Margie is

22 assistant.

23 MS. LAMBERTON: I think we just

24 -- just have the interim manager at this point.

25 MS. PICKARD: Okay.

28

1 MS. LAMBERTON: If that is the

2 majority agreeing with that, okay?

3 Motion and a second. Call --

4 Any other questions or comments?

5 John?
6 Donny?
7 John?
8 Seeing no public comment. Call
9 the vote.
10 John?
11 MR. KERRICK: In favor.
12 MS. LAMBERTON: Heidi?
13 MS. PICKARD: I vote in favor.
14 MS. LAMBERTON: John?
15 MR. HOLAHAN: Aye.
16 MS. LAMBERTON: Donny?
17 MR. MOYER: I vote.
18 MS. LAMBERTON: I vote in
19 favor. Motion carries.
20 I will entertain a motion for
21 Jonathan to put together an RFP to hire a
22 management search firm so we can have a
23 professional company go out and search for the type
24 of requirements that we are seeking.
25 MR. MOYER: So moved.

1 MR. KERRICK: Second.

2 MS. LAMBERTON: I have a motion
3 and a second.
4 Any questions or comments from
5 the board?
6 Seeing none. Call the vote.
7 John?
8 MR. KERRICK: In favor.
9 MS. LAMBERTON: Heidi?
10 MS. PICKARD: In favor.
11 MS. LAMBERTON: John?
12 MR. HOLAHAN: Aye.
13 MS. LAMBERTON: Donny?
14 MR. MOYER: I vote in favor.
15 MS. LAMBERTON: I vote in
16 favor. Motion carries.
17 Now, as far as the separation
18 agreement, do we introduce a motion or do we wait
19 to see --
20 MR. REISS: Let's wait. What
21 I'd ask is for Heidi to e-mail that information to
22 me tomorrow and then I'll send a completed
23 agreement to --
24 MS. PICKARD: Can I talk to you
25 after the meeting?

1 MR. REISS: Okay. I'll send a
2 completed document by e-mail then to Phyllis.

3 MS. LAMBERTON: So we don't --

4 MR. REISS: So she has
5 something --

6 MS. LAMBERTON: -- need any
7 authorizing?

8 MR. REISS: Correct.

9 MS. LAMBERTON: Okay. And then
10 while we're here, if we'd like to reschedule --

11 MR. REISS: Actually I take --

12 MS. LAMBERTON: I'm sorry.

13 MR. REISS: -- that back. If
14 you would adopt a motion approving the substantive
15 terms in there, that way I can represent to her
16 that, you know, this is -- you support that.

17 MS. LAMBERTON: Okay. I'll
18 entertain a motion on that?

19 MR. KERRICK: So moved.

20 MR. MOYER: Second.

21 MS. LAMBERTON: Motion and a
22 second.

23 Any questions or comments from
24 the board?
25 Seeing none. Call the vote.

31

1 John?
2 MR. KERRICK: In favor.
3 MS. LAMBERTON: Heidi?
4 MS. PICKARD: I vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: Nay.
7 MS. LAMBERTON: Donny?
8 MR. MOYER: I vote in favor.
9 MS. LAMBERTON: I vote in
10 favor. Motion carries.
11 I guess, is this a good time to
12 reschedule our NIDMA or --
13 MR. HOLAHAN: Do we want to do
14 Barbara, are we looking to do that now?
15 MS. LAMBERTON: Oh, yes. Yes.
16 Should we do that prior to new management --
17 MR. HOLAHAN: Yes.
18 MS. LAMBERTON: -- to help
19 Maureen?

20 I'll entertain a motion to
21 appoint Barb --
22 MR. REISS: Stone.
23 MS. LAMBERTON: Thank you.
24 Stone. I was thinking Moy --
25 MS. PICKARD: Nichols.

32

1 MS. LAMBERTON: Nichols, that's
2 what -- okay.
3 -- Nichols as the -- are we
4 going assistant, are we going also --
5 MS. PICKARD: Additional.
6 MS. LAMBERTON: -- additional
7 zoning off -- as an additional zoning officer for
8 Tobyhanna Township.
9 MS. PICKARD: I'll second the
10 motion.
11 MS. LAMBERTON: Any other
12 questions or comments that we have?
13 MS. PICKARD: That was at
14 sixteen fifty starting salary, six months
15 probation.

16 MS. LAMBERTON: And you amend
17 your motion, John, to include that?
18 MR. KERRICK: Yes, I will amend
19 the motion.
20 MS. LAMBERTON: And, Heidi,
21 you'll amend your second?
22 MS. PICKARD: Yes.
23 MS. LAMBERTON: Okay. Any
24 other questions or comments?
25 Seeing none.

33

1 John, call the vote?
2 MR. KERRICK: In favor.
3 MS. LAMBERTON: Heidi?
4 MS. PICKARD: I vote in favor.
5 MS. LAMBERTON: John?
6 MR. HOLAHAN: Aye.
7 MS. LAMBERTON: Donny?
8 MR. MOYER: I vote in favor.
9 MS. LAMBERTON: I vote in
10 favor. Motion carries.
11 MR. REISS: Who's gonna inform
12 her?

13 MS. LAMBERTON: Actually Donny
14 and I will be in tomorrow morning to speak with the
15 staff because they have to be informed and we can
16 do that at that point if that's -- if that is okay
17 with the rest of the board? Speak with Barb, make
18 sure she's interested, but apparently she is, and
19 then present her with that and the pay raise.

20 MR. REISS: And the same time
21 you'll talk to Bob McHale.

22 MS. LAMBERTON: Yeah, well, I
23 would like to talk to Bob first, of course, that
24 makes sense.

25 That makes sense to you?

34

1 MR. MOYER: Um-hum.

2 MS. LAMBERTON: Okay. And
3 should I worry about this -- I keep going back to
4 this NIDMA meeting. Oh, we're waiting, we're
5 waiting for your report. That's right. Why don't
6 we table that until we know that the report has
7 come in along with the audit.

8 MS. PICKARD: The NIDA?

9 MS. LAMBERTON: Yeah.

10 MS. PICKARD: Yeah. I'll check

11 -- I'll check probably with Michelle.

12 MS. LAMBERTON: We'll leave

13 that in your hands. Okay?

14 MS. PICKARD: Yeah.

15 MS. LAMBERTON: Okay. Very

16 good. I have nothing else.

17 I'll entertain a motion to

18 adjourn.

19 MR. MOYER: So moved.

20 MR. KERRICK: Second.

21 MS. LAMBERTON: All those in

22 favor?

23 BOARD MEMBERS: Aye.

24 (Meeting concluded at 6:06

25 p.m.)

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

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

COURTNEY L. ROGERS, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Tuesday, July 5, 2016 beginning at 6:00 p.m.

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

JOHN B. RICE, ESQUIRE, Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township Engineer/
Interim Township Manager

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

2

1 MS. LAMBERTON: Good afternoon.
2 I'd like to call the board of supervisors work
3 session for Tuesday, July 5 to order. We'll start
4 with the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Bob?

8 MR. McHALE: Yes. Actually I
9 was going to request before we begin, if I could
10 add a item to new business. It would be Kalahari
11 outdoor recreation area sketch plan. If we could
12 put that near the end somewhere. Thank you.

13 MS. LAMBERTON: Do we want to
14 take that right out of the gate and move forward
15 with the rest of our agenda?

16 MS. PICKARD: We wanted to do
17 the audit, we promised the auditors.

18 MR. McHALE: Okay. That's fine.

19 MS. LAMBERTON: Okay. I figured
20 that would only take like five minutes, but --
21 we'll move on to Riley and Company, the 2015 audit
22 report presentation.

23 MS. DEBBIE BORGER: Well, thank
24 you for having us here tonight. I think you guys
25 are familiar with Jay and myself.

3

1 MS. LAMBERTON: If you want to
2 state your name for the record for her.

3 MS. DEBBIE BORGER: Okay. I'm
4 Debbie Borger and this is Jay Gobelny and we're
5 from Riley and Company, the township auditors.

6 MS. LAMBERTON: Thank you.

7 MS. DEBBIE BORGER: So what
8 we're going to discuss tonight, obviously, is the
9 audit for 2015. You -- you folks have had the
10 final financial statements since the end of May, so
11 it's been complete for a little while. So if you
12 have any questions when we're done, please feel
13 free to ask.

14 Also the DCED report was filed
15 on April 21 this year, so those things are all

12 So it -- the audit was pretty
13 uneventful and we would like to thank Heidi and
14 Janice especially for their hard work and their
15 assistance in the audit, 'cause certainly we
16 couldn't do it without them, that's for sure.

17 I will let Jay present the rest
18 of the statements. He's much better at being
19 concise and to the point. So we'll turn it over to
20 Jay.

21 MR. JAY GROBELNY: So everybody
22 has access to their statements, if they want to
23 open them up. I'm just gonna go through them
24 briefly, the various statements that you'd be
25 looking at. As Debbie said, the first thing in the

5

1 financial statements is the independent auditor's
2 report. And as she noted, there's an unqualified
3 or clean opinion. The first statement then after
4 the auditor's report is the statement of net
5 position, Exhibit A, which is shown on the modified
6 cash basis. So what the modified cash basis means
7 for the township is, that we record all of the
8 fixed assets along with the current and long-term

9 portions of the various long-term debt.

10 So as you can see for 2015, we
11 have two columns. The first column is governmental
12 activities; the second column is business-type
13 activities. To start with, the business-type
14 activities are the two sewer funds the township
15 has. And then the governmental activities would be
16 all of the other various funds except for the
17 pension. So that would be your general fund, your
18 liquid fuels, your two capital projects funds and
19 then also the fire and library tax funds.

20 So just to note a couple things
21 on the numbers, some things that might stand out.
22 If you're looking under the property and equipment
23 section, you notice under roads and bridges that
24 compared to 2014 those amounts increased almost
25 three and a half million dollars. That's due

6

1 primarily to the dedication of the Kalahari road
2 that accounts for 2.7 million of that increase.
3 And then the rest of the increase is the Old Route
4 940 bridge project.

5 The other item then that would
6 probably stick out would be under sewer system.
7 Again, you noticed that the sewer assets increased
8 by about \$3.2 million and, again, that's primarily
9 due to the dedication of the Kalahari sewer system,
10 the Sewer District No. 1.

11 Down below then you notice under
12 net position that the net investment in capital
13 assets increased. Again, that's due primarily to
14 that -- the dedication of that system. That amount
15 is made up of your total capital assets less the
16 related current and long-term portions of debt. So
17 really on the governmental activity side there
18 wasn't a whole lot that happened in 2015, other
19 than the Kalahari roads and then obviously again,
20 that impacted the sewer.

21 The next statement then is
22 Exhibit B. This is the statement of activities.
23 It's on the same basis of the financial statements
24 as Exhibit A. So what you have then, on your
25 left-hand side, you start with the governmental

1 activities. So you'd have the -- the expenses of

2 those certain activities and then you have, going
3 to your right, the revenue that is generated from
4 those activities. So we start with the general
5 government, those expenses include the general
6 administrative expenses of the government and also
7 legal fees and anything that's building related.

8 The next section is public
9 safety. And obviously, the big expenses in public
10 safety are police and that's also where the fire
11 and code enforcement expenses would be. And then
12 the final large section there is the public works,
13 which are obviously your roads and streets
14 expenses.

15 Your next column's to the right
16 then, your fees, fines, charges and services. Just
17 to give you an example of some of the revenues that
18 are recorded here. That's where the TV franchise
19 fee would be recorded and also the various permits
20 -- permitting fees and zoning fees that the
21 township earns.

22 Under operating grants and
23 contributions then, the bigger items there would be
24 the pension aid that's received from the state. On
25 the liquid fuels fund, that's where the liquid

1 fuels fund allocation is recorded. And also the
2 foreign fire fund that's received from the state
3 that is then paid out to the volunteer fire
4 companies.

5 After our governmental
6 activities, then we have our business-type
7 activities, that's the wastewater and sewage. So
8 this account is for both the ongoing sewer and then
9 the newer Sewer District No. 1 that started in
10 2015. So we see we have expenses there of 800,000
11 and then the sewer charges just over a million. So
12 what we end up then with total government, you'll
13 see for governmental activities, we had 3.3 in
14 expenses over revenue for the activities. And then
15 that's then covered by the general revenues.

16 So obviously, the big general
17 revenues for the township are the taxes. So the
18 taxes line, that would include your real estate
19 taxes, transfer taxes, EIT, LST. So you could see
20 there that the taxes alone were enough to cover the
21 net expenses over revenues from the various
22 activities.

20 reserve. And then your nonmajor funds are your
21 special revenue, which would include the liquid
22 fuels, the library and the fire tax funds.
23 So just a couple of notes there.
24 On the general fund, you'll notice that there is
25 certain cash that's noted as restricted, that's

10

1 shown separately. Those are various escrow funds
2 that are being held by the township. And then
3 you'll also notice that under liabilities, there's
4 an offsetting liability. The reason for that then,
5 since those are restricted to be used for those
6 specific projects by those -- the people that
7 you're holding those money on and those -- that
8 does not affect your fund balance. So there's an
9 offsetting liability to the revenue.

10 Under your fund balance then,
11 you'll see there are three different designations.
12 There is restricted, which all of the special
13 revenue fund balance is shown as. That's due to
14 all those special revenue funds, are restricted for
15 specific purposes. We have assigned balance --

16 assigned fund balances then. Those are fund
17 balances that have been set aside by the
18 supervisors, but they're not necessarily restricted
19 for use by any outside legis -- legislation or any
20 kind of outside agency in the way that the
21 restricted funds are.

22 And then your unassigned fund
23 balance is kind of just every -- everything else
24 that's left. So you'll see then at the end of the
25 year our total governmental fund balance was about

11

1 \$4.5 million.

2 Exhibit D then is just a
3 reconciliation. That reconciles from the change in
4 fund balances on the cash basis to the total -- or
5 excuse me, the fund balances on the cash basis to
6 the total net position on the modified cash basis.

7 After Exhibit D then is Exhibit
8 E. This is our revenues, expenses and changes in
9 fund balance. And this is for the governmental
10 fund and this is cash basis. So you'll see there
11 under revenues then are -- our -- our biggest
12 revenues are taxes. So we have that, obviously, in

13 the general fund and then under special revenue for
14 the library and fire taxes as well. And the other
15 larger artem -- or items there are charges for
16 services and then the intergovernmental revenue.

17 So what's recorded under
18 intergovernmental revenue, again, we have the
19 liquid fuels fund distribution, that's for the
20 pension state aid and the foreign fire fund
21 distribution. Under our expenses then, the
22 classifications are similar to what they would've
23 been on Exhibit B. Now, the difference is, that on
24 this statement you would not have depreciation
25 expense.

12

1 On Page 2 of Exhibit E then,
2 after our expense section we have our other
3 financing sources and uses. So you'll see here
4 this is where we have the transfer of funds between
5 the general and the capital projects funds. And
6 the other larger item there on the special revenue
7 fund, there was the proceeds of the 2015 general
8 obligation note. So those funds were recorded in

9 the liquid fuels funds and that was for the Gradall
10 purchase. So that's recorded as a proceed of
11 long-term debt on the fund statements. So you'll
12 see there that overall for the governmental funds,
13 there was a net increase in fund balance of about
14 \$550,000 for 2015.

15 After Exhibit E then is Exhibit
16 F. And that reconciles the change in fund balances
17 from the cash basis to the change in net position
18 on the modified cash basis. Exhibit G then is our
19 proprietary funds, those are our two sewer funds.
20 So here you can see the total here would match up
21 to Exhibit A, but this breaks it down between the
22 sewer fund and the newer Sewer District No. 1 Fund.
23 So you could see there under Sewer District No. 1,
24 the various fixed assets additions. Again, that
25 what -- what was recorded as the special item, the

13

1 -- excuse me, the transfer or dedication.

2 And then you also see that we
3 have restricted cash and a corresponding liability
4 as amounts held on behalf of others. And what that
5 is, that's the sewer charge reserve cash account

6 that's being held. Those monies would only be used
7 if Kalahari were to become delinquent on their
8 sewer charge account. So we have that set up
9 basically as an escrow account where that money
10 won't be touched unless there's some kind of
11 situation where, again, Kalahari stops paying on
12 their account.

13 Exhibit H then is the revenues,
14 expenses and changes in fund balance on the two
15 proprietary funds. So our operating revenues,
16 obviously, we have our charges for services, the
17 operating expenses. We have the treatment
18 collection and also our depreciation on fixed
19 assets. Our nonoperating revenues and expenses on
20 our -- on the sewer fund, there was interest
21 expense on the two outstanding loans. And then the
22 special item, again, under Sewer District No. 1 is
23 the dedicated sewer asset.

24 Our next two statements then,
25 Exhibit I and Exhibit J, are for the nonuniformed

1 pension plan. So Exhibit I is pretty

1 -- the Gradall purchase and there was other --
2 another purchase of machinery that was over a
3 hundred thousand.

4 On the business-type activities
5 then, the schedule on Page 16, again, the major
6 additions there you could see the additions to the
7 sewer -- sewer system for the Kalahari District No.
8 1, and then also for the land that was related to
9 that -- that dedication. Below there then on Note
10 6 is our long-term debt. And as I noted under the
11 governmental activities, you'll see the addition of
12 the 2015 series, general obligation note. There
13 was no other additions to debt in 2015. And then
14 the second part of that note, on Page 17, gives you
15 a general description of the various outstanding
16 debt. It also gives your schedule to maturity for
17 both the governmental activities and the sewer
18 fund.

19 Note 7 is the pension plan, the
20 nonuniformed pension plan note. Don't want to get
21 into too much detail here. There were some changes
22 in 2015 due to the implementation of GASB 68, it's
23 a new counting -- accounting standard that requires

24 us to disclose certain schedules of information in
25 regards to the pension liability. So, for example,

16

1 on Page 22, that change in the net pension
2 liability would be new for 2015. If you want to
3 hear more about that, I know Debbie can go into a
4 little more detail, if you're interested.

5 MS. LAMBERTON: No, we're good.

6 I think we're good, general consensus, we're good.

7 MR. JAY GROBELNY: That's fine.

8 MS. LAMBERTON: Thank you

9 though.

10 MR. JAY GROBELNY: Yep.

11 MS. DEBBIE BORGER: Aww.

12 MS. LAMBERTON: Were you looking

13 forward to--

14 MS. DEBBIE BORGER: No, I'm just

15 teasing you.

16 MR. JAY GROBELNY: Just three

17 more things in the notes. If you go to Page 27,

18 Note 13 there just gives you some detail on that

19 dedicated infrastructure asset, so that gives you

13 MR. MOYER: Thanks.
14 MS. DEBBIE BORGER: Thank you.
15 MS. LAMBERTON: I'm sorry.
16 Mike?
17 MS. PICKARD: I think Mike had a
18 question.
19 MR. MIKE CHRISTIAN: I just have
20 a question.
21 Yeah, Mike Christian.
22 Will the full report be
23 available on the website?
24 MS. LAMBERTON: Yeah.
25 MS. PICKARD: It's already on

19

1 the website.
2 MIKE CHRISTIAN: It's already
3 on, okay.
4 MS. LAMBERTON: Any other
5 questions or comments?
6 Thank you.
7 MR. McHALE: As far as the
8 agenda --
9 MS. LAMBERTON: Yes.

10 MR. McHALE: -- I just want to
11 mention we have two development topics or items.
12 And I was gonna say if we could go through those
13 now maybe?

14 MS. LAMBERTON: Sure, sure.

15 MR. McHALE: One is Pinecrest
16 Phases 5 and 6. Brendon Carroll is here
17 representing the development; and also the Kalahari
18 portion of the outdoor recreational area, and Harry
19 Forbes is here to represent Kalahari.

20 I just want to give you a --
21 just a brief history where we were with Pinecrest.
22 Since the trust has taken over this phase of the
23 development, I just want to run through the history
24 very quickly, take about a minute. And then
25 Brendon's gonna provide to you what he's proposing,

20

1 as far as the -- the new plan, if you will. In the
2 past, Teicher had owned five and six. They didn't
3 complete the improvements; Crestwoods Lane was put
4 in without a wearing course.

5 Road AAA, the same type of

6 thing, with paving to the units, but again no
7 wearing course. Road BBB was similar manner, but
8 with no wearing course. Now, there is monies that
9 were set aside, that was the remainder of the
10 financial securities that were in place. It was
11 somewhere around 246,000 or \$248,000.

12 What we had talked about last
13 fall with Brendon is that, he wanted to come in and
14 -- and do the wearing course on these areas that
15 have subbase and binder only. He also wanted to
16 look at -- there was a shell of a building here in
17 this section that was not completed or finished as
18 far as the -- the interior finishes. All the units
19 that were associated with Road BBB and AAA, they
20 were all completed and either sold or vacant or
21 being sold.

22 Now, at that point, we looked at
23 a development agreement. There is a transfer of
24 rights from Teicher to the trust and we want to
25 document that. And there was a development

1 agreement that was put together that was threefold,
2 if you will. It was that assignment of rights

3 basically, a new development agreement between the
4 township and the trust, and also the paving aspects
5 of it that he was looking to do short term.

6 But when he got the development
7 agreement last fall, it was late sometime in
8 November, he felt like it was a little bit
9 restrictive, in that we were -- we were asking, the
10 township was asking that within two years he
11 complete the rest of the development. Well, the
12 trust at this point in time -- correct me if I'm
13 wrong, Brendon -- is not really interested in
14 developing any of the remaining portions of the
15 town houses.

16 So what we're trying to do
17 tonight is just get some more feedback, get some
18 direction and then maybe ask Jon Reiss to kind of
19 redraft the document, if you all see fit, and the
20 plan that Brendon proposes to you is acceptable.
21 Brendon, at one point in time, they were looking
22 at, in lieu of the town homes -- there's red
23 outlined areas that are duplexes, and he thought
24 that maybe in the same number of units that are
25 remaining could be traded out for those units in

1 the future.

2 What I wanted to do is -- just
3 so you have these in front of you and they're a
4 little bit -- I know that's kind of distant, but
5 that is the original amended plan that was approved
6 by the township, that shows all 77 units. And this
7 plan is the town home unit, this is just the -- or
8 I'm sorry, duplex units. This is just for
9 informational purposes only, but it's just an idea
10 of what could happen in the future if they did
11 develop more likely than the town homes. And
12 again, since it's unknown as to what type of
13 development may or may not occur, we just felt like
14 maybe we would go ahead and present to you another
15 option.

16 And, Brendon, if you want to go
17 ahead and hand out the revised layout.

18 MS. PICKARD: More sheets?

19 MR. BRENDON CARROLL: Excuse me?

20 MS. PICKARD: The two wasn't
21 enough?

22 MR. BRENDON CARROLL: Got to be
23 clear.

24 MR. McHALE: The first two were
25 just historical.

23

1 MR. BRENDON CARROLL: So what
2 the -- Bob was kind enough to meet with me this
3 morning or called me last week to try to get this
4 moved along. It's my understanding that the
5 township has a bond in place, probably about a year
6 ago, this project, as you know, failed and the
7 Pinecrest Lake Community Trust purchased the
8 property from the bank, just to clean it up and
9 protect the eyesore that was -- many of our
10 homeowners were complaining about.

11 My goal was, is that -- that --
12 that -- that the final wear course of paving never
13 got completed. I have 30 homeowners living there
14 now that are upset that, that never got done. I
15 thought we could -- I proceeded with getting
16 estimates and cost estimates to finish that work.
17 And then I felt we kind of turn it into a
18 developer's agreement and -- and -- you know, it
19 was a little onerous and unreasonable for what I
20 thought we were trying to do.

21 And as the community, as my
22 trustee hat, I'm not inter -- I'm just finish --
23 I'm concerned to finish the project, complete the
24 paving and -- and shoulders and work of the
25 existing infrastructure that's there with any

24

1 future development plans tabled at this point.
2 There's -- there's some hurdles there that need to
3 be -- there's some NPDES permit issues and things
4 and -- as well as the pretty -- downturn on the
5 real estate market, that at this point it's --

6 MR. RICE: Brendon, I have this
7 -- I have the development agreement that was
8 drafted, I guess, last fall?

9 MR. BRENDON CARROLL: Yes.

10 MR. RICE: And we're holding
11 \$240,000.

12 MR. BRENDON CARROLL: Yes.

13 MS. PICKARD: Yes.

14 MR. McHALE: That was from
15 Teicher when they originally were the developers
16 for five and six --

17 MR. RICE: We defaulted them --
18 MS. PICKARD: Yes.
19 MR. RICE: -- in 2010 and we
20 took -- so we're holding that cash.
21 MR. McHALE: We're holding that.
22 MR. RICE: Right. So the
23 development agreement talks about -- tell me if I
24 got the improvements right. Wearing course on
25 Crestwood Lane, now Pocono --

25

CARROLL: 1 MR. BREND//////////o/N
Yeah,
2 Crestwoods Lane will be the first large yellow.
3 MR. RICE: All right. So the --
4 so you're proposing to do that --
5 MR. BRENDON CARROLL: Correct.
6 MR. RICE: -- is that right?
7 MR. BRENDON CARROLL: Yes.
8 MR. RICE: Wearing course on
9 Road AAA?
10 MR. BRENDON CARROLL: Would be
11 at the bottom of the map in the parking areas, yes.
12 MR. RICE: You're proposing

13 that, wearing course on Road BBB.

14 MR. BRENDON CARROLL: Which is
15 this in the middle.

16 MR. RICE: And then the
17 stabilized stormwater facilities.

18 MR. BRENDON CARROLL: Yes.

19 MR. RICE: So according to this
20 there was an estimate to complete A, B and C, the
21 wearing course, at the time this drafted, it was
22 about \$92,000.

23 MR. BRENDON CARROLL: That's
24 correct.

25 MR. RICE: So that's still a

26

1 good number?

2 MR. BRENDON CARROLL: As far as
3 I know. They told me it was still good.

4 MR. RICE: Okay. And --

5 MR. BRENDON CARROLL: I think,
6 Bob, you and I agreed -- I think we rounded it to a
7 hundred just contingency just --

8 MR. McHALE: Yep. There was an
9 additional, I think, \$2600 related to incidental

10 stormwater items.

11 MR. RICE: Right. Yeah, that --
12 that's in here too --

13 MR. McHALE: That's in the
14 92,000 --

15 MR. RICE: -- it's called out as
16 20 -- 2600 for the stormwater facilities, and do
17 they have NPDES permits for all the stormwater
18 that's out there?

19 MR. McHALE: Well, they had at
20 one time a NPDES permit. The five-year time period
21 has lapsed, so they do not have an earth
22 disturbance.

23 MR. RICE: They got to renew it.

24 MR. McHALE: They would have to
25 do that at the point in time that they begin

27

1 disturbing the land. But at this point what
2 they're looking to do primarily is just to get the
3 wearing course on and, you know, kind of clean up a
4 couple little spots in the basins and such. So
5 it's not a major earth disturbance that they're

6 looking at doing. All they're looking to do, for
7 the most part, is pretty much pave what's out
8 there.

9 MS. LAMBERTON: Sure. I don't
10 blame you.

11 MR. McHALE: Now, in addition to
12 what's in that original draft development agreement
13 --

14 Brendon, you might want to just
15 kind of point to the board and expand on the units
16 --

17 MR. BRENDON CARROLL: I guess
18 you guys -- you guys --

19 MR. McHALE: -- that were
20 completed. There's five units that were completed.

21 MR. BRENDON CARROLL: There is a
22 building that was probably, I'm gonna say,
23 somewhere around 40 percent complete, it was
24 brought up somewhere -- five units were a shell;
25 siding, windows, roof, probably about halfway

1 through rough mechanicals. I was approached late
2 in the fall some local fellows had some interest.

3 I was gonna tear it down, but a couple -- a couple
4 guys had some interest in purchasing that. I said,
5 okay, we gave them some guidelines. The goal is to
6 complete it probably by August --

7 MR. RICE: How many units?

8 MR. BRENDON CARROLL: Five.

9 There was five incomplete units that were there.
10 So what I did in the orange, I thought we would add
11 the completion of the paving up to -- just past
12 where -- where those owners would be as part of --
13 part of the original completion of work that we
14 discussed last fall. So that's -- that's denoted
15 in orange on the map that I gave you just --

16 MR. McHALE: And again, for
17 clarification purposes, the subbase, the stone
18 material is already installed for the entire loop
19 of --

20 MR. BRENDON CARROLL: CCC.

21 MR. McHALE: There you go.

22 MR. BRENDON CARROLL: All the
23 roads are in --

24 MR. McHALE: Yeah.

25 MR. BRENDON CARROLL: -- to bri

1 -- you know, pretty much the green.

2 MR. McHALE: It's not like
3 they're gonna be disturbing earth to put in the
4 road. The road is already constructed to grade and
5 the subbase material is installed. What he's
6 looking to do is put on the asphaltic binder and
7 the wearing course in -- in -- only up to that
8 point where the --

9 MR. BRENDON CARROLL: Only up to
10 the --

11 MR. RICE: Right at the rest of
12 the CCs.

13 MR. McHALE: Correct.

14 MR. BRENDON CARROLL: To the
15 orange.

16 MR. McHALE: That's correct.
17 And this is why we want to kind of redefine the
18 terms a little bit within. And he also didn't want
19 to like enter into a full blown agreement that
20 requires him to complete the rest of the
21 improvements in two years, because he doesn't
22 anticipate that they would even do that, that is a
23 trust. But if they do --

24 MR. BRENDON CARROLL: Well, as a
25 trustee, I don't want to bind --

30

1 MR. McHALE: Right.

2 MR. BRENDON CARROLL: I can't
3 bind, I have a fiduciary responsibility to -- I
4 can't do that without a big deal.

5 MR. McHALE: Well, what we did
6 talk about -- yes. And what we did talk about is
7 that if it was written into the -- the agreement,
8 that in the future if the trust or whoever would
9 continue on -- there would be a moratorium on all
10 the units that are not constructed.

11 MR. RICE: Right, right.

12 MR. McHALE: Just as is stated
13 in that development agreement. But then in the
14 future, if they were to decide to, for some reason,
15 move ahead with that, they would come in with
16 either a redefined final plan -- if they change it
17 from town homes to duplexes or whatever the case
18 may be, a new final plan would be required, new
19 development agreement would be required and new
20 financial securities would be required to

21 supplement the remaining that is there after he
22 paves.

23 Is that correct?

24 MR. BRENDON CARROLL: Yeah, I
25 would say that's it.

31

1 MR. RICE: So, Brendon, who --
2 you're going to hire -- you're gonna hire somebody
3 to do the paving?

4 MR. BRENDON CARROLL: Yes.
5 Yeah, I have -- we have -- we've submitted, Bob --

6 MR. McHALE: And the township
7 will inspect, they'll also have a construction
8 inspector on-site that's (inaudible) certified and
9 he'll provide his certification and we'll
10 periodically inspect like we normally do.

11 MR. RICE: And then when -- when
12 Bob approves it, they'll be an escrow release --

13 MR. McHALE: Yes.

14 MR. RICE: -- the township will
15 release the money to you, you'll pay your
16 contractor.

17 MR. BRENDON CARROLL: That's
18 right.
19 MR. McHALE: Now, in addition to
20 the 94,000 --
21 Brendon, you might want to point
22 to there.
23 -- the additional paving that
24 they're looking at may run another \$20,000. So the
25 number is gonna be modified, John, in the developer

32

1 agreement?
2 MR. BRENDON CARROLL: Yeah,
3 we'll have to -- I'm waiting for requotes.
4 MR. McHALE: He's gonna go out
5 and get another proposal for that piece that was
6 not included in that development agreement that you
7 have in front of you.
8 MR. RICE: Okay. Okay. So
9 that's over the 92?
10 MR. McHALE: Correct.
11 MR. BRENDON CARROLL: This came
12 into being where a discussion with the -- the
13 zoning officer when these guys are getting close to

14 completion and will -- are gonna be looking for a
15 C0 and then all of a sudden there seemed to be a
16 stop, there would be no C0 without paving. I don't
17 understand, I don't think the paving was ev -- I
18 mean, we sold all these hous -- all those houses
19 were constructed --

20 MR. McHALE: They just had
21 binder on it.

22 MR. BRENDON CARROLL: And so
23 they were sold with gravel in the beginning, but --
24 at some point, so I don't want to hold up this
25 guy's --

33

1 MS. LAMBERTON: Right.

2 MR. BRENDON CARROLL: -- you
3 know, I sold it contingent upon the town's
4 approval. I said I don't know what's gonna happen
5 at that time, but -- so since that came about, you
6 know, I think it's right to just do that and get at
7 least that part finished. And then in the green, I
8 thought -- I thought the original agreement that
9 was -- that was provided by Mr. Armstrong was

10 again, restrictive. They said you couldn't do
11 anything even without the NPDES permit.

12 I feel the law still gives us
13 permission to build six or eight units. I said if
14 they would give us permission star -- we may -- I
15 may sell it to our development division, or
16 something like that, for the benefit of the trust,
17 but I may want to test the waters with two units,
18 at least, before the moratorium would start, that
19 way you'd have the opportunity to do that. And in
20 green I put, as a construction cost, the builder,
21 whoever I would require to pave the parking lot
22 because I can't determine that right this second.

23 MR. McHALE: So the moratorium
24 would be on all the remaining units excluding --
25 and where Brendon has the green, those are units

34

1 139 through 143. So in lieu of those town home
2 units, he's proposing two duplex units. Instead of
3 five units, he's saying I'd like to put four in,
4 try to say as close as he can to the footprint of
5 what he has there, but just break it apart into two
6 duplexes. And if he does that, we already have the

7 paving, if the board agrees to extending that in
8 front of the -- the finished out five units.

9 So it just makes that if he can
10 begin to kind of experiment, test the market -- you
11 know, the market with two duplexes. Then if they
12 begin to sell those, he can come back in with a
13 revised final plan, if they want to propose all
14 these other duplexes or whatever the case may be.
15 But up until this point, those duplexes, it was
16 just a concept.

17 Is that --

18 MS. LAMBERTON: I think it
19 seems like a reasonable way to help you along and
20 move your project forward.

21 MR. BRENDON CARROLL: Again, my
22 goal is here really just to finish the uncom --
23 incomplete infrastructure. The road's starting to
24 fall apart and I don't think -- I don't want the
25 trust to be responsible to fix --

35

1 MS. LAMBERTON: The base too.

2 MR. BRENDON CARROLL: -- binder

3 before we, you know --

4 MR. MOYER: Yeah.

5 MS. LAMBERTON: Um-hmm.

6 MR. BRENDON CARROLL: -- if we
7 can get that -- we do have some repairs to do prior
8 to the wear course, but --

9 MR. McHALE: If we move forward
10 with this type of an agreement, then the residents
11 will be very happy that they have a wearing course
12 that's down and finalized. The other thing is, if
13 we minimize or had the moratorium in place for
14 those other units, then Jonathan -- or Jonathan
15 would write an agreement that doesn't leave us
16 exposed for the remaining improvements, that the
17 remaining improvements will be secured financially
18 at the time a new development -- or proposed
19 development comes in or they want to release the
20 moratorium. Would that work out?

21 MR. MOYER: Yeah.

22 MR. RICE: Yeah.

23 MR. BRENDON CARROLL: Yeah, we
24 -- we estimated, I think right now, the bond's
25 probably about 50,000 short depending on how you

1 count.

2 MS. LAMBERTON: Right.

3 MR. BRENDON CARROLL: So we know
4 that going into it, again, nothing's been increased
5 over time so we're here where we are. But at this
6 point, with the NPDES issues and things, there
7 could be several hundred thousand dollars worth,
8 that makes the project not viable at all in this
9 real estate market, so --

10 MR. RICE: So, Bob, if you can
11 just clarify, you know, to us --

12 MR. McHALE: I will do that,
13 I'll put a bullet point, point by point.

14 MR. RICE: -- the units -- or
15 the green units, what numbers are they, the five
16 orange units where the new road's gonna go, and
17 then the ones that are -- nothing's gonna happen
18 with them until there's a new plan that comes in.

19 MR. BRENDON CARROLL: Okay.

20 MR. McHALE: I will do that.

21 MR. RICE: If the board
22 authorizes us to prepare a draft, you know,
23 amendment --

24 MS. PICKARD: I authorize that.

25 MR. RICE: -- a simple draft

37

1 amendment --

2 MR. McHALE: Right.

3 MR. RICE: -- to the development
4 agreement.

5 MR. KERRICK: That's your
6 motion?

7 MS. PICKARD: That's my motion.

8 MR. KERRICK: Second.

9 MR. McHALE: And then we would
10 also not --

11 MS. LAMBERTON: We're ahead of
12 you, Bob.

13 I got a motion and a second on
14 the floor.

15 Any questions or comments?

16 MS. PICKARD: Bob's got a
17 comment.

18 MR. McHALE: No, we'll work it
19 -- I'll work with Jon on the details.

20 MS. LAMBERTON: I think you need

21 to give Jon the details.

22 MR. McHALE: It's more details,
23 yeah.

24 MS. LAMBERTON: Yeah. Any
25 questions or comments from the public?

38

1 Seeing none. Call the vote.
2 John?

3 MR. KERRICK: In favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: I vote in favor.

6 MS. LAMBERTON: Donny?

7 MR. MOYER: I vote in favor.

8 MS. LAMBERTON: I'll abstain,
9 because I'm a resident.

10 So the motion carries.

11 MR. BRENDON CARROLL: Thank you
12 very much.

13 MS. LAMBERTON: Thank you. Good
14 luck with that, Brendan.

15 MR. BRENDON CARROLL: Thank you
16 for your time.

17 MS. LAMBERTON: Yeah, thank you

18 for your work on that, Bob.

19 MR. McHALE: You're welcome.

20 Glad to see these move ahead.

21 (Inaudible discussion between
22 board members.)

23 MR. McHALE: This afternoon I
24 was made aware that Kalahari would like to move
25 forward with an additional concept that's in front

39

1 of you, that was kind of -- it -- it was already
2 anticipated in this area, the development that I'm
3 pointing to, as a future construction area. And it
4 also anticipated an outdoor rec building of 4,000
5 square feet. Some of this was anticipated in the
6 stormwater management as parking lot lighting. The
7 whole land development portion of it was -- was
8 addressed at that point in time with detention
9 basin 6 on the east side.

10 So what they're looking to do
11 now is what's in front of you. And they're looking
12 to do what was kind of stated there in this
13 section, but they want to kind of reconfigure it a

14 little bit. What was originally anticipated was
15 snowtubing and a ropes course. And now --

16 And, Harry, if I get this
17 incorrect, please correct me as I go.

18 MR. HARRY FORBES: You're doing
19 good.

20 MR. McHALE: The -- this is
21 Kalahari Boulevard and this is an access point that
22 they're proposing, they're showing as Driveway No.
23 2. This is already a part of the original land
24 development, so this is already approved, if you
25 will. And what they're looking to do is instead of

40

1 -- at this point in time, is constructing as a
2 phase, the parking area, they'd like to construct
3 this snowtubing hill. They want to take basin 6
4 and relocate it to the top of the page here and
5 they want to add some parking, which is just to --
6 associate parking to the ropes course, which will
7 be across the Kalahari Boulevard, and they're gonna
8 ask for another entrance and a median break.

9 So the entrance median break
10 will be to support the ropes course and then

11 they're looking for two pet crossings that would be
12 associated with the development. Now, in lieu of
13 -- you know, we don't want to go back to square one
14 because pretty much the area that we're talking
15 about was already a part of the approved land
16 development. What I'd like to suggest to the board
17 is maybe consider a -- an amended plan to what we
18 already have.

19 And, John, you can please jump
20 in there if I'm heading down the wrong path, as far
21 as this agreement goes and plans.

22 But we would prob -- we need a
23 new site plan and we need a new updated staging
24 plan as shown here just to reflect the proposed
25 improvements in this area now and also the proposed

41

1 improvements over here and all they have to do is
2 change the color coding and put a few things on
3 that staging plan.

4 The site plan would be
5 encompassed only for the improvements that are
6 being proposed. They're gonna obviously need a

7 grading plan, some new stormwater. If there are
8 any utilities that are being relocated at part of
9 this proposed project, then we need a utility plan.
10 If they're no relocations proposed, then there's no
11 point in doing a re -- utility plan.

12 MR. HARRY FORBES: Just -- just
13 for your information, in this area right here where
14 this cut is, this side, some of the water lines and
15 stuff are gonna have to bore under the road to put
16 them on this side over here.

17 MR. McHALE: Okay. Then that
18 type of item could be addressed in the utility plan
19 to address the area specific to what they're
20 proposing related to these -- these two phases.
21 And then the parking with lighting, everything else
22 would be according to the township code. But it --
23 it sort of a -- we don't go back to a full blown
24 land development because all the major items like
25 name, rank and serial number and address and

42

1 everything else, all gonna be the same. We just
2 want to look to address the improvements that
3 they're proposing.

4 And, Harry, are these going to
5 be permanent improvements or are these like
6 interim, down the road they could change and build
7 something different?

8 MR. HARRY FORBES: No. What
9 the cross -- the road cuts are the big key here
10 because they need them for handicapped
11 accessibility, they need them for -- this area
12 here, this little parking lot is gonna be used for
13 handicap. So we're gonna use the existing parking
14 lots up in these areas. So that's why the
15 crosswalks and the curb cuts that are needed there.

16 MR. McHALE: Couple new
17 buildings, I think, are being proposed.

18 MR. HARRY FORBES: Couple new
19 buildings will be added, so that everybody is aware
20 of it. This will end up being a lodge down in this
21 area along with some decking for people,
22 grandparents and things, to watch their children on
23 the area. This will be a maintenance building with
24 a -- kind of a lean-to, to put -- store snowmaking
25 equipment, things of that nature up here. As Bob

1 had pointed out -- and we've had preliminary
2 discussions with conservation district on all this.

3 This retention pond that was
4 over in here will be -- being moved over here,
5 they'll be a million and a half gallon pond with a
6 couple, you'll notice up here, wells that will be
7 drilled to be able to maintain the water that may
8 be needed for making snow in this particular area,
9 along with -- what they may do is end up taking
10 some of that to use it along the boulevard in our
11 sprinkler system, things of that nature.

12 MR. McHALE: So they'd be
13 looking to put like an impervious liner in that --

14 MR. HARRY FORBES: Right.

15 MR. McHALE: -- so any of the
16 stormwater collected --

17 MR. HARRY FORBES: Correct.

18 MR. McHALE: -- would be
19 utilized for the snowmaking process.

20 MR. HARRY FORBES: And this
21 will all be reengineered and being worked on
22 currently to take the piping and all of our
23 stormwater collection off of this particular site.
24 It will come over to basin 5 that's across the

25 street, that all be worked in and engineered and

44

1 approved by the conservation district.

2 When you get over here to the
3 rope course, the rope course, of course, I don't
4 know if anybody's knows, is licensed via Department
5 of Agriculture because it's a tree event, it's
6 through trees. It's not -- nothing gets cut down
7 other than small saplings and stuff and the trees
8 will be maintained. They'll be -- they're
9 proposing two small kids courses right out close to
10 the road here in this area and then six course --
11 six rope courses that have yet been designed, but
12 are being -- will be within this month sometime
13 throughout this area.

14 And there's a lot of extra
15 parcel here that eventually if this takes off,
16 they'll add additional rope courses and things of
17 that nature through here.

18 I think you pointed out, Bob,
19 there's a -- gonna go with prefab building on this
20 particular parcel down here, put in here for
21 storage of harnesses and ticketing booths and

22 things like that for people coming to use this rope
23 course. The parking lot, of course, I think
24 there's 90 spots, or roughly 90 spots over here,
25 which will handle the employee parking that

45

1 maintains this along with anybody because they
2 anticipate, besides with the guests, other people
3 coming and using this particular activity. So
4 that's what all that's for right there.

5 This area here with the lodge,
6 besides just beverages and things like that,
7 they're talking about if they did a confidence
8 building course. A lot of corporate executives
9 come and lawyers especially, they bring them down
10 here to teach them confidence.

11 MR. RICE: We don't need conf
12 -- we don't need confidence courses.

13 MR. HARRY FORBES: Well, they'd
14 start out over here and, of course, then we -- they
15 would walk down across here. So that's pretty much
16 what they're proposing at this particular point.
17 This will all take time -- this -- this will go

18 first, this small portion over here, this is be --
19 will be worked on first. And then this will -- of
20 course, with the amount of work that we have to do
21 on this, will come after this.

22 MR. BOB McHALE: And with this
23 plan, should the board decide that everything is
24 acceptable once they get these revised plans into
25 us, then the access points that they're showing and

46

1 the pedestrian crossings would all be apart of that
2 approved plan and there would be no need to submit
3 -- like since it's a township road, they would
4 normally sit for a highway occupancy application,
5 they would no longer really need to do that since
6 it's part of the plan.

7 MR. RICE: Question, Bob? On
8 the -- is that the final plan underneath that one,
9 that shows the --

10 MR. McHALE: That's the final
11 -- part of the final plan that was a staging plan
12 to show the phases that they were looking to
13 actually -- sequence in which they were looking to
14 --

15 MR. RICE: What phases is this
16 that we're talking about?

17 MR. McHALE: That was at the
18 end, that they were proposing, so they would update
19 that staging plan for the board as part of this
20 package.

21 MR. RICE: But how -- on the
22 plan that got approved. How is this identified?
23 As a phase?

24 MR. McHALE: It's identified --

25 MR. RICE: -- or just part of

47

1 the overall --

2 MR. McHALE: Well, it was
3 actually identified as future construction and then
4 we had a note added that stormwater management at
5 that time would be addressed --

6 MR. RICE: Okay.

7 MR. McHALE: -- should they go
8 ahead and -- and -- and move in that direction.
9 And this was a Stage C, the black portion was part
10 of Stage C --

11 (Inaudible discussion.)

12 MR. McHALE: -- so there's two
13 overlapping stages they were looking at, at that
14 time.

15 MR. RICE: Okay.

16 MR. McHALE: And with the change
17 in the kind of amenities that they want to provide,
18 this would just be modifying that staging plan,
19 plus, as I mentioned, site, grading, utility as --

20 MR. RICE: But there's gonna be
21 a final revised plan filed just for this piece?

22 MR. McHALE: Just for that
23 portion that's being impacted, yes. In addition to
24 the overall staging plan, that would be part of
25 that.

48

1 MR. RICE: Yeah. But -- but if
2 I have the approved land development plan and this
3 new plan --

4 MR. McHALE: Right.

5 MR. RICE: -- you know, you're
6 gonna be -- we need to identify from the original
7 final land development plan what we're revising

8 over here.

9 MR. McHALE: Correct, yes.

10 MR. RICE: So, and that's all
11 that's gonna happen? Is there -- is there public
12 improvements or anything else that has to be --

13 MS. LAMBERTON: No.

14 MR. RICE: -- be dealt with?

15 MR. McHALE: No public
16 improvements. They'll be tying into Kalahari
17 Boulevard and we'll -- we'll just need to ensure
18 that, you know, everything as far as lighting,
19 stormwater and all those kind of items are all
20 addressed per the township code. But there is no
21 proposed additional -- there's really no additional
22 traffic because the traffic was all considered in
23 the full blown development as it was originally
24 planned. And there's no additional, really, sewage
25 or anything like that, because that was all, again,

49

1 contemplated in the different phases for a full
2 build-out which that's what we're anticipating.

3 MS. PICKARD: What about the

4 road cuts, is there any?

5 MR. McHALE: That -- that will
6 be what they'll address and actually show the --
7 the new road cut -- the original road cut is gonna
8 stay the same. Actually, it's driveway 2 that was
9 anticipated originally to go into parking lots,
10 that were part of one of the phases.

11 MS. PICKARD: I have a hard
12 time flipping.

13 MR. McHALE: And so what we're
14 gonna do is we're gonna add -- or they will add a
15 new driveway, but what is also new are the
16 pedestrian crossings, those will be in.

17 MR. HARRY FORBES: These are the
18 major ones that will need to be addressed and
19 permission to be able to do the cuts.

20 MR. McHALE: Now, Harry, what
21 are you all looking at, as far as timing to get
22 these plans into the board and -- are you looking
23 -- well, just share that with us, 'cause scheduling
24 and timing is always important.

25 MR. HARRY FORBES: I wasn't

1 planning on talking about this until probably a
2 couple hours ago. I didn't know Steve was gonna
3 move this quickly, I thought we'd be at your
4 regular meeting. But they -- this portion here,
5 the rope course they're move on pretty quickly.
6 This will take time because we've got to get it in
7 to conservation and all the engineering and all the
8 water retention has to be done, all the
9 calculations.

10 MR. McHALE: Right. And we'll
11 need copies of that as well.

12 MR. HARRY FORBES: Yeah. You
13 will be part and parcel to all that to a point.
14 This hasn't -- is just now a concept from when we
15 finalized where we want to the buildings and stuff
16 at this particular point.

17 MS. PICKARD: So you're --

18 MR. McHALE: Let me ask you
19 this --

20 I'm sorry.

21 -- are you looking to move ahead
22 with the ropes course as a separate phase that you
23 can submit a plan independent of the overall what
24 you're proposing or are you gonna do it as a
25 package?

1 MR. HARRY FORBES: I think
2 they're gonna try to do it all in one package, Bob.

3 MR. McHALE: Okay.

4 MR. HARRY FORBES: I think Steve
5 was looking to get permission on the road cuts only
6 at this particular point because for us to access
7 this and do the work, we're gonna need this cut in
8 here. We -- they figured they might as well do it
9 all at one time and do these two cuts, because then
10 they're gonna get in here -- Dave's gonna come in
11 and do the parking lot and what's needed here.

12 But all this is supposedly gonna
13 be fast-tracked and given to you. I don't have a
14 time right now. I asked --

15 MR. McHALE: We're ready to
16 look at it whenever you give them to us.

17 MR. HARRY FORBES: Yeah, we're
18 just look -- I think what they were looking for
19 tonight is just these two cuts, the curb cuts.

20 MR. McHALE: Well --

21 MR. RICE: Well, you're looking

22 for a weather forecast tonight, right?
23 MR. HARRY FORBES: Yeah.
24 MR. BOB McHALE: You're looking
25 for the board to say, yes, it looks like a good

52

1 concept, is that what I'm hearing? Not that --
2 MR. HARRY FORBES: On that net
3 --
4 MR. RICE: 'Cause there's
5 nothing.
6 MR. HARRY FORBES: -- the rest
7 of the plans would be forthcoming.
8 MR. RICE: Yeah, there's
9 nothing in front of the board to act on, right at
10 this point, other than that?
11 MR. HARRY FORBES: No.
12 MR. RICE: So it's -- you want
13 to see that the board says we like the idea --
14 MR. HARRY FORBES: Yeah.
15 MR. RICE: -- and go for it.
16 MS. LAMBERTON: And then you can
17 just get with Bob for our next meeting and then
18 present --

19 MR. McHALE: But you're not
20 looking to go out there and actually cut into the
21 median and the new driveway access until the plans
22 are submitted and approved by the board?

23 MR. HARRY FORBES: Correct.

24 MS. LAMBERTON: Fair enough? So
25 there's no action, right?

53

1 MS. PICKARD: Harry, you said
2 you were moving, is that an existing basin and
3 where is it now that you're moving it there?

4 MR. HARRY FORBES: When you
5 drive up park --

6 Go ahead, Bob, tell them where
7 our famous water area is --

8 MS. PICKARD: That's what I
9 was --

10 MR. HARRY FORBES: -- and when
11 you come on that curb where they have -- this basin
12 sits right there.

13 MR. McHALE: This basin is here
14 and they're actually gonna flip those and relocate

15 them to here.

16 MS. PICKARD: Okay. All right.

17 (Inaudible discussion.)

18 MR. McHALE: The plan it shows
19 there.

20 MS. PICKARD: Okay.

21 MR. HARRY FORBES: So that's
22 being moved and then that'll be (inaudible) also.

23 MS. PICKARD: Okay.

24 MR. HARRY FORBES: So the water
25 will not seep into the ground, we want to retain it

54

1 to -- for usage.

2 MS. PICKARD: Okay.

3 MS. LAMBERTON: Okay?

4 MR. McHALE: We have a plan.

5 MS. LAMBERTON: We have a plan.

6 Any other questions or comments?

7 MS. PICKARD: No.

8 MS. LAMBERTON: Questions or
9 comments from the public? No?

10 Okay. We'll move on. Consider
11 resolution --

12 MR. RICE: I think that's the --
13 MR. HARRY FORBES: Thank you.
14 MR. RICE: -- positive.
15 MS. LAMBERTON: It sounds like
16 we have a consensus that it's a good idea.
17 MS. PICKARD: Yeah.
18 MS. LAMBERTON: I can't comment
19 on it --
20 MR. MOYER: Yeah, yeah, go.
21 MS. LAMBERTON: -- I'll have to
22 abstain.
23 MS. PICKARD: Yeah, no, I'm
24 fine.
25 MR. MOYER: Do you need to --

55

1 MS. PICKARD: Are we gonna get a
2 -- something more definite for next week or no?
3 MS. LAMBERTON: That's up to
4 you.
5 MR. HARRY FORBES: I'm hoping
6 to. Heidi, I'm not sure, it really depends on -- I
7 haven't to talked to Chad, the attorney -- or the

8 move from attorneys to engineers now, in trying to
9 get this fast-tracked.

10 MS. PICKARD: Do the engineers
11 make the rope course or do they take the rope
12 course to get more com --

13 MR. HARRY FORBES: Well, the
14 supervisors have to do the rope course first --

15 MS. PICKARD: Okay.

16 MR. HARRY FORBES: -- you know,
17 and you got to pass it.

18 MS. LAMBERTON: Oh, boy.

19 MS. PICKARD: They don't need
20 the confidence like the attorneys do, is what I was
21 trying to say.

22 MS. LAMBERTON: Okay. Are we
23 good?

24 MR. MOYER: Yep.

25 MS. LAMBERTON: Moving on.

56

1 Consider Resolution No. 2016 dash 014, creating the
2 sign regulation zoning ordinance amendment advisory
3 committee.

4 MS. PICKARD: We have to fill

5 in the blanks?

6 MS. LAMBERTON: Well,
7 actually -- I actually had a question when I read
8 this. I think we should remove that they have to
9 be taxpayers. Just because of some of the comment
10 letters that we have received.

11 We received from your board of
12 governors or it might've been your general manager,
13 I forget who did. Did Robert send it or
14 somebody --

15 Did you send that, Mike
16 Christian?

17 MR. MIKE CHRISTIAN: Wendi?

18 MS. LAMBERTON: Yeah, for Wendi
19 to be able to speak on behalf? And I also talked
20 to some folks from Locust Lake Village and they
21 thought, well, maybe Dan would be a spokesperson.
22 So I think if we remove the taxpayer, you could
23 represent your entire community and that's just my
24 thought.

25 MS. PICKARD: But I thought --

1 well --

2 MS. LAMBERTON: Because she's
3 representing all the taxpayers that are --

4 MS. PICKARD: She's paying LST
5 taxes and she's paying earned income tax which may
6 or not go to a municipality other than us. But I
7 thought we were kind of --

8 MS. LAMBERTON: Well, I just
9 think that way we can enable their staff to speak
10 on behalf of an entire community. It was just a
11 thought I had. I don't know what the rest of the
12 board --

13 MS. PICKARD: Yeah. No, I'm
14 not really opposed to that --

15 MR. MOYER: I'm all right with
16 that.

17 MS. PICKARD: -- but Dan didn't
18 put in a -- a letter either, but you meant Dan.

19 MR. MOYER: He might've thought
20 he couldn't.

21 MS. LAMBERTON: Yeah, he
22 actually -- I spoke with him, he was going to too,
23 to speak on behalf of Locust Lake Village, so I'll
24 reach out to him too.

25 MS. PICKARD: Well, and as I

1 said before, I just think we should let everybody
2 be on it and my concern was that we limit the --
3 the time to like three months, because we could do
4 this quicker ourselves if we -- we don't want this
5 hanging on. I don't know what your purpose here --
6 it says about the term, but I think we want to get
7 this done. Isn't that our goal, to get this done,
8 not to have it --

9 MS. LAMBERTON: I think the goal
10 is to --

11 MS. PICKARD: -- for six months
12 to a year?

13 MS. LAMBERTON: -- see -- what
14 I listened to at our last meeting, the goal is to
15 see what folks in the community would like to see
16 as far as signage because we have to look to the
17 future and that was a big concern.

18 MS. PICKARD: And I understand
19 that, but we don't want this to be a two-year
20 project or a year project, we want to get something
21 done.

22 MS. LAMBERTON: We had them for

23 how many years?

24 MR. McHALE: Well, my

25 understanding too is that we were not just gonna

59

1 look at one aspect of signage, but it was gonna be
2 a total revamp --

3 MS. PICKARD: The whole sign
4 ordinance.

5 MR. McHALE: -- of the sign
6 ordinance.

7 MS. PICKARD: Yes.

8 MR. McHALE: Want to make sure
9 I was clear.

10 MS. LAMBERTON: So I mean, these
11 -- these are folks that are gonna be donating their
12 time too. And I don't think you want a committee
13 of 10 or 12 people, I think you want 5 or 6 or 7,
14 you gotta keep it smaller or else you'll be --

15 MR. MOYER: Dragging --

16 MS. LAMBERTON: -- not
17 accomplishing --

18 MS. PICKARD: Well, I think

19 we're all gonna be here and we're all gonna hash it
20 out and every other sign committee we had did not
21 function and did not do what it's gonna do and I
22 don't expect this to be any different, but that's
23 --

24 MS. LAMBERTON: Then you know
25 what I'd like to say --

60

1 MS. PICKARD: -- here nor there.

2 MS. LAMBERTON: -- let's --

3 let's do --

4 MR. KERRICK: Let's be
5 positive.

6 MR. MOYER: Yeah.

7 MR. KERRICK: But you know,
8 there's some people that -- that submitted letters
9 that I don't know, could we interview them?

10 MS. LAMBERTON: Oh, I think
11 that's a great idea.

12 MR. KERRICK: And each of us ask
13 a couple questions?

14 MS. LAMBERTON: I think that's a
15 great idea.

16 MR. KERRICK: I really don't
17 know, there's some people --
18 Pardon me?
19 I don't know who they are.
20 MS. PICKARD: Yeah, well --
21 MR. MOYER: I'm okay with that.
22 MS. LAMBERTON: Let's do that.
23 Let's do that. That's what we'll do. Why don't we
24 --
25 MS. PICKARD: When are we gonna

61

1 do that?
2 MS. LAMBERTON: Do we have all
3 of the names?
4 MR. KERRICK: Maybe before the
5 meeting next week.
6 MS. LAMBERTON: And all I got
7 was like name and email address in a list --
8 MR. MOYER: Yeah, before or
9 after our next meeting, whatever.
10 MS. LAMBERTON: -- which I know
11 is all you received, Bob, which is fine. Could we

12 --

13 MR. McHALE: Right. Well,
14 there are some -- there are actually some letters
15 that were drafted, there was emails that were
16 forwarded to us and that's a compilation of what
17 you have, is letters of interest, if you will --

18 MS. LAMBERTON: Okay. Sure.

19 MR. McHALE: -- from each of
20 these folks and that was kind of like the final
21 list at the time we sent it out to the board.

22 MS. PICKARD: Well, what John --

23 MS. LAMBERTON: Might I suggest

24 --

25 MR. MOYER: Yeah, that was --

62

1 MS. LAMBERTON: -- what don't we

2 --

3 I like that idea, John Kerrick.

4 I don't know, does -- do you --

5 MR. MOYER: Yeah.

6 MS. LAMBERTON: Are you okay
7 with interviews?

8 MR. MOYER: I'm good with that,

9 yeah.

10 MS. PICKARD: Well, it depends
11 when the time is and this is ridiculous.

12 MS. LAMBERTON: Well, that's why
13 I say maybe, Bob, you could have the girls put
14 together a mass email with all of our letter of
15 interest candidates and ask them to give us maybe
16 three days in the next week or so that they be
17 available and we'll come in at like a 15 minute
18 slot, we ask a couple questions and we just keep
19 like a little scorecard and see how everyb -- and
20 that's the fairest way to do it.

21 MR. MOYER: Yeah, that's how we
22 did it with the police.

23 MR. McHALE: Okay. So you
24 wanna do that like individually or do you wanna do
25 it at a work session or --

63

1 MS. LAMBERTON: No. I think we
2 should do it separate, it just --

3 MS. PICKARD: Well, it has to be
4 a public meeting.

5 MR. McHALE: The interviews are
6 just for questions, right?

7 MR. KERRICK: If we're gonna
8 ask the candidate the same question, they should --
9 it should be just that person.

10 MS. PICKARD: Well, then we do
11 it public and they'd have to sit in the other room
12 --

13 MR. KERRICK: I don't care if
14 the public's here, but the candidates should be --
15 each person, we ask the same question of each
16 one --

17 MS. LAMBERTON: Right.

18 MR. KERRICK: -- and we score
19 it.

20 MS. LAMBERTON: Okay. I like
21 it.

22 MS. PICKARD: Right. But I
23 think what Jonathan Reiss said that we needed to
24 have the fill in the blanks so we could approve
25 this resolution next week.

1 MS. LAMBERTON: Okay. Well --

2 MS. PICKARD: I mean, that was
3 what he wanted, nobody got back to him with the
4 blanks. And again, so you say however many you
5 want, I was just trying to not exclude anybody by
6 saying there was only 10 applicants. But I still
7 say I was putting three to six months for this and
8 -- because I don't think that we should be --

9 MR. KERRICK: I like three
10 months.

11 MS. PICKARD: -- making this
12 last forever.

13 MR. KERRICK: Let's get it done.

14 MS. PICKARD: I mean, we want to
15 get it done, that's my concern is. The whole point
16 was, we were supposed to get this done this summer
17 and now we're just --

18 MR. McHALE: We've got basically
19 two, four, six, eight, ten folks that submitted
20 these letters of interest. What time period do you
21 all want to conduct these interviews? Like three
22 until five on Thursday and Friday of this week or
23 --

24 MS. LAMBERTON: Well, if folks
25 are working, though.

1 MR. KERRICK: See if we can do
2 it before our meeting next week, next Monday.

3 MR. MOYER: Yeah.

4 MR. McHALE: Okay. So --

5 MS. LAMBERTON: So maybe like
6 from five to seven.

7 MR. McHALE: Five to seven.

8 MR. MOYER: Yeah.

9 MS. LAMBERTON: And that give
10 folks a chance to do their workday. Is that okay
11 --

12 MR. KERRICK: It's not gonna
13 take long.

14 MS. LAMBERTON: No, it won't
15 take long.

16 MR. McHALE: We'll open up that
17 five to seven with slots --

18 MS. LAMBERTON: Yes.

19 MR. MOYER: Yeah.

20 MR. McHALE: -- with 15 minutes
21 each and then --

22 MR. MOYER: That's perfect.

23 MR. McHALE: -- that would work.

24 MS. PICKARD: Okay.

25 MR. McHALE: And if we -- if we

66

1 can't get all the interviews in because of

2 conflicts of time --

3 MS. LAMBERTON: We'll stay

4 later.

5 MR. McHALE: We can do it after

6 the meeting.

7 MR. MOYER: Yeah.

8 MR. McHALE: So we'll send out a

9 mailing to these folks --

10 MS. LAMBERTON: That'd be great.

11 Thank you.

12 MR. McHALE: -- with that.

13 MR. MOYER: Well, let's see. It

14 shouldn't even take 15 minutes, it's a couple

15 questions.

16 MR. RICE: Right. Are you gonna

17 fill the blanks in tonight and adopt this?

18 MS. LAMBERTON: Sure. Does

19 that make sense to you?

20 MR. KERRICK: I don't want to
21 commit to a five or six person --
22 MS. LAMBERTON: Oh, okay.
23 MR. KERRICK: -- I kinda wanna
24 wait and see what --
25 MS. PICKARD: Yeah, me too.

67

1 MR. KERRICK: -- at least -- and
2 maybe we'll like all 10, I don't know.
3 MS. LAMBERTON: Yeah.
4 MR. KERRICK: I don't want to
5 comment tonight because there's three or four that
6 I -- I don't know who they are.
7 MR. RICE: So you want to
8 interview?
9 MR. KERRICK: Well, I'd like to
10 talk -- I'd like to at least meet them.
11 MR. RICE: Well, this is only
12 setting the number that you want. Do you want a
13 big number? Do you want five? Do you want seven?
14 Do you want nine? Do you want ten? In Paragraph
15 1.

16 MS. LAMBERTON: I like seven.

17 MR. McHALE: You know, keep in
18 mind too at the meeting we're also gonna have some
19 staff members there. I was sort of volunteered, I
20 guess, to be there, our zoning officer and I think
21 planning commission chair.

22 Is that the way it's written,
23 John? I'm sorry. I think it was written --

24 MR. MOYER: Yeah, it said that.

25 MR. RICE: Yeah.

68

1 MR. McHALE: We're gonna be a
2 supporting role kind of on the outside of the
3 committee and only as-needed basis to discuss
4 items.

5 MS. PICKARD: But I think then
6 we have a concern about how many we want then from
7 business and how many we want residents and large
8 business and small business, so --

9 MS. LAMBERTON: In my mind, when
10 I first thought of this, I thought there was gonna
11 be seven people; there should be four residential
12 and three business, because you have more

13 communities that I'm sure would like to be heard
14 from and then the business has to have a say as
15 well. So if you had four folks from a residential,
16 three from business, I think it would even your
17 board out. That's just my opinion.

18 Ed?

19 MR. ED TUTRONE: Why would you
20 have more residential than business, since the
21 business are the ones that are looking for the
22 signs?

23 MS. PICKARD: Because we have
24 more residences in -- I think that's fair and I
25 think -- but I think we need to have the different,

69

1 so -- it's -- it's up we -- I don't know.

2 MR. HARRY FORBES: Your
3 residents could wear two hats too --

4 MS. PICKARD: I don't really
5 care, it's all like a waste of time.

6 MR. HARRY FORBES: -- really,
7 to be very honest with you. Put up to, make your
8 ordinance up to, that way it gives you the

9 flexibility.

10 MS. PICKARD: Yeah, that makes
11 sense. I like that.

12 MR. ED TUTRONE: I just don't
13 think it's fair to the business owner who's trying
14 to get the sign.

15 MS. PICKARD: I'd like to see
16 who applied because we have a list of people who
17 applied and how many of them are residents and how
18 many of them are businesses? We only have -- we
19 have a list of 10 people that filled this out.

20 MR. McHALE: This committee
21 will be -- once they get this draft kind of
22 completed, we'd forward it to the planning
23 commission, then the planning commission would look
24 at it and forward comments also to the board.

25 Is that correct? Am I

70

1 understanding it?

2 MS. LAMBERTON: That's my --
3 that was my thought process.

4 MR. McHALE: So in addition to
5 the four residents and three business owners that

6 you're speaking to, we're also gonna have a panel
7 of five planning commission members of varied
8 backgrounds that are also gonna be providing input.
9 So I'm just throwing that out as a thought.

10 MS. LAMBERTON: Well, we can do
11 four and four, just had that seven in my --

12 MR. MOYER: Make it even.

13 MS. LAMBERTON: Make it even.
14 We'll do four and four up to eight.

15 MR. BRENDON CARROLL: Who
16 breaks the tie?

17 MR. JOSEPH COLYER: Nine. Just
18 a recommendation.

19 MS. LAMBERTON: It's just a
20 recommendation.

21 I'm sorry, Troy?

22 MR. TROY COUNTERMAN: I think
23 you should have someone on there that's neutral,
24 someone that doesn't live in the development and
25 someone that's not a business owner.

1 MS. LAMBERTON: No, it's

2 residential in general. So if you're a resident --

3 MR. TROY COUNTERMAN: We already
4 know from the meeting a couple --

5 MS. PICKARD: Yeah, but I hear
6 what he's saying.

7 MR. TROY COUNTERMAN: -- weeks
8 ago, the people in the developments don't want it.
9 From what I saw in the room, it was kind of stacked
10 in the residents' favor, so maybe someone that's
11 not in a development, but still lives in the
12 township, not a resident, can see a couple
13 different sides not just one or the other.

14 MR. McHALE: Could I throw one
15 thing out real quick?

16 MS. LAMBERTON: Go right ahead.

17 MR. McHALE: Troy, I think we
18 have a person sitting here today that probably kind
19 of fulfills that role. Mike, I spoke to him a
20 couple of times and I think, even though he lives
21 in a development, would sort of represent a
22 development if he was chosen, I think he's got a
23 way of looking at things that would bring kind of a
24 neutrality to it and offer that to the group. So
25 I'm just throwing that out, maybe Mike's the guy.

1 MR. TROY COUNTERMAN: That's
2 all I'm asking --

3 MR. McHALE: So maybe he would
4 be that --

5 MR. TROY COUNTERMAN: -- maybe
6 someone that's neutral --

7 MS. LAMBERTON: And I think
8 that's the purpose of the interviewing, so I
9 respect that comment. But I think we can get a
10 sense of where people's mindsets are at if we put
11 together a couple of very good questions on what to
12 ask. But thank you, I do understand what you're
13 saying. Thank you for your comment.

14 MR. KERRICK: We should have a
15 committee on utility poles.

16 MR. JOSEPH COLYER: Utility
17 poles, them ugly poles on 940, them things are
18 hideous.

19 MS. LAMBERTON: That was awful,
20 isn't it?

21 MR. KERRICK: That is awful.

22 MR. JOSEPH COLYER: They ruined
23 the Twin Lakes.

24 MS. LAMBERTON: One battle at a
25 time. Okay.

73

1 So what's the consensus here?
2 So I would like to get rid of the taxpayer just to
3 open it up for folks that could represent an entire
4 community that do not reside or pay tax here.

5 MR. RICE: Can I just ask a
6 question?

7 MS. LAMBERTON: Sure.

8 MR. RICE: If you're -- if
9 they're not gonna be taxpayers, then what are the
10 qualifications to be appointed? Can I -- if I live
11 in New York City, can I apply for this position? I
12 mean, why don't you -- I would suggest residents or
13 taxpayers, I mean --

14 MS. PICKARD: I agree. I just
15 --

16 MR. RICE: You know, you got to
17 have some qualification, right?

18 MS. LAMBERTON: Right.

19 MR. KERRICK: What if they

20 represent --

21 MR. MOYER: Or a state --

22 MS. LAMBERTON: But if they
23 represent a community that is 2,000 taxpayers --

24 MS. PICKARD: We still have
25 people that represent that community any way, so --

74

1 MR. BRENDON CARROLL: It didn't
2 say Tobyhanna Township taxpayer.

3 MR. RICE: But then they're a
4 taxpayer.

5 MS. LAMBERTON: No, it says of
6 the township.

7 MS. PICKARD: I don't know.
8 This is just a waste of our time. We're always
9 trying to make something fit somebody's --

10 MS. LAMBERTON: Okay. So then
11 we'll keep the taxpayer in.

12 MR. MIKE CHRISTIAN: And you
13 would therefore include someone who works here as a
14 taxpayer because they pay the earned income?

15 MR. McHALE: Right.

16 MS. LAMBERTON: Okay. Okay.

17 Each member --

18 MS. PICKARD: Eddie's got his
19 hand up.

20 MS. LAMBERTON: Oh, I'm sorry.

21 MR. ED TUTRONE: If you're
22 talking about eight already and you only had ten
23 people apply, why not just put the ten on and
24 interview and talk to them.

25 MS. PICKARD: That's what I

75

1 said.

2 MS. LAMBERTON: I just -- I'm
3 telling you, I've been on committees and when it
4 gets more than five or six people --

5 MS. PICKARD: It doesn't
6 matter, it's open to the public, we're all gonna be
7 here anyway. I'm coming.

8 MR. ED TUTRONE: You're only --
9 you're only gonna eliminate two positions, it's
10 making your life a lot easier.

11 MS. PICKARD: We should just do
12 this at the meeting, have a special work session

13 and have -- all the people will show up. I don't
14 know why we're wasting our time forming a
15 committee. We just need to get on with it and do
16 it.

17 MR. KERRICK: You hungry?

18 MS. PICKARD: No, I ate before I
19 came.

20 MR. KERRICK: You seem a little
21 cranky.

22 MR. MOYER: Have a Snickers.

23 MS. LAMBERTON: Okay. Are we
24 moving forward with this committee?

25 MR. JOSEPH COLYER: Yes.

76

1 MS. LAMBERTON: I think we are.

2 MR. MOYER: Yeah.

3 MS. LAMBERTON: So each member
4 shall be pointed by the board for a how many month
5 term? Can we agree on that?

6 MS. PICKARD: I just want to
7 make it short so it gets done and doesn't languish.
8 I'd say three to six months is my feeling. I think
9 three would be plenty --

10 MS. LAMBERTON: Not to exceed
11 six.
12 MR. McHALE: The reality is that
13 --
14 MR. MOYER: It's gonna take what
15 it takes.
16 MR. McHALE: -- when you get
17 into something like this, there is so many details
18 and Jon knows that --
19 MR. RICE: Six months would be
20 what I would say.
21 MS. LAMBERTON: Six months it
22 is, okay.
23 MS. PICKARD: If they can't get
24 it done in six months, we'll do it without them.
25 MR. RICE: Committee expires

77

1 after six months.
2 MS. PICKARD: Exactly.
3 MR. RICE: They know the death
4 penalty is hanging.
5 MS. LAMBERTON: They might want

6 it to expire. The committee at its first meeting
7 -- they'll do that. However, the committee shall
8 meet at least how many times in the blank month,
9 you can fill the six in. How many times do you
10 want them to meet? I think we should let that up
11 to them.

12 MS. PICKARD: Monthly, they
13 should meet monthly.

14 MR. RICE: So six --

15 MR. McHALE: As determined by
16 the advisory committee.

17 MS. LAMBERTON: As determined by
18 the committee.

19 MR. MOYER: Yeah. They might
20 want to meet twice a month to get it done.

21 MS. LAMBERTON: So a quorum
22 shall consist of -- so are we talking seven people?
23 I like seven, I'm going back to seven, that's my
24 number and I'm sticking to it.

25 MR. MOYER: I'm all right with

78

1 that.

2 MS. LAMBERTON: You okay with

3 that?

4 MR. TROY COUNTERMAN: 51 percent
5 or more.

6 MR. RICE: A quorum is four out
7 of seven.

8 MR. TROY COUNTERMAN: If you go
9 with seven.

10 MS. LAMBERTON: So we need four.
11 Okay. Four members. I was just trying to get a
12 consensus on the seven, that's what I was working
13 on. Nobody's working with me here, Troy.

14 MR. MOYER: Go ahead.

15 MS. LAMBERTON: Okay. Seven it
16 is. The committee shall report to the board of
17 supervisors at a minimum of?

18 MR. McHALE: Once a month.

19 MS. LAMBERTON: Monthly.

20 MR. HARRY FORBES: You want to
21 hold them to progress.

22 MS. LAMBERTON: Right. Six
23 times within the six months. Okay. I think those
24 are our blanks.

25 Okay, John.

1 MR. HARRY FORBES: If I may, I'm
2 sorry. I'm speaking out of turn.

3 MS. LAMBERTON: It's okay,
4 Harry. Go ahead.

5 MR. HARRY FORBES: Where did you
6 go with -- using an example, when I submitted a
7 rÈsumÈ -- or a request as of representative of a
8 business?

9 MS. LAMBERTON: Well, you work
10 in Tobyhanna Township; therefore you pay a one
11 percent earned income tax.

12 MR. HARRY FORBES: I don't, they
13 do.

14 MS. LAMBERTON: Well, it's out
15 of your paycheck. It's because of you that that's
16 paid, so that's what I'm understanding creates the
17 taxpayer. So that would include you.

18 Okay? Are we good?

19 So I'll entertain a motion to
20 consider Resolution 2016 dash 014, creating the
21 sign regulation zoning ordinance amendment advisory
22 committee with the changes as discussed.

23 MR. MOYER: So moved.

24 MS. LAMBERTON: I have a motion.

25 MR. KERRICK: Second.

80

1 MS. LAMBERTON: And a second.

2 Any questions or comments from

3 the board?

4 Questions or comments from the

5 public?

6 Brendan?

7 MR. BRENDON CARROLL: I have a

8 comment.

9 MS. LAMBERTON: Please.

10 MR. BRENDON CARROLL: Thank you

11 for taking the time to throttle back this --

12 MS. LAMBERTON: Thanks.

13 MR. BRENDON CARROLL: -- and

14 listen to input and I think it -- I know committees

15 are hard, but I think it's an important issue --

16 MS. LAMBERTON: I do too.

17 MR. BRENDON CARROLL: I know

18 timing is frustrating, but I think it's a big thing

19 that taking a little bit more time to do the right

20 thing and get everybody's -- makes for a positive

21 --

22 MR. MOYER: Make it right.

23 MR. BRENDAN CARROLL: Make it
24 right, too. Thank you for taking time to do that.

25 MS. LAMBERTON: Well, thank

81

1 you, I appreciate that. We appreciate that.

2 MR. MIKE CHRISTIAN: I second
3 that, I agree.

4 MS. LAMBERTON: Very good.

5 Call the vote. John?

6 MR. KERRICK: In favor.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I'm opposed.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I vote in favor.

11 MS. LAMBERTON: I vote in
12 favor. Motion carries.

13 Sign regulation zoning ordinance
14 advisory committee appointments, which we will
15 table until we have our interviews or whatever
16 we're going to call them.

17 Pinecrest phrases we took care
18 of, phase 5 and 6 development agreement. Act 16 of
19 2016, medical marijuana law as it relates to the
20 municipalities. I know you have --

21 MR. RICE: I have the memo from
22 our office that actually Steve Cramer from our
23 office put together. I guess from -- from the
24 township's point of view, this act went into effect
25 in May. Department of Health is putting

82

1 regulations, implementing it, I guess, statewide.
2 They have six months to do that.

3 They're gonna have, Department
4 of Health, State Department of Health is gonna have
5 exclusive jurisdiction. There's some reference in
6 the act of zoning, but I think from Tobyhanna's
7 point of view, you would treat this like any other
8 type of manufacturer or medical office or retail
9 store. You know, I'm not sure what this is gonna
10 look like until the Department of Health puts the
11 regs together and people try to comply with it.
12 It's an agriculture use to some extent.

13 MS. LAMBERTON: Yeah. Do I

14 understand it correctly is that we are actually
15 trying to dictate in a zoning district where it can
16 be grown for medicinal purposes, is that --

17 MS. PICKARD: Or a dispensary.

18 MR. MOYER: Not just grown --
19 yeah, dispensary.

20 MR. RICE: Yeah, you -- you
21 could -- you could do that. You could put some
22 locational restrictions, you know, on it. You
23 know, but they're -- if you do nothing, they are
24 still gonna be subject to your current zoning. I
25 mean, it's -- it's a -- you know, the growing and

83

1 sale of any other product, whatever you have on the
2 books.

3 Now, I guess the question is, do
4 you want to, you know, put some specific locational
5 restrictions? It's only permitted in a certain
6 zoning district, it's not permitted within quarter
7 mile of a school. It's not -- you know, something
8 like that, if you think there's a need to put that
9 kind of restriction in there.

10 MR. MOYER: Well, I think we
11 should wait and see what they come out with. Once
12 they come out with it, they might have all that in
13 there too, I don't know.

14 MR. RICE: Yeah. I --

15 MS. PICKARD: I think we should
16 have a committee.

17 MR. RICE: You're in charge,
18 Heidi.

19 MS. PICKARD: Is this gonna be
20 like the methadone clinics or whatever --

21 MR. RICE: No.

22 MR. BRENDON CARROLL: No.

23 MS. PICKARD: -- where you're
24 gonna be --

25 (Inaudible discussion.)

84

1 MR. McHALE: They'll be draft
2 regulations there --

3 THE REPORTER: Okay. Sorry, one
4 --

5 MS. LAMBERTON: One at a time.
6 One at a time.

7 MR. RICE: I think we need to
8 see what the Department of Health is gonna do
9 because if you jump in and try to make amendments
10 to your zoning, they adopt some rules which maybe
11 are inconsistent, so you have this, it's
12 informational at this point, I think.

13 MR. MOYER: Let's just wait.

14 MR. RICE: You know, there are
15 some restrictions in here about public officials
16 cannot have an interest in the medical marijuana
17 organization. So that's -- I don't know why that's
18 in here, I guess it's to keep our politicians from
19 dabbling in this field, I don't know.

20 MR. MOYER: So no committee.

21 MR. RICE: Or at least having a
22 financial interest.

23 MS. LAMBERTON: Okay.

24 MR. RICE: So I don't think
25 there's any action on this.

85

1 MS. LAMBERTON: Your office will
2 keep us posted.

3 MR. RICE: Yep.

4 MS. LAMBERTON: Very good.

5 Township manager, request for
6 proposals. I see that the advertisement just went
7 out, so I guess we'll -- as they come in, I had
8 just mentioned to Bob if he could forward whatever
9 companies answer the add for the search and then we
10 can move forward at our next meeting.

11 MS. PICKARD: We did get a
12 rÈsumÈ in, should we just be holding that --

13 MS. LAMBERTON: I think we
14 should just hold that.

15 MR. McHALE: Yes, because --

16 MS. PICKARD: -- and forward
17 them to the search committee?

18 MR. McHALE: -- they should be
19 going through that, whoever we select --

20 MS. PICKARD: Search committee,
21 yeah.

22 MR. McHALE: -- as your final
23 search committee -- search firm, then they should
24 be working with them.

25 MS. LAMBERTON: Yes, yes. And

1 along with that, it's been brought to my attention
2 we should review the manager's policy. It's not
3 normal for --

4 MR. RICE: The ordinance.

5 MS. LAMBERTON: The ordinance,
6 I apologize. The ordinance, the way we have it
7 written, it should be looked at. So I would
8 suggest maybe --

9 MR. RICE: Little explanation.
10 I mean, I think four or five years ago Second Class
11 Township Code got amended to, for the first time,
12 permit an employment agreement to be entered into
13 for a manager. There was, you know, lawsuits and
14 other things that happened. There were long-term
15 employment agreements, you know, which in some
16 cases were found to be illegal because it bound the
17 township beyond the term of office that you all
18 have.

19 So you can only -- you can --
20 now it specifically says you can enter into an
21 employment agreement for two years. And in an
22 employment agreement you typically, you know,
23 negotiate the salary, the benefits, do I get a car,
24 do I get a cell phone, do I get a vehicle, you

25 know, do I get severance, do I -- you know, that

87

1 type of thing.

2 Your ordinance has some
3 severance provisions which should be not in the
4 ordinance, it should -- and some other provisions
5 which should be something you negotiate with the
6 candidate that you want to hire, instead of being
7 locked into something --

8 MR. MOYER: Right.

9 MR. RICE: -- you don't have to
10 be locked into. I don't know, I think it's been on
11 the books for a long time.

12 MS. PICKARD: Um-hmm.

13 MR. McHALE: Is this something
14 you should prepare, maybe a draft and present to
15 the board to get adopted before --

16 MR. RICE: Yes, yeah.

17 MR. McHALE: -- you move forward
18 with it?

19 MR. RICE: In fact I -- if the
20 board wants to authorize us --

21 MS. PICKARD: Yes.
22 MR. MOYER: Yeah.
23 MR. RICE: -- to do that, we've
24 already looked at it and it was a little -- on some
25 of the things, are a little unusual. There're

88

1 benefits that you don't need to put in the
2 ordinance.
3 MR. MOYER: Yeah, exactly.
4 MR. RICE: You know, you
5 negotiate them.
6 MR. MOYER: Yeah. Why -- why
7 put it in there and give it away if you don't have
8 to?
9 MS. PICKARD: Do you need a
10 motion to authorize --
11 MR. RICE: Authorize us to draft
12 --
13 MS. PICKARD: -- Grim, Biehn and
14 Thatcher to draft the --
15 MR. RICE: An amendment.
16 MS. LAMBERTON: Is that a
17 motion?

18 MS. PICKARD: -- amendment to
19 the --
20 Yeah.
21 MR. MOYER: So moved, yeah.
22 MS. LAMBERTON: And I have a
23 second. Motion and second.
24 Any questions or comments from
25 the board?

89

1 Questions or comments from the
2 public?
3 Seeing none. Call the vote.
4 John?
5 MR. KERRICK: In favor.
6 MS. LAMBERTON: Heidi?
7 MS. PICKARD: Vote in favor.
8 MS. LAMBERTON: Donny?
9 MR. MOYER: I vote in favor.
10 MS. LAMBERTON: I vote in favor.
11 Motion carries.
12 MR. McHALE: While we're doing
13 that --

14 MS. LAMBERTON: Yes.

15 MR. McHALE: -- can I add

16 another item? Could we also authorize John Rice to

17 go ahead with this Religious Land Use and

18 Institutionalized Persons Act that was --

19 MR. MOYER: Yeah.

20 MS. PICKARD: RLUIPA?

21 MR. McHALE: -- to put together

22 a draft that could be presented to the board also

23 to amend our ordinance to take this into account?

24 MR. MOYER: Yeah.

25 MR. RICE: Did you send me that,

90

1 Bob, I -- I mean, I have a little bit -- well,

2 there's a federal act, which is RLUIPA, and there's

3 also a state act which is almost identical to the

4 federal act. And this was actually adopted, signed

5 in law by President Clinton and it's been litigated

6 a lot in federal court. And I've had two cases

7 that I actually -- I haven't had any -- five or six

8 years ago, we had a couple different cases.

9 But it gives churches, religious

10 organizations and things that they may want to do

11 other than build a church; soup kitchens in the
12 cities, things like that, any type of religion, it
13 gives them some special status under your zoning
14 ordinance. So I'm not sure --

15 Bob, I'll take a look at this,
16 but, I mean, I'm very familiar with RLUIPA because
17 when it was signed -- and there's the state act
18 called the Pennsylvania Religious Freedom Act, it's
19 very similar to the federal act, sort of says the
20 same thing. It requires you -- the way I look at
21 this is it requires an accomodation, sort of like
22 the ADA. You have to -- you know, there's
23 accommodations you have to give people.

24 MR. MOYER: Yeah.

25 MR. RICE: That's what this

91

1 does. So I'm not sure you need to do a whole lot
2 in your zoning ordinance.

3 MS. LAMBERTON: Okay.

4 MR. RICE: You just need to be
5 aware of it this, but --

6 MS. LAMBERTON: So we'll

7 entertain a motion to let Grim, Biehn and
8 Thatcher --

9 MS. PICKARD: So moved.

10 MR. MOYER: Review it and if
11 there's anything --

12 MR. RICE: Make a
13 recommendation.

14 MS. PICKARD: So moved.

15 MS. LAMBERTON: I have a motion.

16 MR. MOYER: Second.

17 MS. LAMBERTON: Motion and a
18 second.

19 Questions or comments from the
20 board?

21 Questions or comments from the
22 public?

23 Seeing none.

24 John?

25 MR. KERRICK: In favor.

92

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 vote in
6 favor. Motion carries.
7 Bob, anything else?
8 MR. McHALE: Last item I think
9 was just to make some formal action on the
10 unemployment --
11 MS. LAMBERTON: Yes.
12 MR. McHALE: -- item,
13 compensation.
14 MS. LAMBERTON: I will
15 entertain a motion to approve the unemployment
16 compensation for Phyllis Haase.
17 MS. PICKARD: So moved.
18 MR. KERRICK: Second.
19 MS. LAMBERTON: Motion and a
20 second.
21 Questions or comments from the
22 board?
23 Questions or comments from the
24 public?
25 Seeing none. Call the vote.

1 John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: Donny?

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

7 MS. LAMBERTON: I vote in favor.

8 Motion carries.

9 Public comment.

10 MS. PICKARD: I had a couple

11 things.

12 MS. LAMBERTON: Okay.

13 MS. PICKARD: I have two checks

14 that need to be signed for Community Day, which is

15 due to the fireworks on Saturday; for Bette's

16 Bounce, the balance on that, and for the fireworks,

17 which the fire company is reimbursing us and paying

18 the difference.

19 MS. LAMBERTON: Oh, wonderful.

20 Thank you very much, appreciate that.

21 MS. PICKARD: Thank you.

22 And Bob asked me to bring up one

23 other thing. Our copier renewal lease is coming

24 up, so our current provider has made us an offer

25 that is difficult to refuse, which is lowering our

94

1 cost and increasing our better service and product
2 and buying us out early.

3 MS. LAMBERTON: Sounds too good
4 to be true.

5 MS. PICKARD: I know, but I have
6 the information here, if that's okay, but Bob said
7 to bring it up, Phyllis had me look -- it's our
8 same Toshiba, they're just gonna give us the new
9 models, they're more cost effective. We'll have a
10 finisher on both, so they'll both be on -- be the
11 same. And instead of -- with all the fees 850 a
12 month, it's gonna be about 780, so it will decrease
13 our cost, if that's okay.

14 MR. KERRICK: Is that your
15 motion?

16 MS. PICKARD: If we need a
17 motion, that's my motion.

18 MR. KERRICK: We need a motion?

19 MS. PICKARD: I don't know. We
20 never did, it's in the budget, it's gonna be less,
21 but I wanted to bring it to your attention, because

18 that too, I spoke with the IT and he is working on
19 it. There seems to be some hold up, I'm not quite
20 sure what it is, but we'll look into that for you.

21 MR. MIKE CHRISTIAN: So is the
22 plan that if someone can't come to a meeting --

23 MS. LAMBERTON: Yes.

24 MR. MIKE CHRISTIAN: -- they can
25 watch it live?

96

1 MS. LAMBERTON: Yes, not --

2 MS. PICKARD: No, not live.

3 MS. LAMBERTON: It'll be on
4 after.

5 MS. PICKARD: It will be posted
6 later on.

7 MS. LAMBERTON: Yeah, I don't
8 think it's capable to do it live.

9 MS. PICKARD: Yeah. And I
10 think our last meeting he was supposed to, he
11 didn't know about the 23rd, and this meeting is
12 being recorded, so --

13 MS. LAMBERTON: We're in the
14 growing stages.

15 MS. PICKARD: Keep your fingers
16 crossed.

17 MR. HARRY FORBES: You need to
18 fix the microphones, us hearing people can't hear.

19 MS. PICKARD: Turn it up.

20 MR. HARRY FORBES: Doesn't turn
21 up any higher than it is.

22 MS. LAMBERTON: I've never been
23 accused of being quiet, Harry.

24 MR. HARRY FORBES: Some of you
25 are.

97

1 MS. LAMBERTON: Any other
2 questions or comments from anyone in the public?

3 Questions or comments from the
4 board?

5 MR. KERRICK: I'd request an
6 executive session.

7 MS. LAMBERTON: Oh, absolutely.

8 We will go into executive.

9 Thank you all very much. Appreciate you coming
10 out.

11 MR. MOYER: Thanks.
12 MR. BRENDON CARROLL: Thank you.
13 MR. MOYER: Good luck, Brendon.
14 (Meeting concluded at 7:25 p.m.)

15 ---
16
17
18
19
20
21
22
23
24
25

98

1
2
3
4
5
6
7

I hereby certify that the

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

13

14

15

16 TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, July 11, 2016, beginning at 7:14 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township Engineer/
Interim Township Manager

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

2

1 MS. LAMBERTON: Call the board
2 of supervisors regular business meeting July 11,
3 2016 to order. We'll start with the pledge of
4 allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Any
8 announcements, Bob, or anyone? No?

9 Seeing none.

10 I don't have the minutes.

11 MR. REISS: Do you want to
12 address the minutes?

13 MS. LAMBERTON: Do we have any
14 minutes?

15 MR. McHALE: Well, the minutes
16 we just received today --

17 MS. LAMBERTON: Okay.

18 MR. McHALE: -- so next meeting.

19 MS. LAMBERTON: So we'll move
20 on. Okay. Very good.
21 I'll entertain a motion to
22 consider the treasurer's report of \$904,276.57.
23 MS. PICKARD: So moved.
24 MR. MOYER: Second.
25 MS. LAMBERTON: I have a motion

3

1 and a second.
2 Any questions or comments from
3 the board?
4 Questions or comments from the
5 public?
6 Seeing none. Call the vote.
7 John?
8 MR. KERRICK: I will abstain
9 MS. LAMBERTON: Heidi?
10 MS. PICKARD: I vote in favor.
11 MS. LAMBERTON: John?
12 MR. HOLAHAN: Yes.
13 MS. LAMBERTON: Donny?
14 MR. MOYER: I'll vote in favor.
15 MS. LAMBERTON: And I'll

16 abstain. Motion carries.

17 Solicitor's report?

18 MR. REISS: I just have one
19 item. At your work session, my office was asked to
20 make some revisions to the manager's ordinance in
21 the Code of Ordinances. I circulated those late
22 today. I think the idea was to hopefully have this
23 in place when you -- before you hire a new manager.
24 The changes were made to Section 20 dash 4. And
25 basically it removed the provisions that had an

4

1 automatic severance package built in and it removed
2 provisions -- subsequent provisions in there that
3 discussed what would happen if a manager was
4 terminated for cause, to that severance package.
5 So now it would simply read: The person appointed
6 to the office of township manager shall be -- shall
7 be at all times subject to removal by the majority
8 vote of the board of supervisors.

9 Section 20 dash 10 was amended.
10 That's the provision that talks about powers and
11 duties. Subsection B talked about the

12 responsibility of a manager to oversee the
13 township's work force and make any proposed
14 disciplinary actions to the board of supervisors.
15 There's a provision that followed that, that said
16 the supervisors must -- it's not must, shall give
17 reasonable weight to that recommendation. And I
18 thought that was a little overboard because that
19 makes that mandatory, and as a board you need to
20 take everything into consideration; so I took that
21 provision out.

22 And the last provision that was
23 taken out is the same -- exact same provision, at
24 20 dash 10 dash C, there's the exact same sentence
25 and we removed that to the power and duty regarding

5

1 hiring people at the township. The way it reads
2 is: That the manager's responsible to make
3 recommendations to the board of supervisors and
4 then the sentence followed that again, that the
5 supervisors shall give reasonable weight to the
6 recommendation of the manager.

7 MS. PICKARD: I haven't had a
8 chance to look at it because we've been busy and

9 been in meetings, so I would like to have a chance
10 -- can we just move that forward at our work
11 session?

12 MS. LAMBERTON: Yeah, I'm fine
13 with that too.

14 MR. MOYER: Yeah, I really
15 didn't get to read it at all.

16 MR. REISS: Okay. Now, I don't
17 -- the problem you have though is -- just so you
18 know, the problem with that -- I don't know what
19 your time frames are, but if you do that, you won't
20 be able to have it advertised for your meeting --
21 your regular meeting in August, you'd have to move
22 it back --

23 MS. PICKARD: Well, we're not
24 hiring --

25 MR. REISS: -- to September.

6

1 MS. PICKARD: -- somebody by
2 August, we didn't even --

3 MR. REISS: All right. I'm just
4 --

5 MS. PICKARD: -- find a head --
6 a firm.

7 MR. REISS: I'm not arguing with
8 you --

9 MS. PICKARD: Yeah.

10 MR. REISS: -- I'm just saying
11 that my understanding is you wanted to move on
12 this --

13 MS. LAMBERTON: Right.

14 MR. REISS: -- so it was into
15 place.

16 MS. LAMBERTON: No, you're
17 right, we did say that.

18 MS. PICKARD: Well, I think if
19 we do it at our August 1, we could always have a
20 special meeting if we needed to. I don't know how
21 long -- this didn't have to be 30 days like a
22 zoning ordinance.

23 MR. REISS: It has to be
24 advertised not more than 60 days nor less than 7
25 days before the public hearing.

1 MS. PICKARD: So can we do it

2 so --

3 MS. LAMBERTON: Our work
4 session.

5 MS. PICKARD: -- at our work
6 session and have it authorized to advertise and any
7 changes be made on -- that's not seven days. I
8 don't know, I haven't had a chance to look at it --

9 MR. REISS: So you can --

10 MS. PICKARD: -- and I want to
11 compare it.

12 MR. REISS: So your next
13 meeting then you can push it back to your work
14 session and either have a special meeting --

15 MS PICKARD: Yeah.

16 MR. REISS: -- to adopt it or
17 have -- or push it back to your first meeting in
18 September.

19 MS. PICKARD: Yeah.

20 MR. HOLAHAN: Okay.

21 MS. PICKARD: I don't think
22 we're gonna hire anybody before --

23 MS. LAMBERTON: Or if -- if we
24 search -- unless we have a search come up, then
25 we'll have a special meeting and we'll advertise

1 for that --

2 MS. PICKARD: We're not gonna
3 find somebody within a month.

4 MS. LAMBERTON: You never know,
5 but then we have an option.

6 MS. PICKARD: We haven't, you
7 know --

8 MS. LAMBERTON: Manager's
9 report.

10 MR. McHALE: Just have a few
11 items. Follow-up to the work session, Pinecrest 5
12 and 6, we discussed Phases 5 and 6, Brendon Carroll
13 and we forwarded an email to Brendon with a copy to
14 John's office. And we're just waiting for Brendon
15 to get back to us, as to if he agrees with the --
16 kind of the summary of the terms.

17 Kalahari Stage B, we met with
18 Harry and Chad Lidwell as well to go over just the
19 Stage B, outdoor recreational area for the ropes
20 course. And our goal now is through Pennoni
21 Associates to develop the plans and the stormwater
22 calculations that would be associated with just the

23 ropes course. We are going to do our best to
24 review that on a regular basis until your work
25 session, give you an update, and then the goal is

9

1 to make a recommendation to you at your meeting on
2 the 8th for approval of the ropes course.

3 There's also a preconstruction
4 meeting for the Kalahari -- the PennDOT project for
5 the I-380 northbound off-ramps. That's tentatively
6 scheduled for July 18.

7 MR. HARRY FORBES: That's
8 changing.

9 MR. McHALE: Right. They were
10 saying either the 18th or the 19th, around 2:30,
11 3:00, but that was tentative. Popple Construction
12 is the contractor.

13 Community Day, just wanted to
14 mention that we want to thank all our sponsors and
15 the volunteer fire company of Tobyhanna Township
16 for all their efforts; staff, Barbara Nichols, she
17 kind of headed that up; and Ed Tutrone did a great
18 job. The fireworks display was paid for in full by
19 the volunteer fire company and it was a very nice

20 display, so we appreciate that.

21 One other item with PennDOT,
22 paving project for Locust Ridge Road. We received
23 an email regarding and we -- I forwarded an email
24 also to the board with a preconstruction conference
25 on July 19, at PennDOT, to go over the project

10

1 schedule. That's gonna be paving Locust Ridge Road
2 and we'll report back to the board and also post
3 something on the website once we get that schedule
4 down.

5 And then today -- last item --
6 was the historical roadside markers.

7 Heidi, you might want to mention
8 or talk about that if you want, 'cause I know
9 you're tied in with that committee, but -- that
10 dedication.

11 MS. PICKARD: They dedicated
12 the summer youth camps, which is out in front in
13 the building, if anybody didn't get a chance to
14 look at it. Rick Bodenschatz did a really nice
15 presentation. It was donated by the Kitchen and

16 Diener families in memory of Dr. Kitchen who tended
17 to a lot of the summer youth camps. So it was very
18 nice.

19 There's also going to be the
20 Tobyhanna Township marker, which was donated by the
21 Lions Club, down at the flagpole in Pocono Pines,
22 will be five o'clock next Monday, hopefully before
23 the COG picnic.

24 That's all I have.

25 MR. McHALE: I don't have

11

1 anything more except --

2 Jonathan --

3 MS. PICKARD: Oh, I have one
4 question. When you mentioned Locust Ridge Road, is
5 there any word on that bridge?

6 MR. McHALE: Yes. They're also
7 moving forward with the bridge, they were looking
8 at fall 2016, which is right around the corner.
9 They're looking for a full detour, which is about
10 17 miles. But they're also looking at a very short
11 time period, they're going to compress the
12 schedule, hopefully, with what we understand, is

13 about a five to six week time period and that's on
14 Trout Creek right below the dam of Arrowhead Lake.
15 So we're gonna -- we'll find out more about that
16 too and keep you informed.

17 Jonathan also brought up, for a
18 board signature, a resolution that you'all had
19 adopted at the work session, need signature and I
20 just need another signature on another item.

21 That's it.

22 MS. LAMBERTON: Very good.

23 Thank you, Bob.

24 Moving on to other committee
25 reports. Pocono Mountain Regional Police

12

1 Commission.

2 Donny, did you want to speak to
3 that?

4 The only thing I did notice our
5 hours were up on this past month. And they had
6 said it was because of a -- a bunch of underage
7 drinking. So if that's the worst thing that's
8 happening here, we're very, very lucky. Not that

9 that's a good thing, I didn't mean that, but -- but
10 that was why our -- our hours were higher than --

11 MR. MOYER: Graduation parties
12 and whatever.

13 MS. LAMBERTON: Open space
14 committee?

15 MS. PICKARD: No -- no report
16 at this time.

17 MS. LAMBERTON: Overlay
18 committee.

19 John or --

20 MS. PICKARD: We have a meeting
21 August 11.

22 MS. LAMBERTON: So we'll report
23 it next month.

24 MR. HOLAHAN: Yeah. So
25 nothing's happened since, right?

13

1 MS. PICKARD: We did meet with
2 --

3 You weren't there.

4 MR. HOLAHAN: No.

5 MS. PICKARD: Yeah. We met

6 with L&V Engineering about the traffics. We -- we
7 had a really good meeting with -- with that, but we
8 have more to do and we didn't have a lot of our
9 group available, which was unfortunate. But we did
10 get a good, you know, discussion going with the
11 traffic engineer. So we'll be moving that forward.

12 MS. LAMBERTON: More to come.

13 MS. PICKARD: More to come.

14 MS. LAMBERTON: Thank you.

15 MS. PICKARD: Yep.

16 MS. LAMBERTON: Pocono Mountain
17 Regional EMS.

18 MS. PICKARD: Denise is on
19 vacation and wasn't able to get the stats, but I'll
20 bring them --

21 MS. LAMBERTON: Okay.

22 MS. PICKARD: -- next week --
23 next month.

24 MS. LAMBERTON: Thornhurst
25 Ambulance.

2 Seeing none. We'll move on.

3 Old business, proposed zoning
4 ordinance interstate overlay for billboards. I
5 guess we want to table that until our committee has
6 the opportunity to bring an ordinance forward?

7 MR. HOLAHAN: Sure.

8 MS. LAMBERTON: Fair enough.
9 Same with the LERTA, we could table that as well?

10 New business, sign regulation
11 zoning ordinance advisory committee appointments.
12 We had interviews this evening with quite a few
13 people. And thank you all for your interest who
14 are still here, we really appreciate your input and
15 desire to help us with this. The board met after
16 the interviews, for an executive session, for just
17 a few minutes. That's why we're a little late
18 coming in here.

19 So I would like to entertain a
20 motion to appoint Jim Cahill, Al Kerrick, Harry
21 Forbes, Brendon Carroll, Mike Christian, Dan
22 Dougherty and Sam Keiper to our advisory committee
23 for our sign regulations.

24 MR. HOLAHAN: I'll make that
25 motion.

1 MS. LAMBERTON: I have a
2 motion.

3 MS. PICKARD: I'll second.

4 MS. LAMBERTON: I have a motion
5 and a second.

6 Any questions or comments from
7 the board?

8 Questions or comments from the
9 public?

10 Seeing none. Call the vote.
11 John?

12 MR. KERRICK: I have a
13 question. Did you want to -- when we did the
14 motion, we had talked about a chair?

15 MS. LAMBERTON: Yes.

16 MR. KERRICK: Did you want to
17 do that now or --

18 MS. LAMBERTON: We could --

19 MR. KERRICK: -- in your motion
20 or just do that separate?

21 MR. REISS: You can include that
22 in this motion.

23 MR. HOLAHAN: Yeah, I'll amend

24 my motion to appoint Mike Christian as chair.

25 MS. PICKARD: And I'll sec --

16

1 I'll amend my second.

2 MS. LAMBERTON: I have a
3 amended motion and amended second.

4 Any other questions or comments
5 from the board?

6 Questions or comments from the
7 public?

8 Seeing none. Call the vote --
9 Oh, I'm sorry. Sam?

10 MR. SAM KEIPER: I have a
11 question. Will the committee have an attorney that
12 they can ask questions or discuss certain issues
13 with? Because if the sign ordinance isn't adopted
14 in a way that is reasonably legally enforced, then
15 it's gonna be --

16 MS. LAMBERTON: A moot issue.

17 MR. SAM KEIPER: -- hitting our
18 head against the wall, so to speak.

19 MR. MOYER: Well, once it comes

20 back to us --

21 MR. SAM KEIPER: So I don't know
22 if you have someone in mind or what the status
23 might be, it's just a matter that we probably want
24 to --

25 MR. MOYER: Well, they bring it

17

1 back to us.

2 MS. LAMBERTON: I would suggest
3 -- you'll be bringing it -- the information back to
4 us either way, Sam. So I would suggest if they
5 have questions that the chair could reach out to
6 our counsel if there's any clarity that needs --
7 like just --

8 MR. McHALE: As I recall at the
9 work session, you all had asked for a monthly
10 reporting to occur with the committee.

11 MS. LAMBERTON: Yes.

12 MR. MOYER: Yeah, we can decide
13 then too.

14 MR. McHALE: And that would --
15 might be a good forum at that point in time to get
16 updates and legal counsel.

17 MS. PICKARD: Yeah.
18 MR. MOYER: Right. And we can
19 bring it to Jonathan.
20 MS. LAMBERTON: Fair enough?
21 MR. HOLAHAN: They may want to
22 get to the -- I'm sorry, Sam. They may want to
23 get, at least, some guidance so they know they're
24 not heading down the wrong path. And if -- if you
25 -- if you think that you're running into that, just

18

1 reach out to the chair and --
2 MR. SAM KEIPER: Okay. The
3 next question would be, obviously, you appointed
4 the chair for the committee, they will not do that
5 theirself. Are you going to set the dates for the
6 meetings or is the committee gonna determine how
7 often and when they're going to meet? I mean,
8 obviously --
9 MR. McHALE: That was also in
10 the resolution that the committee would decide how
11 often they wanted to meet. You all gave the
12 deadline of six months.

13 MS. LAMBERTON: Six months.

14 MR. SAM KEIPER: It's gonna
15 take some time to get this done and I don't know if
16 you maybe just answered that question, I didn't
17 quite hear it. I didn't know if you have a time
18 frame that you were putting on the committee to get
19 it accomplished?

20 MS. LAMBERTON: Six months.

21 MS. PICKARD: Six months.

22 MR. SAM KEIPER: Okay. That's
23 fine. I just was serious.

24 MS. LAMBERTON: Yeah.

25 Yes, Mike?

19

1 MIKE CHRISTIAN: Yes. Good
2 evening. Mike Christian. Thank you very much for
3 appointing me.

4 Since probably a lot of the
5 members are here, is it possible that we could just
6 spend a few minutes afterwards just to meet.

7 MS. LAMBERTON: Absolutely.

8 MR. HOLAHAN: If we don't drag
9 this meeting out too much longer --

10 MS. LAMBERTON: I'm going --

11 I'm going as quickly as I can.

12 Yeah, but that's a great idea

13 and then you can also make sure that emails are

14 exchanged and you have --

15 MR. MIKE CHRISTIAN: Exactly.

16 MS. LAMBERTON: -- ways of

17 communicating.

18 MR. McHALE: Once the board

19 executes the resolution, we could provide a copy to

20 them as well.

21 MS. LAMBERTON: Very good.

22 Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

20

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: Donny?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: I'll vote in
7 favor. Motion carries. Good luck.
8 MIKE CHRISTIAN: Thank you.
9 MS. LAMBERTON: Township manager
10 search firm. It appears we have two proposals.
11 MS. PICKARD: There was three
12 and I didn't --
13 MS. LAMBERTON: Oh, I apologize.
14 MS. PICKARD: I didn't get to
15 look at them yet, so --
16 MS. LAMBERTON: What's the
17 pleasure of the board?
18 MS. PICKARD: I would like to
19 be able to read them.
20 MR. HOLAHAN: Yeah, can we call
21 a special meeting to do this? This is the first
22 I'm seeing them as well and I would like to --
23 MS. PICKARD: Yeah, I'm cool
24 with the special meeting.
25 MS. LAMBERTON: Well, then

21

1 maybe we can look at Jonathan's ordinance too as
2 well.

3 MS. PICKARD: Yeah, yeah.

4 MS. LAMBERTON: And then get
5 those two wrapped up and --

6 MS. PICKARD: Yeah, that would
7 be good.

8 MS. LAMBERTON: -- then we can
9 take care of it for our August meeting. Okay?

10 Okay. Before we leave, we'll
11 set a -- do you want to set a time right now for a
12 special meeting?

13 MS. PICKARD: Well, I -- if,
14 theoretically, we have a council government's
15 picnic next Monday and there's a five o'clock
16 township dedication there, is there any way that we
17 could kind of do it somewhere next Monday?

18 MS. LAMBERTON: Sure.

19 MR. MOYER: I'll cook.

20 MS. PICKARD: You'll cook? Just
21 as an aside, right now we have four people, I
22 think, attending the picnic --

23 MR. MOYER: That's it?

24 MS. PICKARD: -- so I'm not
25 sure if we want to --

1 MR. MOYER: No. I'm not going
2 to bother with that.

3 MS. LAMBERTON: Four o'clock
4 here?

5 Is that gonna mess up you? Is
6 four o'clock gonna mess you up for --

7 MR. MOYER: No, that's fine.

8 MS. PICKARD: Well, we can have
9 it around the grill.

10 MR. MOYER: Yeah, that's --

11 MS. LAMBERTON: I'm fine with
12 that.

13 MR. MOYER: No, that's fine. I
14 thought you meant only four people were coming.

15 MS. PICKARD: No, but that may
16 be the case, yes. That's another thing, if we get
17 more than four people.

18 MR. HOLAHAN: Be a fast picnic.

19 MS. LAMBERTON: Maybe we should
20 have it after the picnic. So let's -- let's set up
21 --

22 MS. PICKARD: You can cook for
23 us.

24 MR. MOYER: Yeah.
25 MS. LAMBERTON: -- for 4 p.m.

23

1 next Monday.
2 Are you okay?
3 MR. REISS: I can't be -- I
4 have a five o'clock meeting for a zoning hearing
5 board in --
6 MS. PICKARD: Does he need to
7 be here?
8 MR. KERRICK: Call him on the
9 phone.
10 MR. REISS: I mean, you don't
11 need me -- I mean, if you don't think you need me,
12 I'm just telling you.
13 MS. LAMBERTON: What we're
14 gonna do is, we're going to review and decide on
15 management search and then we're also going to
16 review your document --
17 MS. PICKARD: Make any changes.
18 MS. LAMBERTON: -- and make any
19 changes and move forward with that so we can
20 advertise that.

21 MR. REISS: Okay.
22 MS. LAMBERTON: Okay? All
23 right. Monday at four.
24 MR. HOLAHAN: Cool.
25 MS. LAMBERTON: I also would

24

1 like to announce an executive we went into last
2 meeting, July 5, at 7:30, for personnel.
3 Any other board of supervisors
4 -- this is really it, I'm like excited about this
5 -- board of supervisors reports or comments?
6 Anyone else from the board?
7 MR. HOLAHAN: No, I'm cool.
8 MS. LAMBERTON: Any public
9 comment?
10 Seeing none. We are adjourned.
11 If anyone -- oh, I'm sorry.
12 Are you like upset by that?
13 MR. HARRY FORBES: No. This is
14 a record.
15 (Inaudible comments.)
16 MS. LAMBERTON: And whoever is

17 --

18 Oh, I'm sorry.

19 Heino?

20 MR. HEINO FETTE: That's all

21 right. I have one question.

22 My name is Heino Fette,

23 F-e-t-t-e.

24 Several months ago at a meeting

25 there was a discussion about the road leading into

25

1 Kalahari as far as the water problem. I had to go
2 in there yesterday for business. Was anything ever
3 done? 'Cause the water's coming out of the middle
4 of the road like a garden hose. Was there anything
5 ever done?

6 MR. McHALE: That's actually
7 being reviewed by Pennoni Associates, the
8 consultant for Kalahari.

9 MR. HEINO FETTE: Okay.

10 MR. McHALE: They started
11 monitoring rain events, now that the irrigation
12 system's running, to actually try to do their best
13 to determine the source of the water before they

14 make a recommendation and that's kind of where we
15 left it.

16 MR. HARRY FORBES: What you're
17 starting to see or what we believe we're seeing is,
18 that when we irrigate that center aisle --

19 MR. HEINO FETTE: Umm-hmm.

20 MR. HARRY FORBES: -- if you
21 notice, it's all the key points to where it's
22 draining right out underneath the -- the --

23 MR. HEINO FETTE: The largest
24 one I saw was coming --

25 MR. HARRY FORBES: Where the

26

1 curb cuts are, it comes right down through.

2 MR. HEINO FETTE: It was coming
3 right out of the center of the right lane.

4 MR. HARRY FORBES: Yeah. And
5 when we overwater, that center comes right out and
6 you're seeing it. So we believe that's what's
7 causing it, it's not coming from -- because there's
8 no water in any of the other -- in that pond over
9 there.

10 MR. HEINO FETTE: We'll they're
11 lower than the road anyhow.

12 MR. HARRY FORBES: Yeah. So
13 it's -- we're pretty determined where it's at. Now
14 it's a matter of engineers have to figure out a
15 fix.

16 MR. HEINO FETTE: That answered
17 my question. Thank you.

18 MS. LAMBERTON: You're welcome.
19 Thank you.

20 Anyone else?

21 We stand adjourned.

22 (Meeting concluded at 7:33 p.m.)

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

18

19

20

21

22

23

24

25

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, July 18, 2016, beginning at 4 p.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor
(Via Telephone)

ALSO PRESENT: ROBERT McHALE, Township Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MS. LAMBERTON: Good afternoon.

2 I'd like to call the board of supervisors special
3 meeting of Monday, July 18th, 2016, to order.

4 We'll start with the pledge of allegiance, please.

5 (Pledge of Allegiance.)

6 MR. HOLAHAN: Chair?

7 MS. LAMBERTON: Yes, sir.

8 MR. HOLAHAN: Could I recognize
9 a special guest?

10 MS. LAMBERTON: Absolutely.

11 Absolutely.

12 MR. HOLAHAN: Mr. Snyder, young
13 Mr. Snyder, would you stand and introduce yourself
14 to us.

15 MR. COLEY SNYDER: I'm Coley
16 Snyder. I'm a boy scout. And I have to attend a
17 meeting, so --

18 MR. HOLAHAN: He's here under

19 duress.

20 MS. LAMBERTON: Well, welcome.

21 Thank you for coming. And we'll sign whatever you
22 need signed.

23 MR. HOLAHAN: But not until the
24 end of the meeting.

25 MS. LAMBERTON: You'll have to

3

1 suffer through it, right? That's cute. Well,
2 welcome. Thank you for coming. And thank you,
3 John.

4 Old business. Consider township
5 manager's search for proposals. Everyone have a
6 chance to look at everything?

7 MR. MOYER: Yeah, I looked at
8 everything.

9 MR. HOLAHAN: Yes. I'd like to
10 make a motion that we engage the services of
11 Management Matters, LLC.

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

14 MS. LAMBERTON: I have a motion
15 and second. Any questions or comments from the

16 board? Any questions or comments from the public?
17 Seeing none, call the vote. John?
18 MR. KERRICK: I vote in favor.
19 MS. LAMBERTON: Heidi?
20 MS. PICKARD: I vote in favor.
21 MS. LAMBERTON: John.
22 MR. HOLAHAN: Yes.
23 MS. LAMBERTON: Donny?
24 MR. MOYER: I vote in favor.
25 MS. LAMBERTON: I vote in favor.

4

1 Motion carries.
2 Moving on to new business.
3 MS. PICKARD: Before we move on,
4 is there a time that we can get together with Mr.
5 Evans?
6 MS. LAMBERTON: Well, if we get
7 through this meeting quickly we can maybe at least
8 have 5, 10 minutes of your time, Jeff, if that's
9 okay?
10 MR. EVANS: I'm available.
11 MS. LAMBERTON: Wonderful.

12 Thank you. Consider advertising proposed township
13 manager ordinance amendment. Everyone have a
14 chance to review?

15 MS. PICKARD: Yeah, I did. I
16 had some questions or concerns. I was just trying
17 to talk to John. John is available for the next
18 half hour if we needed to.

19 MR. HOLAHAN: Jonathan?

20 MS. PICKARD: Did I say that?

21 MR. HOLAHAN: You said John.

22 MS. PICKARD: Jonathan Reiss,
23 Jon Reiss, I get confused. I just had some
24 concerns and, you know, whatever we do we'll
25 probably need to make changes in the personnel

5

1 manual. But I was a little concerned that we were
2 hamstringing somebody new. I mean, I understand,
3 but the disciplinary thing I think needs to be
4 clarified a little bit. And as it's set up in our
5 personnel manual the board is the grievance. If
6 somebody gets suspended and is not happy with that,
7 they can appeal it to the board. That's part of
8 our grievance procedure. So that's one thing that

9 if we get involved, as this is saying, more or less
10 was suspension and discipline. That's one issue.

11 The other issue is I personally
12 am concerned with people coming to me and wanting
13 to get hired, that I didn't want to get too
14 involved. Especially in non-supervisory positions.
15 So --

16 MS. LAMBERTON: So why would
17 they come to you, Heidi, as a --

18 MS. PICKARD: Well, just the way
19 that the changes in this ordinance are saying
20 that --

21 MS. LAMBERTON: Well, they're
22 saying the board. You don't feel comfortable with
23 them coming to the board?

24 MS. PICKARD: No, but I meant
25 the public as a whole, going up to us individually

6

1 as supervisors. I would like to say, well, the
2 manager does the interviewing and the hiring and we
3 don't have anything to do with that. So I feel
4 like non-supervisory, I don't have a problem, like

5 if there is a clerical secretary, I don't know
6 where we need to get involved with, but if it's a
7 supervisory or a department head, I think the board
8 should.

9 Those were one of the things
10 that Jonathan said would be easy to insert if we
11 wanted to change that to that the manager would
12 have the ability to hire non-supervisory positions.

13 MS. LAMBERTON: I see what
14 you're saying.

15 MR. HOLAHAN: Without us.

16 MS. PICKARD: You know.

17 MS. LAMBERTON: So would you
18 like to amend that section?

19 MS. PICKARD: If we could amend
20 that section and then I just wanted some
21 clarification on the discipline. Like if something
22 egregious happens and somebody needs to be
23 immediately suspended, the way I'm reading this is
24 that she has to contact the board and --

25 MS. LAMBERTON: So should we get

1 Jonathan on the phone and he can clear this up?

2 MS. PICKARD: If that would make
3 everybody feel more comfortable, because I've had a
4 conversation with him, but I can't translate
5 everything that he said. But whatever we do, we'll
6 have to go to the personnel manual. I was just
7 saying that as we have it set up now, they can
8 appeal to us because we are not involved in the
9 disciplinary procedure initially, only if there is
10 an appeal. So we didn't get involved, so we can
11 arbitrate it. You know what I mean?

12 MS. LAMBERTON: Yeah, I do.

13 MS. PICKARD: But if we are
14 involved with making that decision -- I don't want
15 to get involved in day to day stuff. Obviously if
16 it's something higher up where somebody is being
17 disciplined, it's been our experience that that was
18 always brought to the board and we were always
19 aware something was going on. So I just want to be
20 clear how we put that there, because I don't want
21 to -- and maybe Jeff can weigh in on this too, that
22 we're going to hire somebody and then completely
23 tie their hands so they can't make any decisions
24 or, you know, work here. So I get both sides of it
25 but.

1 MS. LAMBERTON: So shall we
2 place a call to him?

3 MS. PICKARD: You can. I'm one
4 person here. I don't want to sit here and argue
5 it, you know what I mean? If that would make it go
6 faster, yeah.

7 MR. McHALE: If Jonathan knows
8 how to pull the language together for what you're
9 speaking to, then if the board is in agreement, he
10 can circulate the language before we advertise it.

11 MS. PICKARD: He said we can
12 authorize advertising based on that and he can
13 tweak that.

14 MR. HOLAHAN: I'm in agreement
15 with that.

16 MS. PICKARD: Did you understand
17 what I'm saying?

18 MR. HOLAHAN: Yes, surprisingly.

19 MS. LAMBERTON: Hey, Jonathan,
20 it's Anne Lamberton, how are you? Can I put on
21 speaker, we are in our board meeting and we just
22 need some clarification about a discussion you had

23 with Heidi? Okay. I'm going to put you on
24 speaker.

25 MS. PICKARD: Hi, Jonathan.

9

1 MR. REISS: Hi everybody.

2 MR. MOYER: Hi, Jon.

3 MS. PICKARD: I think, if I'm
4 not mistaken, we're cool with the putting in that
5 the manager has the ability to hire non-supervisory
6 and non-department heads, but if you could help us
7 clarify the disciplinary, what would be a good way
8 to --

9 MR. REISS: Well, it's really a
10 policy decision for the five of you to decide what
11 authority the manager has or doesn't have. What
12 Heidi and I talked about was modifying the amended
13 language that the manager would have the authority
14 to discipline, to issue all discipline except for
15 either just terminations or suspensions and
16 terminations. I think that's how we talked about
17 it, right?

18 MS. PICKARD: Yes. My only
19 concern was if there was an allowance for an

20 emergency situation, if somebody needed to be
21 immediately suspended and removed from the
22 premises.

23 MR. REISS: Right.

24 MS. PICKARD: Is there an
25 emergency clause that can be --

10

1 MR. REISS: Right. So under
2 that scenario you could say that the manager would
3 have the authority to issue all discipline except
4 for termination -- except for suspensions in excess
5 of, and then you can make it a certain number of
6 days, and terminations.

7 MS. PICKARD: Okay.

8 MR. REISS: And if you did that,
9 you'd want to make it a certain number of days so
10 that you could have an executive session and
11 advertise a special meeting if you needed to. So
12 it would probably be something like five days.

13 MS. PICKARD: Well, I'm just
14 saying like even one day, you know --

15 MS. LAMBERTON: Well, he has a

16 reason, though, for making it longer, which I
17 understand. I think that would give --

18 MR. HOLAHAN: Because we
19 couldn't advertise the meeting --

20 MS. PICKARD: Oh, okay, yeah.
21 I'm cool with that.

22 MS. LAMBERTON: Even 5 to 7 days
23 if you want to give some leeway, because schedules
24 aren't always --

25 MS. PICKARD: But that can be

11

1 done in executive session?

2 MR. REISS: I'm sorry, I didn't
3 hear that.

4 MS. PICKARD: If there was a
5 need for a further suspension, would we be able --
6 we would be able to do that without advertising.
7 We could do that in an executive session.

8 MR. REISS: Well, you'd talk
9 about it in executive session, you may need to come
10 out and actually vote on that at a public meeting,
11 but, if you have the suspensions 5 or 7 days that
12 the manager could do, that would give you enough

13 time to get it at a special meeting advertised.

14 MS. PICKARD: Okay. I agree
15 with that.

16 MR. REISS: So all you need to
17 do is make sure Bob takes down notes as far as what
18 changes you want in that ordinance and then what
19 I'll do is I'll make that -- I'll circulate it, but
20 we'll also get it out and advertise, because the
21 changes aren't based on the way the questions Heidi
22 had about it. They are not going to be that
23 difficult for me to do first thing tomorrow
24 morning.

25 MR. McHALE: Anne or Donny, do

12

1 you want to just finish the clarity right now and
2 let him draft it tonight or first thing in the
3 morning and just send it to us? Because I don't
4 want to be in the middle of translating this.

5 MS. LAMBERTON: No. Hang on one
6 second, Jonathan. Bob McHale requested that you
7 could clarify the changes now and then Bob doesn't
8 have to worry about interpreting something

6 then for the discipline, the manager has the
7 authority to issue all discipline except for
8 suspensions over -- what's the date?

9 MS. PICKARD: We're up to --

10 MR. MOYER: Seven day.

11 MS. LAMBERTON: Yeah, can you do
12 five to seven days or you want to do seven days?
13 That gives everybody -- let's go with seven if
14 that's okay with everyone.

15 MR. REISS: So up to seven days.
16 Okay. And terminations. Okay.

17 I'm sorry, so, basically, it
18 would be the manager has the authority -- and I'm
19 paraphrasing now. The manager has the authority to
20 issue all discipline except for suspensions in
21 excess of seven days and terminations.

22 MR. MOYER: Correct.

23 MS. PICKARD: Yes.

24 MR. REISS: Okay. So I'm not
25 going to have time to make that right now because I

1 have to leave in a few minutes for a zoning

2 hearing, but I'll make that tomorrow morning and
3 get it to Bob so they can get it out to the law
4 library. And at the same time I'll send it out to
5 everybody else.

6 MR. McHALE: Yes, because we
7 need to advertise tomorrow and that's why we need
8 him to clean that up in the morning, yep.

9 MR. MOYER: Yeah, we have to
10 advertise it tomorrow.

11 MS. PICKARD: And we're going to
12 authorize this for advertisement of those changes.

13 MR. HOLAHAN: So I'll amend my
14 motion to --

15 MR. REISS: All right. So Bob,
16 do you know what time the advertisement has to be
17 in by?

18 MR. McHALE: I think as long as
19 we get something by noon, Jonathan, we should be
20 good.

21 MR. REISS: All right. So I
22 don't have anything scheduled tomorrow morning, so
23 when I get in this will be the first thing I do and
24 I'll email it out to you and Margie?

25 MR. McHALE: That'd be

1 excellent. Thank you, Jonathan.

2 MR. REISS: I'll copy the board
3 on that, essentially, so you can all see it.

4 MS. LAMBERTON: Okay. Thank
5 you.

6 MS. PICKARD: Thanks Jonathan.

7 MR. MOYER: Enjoy your meeting.

8 MR. REISS: Bye-bye.

9 MR. HOLAHAN: I'll amend my
10 motion to include the amended language.

11 MS. PICKARD: I'll second that.

12 MS. LAMBERTON: I have a motion
13 and second. Any other questions or comments from
14 the board? Questions or comments from the public?
15 Seeing none, call the vote. John?

16 MR. KERRICK: In favor.

17 MS. LAMBERTON: Heidi?

18 MS. PICKARD: I vote in favor.

19 MS. LAMBERTON: John.

20 MR. HOLAHAN: Aye.

21 MS. LAMBERTON: Donny?

22 MR. MOYER: I vote in favor.

23 MS. LAMBERTON: I vote in favor.

24 Motion carries.

25 Pocono Summit Volunteer Fire

16

1 Company request to release monies from the Fire
2 Fund. I'll entertain a motion.

3 MR. HOLAHAN: I'll make that
4 motion that we release the monies requested.

5 MS. PICKARD: I'll second the
6 motion.

7 MS. LAMBERTON: I have a motion
8 and a second. Questions or comments from the
9 board? Questions or comments from the public?
10 Seeing none, call the vote. John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John.

15 MR. HOLAHAN: Aye.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: I vote in favor.

19 Motion carries.

20 Jubilee Restaurant parking
21 improvement project. Waiver of the HOP application
22 fee.
23 MR. HOLAHAN: Make a motion that
24 we waive the HOP application fee.
25 MS. PICKARD: I'll second.

17

1 MS. LAMBERTON: I have a motion
2 and second. Questions or comments from the board?
3 Questions or comments from the public? Seeing
4 none, call the vote. John?
5 MR. KERRICK: In favor.
6 MS. LAMBERTON: Heidi?
7 MS. PICKARD: I vote in favor.
8 MS. LAMBERTON: John.
9 MR. HOLAHAN: Aye.
10 MS. LAMBERTON: Donny?
11 MR. MOYER: I vote in favor.
12 MS. LAMBERTON: I vote in favor.
13 Motion carries.
14 Tobyhanna Township Venezia
15 Enterprises requesting direction from the board,
16 Bob is, for the township solicitor to prepare a

17 proposed amendment to the development agreement
18 dated January 26, 2016.

19 MS. PICKARD: What amendment is
20 it?

21 MR. McHALE: Well, the
22 development agreement, when it was put together
23 there was an opinion of probable cost for the
24 construction improvements for post construction,
25 stormwater management and E and S controls. It was

18

1 about \$215,000.00, so they posted a letter of
2 credit as a part of that development agreement.
3 Right now what the folks at Venezia are asking is,
4 they're not going to proceed with that project at
5 this point in time. And it may be -- they do want
6 to do it at some point, but it may not be in the
7 near future. So what they're asking is if they
8 could have the release of their letter of credit
9 subject to this amendment where they would put it
10 together that additional monies would be posted
11 prior to the commencement of construction.

12 MS. LAMBERTON: Fair enough.

13 I'll entertain a motion.

14 MR. MOYER: So moved.

15 MS. LAMBERTON: I have a motion.

16 Do I have a second?

17 MR. HOLAHAN: Second.

18 MS. LAMBERTON: I have a motion

19 and a second. Any questions or comments from the

20 board? Any questions or comments from the public?

21 Seeing none, call the vote. John?

22 MR. KERRICK: In favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: I vote in favor.

25 MS. LAMBERTON: John.

19

1 MR. HOLAHAN: Aye.

2 MS. LAMBERTON: Donny?

3 MR. MOYER: I vote in favor.

4 MS. LAMBERTON: I vote in favor.

5 Motion carries.

6 MR. McHALE: And that is for

7 direction for Jonathan Reiss to proceed ahead?

8 MS. LAMBERTON: Yes.

9 Any public comment? Does our

10 boy scout want to say anything? I'm not putting
11 you on the spot, honey.

12 MR. MOYER: He got away with
13 murder today.

14 MS. LAMBERTON: This was an easy
15 one.

16 Any comments from the board?

17 MS. PICKARD: No, are we going
18 to talk to --

19 MS. LAMBERTON: Yes, if we could
20 have --

21 MR. McHALE: I just want to
22 throw out just a couple more things. PennDOT is in
23 the process of moving forward toward the paving of
24 Locust Ridge Road along that whole stretch. They
25 also have a bridge reconstruction project over

20

1 trout creek which you're also aware of. Ed is
2 going to be going to a precon meeting tomorrow to
3 talk to, you know, PennDOT about those items.
4 There was some communication questions between the
5 bridge project and the paving project, but it looks

6 like Ed'll at least make sure that, you know, there
7 is some coordination, because with the bridge
8 reconstruction project, the full detour is going to
9 be 17 miles around and it's going to be for about 5
10 to 6 weeks as we understood with our previous
11 discussions with PennDOT. So I'm sure Ed'll bring
12 all that up when he's there.

13 And then there's a
14 preconstruction meeting with Kalahari. Harry you
15 brought that up that they changed the date to the
16 25th, correct? So that's going on.

17 And then, Heidi, I didn't know
18 if you wanted to bring up anything related to the
19 Pocono Arts Council, or if you want to bring that
20 up at the work session. It's up to you.

21 MS. PICKARD: Well, I had just a
22 comment from the Art Council. I can get more
23 information to you for that, but they did come in
24 about seeing if we wanted to hang some artwork to
25 have galleries and the paintings could be for sale.

21

1 Artists -- we have a liability form that she just
2 sent me over the weekend and we can do that. We

3 talked about whether we wanted to do it in here, we
4 talked about out in the hall, so that we could have
5 that. We could also have TEC or the high school
6 also take a hall or whatever from time to time.
7 But the Arts Council defers that to an artist and
8 they're responsible and they have a liability and a
9 waiver form. So that I can send that form out and
10 maybe we can discuss it.

11 MS. LAMBERTON: Sure send us
12 what you have.

13 MS. McHALE: As Heidi and I were
14 talking about, one of the things that we would be
15 coordinating, not only the sales and that type of
16 thing of these art pieces, but how do we schedule
17 the corridors to be open? If it's only during
18 public meetings then people only have that time,
19 otherwise we have what is semi secured now by these
20 doors so that only people that are having business
21 that is being conducted here do they come back here
22 and we meet in the conference rooms or whatever.
23 So if we open that up to the public, now you have
24 people wondering in at all times. So those are the
25 kind of things that we talked that you will have to

1 figure out how that works.

2 MS. PICKARD: They're only
3 available during the times that the building is
4 open for meetings. That's just the way they are.
5 And Stroud and some of the others have done that.

6 MR. McHALE: If it's just for
7 meetings, that type of thing, then --

8 MS. PICKARD: Yeah. It's not
9 open all the time. No.

10 MR. McHALE: Okay. So, anyway,
11 but those kind of things are something you can talk
12 about at the work session and bring up. Okay. I'm
13 good. Thank you.

14 MS. LAMBERTON: Motion to
15 adjourn.

16 MR. KERRICK: I had a question
17 for Ed or Troy. What are they doing with emergency
18 services with the bridge out?

19 MR. TUTRONE: We have a plan
20 that we did the last time they were supposed to
21 start the bridge. So once I go to this meeting
22 tomorrow -- and then I spoke with Walsh
23 Construction directly and they were going to have a

24 precon meeting here on the 9th at 3 o'clock, from 3
25 to 6 for the public and emergency services and then

23

1 we're going to get together with Thornhurst and
2 then moving on our plan again the way we had it set
3 up.

4 MR. KERRICK: Okay.

5 MR. HOLAHAN: What's the
6 anticipated date of the start of construction?

7 MR. TUTRONE: For the bridge?

8 MR. HOLAHAN: Yes.

9 MR. TUTRONE: They said
10 September. They didn't give an actually date.
11 They said September. Hopefully on the 9th they
12 will provide us with a date.

13 MR. HOLAHAN: Do we have any
14 input to be able to like push after Labor Day or
15 something like that?

16 MR. McHALE: Ed can bring that
17 up at the meeting.

18 MR. TUTRONE: Yeah, it more than
19 likely will be after Labor Day because she told me
20 September, so I'm going to assume it will be after

21 Labor Day.

22 MR. HOLAHAN: All right.

23 MS. LAMBERTON: Anything else?

24 Motion to adjourn.

25 MR. HOLAHAN: So moved.

24

1 MS. LAMBERTON: Okay.

2 (Meeting adjourned at 4:20 p.m.)

3 ---

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

25

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

accurately in the notes taken by me at the hearing

10

in the above matter; and that the foregoing is a

11

true and correct transcript of the same.

12

13

14

15

JOSEPHINE HOLLMAN, C.R.

16

17

18

19

20

21

22

23

24

25

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, July 18, 2016, beginning at 4 p.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor
(Via Telephone)

ALSO PRESENT: ROBERT McHALE, Township Engineer

PANKO REPORTING

1 MS. LAMBERTON: Good afternoon.

2 I'd like to call the board of supervisors special

3 meeting of Monday, July 18th, 2016, to order.

4 We'll start with the pledge of allegiance, please.

5 (Pledge of Allegiance.)

6 MR. HOLAHAN: Chair?

7 MS. LAMBERTON: Yes, sir.

8 MR. HOLAHAN: Could I recognize

9 a special guest?

10 MS. LAMBERTON: Absolutely.

11 Absolutely.

12 MR. HOLAHAN: Mr. Snyder, young

13 Mr. Snyder, would you stand and introduce yourself

14 to us.

15 MR. COLEY SNYDER: I'm Coley

16 Snyder. I'm a boy scout. And I have to attend a

17 meeting, so --

18 MR. HOLAHAN: He's here under

19 duress.

20 MS. LAMBERTON: Well, welcome.

21 Thank you for coming. And we'll sign whatever you

22 need signed.

23 MR. HOLAHAN: But not until the

24 end of the meeting.

25 MS. LAMBERTON: You'll have to

3

1 suffer through it, right? That's cute. Well,

2 welcome. Thank you for coming. And thank you,

3 John.

4 Old business. Consider township

5 manager's search for proposals. Everyone have a

6 chance to look at everything?

7 MR. MOYER: Yeah, I looked at

8 everything.

9 MR. HOLAHAN: Yes. I'd like to

10 make a motion that we engage the services of

11 Management Matters, LLC.

12 MS. PICKARD: I'll second the

13 motion.

14 MS. LAMBERTON: I have a motion

15 and second. Any questions or comments from the

16 board? Any questions or comments from the public?

17 Seeing none, call the vote. John?

18 MR. KERRICK: I vote in favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: I vote in favor.

21 MS. LAMBERTON: John.

22 MR. HOLAHAN: Yes.

23 MS. LAMBERTON: Donny?
24 MR. MOYER: I vote in favor.
25 MS. LAMBERTON: I vote in favor.

4

1 Motion carries.
2 Moving on to new business.
3 MS. PICKARD: Before we move on,
4 is there a time that we can get together with Mr.
5 Evans?
6 MS. LAMBERTON: Well, if we get
7 through this meeting quickly we can maybe at least
8 have 5, 10 minutes of your time, Jeff, if that's
9 okay?
10 MR. EVANS: I'm available.
11 MS. LAMBERTON: Wonderful.
12 Thank you. Consider advertising proposed township
13 manager ordinance amendment. Everyone have a
14 chance to review?
15 MS. PICKARD: Yeah, I did. I
16 had some questions or concerns. I was just trying
17 to talk to John. John is available for the next
18 half hour if we needed to.
19 MR. HOLAHAN: Jonathan?
20 MS. PICKARD: Did I say that?
21 MR. HOLAHAN: You said John.
22 MS. PICKARD: Jonathan Reiss,

23 Jon Reiss, I get confused. I just had some
24 concerns and, you know, whatever we do we'll
25 probably need to make changes in the personnel

5

1 manual. But I was a little concerned that we were
2 hamstringing somebody new. I mean, I understand,
3 but the disciplinary thing I think needs to be
4 clarified a little bit. And as it's set up in our
5 personnel manual the board is the grievance. If
6 somebody gets suspended and is not happy with that,
7 they can appeal it to the board. That's part of
8 our grievance procedure. So that's one thing that
9 if we get involved, as this is saying, more or less
10 was suspension and discipline. That's one issue.

11 The other issue is I personally
12 am concerned with people coming to me and wanting
13 to get hired, that I didn't want to get too
14 involved. Especially in non-supervisory positions.
15 So --

16 MS. LAMBERTON: So why would
17 they come to you, Heidi, as a --

18 MS. PICKARD: Well, just the way
19 that the changes in this ordinance are saying
20 that --

21 MS. LAMBERTON: Well, they're

22 saying the board. You don't feel comfortable with
23 them coming to the board?
24 MS. PICKARD: No, but I meant
25 the public as a whole, going up to us individually

6

1 as supervisors. I would like to say, well, the
2 manager does the interviewing and the hiring and we
3 don't have anything to do with that. So I feel
4 like non-supervisory, I don't have a problem, like
5 if there is a clerical secretary, I don't know
6 where we need to get involved with, but if it's a
7 supervisory or a department head, I think the board
8 should.

9 Those were one of the things
10 that Jonathan said would be easy to insert if we
11 wanted to change that to that the manager would
12 have the ability to hire non-supervisory positions.

13 MS. LAMBERTON: I see what
14 you're saying.

15 MR. HOLAHAN: Without us.

16 MS. PICKARD: You know.

17 MS. LAMBERTON: So would you
18 like to amend that section?

19 MS. PICKARD: If we could amend
20 that section and then I just wanted some
21 clarification on the discipline. Like if something

22 egregious happens and somebody needs to be
23 immediately suspended, the way I'm reading this is
24 that she has to contact the board and --
25 MS. LAMBERTON: So should we get

7

1 Jonathan on the phone and he can clear this up?
2 MS. PICKARD: If that would make
3 everybody feel more comfortable, because I've had a
4 conversation with him, but I can't translate
5 everything that he said. But whatever we do, we'll
6 have to go to the personnel manual. I was just
7 saying that as we have it set up now, they can
8 appeal to us because we are not involved in the
9 disciplinary procedure initially, only if there is
10 an appeal. So we didn't get involved, so we can
11 arbitrate it. You know what I mean?
12 MS. LAMBERTON: Yeah, I do.
13 MS. PICKARD: But if we are
14 involved with making that decision -- I don't want
15 to get involved in day to day stuff. Obviously if
16 it's something higher up where somebody is being
17 disciplined, it's been our experience that that was
18 always brought to the board and we were always
19 aware something was going on. So I just want to be
20 clear how we put that there, because I don't want

21 to -- and maybe Jeff can weigh in on this too, that
22 we're going to hire somebody and then completely
23 tie their hands so they can't make any decisions
24 or, you know, work here. So I get both sides of it
25 but.

8

1 MS. LAMBERTON: So shall we
2 place a call to him?

3 MS. PICKARD: You can. I'm one
4 person here. I don't want to sit here and argue
5 it, you know what I mean? If that would make it go
6 faster, yeah.

7 MR. McHALE: If Jonathan knows
8 how to pull the language together for what you're
9 speaking to, then if the board is in agreement, he
10 can circulate the language before we advertise it.

11 MS. PICKARD: He said we can
12 authorize advertising based on that and he can
13 tweak that.

14 MR. HOLAHAN: I'm in agreement
15 with that.

16 MS. PICKARD: Did you understand
17 what I'm saying?

18 MR. HOLAHAN: Yes, surprisingly.

19 MS. LAMBERTON: Hey, Jonathan,
20 it's Anne Lamberton, how are you? Can I put on

21 speaker, we are in our board meeting and we just
22 need some clarification about a discussion you had
23 with Heidi? Okay. I'm going to put you on
24 speaker.

25 MS. PICKARD: Hi, Jonathan.

9

1 MR. REISS: Hi everybody.

2 MR. MOYER: Hi, Jon.

3 MS. PICKARD: I think, if I'm
4 not mistaken, we're cool with the putting in that
5 the manager has the ability to hire non-supervisory
6 and non-department heads, but if you could help us
7 clarify the disciplinary, what would be a good way
8 to --

9 MR. REISS: Well, it's really a
10 policy decision for the five of you to decide what
11 authority the manager has or doesn't have. What
12 Heidi and I talked about was modifying the amended
13 language that the manager would have the authority
14 to discipline, to issue all discipline except for
15 either just terminations or suspensions and
16 terminations. I think that's how we talked about
17 it, right?

18 MS. PICKARD: Yes. My only
19 concern was if there was an allowance for an

20 emergency situation, if somebody needed to be
21 immediately suspended and removed from the
22 premises.

23 MR. REISS: Right.

24 MS. PICKARD: Is there an
25 emergency clause that can be --

10

1 MR. REISS: Right. So under
2 that scenario you could say that the manager would
3 have the authority to issue all discipline except
4 for termination -- except for suspensions in excess
5 of, and then you can make it a certain number of
6 days, and terminations.

7 MS. PICKARD: Okay.

8 MR. REISS: And if you did that,
9 you'd want to make it a certain number of days so
10 that you could have an executive session and
11 advertise a special meeting if you needed to. So
12 it would probably be something like five days.

13 MS. PICKARD: Well, I'm just
14 saying like even one day, you know --

15 MS. LAMBERTON: Well, he has a
16 reason, though, for making it longer, which I
17 understand. I think that would give --

18 MR. HOLAHAN: Because we
19 couldn't advertise the meeting --

20 MS. PICKARD: Oh, okay, yeah.
21 I'm cool with that.
22 MS. LAMBERTON: Even 5 to 7 days
23 if you want to give some leeway, because schedules
24 aren't always --
25 MS. PICKARD: But that can be

11

1 done in executive session?
2 MR. REISS: I'm sorry, I didn't
3 hear that.
4 MS. PICKARD: If there was a
5 need for a further suspension, would we be able --
6 we would be able to do that without advertising.
7 We could do that in an executive session.
8 MR. REISS: Well, you'd talk
9 about it in executive session, you may need to come
10 out and actually vote on that at a public meeting,
11 but, if you have the suspensions 5 or 7 days that
12 the manager could do, that would give you enough
13 time to get it at a special meeting advertised.
14 MS. PICKARD: Okay. I agree
15 with that.
16 MR. REISS: So all you need to
17 do is make sure Bob takes down notes as far as what
18 changes you want in that ordinance and then what

19 I'll do is I'll make that -- I'll circulate it, but
20 we'll also get it out and advertise, because the
21 changes aren't based on the way the questions Heidi
22 had about it. They are not going to be that
23 difficult for me to do first thing tomorrow
24 morning.
25 MR. McHALE: Anne or Donny, do

12

1 you want to just finish the clarity right now and
2 let him draft it tonight or first thing in the
3 morning and just send it to us? Because I don't
4 want to be in the middle of translating this.
5 MS. LAMBERTON: No. Hang on one
6 second, Jonathan. Bob McHale requested that you
7 could clarify the changes now and then Bob doesn't
8 have to worry about interpreting something
9 incorrectly.
10 MR. REISS: You mean write down
11 what you all want to do now?
12 MS. LAMBERTON: Yes. That would
13 be great, that way it's clear, if you're okay with
14 that.
15 MR. MOYER: But don't charge us
16 for it.
17 MR. REISS: So what's the first
18 change you want to make?

19 MS. PICKARD: With the --

20 MR. REISS: Is it for the

21 hiring?

22 MS. PICKARD: The hiring.

23 MR. REISS: Okay. And you want

24 it to be that the manager has the ability to hire

25 all personnel except department heads and

13

1 supervisory people.

2 MR. HOLAHAN: So we're going to

3 amend Section 20-10 Powers and Duties, Subsection

4 C.

5 MR. REISS: Yep. I got it. And

6 then for the discipline, the manager has the

7 authority to issue all discipline except for

8 suspensions over -- what's the date?

9 MS. PICKARD: We're up to --

10 MR. MOYER: Seven day.

11 MS. LAMBERTON: Yeah, can you do

12 five to seven days or you want to do seven days?

13 That gives everybody -- let's go with seven if

14 that's okay with everyone.

15 MR. REISS: So up to seven days.

16 Okay. And terminations. Okay.

17 I'm sorry, so, basically, it

18 would be the manager has the authority -- and I'm
19 paraphrasing now. The manager has the authority to
20 issue all discipline except for suspensions in
21 excess of seven days and terminations.

22 MR. MOYER: Correct.

23 MS. PICKARD: Yes.

24 MR. REISS: Okay. So I'm not
25 going to have time to make that right now because I

14

1 have to leave in a few minutes for a zoning
2 hearing, but I'll make that tomorrow morning and
3 get it to Bob so they can get it out to the law
4 library. And at the same time I'll send it out to
5 everybody else.

6 MR. McHALE: Yes, because we
7 need to advertise tomorrow and that's why we need
8 him to clean that up in the morning, yep.

9 MR. MOYER: Yeah, we have to
10 advertise it tomorrow.

11 MS. PICKARD: And we're going to
12 authorize this for advertisement of those changes.

13 MR. HOLAHAN: So I'll amend my
14 motion to --

15 MR. REISS: All right. So Bob,
16 do you know what time the advertisement has to be
17 in by?

18 MR. McHALE: I think as long as
19 we get something by noon, Jonathan, we should be
20 good.

21 MR. REISS: All right. So I
22 don't have anything scheduled tomorrow morning, so
23 when I get in this will be the first thing I do and
24 I'll email it out to you and Margie?

25 MR. McHALE: That'd be

15

1 excellent. Thank you, Jonathan.

2 MR. REISS: I'll copy the board
3 on that, essentially, so you can all see it.

4 MS. LAMBERTON: Okay. Thank
5 you.

6 MS. PICKARD: Thanks Jonathan.

7 MR. MOYER: Enjoy your meeting.

8 MR. REISS: Bye-bye.

9 MR. HOLAHAN: I'll amend my
10 motion to include the amended language.

11 MS. PICKARD: I'll second that.

12 MS. LAMBERTON: I have a motion
13 and second. Any other questions or comments from
14 the board? Questions or comments from the public?
15 Seeing none, call the vote. John?

16 MR. KERRICK: In favor.

17 MS. LAMBERTON: Heidi?
18 MS. PICKARD: I vote in favor.
19 MS. LAMBERTON: John.
20 MR. HOLAHAN: Aye.
21 MS. LAMBERTON: Donny?
22 MR. MOYER: I vote in favor.
23 MS. LAMBERTON: I vote in favor.
24 Motion carries.
25 Pocono Summit Volunteer Fire

16

1 Company request to release monies from the Fire
2 Fund. I'll entertain a motion.
3 MR. HOLAHAN: I'll make that
4 motion that we release the monies requested.
5 MS. PICKARD: I'll second the
6 motion.
7 MS. LAMBERTON: I have a motion
8 and a second. Questions or comments from the
9 board? Questions or comments from the public?
10 Seeing none, call the vote. John?
11 MR. KERRICK: In favor.
12 MS. LAMBERTON: Heidi?
13 MS. PICKARD: I vote in favor.
14 MS. LAMBERTON: John.
15 MR. HOLAHAN: Aye.
16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.
18 MS. LAMBERTON: I vote in favor.
19 Motion carries.
20 Jubilee Restaurant parking
21 improvement project. Waiver of the HOP application
22 fee.
23 MR. HOLAHAN: Make a motion that
24 we waive the HOP application fee.
25 MS. PICKARD: I'll second.

17

1 MS. LAMBERTON: I have a motion
2 and second. Questions or comments from the board?
3 Questions or comments from the public? Seeing
4 none, call the vote. John?
5 MR. KERRICK: In favor.
6 MS. LAMBERTON: Heidi?
7 MS. PICKARD: I vote in favor.
8 MS. LAMBERTON: John.
9 MR. HOLAHAN: Aye.
10 MS. LAMBERTON: Donny?
11 MR. MOYER: I vote in favor.
12 MS. LAMBERTON: I vote in favor.
13 Motion carries.
14 Tobyhanna Township Venezia
15 Enterprises requesting direction from the board,

16 Bob is, for the township solicitor to prepare a
17 proposed amendment to the development agreement
18 dated January 26, 2016.

19 MS. PICKARD: What amendment is
20 it?

21 MR. McHALE: Well, the
22 development agreement, when it was put together
23 there was an opinion of probable cost for the
24 construction improvements for post construction,
25 stormwater management and E and S controls. It was

18

1 about \$215,000.00, so they posted a letter of
2 credit as a part of that development agreement.
3 Right now what the folks at Venezia are asking is,
4 they're not going to proceed with that project at
5 this point in time. And it may be -- they do want
6 to do it at some point, but it may not be in the
7 near future. So what they're asking is if they
8 could have the release of their letter of credit
9 subject to this amendment where they would put it
10 together that additional monies would be posted
11 prior to the commencement of construction.

12 MS. LAMBERTON: Fair enough.
13 I'll entertain a motion.

14 MR. MOYER: So moved.

15 MS. LAMBERTON: I have a motion.

16 Do I have a second?

17 MR. HOLAHAN: Second.

18 MS. LAMBERTON: I have a motion

19 and a second. Any questions or comments from the

20 board? Any questions or comments from the public?

21 Seeing none, call the vote. John?

22 MR. KERRICK: In favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: I vote in favor.

25 MS. LAMBERTON: John.

19

1 MR. HOLAHAN: Aye.

2 MS. LAMBERTON: Donny?

3 MR. MOYER: I vote in favor.

4 MS. LAMBERTON: I vote in favor.

5 Motion carries.

6 MR. McHALE: And that is for

7 direction for Jonathan Reiss to proceed ahead?

8 MS. LAMBERTON: Yes.

9 Any public comment? Does our

10 boy scout want to say anything? I'm not putting

11 you on the spot, honey.

12 MR. MOYER: He got away with

13 murder today.

14 MS. LAMBERTON: This was an easy

15 one.

16 Any comments from the board?

17 MS. PICKARD: No, are we going

18 to talk to --

19 MS. LAMBERTON: Yes, if we could

20 have --

21 MR. McHALE: I just want to

22 throw out just a couple more things. PennDOT is in

23 the process of moving forward toward the paving of

24 Locust Ridge Road along that whole stretch. They

25 also have a bridge reconstruction project over

20

1 trout creek which you're also aware of. Ed is

2 going to be going to a precon meeting tomorrow to

3 talk to, you know, PennDOT about those items.

4 There was some communication questions between the

5 bridge project and the paving project, but it looks

6 like Ed'll at least make sure that, you know, there

7 is some coordination, because with the bridge

8 reconstruction project, the full detour is going to

9 be 17 miles around and it's going to be for about 5

10 to 6 weeks as we understood with our previous

11 discussions with PennDOT. So I'm sure Ed'll bring

12 all that up when he's there.

13 And then there's a

14 preconstruction meeting with Kalahari. Harry you

15 brought that up that they changed the date to the
16 25th, correct? So that's going on.
17 And then, Heidi, I didn't know
18 if you wanted to bring up anything related to the
19 Pocono Arts Council, or if you want to bring that
20 up at the work session. It's up to you.

21 MS. PICKARD: Well, I had just a
22 comment from the Art Council. I can get more
23 information to you for that, but they did come in
24 about seeing if we wanted to hang some artwork to
25 have galleries and the paintings could be for sale.

21

1 Artists -- we have a liability form that she just
2 sent me over the weekend and we can do that. We
3 talked about whether we wanted to do it in here, we
4 talked about out in the hall, so that we could have
5 that. We could also have TEC or the high school
6 also take a hall or whatever from time to time.
7 But the Arts Council defers that to an artist and
8 they're responsible and they have a liability and a
9 waiver form. So that I can send that form out and
10 maybe we can discuss it.

11 MS. LAMBERTON: Sure send us
12 what you have.

13 MS. McHALE: As Heidi and I were

14 talking about, one of the things that we would be
15 coordinating, not only the sales and that type of
16 thing of these art pieces, but how do we schedule
17 the corridors to be open? If it's only during
18 public meetings then people only have that time,
19 otherwise we have what is semi secured now by these
20 doors so that only people that are having business
21 that is being conducted here do they come back here
22 and we meet in the conference rooms or whatever.
23 So if we open that up to the public, now you have
24 people wondering in at all times. So those are the
25 kind of things that we talked that you will have to

22

1 figure out how that works.

2 MS. PICKARD: They're only
3 available during the times that the building is
4 open for meetings. That's just the way they are.
5 And Stroud and some of the others have done that.

6 MR. McHALE: If it's just for
7 meetings, that type of thing, then --

8 MS. PICKARD: Yeah. It's not
9 open all the time. No.

10 MR. McHALE: Okay. So, anyway,
11 but those kind of things are something you can talk
12 about at the work session and bring up. Okay. I'm
13 good. Thank you.

14 MS. LAMBERTON: Motion to
15 adjourn.
16 MR. KERRICK: I had a question
17 for Ed or Troy. What are they doing with emergency
18 services with the bridge out?
19 MR. TUTRONE: We have a plan
20 that we did the last time they were supposed to
21 start the bridge. So once I go to this meeting
22 tomorrow -- and then I spoke with Walsh
23 Construction directly and they were going to have a
24 precon meeting here on the 9th at 3 o'clock, from 3
25 to 6 for the public and emergency services and then

23

1 we're going to get together with Thornhurst and
2 then moving on our plan again the way we had it set
3 up.

4 MR. KERRICK: Okay.

5 MR. HOLAHAN: What's the
6 anticipated date of the start of construction?

7 MR. TUTRONE: For the bridge?

8 MR. HOLAHAN: Yes.

9 MR. TUTRONE: They said
10 September. They didn't give an actually date.
11 They said September. Hopefully on the 9th they
12 will provide us with a date.

13 MR. HOLAHAN: Do we have any
14 input to be able to like push after Labor Day or
15 something like that?
16 MR. McHALE: Ed can bring that
17 up at the meeting.
18 MR. TUTRONE: Yeah, it more than
19 likely will be after Labor Day because she told me
20 September, so I'm going to assume it will be after
21 Labor Day.
22 MR. HOLAHAN: All right.
23 MS. LAMBERTON: Anything else?
24 Motion to adjourn.
25 MR. HOLAHAN: So moved.

24

1 MS. LAMBERTON: Okay.
2 (Meeting adjourned at 4:20 p.m.)
3 ---
4
5
6
7
8
9
10
11
12

13

14

15

16

17

18

19

20

21

22

23

24

25

25

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

accurately in the notes taken by me at the hearing

10

in the above matter; and that the foregoing is a

11

true and correct transcript of the same.

12

13

14

15 JOSEPHINE HOLLMAN, C.R.

16

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, August 1, 2016 beginning at 6:00 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township Engineer/
Interim Township Manager

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

2

1 MS. LAMBERTON: I would like to
2 call the board of supervisors work session for
3 Monday, August 1, 2016 to order. We'll start with
4 the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Okay. We'll
8 start with the solicitor's report.

9 MR. REISS: You had authorized
10 the preparation of an ordinance amending the
11 township codified manager's ordinance, modifying
12 Section 20 dash 4, which spoke to the manager's
13 position being appointed, subject at will, but also
14 had included a severance package automatically.
15 You also asked me to amend Section 20 dash 10,
16 which spoke to the hiring -- or I'm sorry, the
17 disciplinary actions that the manager could take.
18 And you also asked me to modify Section 20 dash

19 10C, which spoke to the authority to hire personnel
20 for the township.

21 So that ordinance was drafted,
22 you saw it at your last meeting, it's been
23 advertised and posted -- and posted at the north --
24 I'm sorry, the Monroe County Law Library. So you
25 would need to open a hearing on this draft

3

1 ordinance that you're considering for possible vote
2 and adoption.

3 MS. LAMBERTON: I say we go
4 ahead and open the hearing.

5 MR. REISS: And you'd ask for
6 any public comment.

7 MS. LAMBERTON: Is there any
8 public comment?

9 Any questions on the revisions
10 or -- you have a copy in the --

11 You satisfied with your previous
12 question?

13 Any questions or comments from
14 the board?

15 MR. KERRICK: None.

16 MS. LAMBERTON: Seeing none.
17 I'll entertain a motion to close
18 the hearing.
19 MS. PICKARD: So moved.
20 MR. KERRICK: Second.
21 MS. LAMBERTON: I have a motion
22 and a second.
23 All those in favor?
24 BOARD MEMBERS: Aye.
25 MS. LAMBERTON: Opposed?

4

1 Seeing none. Motion carried.
2 I'll entertain a motion to adopt
3 Ordinance No. 527, the amendment to the township
4 manager ordinance.
5 MS. PICKARD: I make a motion
6 that we approve Ordinance No. 527.
7 MS. LAMBERTON: I have a motion.
8 Do I have a second?
9 MR. KERRICK: Second.
10 MS. LAMBERTON: I have a motion
11 and a second.

12 Questions or comments from the
13 board?
14 Questions or comments from the
15 public?
16 Seeing none. Call the vote.
17 John?
18 MR. KERRICK: In favor.
19 MS. LAMBERTON: Heidi?
20 MS. PICKARD: I vote in favor.
21 MS. LAMBERTON: John?
22 MR. HOLAHAN: Aye.
23 MS. LAMBERTON: I vote in favor.
24 Motion carries.
25 Moving on to new business.

5

1 MR. REISS: May I just --
2 MS. LAMBERTON: Oh, I'm so
3 sorry.
4 MR. REISS: -- two other things.
5 I had also emailed to you proposed changes to the
6 personnel manual to make that consistent with the
7 changes that you just adopted in your ordinance. I
8 understand Mr. Holahan, when he opened his, it

9 wasn't a track changed version, which I just
10 emailed him back, but he hasn't seen it yet.

11 MR. HOLAHAN: Again, I still
12 don't see it, Jonathan, so --

13 MS. PICKARD: I haven't
14 reviewed it. I thought we were gonna do that
15 Monday.

16 MR. REISS: Right. So I was
17 gonna say you can postpone that, it's not --

18 MS. PICKARD: Yeah.

19 MR. REISS: -- immediately --

20 MR. HOLAHAN: Cool.

21 MR. REISS: -- necessary that it
22 be adopted tonight and I can look at it later with
23 John before I go to see what's going on with that.

24 There was something I did want
25 to discuss with you briefly in executive session

6

1 after this meeting tonight regarding the township
2 manager.

3 MS. LAMBERTON: Very good.

4 Anything else?

5 MR. REISS: That's it.

6 MS. LAMBERTON: That is all.

7 We'll move on to new business.

8 I'll entertain a motion to
9 consider Kalahari Resorts, Stage B letter of credit
10 reduction Category 1 improvement request in the
11 amount of \$62,075.25.

12 MR. HOLAHAN: I'll make a motion
13 that we reduce letter of credit, Category 1
14 improvements, \$62,075.25.

15 MR. KERRICK: Sec --

16 MS. PICKARD: I'll --

17 MR. KERRICK: Go ahead.

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

20 MS. LAMBERTON: I have a motion
21 and a second.

22 Any questions or comments from
23 the board?

24 Any questions or comments from
25 the public?

1 Seeing none. Call the vote.

2 John?

3 MR. KERRICK: In favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: I vote in favor.

6 MS. LAMBERTON: John?

7 MR. HOLAHAN: Aye.

8 MS. LAMBERTON: And I will

9 abstain, I have a conflict. I am an employee of

10 Papillion and Moyer who does work at the Kalahari

11 and also my daughter is employed there.

12 Oh, also too, I would like to

13 announce that we did have a prior executive session

14 after our work session on July 25, at 3 p.m.,

15 regarding a personnel matter with a previous

16 township manager issue.

17 Thank you.

18 MS. PICKARD: I just had one

19 quick question --

20 MS. LAMBERTON: Sure.

21 MS. PICKARD: -- on the -- the

22 sewer escrow that we're holding, we're still

23 waiting for the sign-off from -- from Becker?

24 MR. REISS: Correct.

25 MR. McHALE: Correct.

1 MR. REISS: That's the punch
2 list escrow.

3 MS. PICKARD: Okay.

4 MR. McHALE: And the board's
5 already approved the release of the funds --

6 MS. PICKARD: Release of that,
7 okay.

8 MR. McHALE: -- it's just
9 getting the agreement from Jonathan and T&M being
10 satisfied with that.

11 MR. REISS: So as soon as we
12 get that --

13 MS. PICKARD: And then we'll --

14 MR. REISS: -- it won't require
15 any further board action.

16 MS. PICKARD: Yeah. Well,
17 you'll make mention of it at the meeting so we know
18 that?

19 MR. REISS: Oh, of course,
20 right.

21 MS. PICKARD: Okay. Great.
22 Thank you.

23 MS. LAMBERTON: Anything else?
24 Moving on. Pension plan update
25 by Morgan Stanley. Mr. Pat Lenahan is here.

9

1 MR. PATRICK LENAHAAN: Thanks
2 for having me.
3 MS. LAMBERTON: Thank you.
4 MR. PATRICK LENAHAAN: Hey, John.
5 MR. HOLAHAN: Hey, how you
6 doing? Thanks.
7 MS. LAMBERTON: Are we looking
8 to maybe retire? Nice to see you.
9 MR. PATRICK LENAHAAN: What's
10 that?
11 MS. LAMBERTON: Are we able to
12 retire?
13 MR. PATRICK LENAHAAN: So far
14 everything's going okay.
15 The first -- the top sheet here
16 just pulls out to --
17 THE REPORTER: I'm sorry. Your
18 name?
19 MR. PATRICK LENAHAAN: Pat

20 Lenahan, L-e-n-a-h-a-n.

21 THE REPORTER: Thank you.

22 MR. PATRICK LENAHAHAN: This top
23 part just pulls out, I just made, you know, a
24 little bit of an agenda for us. I wanted to talk
25 about the markets in the environment that we've

10

1 been in for the last -- not only currently, but for
2 the last year and a half, two years.

3 So I -- what I did is, the first
4 section's just two headlines that I cut out, if you
5 wanted the whole article, I'd be happy to email it
6 to Heidi and you could, you know, share it with
7 folks. It really was just to make a point and the
8 third's a little graph we'll go over, but -- most
9 folks aren't aware in 2015, 70 percent of the
10 investors that were involved in the markets lost
11 money. Market was up 1.4 percent, but if you
12 remove Facebook, Amazon, Netflix, Google, just
13 those four stocks alone, the market was actually --
14 had negative returns.

15 The first article happened to be

16 from CNN. The second one, which is from ValueWalk,
17 Goldman Sachs took a look at the market in November
18 of 2015. This is kind of hard to believe, but if
19 you took out Amazon, Alphabet, which is -- which is
20 what the current name for Google, Microsoft,
21 Facebook and GE, that total is nine percent of the
22 -- the S&P 500 and it accounted for one hundred
23 percent of the S&P 500's return. The only other
24 495 stocks you had a loss, kind of hard to believe.

25 And I'm only pointing that out

11

1 because I'm not so sure everybody's aware of how
2 rough the market's been. If you look at the next
3 chart, I pulled up a two-year chart of the S&P 500.
4 That's to show you how volatile it is and -- and
5 truly if you went across the kind of the top of --
6 top of these lines here, I mean, we've gone
7 sideways for a while, a whole lot of volatility in
8 between, but really we haven't gone up all that
9 much.

10 So volatility's been significant
11 and it remains that way. The S&P 500 has -- it's
12 had these -- you know, this chart I'm showing you

13 is just to give you an idea of the ups and downs,
14 but some of these downward -- the down draws have
15 been in excess of 12 percent, to give you an idea
16 of how severe that could be.

17 In February of this year, 2016,
18 the S&P was down nine percent. At that point
19 year-to-date township account, it was down just
20 four. The account we're in is -- is tactical and
21 it has the ability to -- to raise cash and get out
22 of the way a little bit. It did that and it worked
23 well in the beginning of the year. So just to --
24 to recap, if we go to the next tab, I'll quickly
25 just tell you, just want a reminder of what we

12

1 owned.

2 The pension account is a -- is
3 -- the majority of it is an actively managed
4 portfolio of ETFs, or exchange traded funds, which
5 is just a passive basket of stocks. We can own an
6 ETF that represents the entire US market, we can
7 own one that represents the German market,
8 Japanese. We can own ETFs that represent sectors,

9 healthcare, industrials, consumer areas of the
10 market, retail. So you have a portfolio that
11 consists of a bunch of ETFs, which are passive,
12 meaning they're not actively managed, keeps your
13 fees very low. But then we actively manage those,
14 meaning we don't just buy and hold them, we change
15 the allocation.

16 That allocation is driven by
17 technical research, so it has no human emotion
18 involved. It's got a very strict buy and sell
19 discipline. So you never have someone wishing a
20 stock or a sector back. If it's a sell, it's a
21 sell; if it's a buy, it's a buy. It's very
22 diversified and it's tactical, it can change as the
23 markets change.

24 So then if we ask ourselves how
25 we've been doing, if you want to just flip to the

13

1 next section here. Page -- the first page just
2 tells what accounts are involved, and it's two
3 accounts; the pension is split into two accounts.
4 Used to be split into many accounts years ago. As
5 the world's gotten a little bit easy -- easier to

6 operate in, we've been able to consolidate it down
7 into two accounts. And over the last several
8 years, we've been moving -- morphing the two
9 accounts into one account.

10 But if you go to the next page
11 of that section, this is both accounts combined and
12 their performance. The performance, by the way,
13 since inception -- and I hate to do this, but Heidi
14 asked me to come up last week and I wanted to make
15 it here, but I haven't had time to work with her or
16 IT guys or get a signature from you folks. But
17 performance since inception is off, it's because it
18 included many accounts at one point, like I said,
19 now we're down to two accounts. So there's
20 performance gaps in some of the accounts, it's
21 drawing over.

22 If I was to get a signature from
23 everybody, which basically says the accounting on
24 the reporting is a little bit inaccurate, we'd like
25 you to take a look at it, that type of thing, they

1 can fix the performance since inception. But the

2 new program that we've been doing, which is
3 morphing the old accounts into the two current
4 accounts, that's been going on since 2009. So I
5 made a custom period so you can see what's going
6 on.

7 So over that longer time period,
8 since 2009, we've averaged 7.43 percent and that's
9 net of fees. In this case it's actually better
10 than if you look at just the world stock index
11 underneath it, the MSCI, All Cap World, that's also
12 net of fees, 7.4, and underneath that the Barclay
13 aggregate, which is just a bond index, a fixed
14 income index, only four percent. And then I --
15 then I showed you a balanced account, which is a
16 blend of the two, about 60-40.

17 So in the long run we pulled --
18 we outperformed all three. If you look at the la
19 -- you know, year-to-date, the last three years,
20 the last five years, we've certainly outperformed
21 the bonds by a long shot and we've gotten all or
22 almost all of the equity investments or stock
23 investments but with far less risk, meaning we're
24 -- this account is never a hundred percent invested
25 in stocks.

1 The fairest -- if we were gonna
2 compare this to an index, the balanced account is
3 what we compare it to. And like I said, over the
4 longer term, three, five years and longer, we've
5 outperformed significantly and we're still online
6 on the more recent numbers.

7 Also what this page demonstrates
8 is your account returns. So if we look at a
9 three-year picture, a five-year or -- or the custom
10 period, it shows you that the active management is
11 working, because meaning if we just owned stocks,
12 we'd had a heck of a lot more risk, wouldn't be
13 prudent to do with people's pension money; but you
14 can see we're certainly outperforming the bonds.
15 So the active management again, actively managing
16 the passive investments, has helped us -- helped us
17 generate better returns.

18 If we flip the page, it shows
19 you the current asset allocation, again, of the
20 whole pension, this is the two accounts blended.
21 In fact, to give you an idea of how -- let's see if
22 I can -- well, I'll get to it in a second, but
23 that's the current all -- asset allocation. And

24 I'll come back to asset allocation and how it
25 changes in just a few minutes.

16

1 We can move on to the next
2 section and now what I want to do is just break
3 down the two accounts. The first account, which is
4 the larger of the two, is the exchange traded fund
5 account, the ETF account, and that's where, like I
6 said, over the years we've been moving money to.
7 That account, you know, again, it's the same as
8 this before, it shows you the performance of just
9 -- just that account versus the same indexes. But
10 more importantly, if you go to the next page, it
11 shows you the changes in asset allocation over
12 time.

13 So you can see in 2010, we
14 didn't own any global equities, that's on the far
15 right when you look at global equities and other.
16 In the same respect, by 2012 we were up to 16
17 percent, 15.9. Since 2014, again, we've owned
18 none. If you look at alternatives that would be
19 like commodities, precious metals, real -- hard

20 real estate, you know, currently 18.7 percent of
21 the portfolio, but if we look at -- back just at
22 2014, there were none. In 2012 they were three
23 percent. So I just want to you show you that it is
24 active, we don't just buy and hold stocks, they're
25 actively managing and actively changing the asset

17

1 allocation, trying to protect your assets and in
2 the same respect grow them at a fair rate.
3 If we look at the following
4 page, this is just the old mutual fund account.
5 And as mutual funds have fallen out of favor, we've
6 slowly moved them into the ETF account. The last
7 two funds that remain in there, one is the global
8 bond from -- fund from Templeton and truly if we're
9 looking at it from a -- you know, the E -- like in
10 other words, if you follow the technical guidance
11 from that ETF account, we would not own foreign
12 bonds currently. It's basically flat year-to-date
13 and I think it's had its run. If we add that money
14 to the ETF account, that will add them when -- when
15 it's necessary. That, again, you know, is
16 tactical.

17 In the Transamerica Small and
18 Mid-Cap Fund, we kept for a while because it was
19 outperforming the passive indexes, meaning we also
20 own two ETFs that represent small and mid-cap, but
21 the active manager was -- was worth its weight, it
22 was active, you know, it was out -- outperforming.
23 Currently that has changed, the active -- you know,
24 the manager, I think -- I believe is up seven
25 percent maybe, year-to-date, in the Transamerica

18

1 Small and Mid-Cap; the ETFs that you own, that
2 represent small and mid-caps, are up ten and
3 approximately twelve. So I think it's time that we
4 could, in my opinion, terminate the old account,
5 the two mutual funds that are left in that account
6 we could move to the ETF account.

7 And what I wanted to show you
8 is, is if we look back here at the performance of
9 just that account, you know -- first of all, the
10 performance is a little bit misleading, 'cause
11 there were a lot of fixed income bond funds and
12 stuff in here and -- and it still owns Templeton

13 Global Bonds, so it's not an all equity account.
14 But meaning that has certainly been a drag compared
15 to the rest of the portfolio.

16 I think it's time that we could
17 -- you know, kind of finish the process of what
18 we've been doing and move those funds to the ETF
19 account and that gives you one single pension
20 account. It would still have exposure to all the
21 areas that we're selling, but it would be on a
22 tactical basis. It would lower the fees and costs
23 to you also.

24 There's internal fees on the
25 mutual funds. You don't see them because they're

19

1 priced into the -- the investment daily. So every
2 day when you look at the price it shows you the
3 price, but truly there's a little bit of a draw and
4 there's internal fees that you don't see that are
5 in there. So that's another reason to do it.

6 I'll also mention that the
7 Department of Labor made a ruling this year, it'll
8 go into effect at our firm next year, but probably
9 in the broad sense, the following year, so in 2018.

10 But the Department of Labor has put retirement
11 accounts under the microscope and they no longer --
12 they want fees to be transparent and they want the
13 folks that are paying the fees to understand that
14 they're there. So C-share and mutual funds have
15 become taboo, that's the -- you know, what we own
16 in there.

17 And by the way, these were the
18 greatest things since sliced bread, you know, 10
19 years ago, but the world's gotten a little bit
20 fairer and better. I've always made you, just like
21 I am today, aware of the internal fees and we've
22 always taken, at least on my end, them into account
23 when we're pricing your business.

24 But going forward, the
25 Department of Labor would prefer if you did

20

1 business like you do in your ETF account where you
2 pay a fee, you know what it is, it's on the
3 statement and there are no other hidden fees or
4 internal fees or any way for firms to -- you know,
5 to basically get compensation that you're not aware

6 of. So that applies to all retirement accounts
7 currently.

8 I think down the road it'll
9 probably apply to retail or regular -- you know,
10 nonretirement accounts. But truly if we're looking
11 at this from a fiduciary standpoint, it's -- it's
12 another reason to move that out of the old
13 brokerage type business into the new fee-based type
14 business.

15 If we were to -- and this -- I
16 imagine this could be a sticky point. If we were
17 to stay in the old type of account, next year we
18 have -- the clients would have to sign a letter
19 that says we understand that the firm we deal with
20 might not be acting in our best interest, in other
21 words, because they -- we know there's fees that
22 are varied and you'd be saying that we're okay with
23 those fees. Can't imagine anybody -- find it hard
24 to believe if we got a unanimous signature on that
25 form, so anyway -- so I'm -- you know, that's

21

1 another reason I'm kind of trying to head something
2 off.

3 MR. HOLAHAN: So -- okay.

4 MR. PATRICK LENAHAAN: So -- so
5 really, you know --

6 Well, go ahead. What was your
7 question, John, or what were you about to say?

8 MR. HOLAHAN: You might answer
9 it, so continue and then I'll ask it at the end.

10 MR. PATRICK LENAHAAN: I was
11 just making sure I hadn't missed anything. No, I
12 think that's -- on that end of things, I think I
13 was kind of wrapping up. I was trying to be fast
14 because I just -- you know, it's a work session, I
15 didn't want to take too much of your time, but --

16 MR. HOLAHAN: Okay. So what's
17 it take to move the accounts then, what's involved?

18 MR. PATRICK LENAHAAN: I don't
19 believe anything other than permission. I mean, it
20 may --

21 MS. PICKARD: You want to make
22 a motion?

23 MR. PATRICK LENAHAAN: -- in the
24 past it has not -- but maybe one person on the
25 account that's --

1 MS. LAMBERTON: I'll entertain a
2 motion. Yeah, we don't have a committee, so --

3 MS. PICKARD: Yeah. Why don't
4 you just make a motion --

5 MS. LAMBERTON: -- we would
6 entertain a motion --

7 MS. PICKARD: -- just so we
8 have it on record.

9 MS. LAMBERTON: -- for you --

10 MS. PICKARD: Is that your
11 motion, to move the accounts?

12 MR. HOLAHAN: That would be my
13 motion.

14 MS. PICKARD: And I would second
15 that motion.

16 MS. LAMBERTON: I have a motion
17 and a second.

18 Any questions or comments from
19 the board?

20 MR. HOLAHAN: And to be clear,
21 the motion is to go ahead and consolidate from the
22 old fund into --

23 MS. PICKARD: Into the new --

24 MR. HOLAHAN: -- the new --

25 MR. PATRICK LENAHAAN: Yes.

23

1 MS. PICKARD: -- ETF.

2 MR. PATRICK LENAHAAN: Yes, yes,

3 yes.

4 MR. HOLAHAN: Okay.

5 MR. PATRICK LENAHAAN: Yes.

6 MS. LAMBERTON: Any questions

7 or comments from the public?

8 Seeing none. Call the vote.

9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I'm in -- vote in

13 favor.

14 MS. LAMBERTON: John?

15 MR. HOLAHAN: Aye.

16 MS. LAMBERTON: I vote in favor.

17 Motion carries.

18 MS. PICKARD: And that was one

19 of the things I just wanted to mention. We did get

20 a letter from the auditor general, it was time for

21 Patrick to come up and touch base with us anyway,
22 but we -- the auditor general had asked to look at
23 -- they want everybody looking at these fees.

24 MS. LAMBERTON: Okay.

25 MR. PATRICK LENAHAHAN: At some

24

1 point in here I probably missed -- I did miss the
2 -- well, it's neither here nor there, but the
3 bottom line is -- you know, to give you -- to give
4 you an idea of how different it is, in April of
5 this year we were -- you know, when the markets
6 were down, this account got raised 11 percent in
7 cash, 18 percent in bonds, 11 percent in
8 alternatives and only at 60 percent stocks. We
9 still only have 61 percent in stocks, but we're
10 down to two percent cash now. So I just wanted to
11 -- I know we've already had the conversation, I did
12 want to back up and just kind of show you how we're
13 able to protect --

14 You know, when I mentioned
15 earlier the market was down nine, we were off --
16 down four. We're able to -- to actually move the

17 money around. So the decision that you just made,
18 in my opinion, is a much better decision. We don't
19 have to have a meeting like this to get out of the
20 way of a snowball, I can just take care of it at
21 the office and it helps you folks.

22 MS. LAMBERTON: Yes, please.

23 MS. PICKARD: Just when you
24 move this over, how is that going to change our --

25 MR. PATRICK LENAHAAN:

25

1 Performance reporting?

2 MS. PICKARD: Our allocation,
3 asset allocations and as far as stocks and things,
4 how -- is that gonna increase that?

5 MR. PATRICK LENAHAAN: You will
6 own less global bonds because that currently would
7 not be in the current model. So when we sell the
8 Templeton Global Bonds, that money will come over
9 and be disbursed against all the current
10 investments, which will not include global bond --
11 global bonds. It could include them tomorrow, you
12 know, if the -- if the model takes us there.

13 The small and mid-cap would be

14 sold but is already included in the current model
15 so that -- that'll be almost the same allocation.
16 Overall, that -- that bond fund on -- on an account
17 that's worth a million two, I believe is less than
18 a hundred thousand dollars, overall you're gonna
19 have almost the exact same asset allocation even
20 after the change. I just think it's in a better
21 spot and again, it's able to be tactical, so --
22 MS. PICKARD: That's all I
23 wanted. I'm good.
24 MR. PATRICK LENAHAAN: Any
25 questions at all?

26

1 MR. KERRICK: Thank you.
2 MS. LAMBERTON: Thank you very
3 much.
4 MR. PATRICK LENAHAAN: Thank you.
5 MS. PICKARD: Thanks for coming
6 up, we appreciate it.
7 MR. PATRICK LENAHAAN: I don't
8 mind coming up here, I like it. And I appreciate
9 the business, so thanks for having me.

10 MS. LAMBERTON: Was -- Pat,
11 before you leave, was Phyllis on the account as a
12 signatory, do you know?
13 MR. PATRICK LENAHAAN: I will
14 actually --
15 MS. PICKARD: No.
16 MR. PATRICK LENAHAAN: -- take
17 care of that issue, but I don't believe --
18 MS. PICKARD: I talked to Nina
19 about that --
20 MR. PATRICK LENAHAAN: -- it's
21 been years since --
22 MS. PICKARD: -- she was --
23 MR. PATRICK LENAHAAN: Years ago,
24 many, many years ago, and I'm talking --
25 MS. PICKARD: Kelly.

27

1 MR. PATRICK LENAHAAN: Yeah,
2 Kelly, and maybe even prior to Kelly back to Steve
3 Schneider and stuff. I remember names from way
4 back, huh? Back then there was like one person
5 that was like the contact person and I could get
6 permission from that person. And then for a while

7 Terri had that kind of authority over just general
8 funds, but anymore I -- even when I've made a
9 switch, it's been in front of you folks like this
10 in a group setting and I -- and I don't believe any
11 one person has the signing power at all.

12 MS. LAMBERTON: We were just
13 checking.

14 MR. PATRICK LENAHAAN: No, I
15 think that's a great -- great question. I brought
16 this along. You do buy some CDs from me
17 occasionally 'cause I have better rates than
18 another banker or PLGIT. So just if there is any
19 questions, this is the only other business that you
20 currently do with me.

21 MS. PICKARD: And Phyllis and I
22 had been working on that and moving money into the
23 CDs when --

24 MR. PATRICK LENAHAAN: I think
25 -- sometimes I have better rates, but I'm

28

1 definitely more transparent on the CD business.
2 The rate I gave you is the rate you receive.

3 Sometimes you deal with a banker or an institution
4 that quotes one rate but then there's a -- a
5 management fee or something attached to a CD, which
6 I don't -- kind of don't get, we're not -- there's
7 nothing to do with it while you hold it, there is
8 no managing a CD. So -- you know, so sometimes
9 that's why I'm able to earn some business in that
10 area.

11 MS. LAMBERTON: Great. Anyone
12 else have any other questions for Pat?

13 Thank you very much for your
14 time and your information.

15 MR. PATRICK LENAHAAN: You don't
16 have to thank me, that's my job. And whenever
17 anybody needs -- needs me I don't -- not only don't
18 I mind coming up, but you're welcome to get my
19 email from Heidi and send me an email about
20 personal things -- personal financial things.

21 MS. LAMBERTON: Okay. Thank
22 you.

23 MR. PATRICK LENAHAAN: All right?

24 MR. KERRICK: Thank you.

25 MS. PICKARD: Thank you.

1 MS. LAMBERTON: Thank you for
2 your time.

3 MR. PATRICK LENAHAN: Thank you.
4 Thanks for having me, folks.

5 MS. LAMBERTON: Moving on.
6 We'll go to Pocono Arts Council contract
7 discussion.

8 MS. PICKARD: The form that I
9 sent was the one that we passed out before. I did
10 want to mention that I called Stroud Township that
11 had been dealing with them and currently is not.
12 And I talked to the gal there for a while and the
13 reason they stopped is because they have their
14 bicentennial and they're doing something different.
15 But they probably will go back, but they did work
16 with them for 10 years and they had no problems.
17 They said most of the people that came in were
18 older and everybody was really flexible. They
19 never took money there, they would just kind of be
20 a conduit and call somebody in --

21 MS. LAMBERTON: Right.

22 MS. PICKARD: -- and kind of
23 hook people up, so they did recommend --

24 MS. LAMBERTON: It's probably

25 the best way to handle that.

30

1 MS. PICKARD: Yeah, yeah. So
2 they were very happy and gave a good recommendation
3 for doing that. And -- and I think we could be
4 flexible with whatever portion we wanted to.

5 MS. LAMBERTON: Where else do
6 they display?

7 MS. PICKARD: You know,
8 honestly she told me a couple places and I did -- I
9 just remembered Stroud was one --

10 MS. LAMBERTON: Okay.

11 MS. PICKARD: -- but there's a
12 couple other --

13 MS. LAMBERTON: So they have a
14 handful?

15 MS. PICKARD: Yeah.

16 MS. LAMBERTON: Okay.

17 MS. PICKARD: And actually
18 Stroud -- the gal at Stroud told me that they just
19 put them up at Pleasant Valley Manor.

20 MS. LAMBERTON: Oh, nice.

21 MS. PICKARD: Yeah.
22 MS. LAMBERTON: Does anyone
23 have any questions or comments from the board?
24 John or John?
25 MR. HOLAHAN: No, this looks

31

1 fairly set. It looks like it's pretty boilerplate
2 when it comes to just hosting an art show.
3 MS. PICKARD: Yeah.
4 MR. REISS: Do you have a
5 hanging system to hang --
6 MS. LAMBERTON: I think that --
7 MS. PICKARD: That was thing
8 that we talked about, the Walker System and we're
9 gonna get quotes and we'll bring that before --
10 before you, but Eddie had looked at that and he's
11 on vacation now, so I didn't get a chance. But
12 Eddie has the measurements and --
13 MS. LAMBERTON: So we'll wait to
14 get that information --
15 MS. PICKARD: Yeah.
16 MS. LAMBERTON: -- and then we
17 can move forward?

18 MS. PICKARD: Yeah.
19 MS. LAMBERTON: Okay.
20 MS. PICKARD: Hopefully we'll
21 have that next week for the meeting, but as long as
22 we're okay we can --
23 MR. HOLAHAN: To be clear on
24 this, we're not using this to generate -- if
25 somebody wants to buy something, Pocono Arts

32

1 Council gets 20 percent, the rest of the money goes
2 to the artist, correct?
3 MS. PICKARD: Yeah.
4 MR. HOLAHAN: Yeah.
5 MS. PICKARD: Yeah, we're just
6 --
7 MR. HOLAHAN: Just gonna
8 display it?
9 MS. PICKARD: Just display it so
10 --
11 MR. HOLAHAN: I'm cool with
12 that.
13 MR. KERRICK: I had a question

14 to -- to Heidi about being responsible.

15 MS. PICKARD: And that's on
16 them.

17 MR. KERRICK: I'm familiar with
18 -- and she answered my question.

19 MS. PICKARD: Yeah.

20 MR. KERRICK: I'm familiar with
21 one where there was a fire and the artist lost his
22 paintings and then he turned around and went after
23 the establishment. I just wanted to make sure we
24 weren't responsible.

25 MS. PICKARD: Well, that's up

33

1 to the -- I don't know.

2 MR. KERRICK: I just thought I'd
3 ask the question.

4 MS. LAMBERTON: No, that's a
5 valid concern.

6 MS. PICKARD: Yeah.

7 MS. LAMBERTON: Any other
8 questions or comments from the board?
9 Questions or comments from the
10 public?

11 I'm sorry. Just give your name.
12 MR. MIKE CHRISTIAN: Mike
13 Christian. Just a clarification, this is for the
14 arts display in the building, right?
15 MS. PICKARD: Yeah.
16 MR. MIKE CHRISTIAN: Good idea.
17 Thank you.
18 MS. LAMBERTON: Yeah. I think
19 it'll make people feel welcome to come into the
20 township building and I think it's a good idea.
21 Moving on. Kalahari Resorts
22 revised staging plan and land development plan for
23 a proposed ropes course.
24 MR. McHALE: We had previously
25 discussed the ropes and the snowtubing course and

34

1 Kalahari's proposing to modify the staging plan,
2 which you all have seen before and approved on
3 several different occasions as they made
4 adjustments in their development. Right now the
5 ropes course will be in the northeastern corner of
6 the site, the wooded area for the actual ropes

7 course itself. This will be a parking area storage
8 for stormwater management.

9 And this is a preliminary plan.

10 The engineer provided this to us last week and he
11 did some preliminary calculations, everything's in
12 order. So far what they need to do, probably by
13 the middle of this week, is get the final plans
14 into us for site lighting and the final cleanup of
15 this portion of it. The engineer was on vacation
16 until tomorrow, so he wasn't able to finish it up
17 like we anticipated.

18 But the goal is to bring before
19 you kind of a package to be able to approve at the
20 meeting next Monday. That's just a layout. This
21 does show a building that will be here, one access
22 point off the boulevard. To give you an idea, this
23 is the location of our existing pump station, the
24 sweep and the curb goes around to the facility. So
25 it's not really a major change to it; and about 87

35

1 parking spaces. They got some sidewalk that's
2 gonna be going right around the edge too as well.
3 So they will have a median cut in the Kalahari

4 Boulevard.

5 Harry, do you have anything else
6 that you could --

7 MR. HARRY FORBES: You covered
8 it.

9 MS. PICKARD: What's the time
10 table on that?

11 MR. HARRY FORBES: They want to
12 start working in the middle of August to put the
13 courses in. They probably won't finish the
14 building because it's a -- it's a prefab building
15 you can put on like a trailer. There'll be two
16 children's course, younger people's courses, and
17 six adult courses. They've contracted with Andy
18 Worthington and Gina -- mind's going. Anyhow,
19 Andy's partner, they -- who run this out at
20 Fernwood area --

21 MS. PICKARD: Yeah.

22 MR. HARRY FORBES: -- they
23 wanted to -- they're the ones working with the
24 design team to put this all in.

25 MR. REISS: Are you aware that

1 the Department of Agriculture licenses --

2 MR. HARRY FORBES: Yeah, they
3 -- they -- matter of fact, they submitted today the
4 application to them. They've been in contact with
5 the Department of Ag, that's all their
6 responsibility for all that. We will come before
7 you when we do the building and all of that besides
8 the NPDES permit, I think there's a minor mod --

9 MR. McHALE: A minor
10 modification.

11 MR. HARRY FORBES: Yeah. So
12 that's all going through the conservation right
13 now, so --

14 MS. PICKARD: And Department of
15 Ag?

16 MR. HARRY FORBES: Yeah, they
17 have control over it, nobody else does, they
18 already stated that's --

19 MR. HOLAHAN: They got stuck
20 with it.

21 MS. PICKARD: 'Cause it has to
22 do with trees?

23 MR. HARRY FORBES: Normally I
24 would've thought it would've been a township thing,

25 but it isn't, it's the Department of Ag that runs

37

1 it.

2 MR. REISS: They actually --

3 MR. KERRICK: We had a meeting
4 there --

5 MR. REISS: They just require
6 certifications here in association that -- of rope,
7 you know, some of that's certified by an
8 association. They don't actually have inspectors,
9 they depend on the inspectors from these
10 associations.

11 MS. PICKARD: So why bother?

12 MR. HARRY FORBES: There's a
13 few of them around here that they've used. So
14 we'll have to certify this and inspect it.

15 MS. LAMBERTON: Yeah, we think
16 it's small circle of people.

17 So we'll take no action on this
18 until we have something in front us probably at our
19 next meeting, Bob, is that what you're
20 anticipating?

21 MR. McHALE: Yes.

22 MS. LAMBERTON: Very good.
23 Any other questions and comments
24 from the board?
25 Questions or comments from the

38

1 public?
2 Okay. We'll move on. Signs
3 displayed during race and special events.
4 Mr. McHale?
5 MR. McHALE: Well, a number of
6 things triggered that and I forwarded you emails
7 describing and suggesting a few items related to.
8 And I think tonight what I'd like to request is
9 that -- and Jonathan's gonna also provide some
10 discussion related to the portion of our sign
11 ordinance.
12 If you may recall, about maybe
13 six or eight weeks ago, there was a -- a
14 recommendation that came before you to modify the
15 sign ordinance in several different aspects. One
16 was to integrate into the race events, also
17 holidays, so that certain federal holidays folks

18 could display by banners or small features like
19 that, flagging, whatever, during a set time;
20 Thursday prior to the event, take signs/banners
21 down the Tuesday following.
22 Another thing that came into
23 play too and is prohibited at this point is, a
24 small sign that would be maybe displayed at
25 convenient stores or out front along the lawn area,

39

1 something like a little A-frame. In our new
2 proposed draft that was done, I guess maybe about a
3 year ago, that the current sign committee is kind
4 of looking at as well, there was quite a change in
5 definitions to actually clarify some types of
6 signs.

7 So I guess tonight the -- the
8 end result of what I think we -- we might ought to
9 look at is, during these race events, I -- I drove
10 the corridor. And I had also called and -- and
11 made some comments about it, because I really
12 didn't see any banners. And I thought well, you
13 know, why don't we have banners welcoming these
14 folks. We got a hundred thousand, you know, race

15 fans coming into the area and we have nothing
16 saying, welcome race fans.

17 So I stopped at -- on Friday
18 evening on my home, I stopped at four different
19 businesses, it was the Dollar General, Dunkin
20 Donuts, Wawa and the Choice Convenient Store across
21 the street. The Dollar General store manager had
22 indicated that they put up the banner, but then
23 they thought the township may not like it, so they
24 took it down. So I assured her it wasn't a
25 problem, go ahead and put it up.

40

1 And the other ones were store
2 managers -- or assistant managers and they were
3 gonna pass word along, but they were glad to hear
4 that they could do that. I think what happens is,
5 these businesses that have turnovers of managers,
6 they don't get the word that they can do these
7 things.

8 So we're thinking maybe what we
9 can do is implement a little program internally or
10 we could have a little flyer or some way -- I know

11 that Maureen already has some links for the website
12 to notify folks, but I think we need to maybe be a
13 little more aggressive in trying to get that word
14 out that we can do that.

15 When I was growing up, I
16 remember this place was covered with banners and
17 welcome -- and -- and I think the race car fans and
18 -- and other special events that the track has, the
19 folks will feel more received. And I think it'll
20 -- it'll provide that -- that atmosphere that we're
21 looking for. And I would even suggest that we
22 consider something like down in our park, the
23 Austin T. Blakeslee Natural Area right there where
24 the -- the gravel parking area is, maybe display a
25 little banner there as people come in 115 and it

41

1 says welcome race fans, you know, something we can
2 look at.

3 So I guess Jonathan may want to
4 provide some comments, 'cause he and I had some
5 dialogue on some things on ordinances and he can go
6 into more detail from a legal perspective. But at
7 the end of the evening, if -- if you all would

8 authorize Jonathan maybe to do an amendment, a
9 minor amendment to our current sign ordinance,
10 that's part of the zoning, and get with our zoning
11 officers to kind of discuss how we could expand the
12 -- we are -- right now we only have two race events
13 included in the ordinance. We would expand that to
14 race events and other special events that are held
15 at the track.

16 In addition to that, what you
17 all looked at before was holidays, and I think you
18 were kind of, you know, looking at the idea of
19 maybe some federal holidays. So that would be like
20 -- Mr. Kerrick had said Columbus Day maybe,
21 Thanksgiving, Christmas, those kind of things.

22 So if, Jonathan, you wanna kinda
23 give them an overview of some of the things you
24 looked into and found, I think that we can move
25 forward with some of this.

42

1 And this would be like a
2 temporary thing because if we can get it done in,
3 you know, say, 60 days, that would be implemented

4 and then the sign committee can go -- it may take
5 --

6 It's quite a task, Mike, isn't
7 it, to get this done?

8 So six months minimum they have
9 actually to get it to you, then we have planning
10 commission, we have advertisements, we have board
11 -- it may be nine months or longer before this is
12 actually, you know, a sign ordinance that's adopted
13 and -- and implemented. So this little fix right
14 here could help businesses, local businesses not
15 only, you know, welcome folks that are going to the
16 races, special events, but also the holidays coming
17 up too.

18 MR. REISS: So what it would
19 take is an amendment to your zoning ordinance you
20 can't -- you can't regulate signs as a stand alone
21 ordinance. So if you're changing your zoning
22 ordinance, that requires a draft ordinance to go to
23 the county and the township planning commission.
24 They have 30 days under the Municipalities'
25 Planning Code to review and issue comments, then it

1 gets advertised for a public hearing back before
2 you. Now, if you make substantial changes based on
3 those comments, you have to start the process over
4 again.

5 So you are looking at Bob being
6 an optimist -- my wife calls me a practicing
7 pessimist -- I think you're looking at two to three
8 months, but you could -- you could get -- make
9 those changes. Now, because these are temporary
10 like signs, you're going to have to be content
11 neutral on them. So it would be -- all types of
12 temporary signs would be allowed during these --
13 these certain specific time periods.

14 MS. LAMBERTON: So not just --

15 MR. REISS: Right.

16 MS. LAMBERTON: -- welcome race
17 fans --

18 MR. REISS: Right.

19 MS. LAMBERTON: -- or you can't
20 be terminology specific?

21 MR. REISS: Correct.

22 MS. LAMBERTON: I'll tell you
23 though, when I'm listening to this, Bob -- and I --
24 I applaud your excitement and your desire to wanna
25 help the local businesses, I -- I want to say that

1 first. This might be a good trial to try it on for
2 size before the, you know, grand finale of the
3 actual ordinance. You know what I mean though? I
4 mean, if we can see, what is the appearance like,
5 you know, is -- does it help businesses. And maybe
6 that might be a way to try it on for size. I like
7 it.

8 MS. PICKARD: Unfortunately,
9 most of the season's gone and hopefully we'll have
10 an ordinance by next summer.

11 MR. HARRY FORBES: You got
12 August.

13 MS. PICKARD: My comment --

14 MS. LAMBERTON: I know. I would
15 have to say, you know, I know -- I'm an optimist
16 like Bob, so I -- I love Labor Day. But still,
17 seriously, if you look at, like John said, with
18 Columbus Day, there are so many people that come to
19 our area for fall foliage and, you know, the kids
20 have a long break from the New York/New Jersey
21 schools and they come up here, you know, kind of

22 like the pre-snow season. I mean, I'm -- I'm
23 willing to try anything that could possibly help
24 bring excitement and make people welcome in our
25 township.

45

1 MS. PICKARD: Well, we do --

2 MR. McHALE: And too maybe not
3 limited to the banners, but maybe some of those
4 small signs that could be displayed along the edges
5 of the, you know, corners of intersections. Any
6 business could really look at something like that,
7 because they're gonna be temporary. They're only
8 gonna be from Thursday to Tuesday around that
9 holiday or special event.

10 And since the ordinance has only
11 two race events, I don't think we should restrict
12 it to a number on that because I, as a motorcycle
13 fan, would like to see that, hey, what if they come
14 up with a motorcycle race over there and they
15 decide to put it in place. Now we only say, you
16 know, two race events, we can't do the motorcy --
17 what if the tractor -- tractor-trailer type things,
18 those things --

19 MS. LAMBERTON: Truck races,
20 sure.

21 MR. McHALE: -- they race
22 around. Yeah, those kind of things.

23 MS. LAMBERTON: And you have
24 Indy.

25 MR. McHALE: The Indy's coming

46

1 up.

2 MS. LAMBERTON: Yeah.

3 MR. McHALE: And so anyway, I
4 just want to say when Jonathan is drafting a
5 revision to this, is that we not lock it into that,
6 we just say race events at -- or special -- race
7 and special events at Long Pond.

8 MS. PICKARD: Large gatherings,
9 we could use the large gathering. Now, we already
10 did this and we were going to adopt something so we
11 have a draft, we just need to tweak it, correct?

12 MR. REISS: I don't remember if
13 you -- if it's -- the way things used to work was
14 Phyllis, Bob and Maureen worked on something and

15 then sent it to my office.

16 MS. PICKARD: But we had it all
17 with the holidays already.

18 MR. REISS: Right.

19 MR. McHALE: We had a little
20 something with the holidays, but --

21 MS. PICKARD: Yeah.

22 MR. McHALE: -- I think it's
23 gonna take a little more modifications and if --

24 MS. PICKARD: Yeah, slightly.

25 MR. McHALE: -- Jonathan and our

47

1 zoning officers --

2 MS. LAMBERTON: Yeah.

3 MR. McHALE: -- could get
4 together and talk through --

5 MS. PICKARD: Yeah.

6 MR. McHALE: -- how we could
7 implement those smaller signs, as well as the
8 banners to be displayed during those time periods
9 and not restrict the number of events that are
10 being done except for the holidays, plus those race
11 events at the track.

12 MR. HOLAHAN: That's -- so
13 that's gonna go under -- I got it open here. So
14 that's 11-16 under temporary signs and standards
15 and we've pulled out a number of things and what
16 they'd be allowed to do. We do address banners for
17 the NASCAR, but we'll have to -- we should expand
18 that.

19 MS. PICKARD: Yeah.

20 MR. HOLAHAN: But it also says
21 for height, location, shall not exceed more than 20
22 feet and -- and I do remember when the banners were
23 all over as well. But if we can't -- if we can't
24 regulate content, are we going to have signs for
25 ATV tours and all those things to be put out there

48

1 as well? I mean, it'll be a whole mishmash of
2 things, right?

3 MR. REISS: It could. It could
4 be a church bazaar, could be anything.

5 MR. HOLAHAN: So I guess the
6 thing is --

7 MS. PICKARD: Are they on

8 premise though?

9 MR. HOLAHAN: Well, you can't
10 control content, so even though it's on premise,
11 can you say something else, right? Could you be on
12 premise and then --

13 MS. LAMBERTON: Then you would
14 hope --

15 MR. McHALE: Can you specify --

16 MR. HOLAHAN: -- display --
17 display something else.

18 MR. McHALE: -- though
19 commercial content on premise, I guess that's the
20 question?

21 MR. REISS: No, it can't -- you
22 can't -- you're not content neutral when you're
23 saying commercial, it has to be --

24 MS. LAMBERTON: So this is a
25 perfect trial run, because you would hope that the

49

1 businesses would take the lead and see the reason
2 that you want to do this, to encourage folks to
3 visit their business and that would make it content
4 sensitive to their business.

5 MS. PICKARD: Well, if we limit
6 it --

7 MS. LAMBERTON: And if not, then
8 we know where to go in direction for the sign
9 ordinance.

10 MS. PICKARD: But if we limit --

11 MS. LAMBERTON: If it's abused,
12 I don't know, it's -- it's a way to try it.

13 MS. PICKARD: If we limit the
14 number of displays or something that would prevent
15 somebody from having their sign and 10 other people
16 --

17 MR. HOLAHAN: Right.

18 MS. PICKARD: -- advertising --

19 MR. McHALE: There you go.

20 MS. PICKARD: -- their --

21 MS. LAMBERTON: Oh, okay. Yeah,
22 that sounds reasonable.

23 MR. McHALE: That's a good idea,
24 limit the number --

25 MS. PICKARD: -- ATVs and --

1 MR. HOLAHAN: Because -- right.

2 Then --

3 MS. PICKARD: -- people down the
4 street.

5 MR. HOLAHAN: -- you're just
6 gonna -- then you're just going to want to take
7 that opportunity to promote your place.

8 MS. PICKARD: Your place, yeah.

9 MR. HOLAHAN: Right.

10 MS. LAMBERTON: That sounds
11 reasonable.

12 MR. REISS: So is there -- so
13 you -- to try to speed up this process, is there a
14 number in mind that you all have? I mean, you'll
15 see it in the written document and have a chance to
16 change it before it goes to the planning
17 commission; but is there some number that you think
18 is a reasonable number per property?

19 MS. PICKARD: Well, I'm just
20 trying to think if you have one banner and one
21 sandwich board and one -- you know what I mean?
22 Like --

23 MR. HOLAHAN: Well, one of the
24 reasons we talked against sandwich boards because
25 we thought they were hazards.

1 MS. PICKARD: Well, I know
2 that, but they're saying --

3 MR. HOLAHAN: But -- but, yeah,
4 I would think that -- I would go for four. And,
5 you know, if you're a corner piece of property, you
6 get your front and two ro -- you know, two roads,
7 you get to pick that up.

8 MS. LAMBERTON: Brendon?

9 MS. PICKARD: I like three, but
10 --

11 MR. KERRICK: What if you had
12 more than one business?

13 MS. LAMBERTON: Just state your
14 name, Brendon.

15 MR. BRENDON CARROLL: Brendon
16 Carroll.

17 MS. LAMBERTON: Thank you.

18 MR. BRENDON CARROLL: I think
19 it's great. I like Bob's idea, like you say,
20 Annie, but we started this -- first of all, I'll
21 step back where I feel the previous board spent the
22 last 20 years to get rid of all that stuff, that's

23 why you don't see them anymore. So unless the
24 board is ready to have weekend enforcement and all
25 that -- I would like the opportunity to let our

52

1 sign thing work out. I mean, I -- it was my
2 understanding that the board was like, we're gonna
3 just kind of let things go for a while and not
4 enforce until this -- that was my understanding of
5 the purpose.

6 MR. HOLAHAN: But you guys
7 aren't going to come up with anything till the end
8 of the year. And -- and so -- so we pass an
9 ordinance, we amend this one and then we have to
10 amend it again when you guys come up with -- with
11 your results, you know, what's the harm? What's --
12 how much more is that gonna cost us?

13 MS. PICKARD: Then we'll know
14 where the problems are if we have to crack down --

15 MR. HOLAHAN: Well, and then to
16 Annie's point we'll find out --

17 (Inaudible comments.)

18 THE REPORTER: Okay. Sorry.

19 One at a time.

20 MR. HOLAHAN: -- who's pushing
21 you out -- to Annie's point, who's pushing the
22 envelope though as well.

23 MS. LAMBERTON: And maybe it
24 won't be as great as folks think it is, but maybe
25 if it does encourage, you know, welcoming a large

53

1 -- like Bob commented, if you have a hundred
2 thousand people coming to an area and if I was a
3 business owner, I certainly would like to get some
4 of their attention.

5 MR. McHALE: And I did see a
6 couple of banners, but they were like -- they were
7 on a wooden fence right next to the building and if
8 you have two SUVs parked there, you don't see it
9 until you're walking into the restaurant, you know.
10 It's the kind of display I remember from years past
11 that I think might really make these race fans and
12 other special event fans feel like, hey, we really
13 want them here, you know.

14 MS. LAMBERTON: Mike?

15 MR. MIKE CHRISTIAN: Mike

16 Christian.

17 Aren't you gonna confuse people,
18 though, if -- if you have one ordinance now and
19 then it gets tweaked? I mean, it's a good idea, I
20 mean, people -- banners are good and advertising's
21 good, but, you know, when you talk about the number
22 per property and you got a strip mall, then you got
23 -- was is it one per business? Are we coming back
24 to that same argument of, is it one per business?
25 Is it seven? Is it ten? Is it four? Is it three?

54

1 And then the other side of the
2 coin is, if there are changes, the business is
3 gonna go, wait a minute, you just changed this two
4 months ago, now you're changing it again. And I
5 would think --

6 MR. McHALE: But you all are
7 working on the comprehensive update to the entire
8 package.

9 MR. MIKE CHRISTIAN: Right.

10 MR. McHALE: We're -- we're just
11 looking at just -- just tweaking this enough to get

12 into the holidays of the banner portion of it, is
13 -- that's it and -- well, and a couple little
14 signs.

15 MR. MIKE CHRISTIAN: Well,
16 that's my point, that'll get changed. And then if
17 there's a tweak to it, the business is gonna go,
18 wait a minute, two months ago, I was allowed to
19 put, you know, four signs up, now it's three or I
20 had seven signs and now it's three.

21 MS. LAMBERTON: You know, that
22 might be an opportunity, Mike, for our zoning
23 officer to get out in the public and say, look,
24 we're going to try this until our ordinance has
25 been revised, we want to give it a chance, because

55

1 we -- I don't know, people do seem to like that, to
2 have, you know, the special event or large
3 gatherings, you know, have -- have it as an
4 advertisement. Maybe we need to get out and speak
5 to these people.

6 Like you stopped, Bob, you
7 stopped at four businesses and I applaud you for
8 that, that's not easy to do, 'cause you never know

9 what kind of reception you're going to get. But if
10 we start making ourselves involved with the
11 businesses on a personal level, like you say,
12 Maureen does have a lot of contacts on a personal
13 level, I think that that -- you know, maybe that's
14 -- will be the new face of the township and show
15 people that we really wanna hear what they have to
16 do.

17 Let them know we're trying this,
18 that we do have a committee. People might not even
19 know that you guys are working on this.

20 Yes, Mike?

21 MR. MIKE CHRISTIAN: The second
22 part to that is, what are the special events
23 because there's -- you know, there's the Porsche
24 club goes there, the Audi Club goes those, there's,
25 you know, motorcycle clubs, the Indian motor -- the

56

1 -- the -- it's just unlimited number of special
2 events.

3 MS. LAMBERTON: Well, I think
4 that they mention large gatherings. I mean, well,

5 we know that that's a large special event.

6 MR. MIKE CHRISTIAN: So would
7 that be defined --

8 MS. LAMBERTON: That -- I would
9 think that would be defined as your NASCAR and your
10 Indy. And maybe we need to contact the racetrack
11 and see what volumes of people they actually do
12 get.

13 MR. KERRICK: Some of the
14 weekends they have are private. It might Audi or
15 whatever, but they're private, they're not really
16 public. We obviously think that they're important
17 because every function we have here, the township,
18 we put signs out; night out, movie --

19 MS. PICKARD: I have a comment
20 about that too.

21 MR. McHALE: Exactly.

22 MS. PICKARD: I don't -- I
23 don't like those signs. I think we're being
24 hypocritical by putting them out.

25 MR. KERRICK: Kind of thought

1 the same thing --

2 MS. PICKARD: Yeah.

3 MR. KERRICK: -- but we put
4 them out, so obviously we must think it's
5 important.

6 MS. LAMBERTON: We violated our
7 own ordinance.

8 MS. PICKARD: I don't know. I
9 agree with you.

10 MR. BRENDON CARROLL:
11 Off-premise sign.

12 MR. KERRICK: Doesn't look good.

13 MS. PICKARD: It doesn't.

14 MS. LAMBERTON: Well, what's the
15 pleasure of the board? Can we instruct Bob and --

16 MS. PICKARD: Yeah.

17 MS. LAMBERTON: -- Jonathan and
18 Maureen to work together on this and see what you
19 can bring to us?

20 MR. HOLAHAN: And then perhaps,
21 then we take it to the sign committee.

22 'Cause, Mike, I understand,
23 don't want to make us look wishy-washy here either
24 and they don't know what to expect from this board.
25 We're trying to do something, we're trying to do

1 the right thing and, you know, this is not written
2 in stone, but we haven't done anything for a long
3 time.

4 MS. PICKARD: Can we get a
5 draft by Wednesday?

6 MR. HOLAHAN: But I would like
7 to see it run by the sign committee, if they could
8 address that.

9 MS. LAMBERTON: Oh, absolutely,
10 yeah.

11 MS. PICKARD: It should be
12 something that they have their stamp on so we kind
13 of make it something that they're agreeable --

14 MR. HOLAHAN: We can blame them
15 for.

16 MS. PICKARD: Yeah, exactly.

17 MS. LAMBERTON: And then
18 encourage your input too, absolutely, that would be
19 very important.

20 MS. PICKARD: That would be
21 better, yeah.

22 MS. LAMBERTON: Fair enough?

23 MS. PICKARD: It should emanate
24 from there.

25 MS. LAMBERTON: Yes? Hello,

59

1 how are you, sir?

2 MR. PETER TOTA: Hi, how are
3 you?

4 Peter Tota.

5 These signs and the banners,
6 does that also include, I think, on Long Pond Road
7 and 940 where they pull in the truck and it says
8 every Wednesday we sell fresh vegetables, it's like
9 a big sign? And also I don't know, is Tractor
10 Supply in To -- it's not --

11 MS. LAMBERTON: No, that's now
12 ours.

13 MR. KERRICK: No.

14 MR. PETER TOTA: I know that he
15 has the one there, that corner, he has a big truck
16 and puts up a big banner. Now, I don't know if
17 that's part of the signage committee to look into?
18 Because if he's allowed to do that there, can
19 somebody go down 940 and put a truck up and say, I

20 now have fruit for sale and put a big banner?

21 MS. PICKARD: They have to have
22 a transient permit.

23 MR. PETER TOTA: I don't know
24 if he does or he doesn't, but it's there.

25 MS. PICKARD: Well, they do in

60

1 our township, that's regulated.

2 MR. PETER TOTA: Oh. Pulls in
3 the gas station every Wednesday, there's -- I'm
4 only saying because it's -- he's doing it, I don't
5 know if he has a permit, not have a permit or if he
6 doesn't have a permit, then he needs one, 'cause if
7 he doesn't, then somebody else could do it going
8 down 940.

9 MS. LAMBERTON: It sounds like
10 he does, right?

11 MS. PICKARD: He -- there's
12 something with that, it's a secondary use for Robin
13 Hoffman on that one, if we're talking about
14 Hoffman.

15 MR. PETER TOTA: I didn't know,

16 I just wanted to --
17 MS. LAMBERTON: Thank you. I
18 appreciate you bringing that to our attention.
19 MS. LAMBERTON: Any other
20 comments?
21 Everybody good here?
22 MR. HOLAHAN: I'm cool.
23 MS. LAMBERTON: We'll have
24 Jonathan and Bob and Maureen move forward on that
25 and see what you could bring us like tomorrow at

61

1 nine or something like that.
2 MR. McHALE: Speaking of signs,
3 we do have the National Night Out tomorrow night --
4 MS. PICKARD: Yeah.
5 MS. LAMBERTON: Yes.
6 MR. McHALE: -- at six to
7 eight-thirty. And I also wanted to ask to -- also
8 related to the Jubilee Restaurant, they did not
9 have and nor were they required to have a land
10 development plan to add on a few extra spaces.
11 It's about a little over two-tenths, it's about a
12 quarter of an acre. We're gonna ask that Jonathan

13 Reiss be able to put together a -- kind of reduced
14 version of a stormwater maintenance agreement that
15 would go into place for that as we normally would
16 do, because it's required under Act 167.

17 MS. LAMBERTON: Everybody fine
18 with Jonathan writing up something to move forward
19 with that?

20 MR. HOLAHAN: Yeah.

21 MS. LAMBERTON: Very good.

22 MR. REISS: Can you send me
23 information as --

24 MR. McHALE: Yes.

25 MR. REISS: -- to the parcel

62

1 number and ownership and stuff?

2 MR. McHALE: I'll get you all
3 that information.

4 MS. LAMBERTON: Anything else,
5 Bob?

6 MR. McHALE: No, ma'am. I'm
7 good.

8 MS. LAMBERTON: Anyone else?

9 MS. PICKARD: Yeah. I just --
10 real quick, I just wanted to mention, Bob asked me
11 to mention, that I've been wiring funds from
12 Landmark to ESSA and that process is almost
13 complete as of today. I'm waiting for the interest
14 I had moved, another seven accounts that I'm hoping
15 to close, but we will still have six or seven
16 accounts rolling for a while at Landmark, our major
17 accounts, so -- but we're almost there.
18 MS. LAMBERTON: We're getting
19 there, yeah.
20 MS. PICKARD: It's been grueling
21 but --
22 MS. LAMBERTON: Good.
23 Anything else?
24 MR. HOLAHAN: Tara, do you have
25 anything?

63

1 She can't even speak.
2 What, you're not allowed to
3 speak?
4 MS. LAMBERTON: Thank you for
5 all. Thank you for everyone joining us this

6 evening.

7 MR. McHALE: And with these --

8 MS. LAMBERTON: Oh, I'm sorry,

9 he's not --

10 MR. PETER TOTA: Question?

11 MS. LAMBERTON: Sure.

12 MR. PETER TOTA: Peter Tota

13 again.

14 I belong to the environmental
15 committee for Lake Naomi. And our last meeting we
16 discussed about the milkweed that is the host plant
17 for the monarch butterfly. I got a hold of Ed
18 Tutrone last week about, do they have to cut all
19 the milkweed down from pole to pole, which really
20 is doing nothing. He said it's up to in -- in --
21 intermanagement. Who is intermanagement?

22 MR. REISS: Interim.

23 MS. LAMBERTON: Interim manager?

24 Bob, it's up to you about the
25 milkweed?

1 MR. PETER TOTA: I mean, it's --

2 it doesn't make sense from --

3 MS. LAMBERTON: Is it sight
4 distance?

5 MR. PETER TOTA: I mean, there
6 are sections of grass with one or two plants, fine.

7 MS. PICKARD: I don't know. We
8 cut the grass at the road --

9 MR. PETER TOTA: We're losing
10 monarch butterflies forever because of --

11 MS. LAMBERTON: Is it for
12 visibility? Is that why it's being cut back on the
13 roads?

14 MR. McHALE: I mean, they mow
15 the edges of the shoulders and that's --

16 MS. LAMBERTON: Oh, I see what
17 you're saying.

18 MR. McHALE: Yes.

19 MS. LAMBERTON: Okay.

20 MR. PETER TOTA: But it's not --

21 MR. McHALE: And people walk
22 along these roads, they're narrow to begin with and
23 we don't wanna create a safety issue, which would
24 be a -- a liability for us --

25 MS. LAMBERTON: Okay.

1 MR. McHALE: -- if we leave it
2 and then people walking the roads, somebody gets
3 hit and they say, well, the rest of your roads are
4 cut, why isn't this one, you know. So we're trying
5 to be consistent, as well as safe with walking
6 pedestrians.

7 MR. PETER TOTA: Well, it's
8 awful --

9 MS. LAMBERTON: So that is
10 reason why?

11 MR. McHALE: I don't know that
12 the monarch butterfly population is necessarily
13 gonna decrease. I think they're gonna move about
14 in -- I mean, we got a lot of other wetland areas
15 around that --

16 MS. LAMBERTON: Right.

17 MR. PETER TOTA: I'm just --
18 that's there host plant, that's what I'm saying.
19 'Cause we created a butterfly garden by the
20 overflow of the dam and 423 and you're all welcome
21 to -- they're all open, there's butterflies --

22 MS. LAMBERTON: Oh, I bet it's
23 beautiful.

24 MR. PETER TOTA: And that's
25 where -- yeah. That's where the --

66

1 MS. LAMBERTON: We'll have to
2 start a committee to plant more in another location
3 for the ones that were taken down. We could put
4 you in charge of that, Mr. Tota.

5 MR. PETER TOTA: I would, as
6 long as they -- he stops cutting them down.

7 MS. LAMBERTON: Well, just move
8 them away -- away from the road a little bit.

9 MR. PETER TOTA: Thank you.

10 MS. LAMBERTON: Thank you.

11 MS. PICKARD: Can't be in the
12 right-of-way.

13 MS. LAMBERTON: Anything else?
14 I'll entertain a motion to
15 adjourn.

16 MS. PICKARD: So moved.

17 MS. LAMBERTON: All right.

18 Thank you very much.

19 (Meeting concluded at 6:53 p.m.)

20

21

22

23

24

25

67

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

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

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township Engineer/
Interim Township Manager

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

2

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

4 (Pledge of allegiance was
5 recited.)

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

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

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

14 What's your pleasure?

15 MS. PICKARD: We just --

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

18 MR. KERRICK: Sure.

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

3

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

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

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

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

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

15 Okay. I'll second that then.

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

4

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

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

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

18 Everybody cool with that?

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

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

23 MR. HOLAHAN: I'll second.

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

5

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

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

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

8 MR. KERRICK: I have a question

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

10 MR. REISS: Yes. Every time you

11 have --

12 MR. KERRICK: We were told that

13 we did it in the beginning of the year and gave it

14 the treasurer.

15 MR. REISS: Every time you have

16 a voting conflict, you're supposed to announce the

17 conflict and then submit that in writing that gets

18 attached to the minutes.

19 MR. KERRICK: Thank you.

20 Call the vote?

21 Oh, you have a question? I'm

22 sorry, Heidi.

23 MS. PICKARD: No. I just wanted

24 to mention that we have a -- we had wrote a check

25 to the capital reserve account for 344,000, which

6

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

2 MR. KERRICK: Okay.

3 MS. PICKARD: So we did

4 transfer the money from -- which included the 213

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

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

9 MS. PICKARD: We did --

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

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

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

17 Seeing none. Call the vote.
18 John?

19 MR. HOLAHAN: Yes.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: And I'll abstain.

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

25 MR. REISS: Then bec -- then

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

2 that.

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

7 MS. PICKARD: It is.

8 MR. HOLAHAN: They are.

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

11 MR. HOLAHAN: Can we --

12 MS. PICKARD: -- Sharp is not.

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

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

19 MR. HOLAHAN: All right.

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

1 MR. HOLAHAN: Right.

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

5 MR. HOLAHAN: Okay.

6 MR. KERRICK: I'll vote.

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

9 MS. PICKARD: Yeah, well --

10 MR. HOLAHAN: Okay.

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

13 MS. PICKARD: No.

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

16 MS. PICKARD: No.

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

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

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

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

9

1 MR. REISS: Correct.
2 MR. KERRICK: Second vote.
3 All in favor signify by saying
4 aye?
5 MR. HOLAHAN: Aye.
6 MS. PICKARD: Aye.
7 MR. KERRICK: Aye.
8 Opposed, nay?
9 Ayes have it. Motion carried.
10 MR. REISS: Bob, I think you
11 have a form for those, right?
12 MR. KERRICK: It's on our
13 website, we can print one out.
14 Solicitor's report.
15 MR. REISS: I have three items.
16 In July at the meeting that I was not attending,
17 but John Rice from my office was there, I think you
18 discussed Pine Crest Phases 5 and 6. You finally
19 got an answer back on that late this afternoon

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

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

10

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

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

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

14 MR. KERRICK: I'll second it.

15 Questions or comments from the

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

11

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

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

15 Manager's report.

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

25 PennDOT paving and bridge

12

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

9 The PennDOT bridge
10 reconstruction over to Trout Creek near Arrowhead,
11 there's a preconstruction meeting tomorrow at three
12 o'clock, if anyone's interested, here at the
13 township building. They are gonna go over two
14 projects, but that's one of them. The contractor
15 is Plenary Walsh Keystone Contractors and the
16 tentative start is in September.

17 Ed, do you want to mention
18 anything about the coordination between the two
19 Locust Ridge paving and the bridge project at this
20 point?

21 MR. ED TUTRONE: I spoke with
22 someone from Locust Ridge today, they're trying to
23 find out if, you know -- hopefully get it tomorrow,
24 a tentative date if Walsh Granite is still going to
25 be shooting for the 1st of September to start the

13

1 bridge. If they are, Locust Ridge Contractors will
2 be starting in the next week or so to pave a small
3 stretch by the bridge to get that completed. If
4 not, if Walsh is gonna hold off, they're gonna wait
5 till after Labor Day to do the paving on Locust

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

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

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

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

1 Our township staff put a lot of time and effort

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

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

8 MR. HOLAHAN: Yep.

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

17 Correct?

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

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

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

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

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

6 MR. McHALE: That would be
7 great.

8 MR. HOLAHAN: I'll second that.

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

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

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

15 MS. PICKARD: Okay.

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

18 MS. PICKARD: Okay.

19 There's a motion and a second.

20 All those in favor?

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

23 MR. HOLAHAN: Yes.

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

16

1 MR. KERRICK: I have a question
2 on the two bridges, could I --

3 Ed, sorry to -- the 940 and Twin
4 Lakes, any idea, is that still on schedule or
5 haven't you heard?

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

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

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

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

24 MR. KERRICK: Which was nice.

25 MR. ED TUTRONE: So they will

17

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

3 MR. KERRICK: Thank you.

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

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

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

20 That's all I have. Thank you.

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

23 MR. McHALE: No.

24 MR. HOLAHAN: Soon.

25 MS. PICKARD: Soon. Some day.

18

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

6 MR. HOLAHAN: 11th?

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

9 MR. McHALE: 30.

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

12 MR. HOLAHAN: Yeah.

13 MS. PICKARD: If anybody can
14 make it, you're welcome to --
15 MR. KERRICK: Here?
16 MS. PICKARD: Here.
17 And PMR EMS.
18 MS. DENISE DOREMUS: Hi.
19 MS. PICKARD: Hi. Almost gonna
20 give a report.
21 MS. DENISE DOREMUS: I actually
22 just finished them this afternoon. In Tobyhanna
23 Township, actually you're still on the rise at this
24 year, at 18 percent so far. A hundred and three
25 calls so far this month. We had a total of 514

19

1 calls. We also attended the National Night Out
2 that night also too.
3 All together in the area, again,
4 we're up 5.5 percent, but we're only up 2. -- .2
5 percent for total, 'cause our mutual aide is still
6 down with Suburban covering Pocono Township, which
7 is a good thing.
8 Any other questions?
9 MS. PICKARD: When's the new

10 truck coming? We have a new truck coming.

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

15 MS. PICKARD: 18, 21st.

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

19 MR. KERRICK: Thank you.

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

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

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

20

1 MS. DENISE DOREMUS: Anything
2 else?

3 MS. PICKARD: No. Thank you.

4 MS. DENISE DOREMUS: Thanks.

5 MS. PICKARD: Is there anyone

6 here from Thornhurst?

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

10 Can we take that off until --

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

13 MS. PICKARD: Okay.

14 Is that cool with everybody?

15 MR. HOLAHAN: Yes.

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

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

21 MR. HOLAHAN: Oh, cool.

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

21

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

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

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

10 MR. McHALE: Yep.

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

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

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

23

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

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

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

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

24

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

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

11 MR. HOLAHAN: Right.

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

14 MR. HOLAHAN: Warped in --

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

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

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

25 MR. KERRICK: Well, we looked

25

1 at it numerous times and -- and --

2 MS. PICKARD: Not the sign
3 ordinance.

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

8 MR. HOLAHAN: In retrospect --

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

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

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

26

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

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

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

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

22 How long, Jonathan?

23 MR. REISS: 30 days.

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

27

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

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

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

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

12 MR. McHALE: -- the
13 comprehensive.

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

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

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

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

28

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

3 MR. McHALE: The only item --

4 MR. HOLAHAN: -- concerned

5 about.

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

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

21 MR. HOLAHAN: So you already --

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

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

1 language back together?

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

4 MR. HOLAHAN: Right.

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

9 MR. HOLAHAN: All right.

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

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

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

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

25 MR. DAN DOUGHERTY: A lot of

31

1 work --

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

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

9 MR. McHALE: We'll forward --

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

11 MR. DAN DOUGHERTY: Want my
12 copy?

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

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

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

18 MR. HOLAHAN: Right, that's what
19 I was saying, we could pull it off of here.
20 MS. PICKARD: And they have it,
21 they have it.
22 MR. MIKE CHRISTIAN: All right.
23 Thank you very much.
24 MR. HOLAHAN: You're welcome.
25 MR. ARAM CALFAYAN: John, I'm a

32

1 little ignorant of what's going on. Are we talking
2 about digital signs and animated digital signs? Or
3 are we just talking about animated digital signs?
4 MR. HOLAHAN: Actually right
5 now we're just talking about digital signs and our
6 -- and our sign draft. We're -- we're -- we've got
7 the committee tasked with bringing all that stuff
8 back to us again.
9 MR. ARAM CALFAYAN: Okay.
10 MR. HOLAHAN: Yeah. Thank you.
11 MR. ARAM CALFAYAN: Thank you.
12 MR. HOLAHAN: Let's go on to
13 Item B, Kalahari Stage B ropes course, land

14 development plan, staging plan revisions.

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

17 MR. McHALE: Yes, sir.

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

24 Did you all get to read that
25 yet?

33

1 MS. PICKARD: Yeah.

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

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

6 MR. KERRICK: Second.

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

9 Further discussion?

10 Do you have anything to add, Mr.

11 McHale?

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

15 MR. HOLAHAN: Umm-hmm.

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

18 MR. McHALE: Well --

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

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

25 MR. HOLAHAN: The chair to

34

1 execute.

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

4 MR. HOLAHAN: Execute.

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

7 MR. HOLAHAN: Yes.
8 MR. McHALE: So we don't have
9 to wait --
10 MS. PICKARD: Can I --
11 MR. McHALE: -- till September
12 to get that --
13 MS. PICKARD: -- amend my
14 motion to include that?
15 MR. HOLAHAN: I've got an
16 amendment on your motion.
17 MR. KERRICK: I'll amend my
18 second as well.
19 MR. HOLAHAN: And the second's
20 amended as well.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Hearing none. Call the vote.
25 John?

35

1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: I vote in favor.

4 MR. HOLAHAN: And I say yes.

5 Motion carries.

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

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

10 MR. McHALE: You can go ahead.

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

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

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

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

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

12 MR. KERRICK: So moved.

13 MR. HOLAHAN: -- authorize?

14 And I'll second.

15 Motion and second.

16 Further discussion?

17 Anything from the public?

18 Hearing none. Call the vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: Vote in favor.

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

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

4 MS. PICKARD: Yeah.

5 MR. HOLAHAN: Yes.

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

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

16 MS. PICKARD: Yeah.

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

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

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

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

38

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

3 MR. HOLAHAN: Okay.

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

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

8 MS. PICKARD: You okay with it?

9 MR. HOLAHAN: John?

10 MR. KERRICK: Absolutely.

11 MR. HOLAHAN: By consensus.

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

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

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

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

39

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

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

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

14 MR. McHALE: Legal reviewer.

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

40

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

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

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

16 MR. McHALE: Both.

17 MR. KERRICK: Okay. Thank you.

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

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

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

41

1 MS. PICKARD: I'll make --

2 MR. HOLAHAN: -- Mr. McHale?

3 MS. PICKARD: -- that motion.

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

6 MR. KERRICK: Second.

7 MS. PICKARD: Can we do both

8 together?

9 MR. HOLAHAN: Sure.

10 MS. PICKARD: Mr. McHale and

11 our solicitor Jonathan Reiss.

12 MR. HOLAHAN: Okay. So I've

13 got a motion.

14 Do I have second?

15 MR. KERRICK: Second, that's a

16 second.

17 MR. HOLAHAN: So I've got a

18 motion and a second.

19 Further discussion?

20 You all know what's going on?

21 Okay. Do you care?

22 Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MR. HOLAHAN: Heidi?

42

1 MS. PICKARD: I vote in favor.

2 MR. HOLAHAN: I vote in favor.

3 Motion carries.

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

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

9 MR. REISS: Both of those --

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

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

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

16 MR. KERRICK: From what time?

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

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

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

23 What time do you have a meeting?

24 MR. KERRICK: Three o'clock.

25 MS. PICKARD: Well, that's

1 another conflict problem.

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

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

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

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

10 MR. REISS: Yes.

11 MR. McHALE: Yes.

12 MS. PICKARD: Okay.

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

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

17 MR. REISS: Yes.

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

20 MR. HOLAHAN: I'm good.

21 MS. PICKARD: And apparently

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

45

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

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

23 MR. KERRICK: Okay.

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

46

1 MS. PICKARD: Well, preferably.

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

5 MS. PICKARD: No.

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

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

10 MR. REISS: -- the transfer.

11 MS. PICKARD: -- of the year.

12 MR. HOLAHAN: Okay.

13 MS. PICKARD: Yeah.

14 MR. HOLAHAN: All right.

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

47

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

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

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

48

1 then --

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

4 MR. REISS: Is financial,
5 correct.

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

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

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

25 MR. REISS: Correct.

49

1 MR. BRENDON CARROLL: Thank you.

2 MR. KERRICK: Any other public
3 comments?

4 MS. SHEILA CALFAYAN: Yes.

5 MR. KERRICK: Yes. Go ahead.

6 State your name for the record, please.

7 MS. SHEILA CALFAYAN: Sheila

8 Calfayan, 145 Kickapoo Drive, Arrowhead.

9 Why are they paving Locust Ridge
10 Road prior to the bridge being put in there?

11 Wouldn't that damage the paving on the road? I
12 mean, wouldn't it cause more usage on the road? It
13 doesn't make sense to fix the road before you the
14 fix the bridge. They should fix the road after the
15 bridge.

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

18 MS. PICKARD: Yeah.

19 MR. HOLAHAN: I know.

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

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

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

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

9 MR. ED TUTRONE: Correct.

10 MR. HOLAHAN: It's pretty dumb.

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

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

20 MR. ED TUTRONE: That --

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

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

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

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

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

8 MS. PICKARD: Yeah, come.

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

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

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

19 MS. SHEILA CALFAYAN: Thank you.

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

22 MR. ED TUTRONE: Yeah, but I

23 don't want to speak for --

24 MR. KERRICK: Any other
25 questions, concerns?

52

1 Seeing none. Let's adjourn.

2 Do I have a motion?

3 MS. PICKARD: So moved.

4 MR. KERRICK: Second?

5 MR. HOLAHAN: Second.

6 MR. KERRICK: We're adjourned.

7 Thank you for attending.

8 (Meeting concluded at 7:41 p.m.)

9 ---

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

53

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, September 6, 2016, beginning at 6:13 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT:
ROBERT J. McHALE, Township Engineer/
Interim Township Manager

MAUREEN MINNICK, Zoning Officer

Panko Reporting

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

2

1
MR. MOYER: Call the meeting to
2
order with the pledge of allegiance.
3
(Pledge of allegiance was
4
re cited.)
5

MR. MOYER: Jonathan, you have

6

anything?

7

MR. REISS: No.

8

MR. MOYER: Okay. Tobyhanna

9

Beer & Deli, transfer the --of liquor license.

10

Anybody here for that?

11

MR. REISS: No, that 's not --12

that 's only on the agenda for the board to approve

13

--14

MR. MOYER: Oh, that 's --15

MR. REISS: --and to sign the

16

professional services agreement tonight.

17

MR. MOYER: Oh.

18

MR. REISS: And, Don, you could

19

sign it as vice-chair once you vote on that.

20

MR. MOYER: Okay.

21

MS. PICKARD: Okay. So can you

22

give us a background?

23

MR. REISS: Sure. That's a

24

liquor license transfer that 's gonna come into the

25

municipality. It 's at 111 Route 423, it --you're

3

1

gonna have a public hearing on that on --at your

2

August --Oct --your first meeting in October when

3

--where the applicant will be here, presumably

ly

4

with their attorney, to present evidence as
--

5

about the transfer. I've drafted and circulated to

6

you two different resolutions for your

7

consideration at that meeting.

8

Typically those hearings don't

9

take that long. They -- you can ask basically a
ny

10

questions you want about what type of activities

11

they're gonna be having there, hours of operation,

12

that sort of thing. I am actually not gonna be
at

13

that meeting, but John Rice from my office will be

14

here and he's done those as well, so --

15

MS. PICKARD: We had another

16

one recently for Blakeslee, was that a transfer

17

too?

18

MR. MOYER: It's the same

19

people?

20

MS. PICKARD: And where's this

21

being transferred from?

22

MR. REISS: I didn't bring the

23

file with me tonight -- well, I did -- I do have

24

t h e f i l e . I t ' s --

25

M R . K E R R I C K : C h e s t n u t h i l l .

4

1

M S . P I C K A R D : C h e s t n u t h i l l ?

2

M R . K E R R I C K : I t h o u g h t t h a t ' s

3

w h a t i t s a i d i n t h e e m a i l .

4

M S . P I C K A R D : I r e a d i t --

5

M R . K E R R I C K : Y o u g o t a n e m a i l

6

--

7

M S . P I C K A R D : --b u t i t w a s --

8

M R . K E R R I C K : C h e s t n u t h i l l ?

9

M S . M I N N I C K : Y e a h .

10

M R . M c H A L E : W h i l e J o n a t h a n ' s

11

l o o k i n g f o r t h a t , t h e l e g a l a d v e r t i s e m e n t i s
a l s o

12

i n --i n p r o c e s s . S o t h e y ' r e s u p p o s e d t o b e

13

a d v e r t i s e m e n t M o n d a y , S e p t e m b e r 1 2 a n d M o
n d a y ,

14

S e p t e m b e r 1 9 .

15

M R . M O Y E R : N o w , i s t h i s f o r --

16

M R . R E I S S : B r o d h e a d s v i l l e .

17

M R . M O Y E R : O h , o k a y .

18

M S . P I C K A R D : O k a y .

19

M R . K E R R I C K : J o n a t h a n , c o u l d

20

y o u e x p l a i n w h a t o u r p a r t i s i n --I k n o w t h e y --

21

M S . P I C K A R D : I k n o w .

22

M R . K E R R I C K : --c h a n g e d t h e l a w

23

a w h i l e b a c k --

24

M R . R E I S S : A l o t h a s c h a n g e d --

25

M R . K E R R I C K : --a n d n o w i t

1 of 15 sheets

Page 1 to 4 of 59 09/27/2016 11:48:57 AM

5 7

1

comes to us, where it never came to the township 1
authorize -2

before, what -2

MR. REISS: Tonight all you're

3

MR. REISS: Correct. 3

asking to vote is to approve the professional

4

MR. KERRICK: -- what -- what -4
services agreement and then you sign it.

5

what is our role here? 5

MR. MOYER: For the hearing.

6

MR. REISS: What happened was 6

MS. PICKARD: Okay. And we

7

the law was passed to open up more liquor licenses, 7
didn't always approve these in the past, we just -8
this is about 10 years ago probably or more, to 8

MR. MOYER: No, I don't ever

9

allow liq -- so a liquor license could be 9
remember -10

transferred in and out of communities. The -- when 10

MR. REISS: I don't know -11

the law was changed, it really didn't give you a 11

THE REPORTER: Excuse me. I'm

12

standard by which you would judge an application 12
sorry. There's noise in the audience.

13

that comes before you; but it is -- but under the 13

MR. REISS: I don't know what

14

law, the applicant is required to have a public 14

your past practice was.

15

hearing before you and for you to render a decision 15

MS. PICKARD: So can I make an

16

on that which they then append to their application 16

authorization -- a motion to authorize Donny to

17

to the Liquor Control Board. 17

sign and execute the professional -18

If you deny the -- if you 18

MR. REISS: Yes.

19

approve the -- that, it's by written resolution, 19

MS. PICKARD: -- services

20

they attach it, they go on their merry way. If you 20

agreement for --

21

deny it, they can appeal that to the Court of 21

MR. REISS: And that's just to

22

Common Pleas here in Monroe County and ask the 22

cover the cost you incur, legal advertising, my

23

court to overrule that. Typica -- I've never seen 23

fees and actually it could cover some of the court

24

one actually denied in any of the townships. I've 24

stenographer's time for being here for the hearing.

25

done these before. I have seen some concern like 25

MS. PICKARD: Okay.

6 8

1

with restaurants that were gonna have substantial 1

MR. REISS: Not today, but, you

2

bars with them, about live music, hours of 2

know, for the hearing.

3

operation, a lot of that depends upon location too, 3

MR. MOYER: When we have the

4

you know, if they're near resi -- dwellings or 4

hearing.

5

where they're located. 5

MS. PICKARD: Okay. All right.

6

MR. KERRICK: Well, this 6
MR. KERRICK: I'll second.
7
obviously -7
MR. MOYER: All in favor?
8
MS. PICKARD: This is just to 8
MS. PICKARD: Aye.
9
sell -9
MR. KERRICK: Aye.
10
MR. KERRICK: -- is more of a 10
MR. MOYER: Aye.
11
take-out. 11
It passes.
12
MS. PICKARD: -- take-out beer, 12
MR. REISS: If you sign it,
13
right? 13
I'll just change your name.
14
MR. MOYER: Is it just beer? 14
MR. MOYER: So that's done.
15
MR. REISS: I'm assuming it's 15
MR. REISS: Thank you.
16
gonna -- since it's part of a deli, I -- I don't 16
MR. MOYER: Thanks.
17
know yet, you'll have to wait to hear that 17
Consider request of -- for a
18
evidence. 18
waiver of a hundred feet well isolation distance,
19
MR. KERRICK: Okay. 19
183 Stillwater Drive, Stillwater Estates.
20
MR. REISS: But I'm assuming 20
Anybody here for that?
21
it's part of a deli so it's more for selling 21
MS. PICKARD: Is this a
22
take-out probably. 22
(inaudible)?

23

MR. MOYER: So what are we being 23

MS. MINNICK: Yeah.

24

asked to vote on tonight? 24

MS. PICKARD: And it's for

25

MS. PICKARD: We just need to 25

their own -- isolation on their own property?

09/27/2016 11:48:57 AM Page 5 to 8 of 59 2 of 15 sheets

9 11

1

MS. MINNICK: Yep, yes. 1

All in favor?

2

MS. PICKARD: Okay. Is there a 2

MS. PICKARD: Aye.

3

name on that or a tax map number that we can put 3

MR. KERRICK: Aye.

4

into the record? Name and a tax, I'm trying to get 4

MR. MOYER: Aye.

5

my thing out here, but -5

All right. Authorize sending

6

MS. MINNICK: The owner of 6

proposed zoning ordinance and amendment -- banners,

7

record is Ventures Trust. 7

sandwich board signs -- to the MPC and township PC

8

MS. PICKARD: Ven -8

for review and comment.

9

MS. MINNICK: Ventures, 9

MR. REISS: What happened there

10

V-e-n-t-u-r-e-s. 10

was last -- at the planning commission meeting

11

MS. PICKARD: What is the tax 11

earlier this month, the planning commission had

12

map number? 12

some changes that they proposed to the -- or
13

MS. MINNICK: 19 slash 4B slash 13
request to look at some potential changes that they
14

1 slash 40. 14
requested go back to the sign committee to work up.
15

MS. PICKARD: That was 19/4B, 15
Some -- some of the changes they made were minor or
16

as in boy, 1/40? 16
corrections, that I made those and sent --
17

MS. MINNICK: Umm-hmm. 17
circulated those after the planning commission
18

MS. PICKARD: All right. I'll 18
meeting.

19
make a motion that we grant the waiver request of 19
But some of them they left for

20
the 100 foot well isolation distance for 183 20
the sign committee, to come up with some different

21
Stillwater Drive owned by Venture Trust, Tax Parcel 21
definitions and things. So I don't know if you

22
No. 19/4B/1/40. 22
want to consider this tonight or to punt it back,

23
MR. KERRICK: I'll second the 23
so to speak, to the sign committee for further

24
motion. 24
work.

25
MR. MOYER: All right. 25

MR. KERRICK: Sounds to me like
10 12

1
All in favor? 1
they're not completed with their task.

2
MS. PICKARD: Aye. 2
MS. PICKARD: Well, this is

3
MR. KERRICK: Aye. 3
just for the banner days and for the sandwich board

4

MR. MOYER: Aye. 4
signs.

5

The motion passes. 5

MR. REISS: That's correct.

6

MR. MIKE CHRISTIAN: Excuse me. 6

MS. PICKARD: And I -- I don't

7

Quick question. 7

agree with that, so I would like to request

8

MR. MOYER: Go ahead. 8

possible consideration for the sandwich boards to

9

MR. MIKE CHRISTIAN: Hi. 9

be attached to the banner days so that there's so

10

Mike Christian. 10

many sandwich board days. I am not in favor of

11

What are you allowing the 11

advertising for them, having them all the time,

12

variance down to? One foot, ten feet? 12

other than on the sidewalks where I think they

13

MR. KERRICK: Whatever so works 13

should be.

14

on the property, she'd have to -- 14

MR. MOYER: So do you want

15

MS. MINNICK: It's 39 feet from 15

to -16

the new septic to the well. 16

MS. PICKARD: That's -- I don't

17

MR. MIKE CHRISTIAN: Thank you. 17

know if we can amend it. I'd agree to approve it

18

MR. MOYER: Okay. We have Garry 18

with that, I don't know, we have some people here

19

Robb, 190 Crockett Crescent Lane, Timber Trails, 19

from the sign committee.

20

request for a waiver of zoning hearing board fee. 20

MR. MOYER: Why don't we let

21

MS. PICKARD: I make a motion 21
them finish.

22

to deny the request. 22

MS. McHALE: Well, I think at

23

MR. KERRICK: Second. 23

the planning commission -24

MR. MOYER: Okay. Motion made 24

MS. PICKARD: I think they

25

to deny. 25

finished it.

3 of 15 sheets Page 9 to 12 of 59 09/27/2016 11:48:57 AM

13 15

1

MR. MOYER: They are? 1
anyone to put any kind of sign, banner up, so that

2

MR. REISS: They are not. 2
should be on-premise signs only. So that's another

3

MR. McHALE: At the planning 3
change that -- because this was changed, we cannot

4

commission they also asked that the sign 4
enforce that. So we can discuss that again

5

regulations advisory committee develop a set of 5
tomorrow night too. So, yes, we'll take it back.

6

criteria for the -- how to paint, what type of 6

And, Heidi, we will take your --

7

materials that these sandwich boards should be, 7
I've made a -- take your comments -- suggestion.

8

which it's not detailed out in it currently. So 8

MS. PICKARD: Thank you.

9

that would be one thing that would go back to them, 9

MR. MOYER: Okay. Thanks. All

10

to kind of scope out and then refine it and bring 10
right. So we're good with that?

11

it back to the board. We could bring it back to 11
Authorize sending proposed

12

the board probably next week at your regular 12
zoning ordinance amendment to allow church use in

13

meeting. 13

commercial zoning districts.

14

MR. BRENDON CARROLL: Our 14

Do you --

15

meeting's tomorrow night. 15

MR. REISS: Yes.

16

MR. McHALE: Correct. 16

This happened about six to eight

17

MR. MOYER: Okay. 17

weeks ago. I think a church had applied for a

18

MS. PICKARD: I'm not going to 18

zoning permit to go into one of your smaller malls

19

change my opinion, but maybe there'll be more 19

and it was in the one -- either -- I think the

20

people here that will vote for it. 20

commercial district and it was determined that

21

MR. REISS: You have --21

they're not allow -- currently allowed under your

22

MR. KERRICK: Well, I think 22

zoning ordinance in that district. There are --

23

it's a vote, Heidi, you're entitled to your opinion 23

there is a federal statute and a state law that

24

--24

says, in essence, that you have to make reasonable

25

MS. PICKARD: Oh, I know, that's 25

accommodations for religious uses in your land use

14 16

1

what I'm saying. 1

ordinances. And generally, if you allow places of

2

MR. KERRICK: -- but I -- that's 2
public gatherings to occur in -- in a particular 3
why we have a committee. I want them to come back 3
zoning district, you're also supposed to allow a 4

-4
religious use since that's a place of gathering.

5
MS. PICKARD: Well, they were 5
So I looked through your zoning 6
the ones that came back with that. 6
ordinance and saw that in your commercial district, 7

MR. MOYER: We're gonna leave 7
you probably should allow that by right. By doing 8
it at that, you guys have your meeting. 8
that, you would also then be allowed in the C-1 9

MR. McHALE: But we could take 9
Commercial District because the way your zoning 10
what you said, though, back to the committee and 10
ordinance is written, from the more restrictive to 11

say that consideration be given for banner days 11
the least restrictive zoning districts, each use 12
equaling the sandwich board. 12
that's allowed in the prior le -- more restrictive 13

MS. PICKARD: Okay. All right. 13
district is also allowed in the less restrictive. 14

MR. MOYER: Yeah, you guys work 14
So if you start out as RR, for 15
on it and give us a recommendation. 15
instance, the uses allowed there, when you go to 16

MS. PICKARD: Mike? 16
the next district, it says all RR districts -17

MR. MOYER: Go ahead, Mike. 17
district uses plus and then it lists additional 18

MR. MIKE CHRISTIAN: Yeah, okay. 18
uses that are allowed. So by adding it into this 19

Thank you. 19

just -- into this one district, it also would be --

20

Mike Christian. 20

be allowed in the CI district as well.

21

There was another change when --21

MS. PICKARD: In the CI? So if

22

in 130 -- 155.35 under banner days purpose. There 22

we don't do this right now and then somebody

23

was a change of -- to --to comply with the read of 23
challenges that, we just can cave?

24

changing of businesses and organizations to 24

MR. REISS: Well, it's not just

25

persons, but that would then allow anybody, ev -- 25

cave because right now they would have to go -- the

09/27/2016 11:48:57 AM Page 13 to 16 of 59 4 of 15 sheets

17 19

1

only way you could cave is for them -- to force 1

MS. PICKARD: No.

2

them to file an application for a variance, for a 2

MR. McHALE: -- might be a lease

3

use variance. And you could request the zoning 3
situation, right?

4

hearing board to make a reasonable accomodation for 4

MS. PICKARD: Yeah.

5

them, but they could also challenge the fact that 5

MR. REISS: If it's a lease

6

it's not allowed in court, either state or federal 6
situation, it won't be --7

court. 7

MS. PICKARD: It doesn't affect

8

MS. PICKARD: My concern is 8

it at all.

9

that we don't have anything set up for parking and 9

MR. REISS: -- exempt because

10

any other thing, shouldn't we do a whole section 10

it's -- it's still income to the owner of the

11

on -- 11

property.

12

MR. REISS: I'll defer to your 12

MS. PICKARD: Oh, okay.

13

zoning -13

MR. McHALE: So they might

14

MS. PICKARD: -- the zoning? 14

hold -15

MR. REISS: -- officer, but I 15

MS. PICKARD: We already have a

16

think you do have parking for church uses, don't 16

church use property that's not being used for a

17

you? 17

church and we're not getting taxes on that in

18

MS. MINNICK: Yes, we do. 18

Blakeslee.

19

MS. PICKARD: And that would be 19

MR. KERRICK: Well, if there's

20

the same wherever -20

a way we can work with this to not end up in court

21

MR. MOYER: What mall is this? 21

because that just costs everybody money --

22

MS. PICKARD: Is there septic 22

MS. PICKARD: No, and I agree

23

and sewer -- like I don't know -23

with that, I just didn't know -24

MR. REISS: This would apply to 24

MR. KERRICK: -- we need to do

25

-25

something.

18 20

1

MS. PICKARD: -- what's in for a 1
MS. PICKARD: -- if we needed to
2
church. 2
define it better, but Maureen and John say we have
3
MR. REISS: -- any -- 3
it defined so we don't need to change it.
4
MR. MOYER: Wherever, any of 4
MR. MOYER: Well, what are they
5
them. Okay. 5
asking? That we send it to the PC for review?
6
MS. MINNICK: It would be the 6
MR. REISS: Well, to start the
7
same thing as it would be in -- allowed in a 7
-- to comply with the Municipalities' Planning
8
residential or open space district, it would have 8
Code, we have to send it to the county and the
9
to go through the same criteria. 9
township planning commission, they have 30 days
10
MR. KERRICK: What happens to 10
review and comment and then you could hold a public
11
the tax? 11
hearing to consider adopting it.
12
MS. PICKARD: We lose it. 12
MR. MOYER: Okay. Would -13
MR. KERRICK: We lose the tax on 13
MS. PICKARD: I don't know, I
14
that -14
was just thinking if we're ever gonna look at the
15
MR. REISS: They could apply for 15
other zoning off --you know, sections, we should
16
a tax exemption. 16
do them all.
17
MR. KERRICK: -- portion or the 17
MR. MOYER: You want to table
18

whole -- just for that -18
it until the whole board's here?

19

MR. REISS: Just that portion. 19

MR. KERRICK: I would table it

20

That would have to be ruled on by the county first 20
to our next meeting -21

and then any aggrieved party could appeal that to 21

MS. PICKARD: Vote to table it.

22

the Court of Common Pleas, that decision. 22

MR. KERRICK: -- personally, I'd

23

MR. McHALE: But aren't you 23

like to see what the other two have to say.

24

assuming that they're gong to purchase the 24

MR. MOYER: So we're gonna

25

property; whereas this -25

table that till the next meeting.

5 of 15 sheets Page 17 to 20 of 59 09/27/2016 11:48:57 AM

21 23

1

MS. PICKARD: Is that a motion 1
of lakes and bodies of water and everything; so

2

to table? I'll second. 2

this is a common issue, so we wanted to include

3

MR. KERRICK: Yeah, it's a 3

that into the plan.

4

motion to table to our next meeting -- 4

One of the major changes was

5

MR. MOYER: Okay. 5

that flooding dropped in the rankings. So flooding

6

MR. KERRICK: -- so all five are 6

was our number one, it has now dropped below the

7

present. 7

top 10, our number one is wildfires, I believe,

8

MR. MOYER: Any other comments? 8
now -- no, I'm sorry --
9
Public? No? 9
MS. PICKARD: Is that for the
10
Okay. All right. All in favor 10
county or here?
11
to table? 11
MS. MARY ELLEN KEEGAN: This is
12
MS. PICKARD: Aye. 12
countywide --
13
MR. KERRICK: Aye. 13
MS. PICKARD: Oh, county. Okay.
14
MR. MOYER: Aye. All right, 14
MS. MARY ELLEN KEEGAN: So all
15
passes. 15
20 municipalities have participated in this
16
Okay. Monroe County 2016 hazard 16
rankings. I'm sorry, wildfires are number three,
17
mitigation plan. 17
power outages are number one. So wildfires are the
18
MR. McHALE: Mary Ellen? 18
first natural hazard. So we've seen both of those
19
Mary Ellen Keegan is here from 19
in this year alone, so -- so at this point, we're
20
Monroe County to discuss and kind of give you an 20
asking that all municipalities adopt it. By
21
overview of the hazard mitigation plan and what --21
adopting it, you'll keep your eligibility for funds
22
MS. MARY ELLEN KEEGAN: How are 22
and such, as well as just making it known to the
23
you? 23
community that you're supporting -- preventing
24
MR. KERRICK: Hi, Mary Ellen. 24
these hazards from happening.

25

How are you? 25

MR. KERRICK: Thank you.

22 24

1

MS. PICKARD: Hi, how are you? 1

MR. MOYER: Thanks.

2

MR. MOYER: Hi. 2

Okay. So we're gonna vote on

3

MR. McHALE: --the next steps 3
that?

4

are. 4

MS. PICKARD: Well, what is the

5

MS. MARY ELLEN KEEGAN: So back 5
approval and adoption process?

6

in -- well, over the last year, we have been 6

MR. MOYER: Well, it's saying

7

updating 2011 hazard mitigation plan, that's a 7
for a letter of intent.

8

requirement of FEMA every five years, each 8

MR. REISS: Don't you need a

9

municipality has to adopt one in order to be 9
written resolution?

10

eligible for disaster monies and -- and other 10

MS. MARY ELLEN KEEGAN: The

11

mitigation funds throughout the year for different 11
written resolution has to be signed by your board.

12

projects. We started this process back in last 12

The letter of intent is -- is if you're going after

13

August, in June FEMA approved it on the first try, 13
the mitigation grant that's currently available due

14

which was the first in all of Pennsylvania, so that 14
to the snowstorm declaration this past January. So

15

was a feather in our cap. 15

you can, you know -- each municipality selected

16

We've made some changes to the 16
different projects. So you have two or three
17
-- or the previous plan. We expanded the hazard 17
projects.
18
profiles so in the last plan we looked at 14 18
MR. ED TUTRONE: Four, I think.
19
hazards. In this plan we're now looking at 25 19
MS. MARY ELLEN KEEGAN: Four
20
hazards, so it's kind of going with the times, 20
projects in the plan for Toby Township so you --21
making sure that it's most current. Some of the 21
MR. McHALE: Five.
22
new that we added are domestic and international 22
MS. MARY ELLEN KEEGAN: -- can
23
terrorism, disorientation, drownings. So, you 23
actually now apply for -- once you adopt the plan,
24
know, disorientation and drowning is more of, you 24
you can apply for this grant which closes --the
25
know, we're -- we're a vacation area, we have lots 25
letter of intent period closes in October, so you

09/27/2016 11:48:57 AM Page 21 to 24 of 59 6 of 15 sheets

25 27
1
can jump right on it, if you --if you so choose. 1
MS. MARY ELLEN KEEGAN: It will
2
MR. McHALE: Procedurally what 2
be a hundred percent funded, no cost to the
3
we were considering is to have discussion tonight 3
municipality, this is special grant. It's a
4
for Mary Ellen to be able to present that to you 4
disaster recovery grant, so the state and the feds
5
and then at the September 12 meeting look to adopt 5
are gonna be picking that up so there will be no
6

the plan -6
cost to you. There is only -- the pot's only about
7

MR. MOYER: Okay. 7
\$7 million, so it's rather competitive and that's
8

MR. McHALE: --and then we 8
open to all 67 counties. So we're trying to get as
9
could be authorized then to complete the letter of 9
many projects in for Monroe to kind of throw it all
10

intent and submit that to PEMA by October 6 -10
out and -11

MS. MARY ELLEN KEEGAN: Yes. 11

MS. PICKARD: Okay.

12

MR. McHALE: --according to 12

MS. MARY ELLEN KEEGAN: --see

13

your letter. 13

what they do next.

14

MS. PICKARD: And what are we 14

MS. PICKARD: So Monroe County

15

applying for? 15

is going in -16

MR. KERRICK: We have four 16

MS. MARY ELLEN KEEGAN: No.

17

projects, you said? 17

Each municipality has to put in -18

MS. PICKARD: Four or five, what 18

MS. PICKARD: Oh, okay.

19

are they? 19

MS. MARY ELLEN KEEGAN: --but

20

MR. McHALE: Actually we have 20

they rank it within the counties.

21

five. 21

MS. PICKARD: Okay.

22

And, Ed, correct me if I'm 22

MR. ED TUTRONE: And this is

23

wrong. 23

something if they could pay for it, great. We do

24

Two of them kind of go together, 24
it have it budgeted, some of the money budgeted to
25

parking lot security lighting, we have security 25
do that in this year's budget to start with what we
26 28

1

cameras; then we have another one that's Blanche 1
were gonna do with that bridge. So if they're

2

Park security lighting, so the two are kind of 2
willing to pay for out of the -- I mean, if they

3

together. Miller Bridge sediment removal and the 3
want to be give us the money, I'm happy to take it.

4

stream; and then we also had traffic hazard 4

MS. PICKARD: We can't get

5

realignment that's a part of a different project 5
reimbur --it's not reimbursable so if we go --do

6

and PennDOT, which is gonna be discussed later for 6
we have to wait to hear when the grant would be

7

transportation. 7

approved before we do the work --

8

MR. ED TUTRONE: We did -- we 8

MS. MARY ELLEN KEEGAN: Yes.

9

did complete -- or we didn't have the monies and we 9
So the process --10

just need to --as far as the cameras go, that's 10

MS. PICKARD: --they won't hold

11

just about complete. And the lighting is about --11
off?

12

just about --well, actually lighting, I believe, 12

MS. MARY ELLEN KEEGAN: --is

13

is complete. What we're looking at the grant money 13
the letter of intent goes in by October 6.

14

for is over on the Miller Drive Bridge where the 14

MS. PICKARD: Okay.

15

sediment built up, it was in our bridge report, 15

MS. MARY ELLEN KEEGAN: Then

16

we're looking to get grant money to be able to 16
PEMA and their board will take a look at it, decide

17

clean some of that out and we had put that on our 17
which projects are eligible for an application.

18

plan last -- when we met with Mary Ellen last year 18
They'll send that back to you, say, okay, you're

19

to go over the countywide plan. 19
through the first round, go ahead and put your

20

MS. PICKARD: So how much money 20
application in. Once you submit your application,

21

are we eligible for, are we asking for? 21
that's due by December and then they'll announce

22

MR. ED TUTRONE: We have to 22
the winner -- or the --you know, the grantees in

23

come up with a cost estimate on it. Once we come 23
January, the winners, yeah.

24

up with a cost estimate, it's gonna be a hundred 24

MS. PICKARD: Thank you.

25

percent funded. 25

MR. MOYER: Okay. Thanks.

7 of 15 sheets Page 25 to 28 of 59 09/27/2016 11:48:57 AM

29 31

1

MR. KERRICK: So we'll put that 1

MR. KERRICK: Aye.

2

to -- 2

MR. MOYER: Aye. Passed.

3

MR. MOYER: September. 3

Consider request for waiver of

4

MS. PICKARD: So we'll have 4

property tax penalties, James and Patricia Manning,

5

resolutions or whatever on September 12? 5
Greenwood Acres.

6

MR. McHALE: Correct. 6

MS. PICKARD: Yeah, I have a

7

MS. PICKARD: Okay. 7

comment on that. We have a letter we generally

8

MR. MOYER: Okay. Pocono Summit 8

send out and it's been our policy on the board to

9

Volunteer Fire Company request for release of fire 9
deny that request due to the tax law that requires

10

funds for pagers. 10

that the payment be made whether or not they

11

MR. KERRICK: I'll make a motion 11

received the bill.

12

that we release the requested funds provided -12

So I would make a motion to deny

13

MS. PICKARD: How much is that? 13

that as we have in the past.

14

MR. KERRICK: I don't see 14

MR. MOYER: Is that a motion?

15

any -15

MS. PICKARD: Yes.

16

MR. KERRICK: Providing that 16

MR. KERRICK: That's a motion.

17

they have all the paperwork submitted. 17

I'll second it.

18

MR. McHALE: \$4100 for 10 new 18

MR. MOYER: Okay. We got a

19

paggers, it's the August 11 letter. 19
motion and a second.

20

MR. MOYER: Thank you, Bob. 20

Any comments from the public?

21

All right. We got a motion. 21

No?

22

MS. PICKARD: So you made the 22
Okay. All in favor to deny the
23

motion. I'll second that. 23
request?

24

MR. KERRICK: Providing they 24

MS. PICKARD: Aye.

25

have all the -- the financial things submitted 25

MR. KERRICK: Aye.

30 32

1

required by the township. 1

MR. MOYER: Aye.

2

MS. PICKARD: I amend my second 2

MR. KERRICK: In favor, aye,

3

-- his motion. 3

yes.

4

MR. MOYER: Any comments from 4

MS. PICKARD: Yes.

5

the public? 5

MR. MOYER: Well, we can do it

6

No? Okay. 6

like that.

7

All in favor? 7

Arcadia New Ventures Park

8

MS. PICKARD: Aye. 8

PennDOT traffic signal and roadway improvement

9

MR. KERRICK: I vote in favor. 9

project.

10

MR. MOYER: I vote in favor. It 10

Got an update, Bob, or who --

11

passes. 11

somebody here?

12

Okay. Clymer Library request 12

MR. McHALE: Actually Harry and

13

letter of support for LSA Grant. 13
Michelle have -- kind of gonna give us an overview.

14

MS. PICKARD: I make a motion 14

MR. HARRY FORBES: No, this is

15

that we send a letter of support for the new 15
Arcadia.

16

computers for the Clymer Library LSA Grant. 16

MR. McHALE: Oh, I'm sorry.

17

MR. KERRICK: I'll second it. 17

Wrong one.

18

MR. MOYER: Okay. We got a 18

MR. MOYER: Yeah, Arcadia New

19

motion and a second. 19

Venture Park.

20

Any questions or comments from 20

MR. HARRY FORBES: I don't know

21

the public? 21

anything about this one.

22

No? 22

MR. McHALE: Jonathan, we -- I

23

Board, no? 23

had seen some emails going back and forth, even as

24

All right. All in favor? 24

recent as today, and it had to do with Pocono

25

MS. PICKARD: Aye. 25

Mountain Industrial Park Authority being the

09/27/2016 11:48:57 AM Page 29 to 32 of 59 8 of 15 sheets

33 35

1

sponsor and that was written into the agreement. 1

township should be the sponsor and that's when I

2

And in the PennDOT process, in their electronic -- 2

responded, no, it should just be the authority.

3

their construction, engineering construction 3

MR. McHALE: And Dennis Noonan

4

management system, we had gotten attached to and 4
also responded shortly thereafter and he said the

5

been assigned as sponsor. 5

PMIPA will default to PennDOT and legal counsel.

6

They were trying to work through 6

MR. KERRICK: So are we ready

7

that and the last email I have here, Jonathan, was 7
to make a decision or --

8

from you to PennDOT indicating that Mark Ron 8

MR. REISS: No, there's

9

(phonetic) of PennDOT was correct that the PMIPA 9
nothing --

10

was the sponsor and that they should denote that 10

MR. KERRICK: --should we --11

accordingly on the contract. I don't know if --11

MR. REISS: -- this is just an

12

MR. REISS: I haven't heard 12

update.

13

anything more. 13

MR. KERRICK: Just an update.

14

MR. McHALE: -- you've heard 14

MR. McHALE: It's just an

15

anything more recent but that's where --15

update.

16

MR. REISS: What happened was, 16

MR. KERRICK: Okay. Thank you.

17

when the contract -- when the bids were in, 17

MR. REISS: It does require --18

contract was issued, Bob saw it, it came in the 18

it's gonna require action by everybody soon,

19

name of Tobyhanna Township, which would've been 19

though, because their dead -- the last day they can

20

responsible for overseeing the construction, 20
give the notice to proceed is September 26.

21
inspecting it and paying the contractor. None of 21
MR. MOYER: Okay. So that's

22
the grant money was coming through to you, though. 22
coming quick.

23
So Bob called me, I spoke to one 23
MR. KERRICK: So you will have

24
of the attorneys representing one of the two 24
this on our agenda on the 12th and then we can

25
owners, the private owners of the project. She 25
discuss it or take action if needed?

34 36

1
communicated with everybody else, came back -1
MR. REISS: We can -- right. I

2
'cause PennDOT at that point was saying -- I spoke 2
don't know -- right. Hopefully we'll have a better

3
to their central office in Harrisburg, their 3
update at that point.

4
contracting office, PennDOT said this computer 4
MR. KERRICK: Understood. Thank

5
program cannot be changed, you cannot just change 5
you.

6
it without recoding it and shutting down the system 6
MR. MOYER: Okay. Move to the

7
for a substantial period of time statewide. 7
Kalahari -- Kalahari project on 940 and Long Pond

8
So with that they said your 8
Road, realignment project authorization for an LSA

9
options are, go as is or we'll reject all bids and 9
Grant and application.

10
we'll have to start the process over again. After 10
Bob?

11
speaking with the other attorneys, she got to me 11

MR. HARRY FORBES: No, I'm up.

12

and said they --everybody wants a clean --this to 12

MR. MOYER: Okay.

13

be clean, let's reject all bids. I communicated 13

MR. McHALE: No, it's Harry.

14

that to the -- PennDOT and then was informed at the 14

MR. HARRY FORBES: Bob's

15

planning commission meeting, I guess it was, that 15

deferring to me -16

really wasn't what the owners wanted to do. 16

MR. MOYER: Okay.

17

In the meanwhile, Mark Rahn who 17

MR. HARRY FORBES: -- on this

18

is the outside consultant overseeing the project 18

one. Kalahari had applied for a multimodal grant

19

for PennDOT, communicated with me and he's been in 19

in the amount of 1.5 million. As you've all

20

touch with someone else at PennDOT and they've 20

watched this progress of this project, one of the

21

said, they're work -- trying to work on a solution 21

issues was Long Pond Road. We're trying to realign

22

and he had hoped to hear that -- have that result 22

it with the southbound exit ramp of 380.

23

by Friday, but he didn't. But then I saw this 23

In our process through this with

24

email this morning asking -- from PennDOT to Mark Rahn 24

PennDOT, we've come up to the ability to just

25

Ron, can -- is it PI -- is it the authority and the 25

signalize part of the road along the way; however,

9 of 15 sheets Page 33 to 36 of 59 09/27/2016 11:48:57 AM

37 39

1

down the road, if Jim Cahill's project went, they 1

forward with this project, given it to you guys
2
wanted the road realigned. Well, that may take two 2
because it may be two years, three years down the
3
or three years and some of our permits handle -- go 3
road before that -- that alignment of Long Pond
4
along with the way those -- that process has gone. 4
Road and the property buying and everything else to
5
PennDOT has modified our permit 5
be put into play. This way this grant can be held
6
to allow us to signalize different portions of the 6
at 1.5, plus we're submitting or would like you,
7
road because we had a restudy done of what the 7
not through us, but through you to submit.
8
traffic counts really are, what is really being 8
Now, we've used Michelle Bisbing
9
generated. However, we don't want to not do this 9
in the LSA to do all the, we'll say --
10
particular project, but everybody hasn't totally 10
What's -- what's the title of
11
agreed with how to realign that, how to bring it 11
it?
12
over. And what we'd like for consideration is, is 12
MS. PICKARD: It's LSA.
13
the township to take over the Long Pond Road, the 13
MS. MICHELLE BISBING: Oh, the
14
project. 14
organization?
15
What I mean by that is, Kalahari 15
MR. HARRY FORBES: Yeah.
16
would turn over the 1.5 million already obtained. 16
MS. MICHELLE BISBING: Oh, well,
17
The highest cost estimate that we've had is 2.1 17
for the LSA it would be MCIDA, the multimodal is in
18

million to realign that and do all the bells and 18
the name of PMI, Pocono Mountain Industries. We
19

whistles. We're gonna do some of that already. 19
applied for the LSA Grant --

20
We've secured -- or not secured, but we've gotten 20
MR. HARRY FORBES: We'd like to

21
positive feedback from Senator Scavello and some of 21
apply for that, plus we'd start the paperwork to

22
the other state reps to move ahead with the LSA for 22
move the other 1.5 over to the township, so that's

23
the balance of \$600,000, to get the full total of 23
here in your name along with that for when this

24
2.1. 24
project does start and you can get moving.

25
And if it all were to be 25
MR. McHALE: So would this be

38 40
1
realigned -- and we're gonna do a portion of it in 1
similar to the parks -2
the upfront, the modernization of the signalization 2
MS. PICKARD: See, I didn't

3
along there so that they all kind of concur 3
understand this at all. I just thought we were
4
simultaneously in the -- in the direction that they 4
applying for the LSA Grant -5
should, meaning letting out the people from the one 5
MR. McHALE: Correct.

6
village at different times creating a -- the 6
MS. PICKARD: -- this is just

7
ability for the other two -- a light coming off of 7
what we're not doing for Arcadia, is what you're

8
38 -- 380 southbound to allow that traffic flow to 8
asking for us to do now, am I correct?

9
move in without having to take their life in their 9
MS. MICHELLE BISBING: Yeah --

10

hands and shoot across there, that's one of the 10
no, we would just need to do a cooperation
11
jam-ups. Plus when the buses come to go back in to 11
agreement with the township to pass the money
12
the school district, in the back way where they 12
through.
13
have the bus parking lot off of -- what's that back 13
MS. PICKARD: But if we do it,
14
road there. 14
then we have to pay prevailing wage.
15
MS. PICKARD: Sullivan Trail. 15
MS. MICHELLE BISBING:
16
MR. KERRICK: Sullivan Trail. 16
Prevailing wage applies anyway.
17
MR. HARRY FORBES: -- Sullivan 17
MR. MOYER: Yeah.
18
Trails, there's --they can turn -- it backs up 18
MR. KERRICK: It doesn't matter
19
quite a bit. If you've ever watched the bus 19
who does it.
20
traffic going in there after they've delivered 20
MS. MICHELLE BISBING: It's
21
students, there's probably 20 buses that turn to 21
prevailing wage for all of it -22
the left there and go back. So this would give the 22
MS. PICKARD: We can talk about
23
timing of those lights during that process. 23
it -24
So what we're here today is, 24
MS. MICHELLE BISBING: -- for
25
number one, to discuss with the supervisors to move 25
multimodal and LSA.

41 43

1

MR. McHALE: Michelle, would 1
the project is completed, then we take over the

2

this be similar in that there'd be some kind of a 2
operation, maintenance and the signal portion of

3

-- a reimbursement agreement put together like we 3
it.

4

did with the Arcadia project and that the PMIPA, 4
MR. HARRY FORBES: Right.

5

(inaudible) is gonna go after, has already applied, 5
MR. McHALE: And so that's, I

6

I guess. For the 1.5, you would then apply for the 6
guess, one of the questions I have is, can we move

7

600,000 -7

in that direction?

8

MS. MICHELLE BISBING: Correct. 8

MS. PICKARD: I would prefer to

9

MR. McHALE: -- to get a total 9
move in that direction.

10

of the 2.1 million -- 10

MR. MOYER: Yeah, we've done

11

MR. HARRY FORBES: Right. 11
this before, I think.

12

MR. McHALE: -- so then we're 12

MS. PICKARD: But, no, we never

13

almost -- would we al -- almost be then the kind of 13
took the whole project on like this.

14

passive partner to take over operation and 14

MR. MOYER: No.

15

maintenance like we're doing out of Arcadia? I 15

MR. KERRICK: If you took the

16

guess my question, as far as -16

whole project on, is there grant monies that would

17

MR. REISS: It sounds like 17
cover that -- inspections, et cetera, et cetera --
18
they're asking you to take over the entire project. 18
so that we -- we would just be a passive partner?
19

MR. McHALE: Well, Harry's 19

MS. MICHELLE BISBING: You can
20

asking that, but I'm -- I'm asking in general -- 20
budget up to 10 percent of the grant amount for
21

MR. HARRY FORBES: Well, it is 21
related engineering and inspection and permitting
22
in theory, Jonathan, right? Because eventually 22
and that kind of thing. It is -- is limit -- it's
23

PennDOT -- because it becomes a PennDOT road, it's 23
limited, the amount is limited.

24
a PennDOT -- both of them are -- intersect with a 24

MR. HARRY FORBES: We have to
25

PennDOT road. We're just asking the township to 25
do a -- a revised budget on this anyhow.

42 44

1

apply for the other 600,000 -1

MR. McHALE: So for tonight's

2

MR. McHALE: Move it to -2
purposes I thought what we were asking is to -- for

3

MR. HARRY FORBES: Go ahead. 3
the board to actually grant -4

No, no, what's your question? 4

MS. MICHELLE BISBING: Endorse.

5

MR. McHALE: It's just a little 5

MR. McHALE: -- or endorse that

6

different than what I thought we were talking 6

-7

about. 7

MS. MICHELLE BISBING: Applying

8

MS. PICKARD: Me too. 8

for the LSA funds.

9

MS. MICHELLE BISBING: I mean, 9
MS. PICKARD: Yeah, exactly
10
my perspective is, we -- we would handle the money 10
that's what -11
applying for and drawing down the money and pass it 11
MR. McHALE: That the PMIPA can
12
to the township who would bid out the project and 12
move forward to -13
manage the project; but we would pay, you know -- 13
MS. PICKARD: -- I expected.
14
we would draw the money down and pass it to you to 14
MR. McHALE: -- apply for that.
15
be able to pay the contractors. 15
Once those funds are then obtained then -16
MR. McHALE: Is there any 16
MS. MICHELLE BISBING: Right.
17
opportunity for this to become a PennDOT project 17
MR. McHALE: -- or before that,
18
like the Arcadia did and just follow suit very 18
I guess you can begin some dialogue along the lines
19
similar to that? Because on the Arcadia project 19
of what Harry was talking about. And depending on
20
the PMIPA is the sponsor, but they have a 20
how the project is formatted, I think is gonna make
21
reimbursement agreement that went through all 21
a difference on how the board wants to -- to work
22
parties. Jonathan can, you know, give some more 22
through that. So if we get it like Arcadia then -23
detail on this if he wishes. 23
MS. PICKARD: Yeah, I'm -24
But in -- in the end result, 24
MR. McHALE: -- it seems like
25
we're -- we're more of a passive partner where once 25
the board would be in favor of it.

45 47

1

MS. PICKARD: Exactly. 1
still up in the air.

2

MR. KERRICK: Somebody has to 2

MR. REISS: Let me ask you this,

3

fix this problem. 3

you have an estimate of 2.1 million and that's for

4

MR. HARRY FORBES: Yeah. 4

construction?

5

MR. MOYER: Yeah. 5

MR. HARRY FORBES: That was for

6

MR. KERRICK: It's not 6

everything; the engineer, construction, it was the

7

Kalahari's problem. 7

whole works, nuts to bolts.

8

MR. McHALE: Correct. 8

MR. REISS: Then acquisition of

9

MR. KERRICK: It -- it's been a 9

any easements that you need?

10

mess for a long time. And over the weekend it was 10

MR. HARRY FORBES: Correct.

11

backed up to the school, it was backed up to -- to 11

But at this particular point, that may change

12

the cable place, Ed can tell you. It's always a 12

depending on PennDOT's -- as Bob has stated here,

13

mess there weekends, that intersection. So it's 13

PennDOT hasn't put a final stamp on what they want

14

really not Kalahari's -14

yet. So whether it's pulling over -- which we

15

MR. ED TUTRONE: It's not just 15

don't think's gonna happen because the one unseen

16

weekends, it's all the time. 16

entranceway there for that one development comes

17

MR. KERRICK: -- so if we could 17
right in there and they don't want it changed, so
18

help spearhead this -- 18
that may not realign that way. So we may end up
19

Pardon me? 19
having to work with the Irish Estate to get that
20

MR. ED TUTRONE: It's not just 20
little sliver of property right along the
21
weekends, it's all the time especially with school. 21
interstate, to realign it that way.

22
MR. McHALE: And I'm not saying 22
So that -- they haven't put a
23

not to spearhead. 23
final approval on anything at this particular
24

MR. KERRICK: No, no, I know, 24
point. But worse case scenario, 2.1 million is
25

but -25
what we've estimated. With the work that we're
46 48

1
MR. McHALE: I'm just saying -1
currently doing -- or gonna be doing for the
2

MS. PICKARD: No, I just don't 2
signalization and that, that much will be out of
3

-3
there already because that's the sequencing of the
4

MR. McHALE: -- that maybe if -- 4
lights and the passthrough for the ambulances, and
5

if we can take the approach like we did out at 115 5
that, so that they can turn them to red if they
6

-6
needed to get through. All that should be
7

MR. KERRICK: Sure. 7
happening within this next section that we're
8

MR. MOYER: Yeah. 8

doing. We're currently doing the northbound ramp

9

MR. McHALE: -- and Commercial 9

of 380 for the turns off of it and we're doing 314

10

-10

exit ramp right now. So hopefully along this

11

MR. KERRICK: It's worth more 11

way -12

conversation. 12

I don't -- Bob, forgive me, I'm

13

MS. PICKARD: Exactly, yeah. 13

not sure what went on with Arcadia and the other

14

MR. McHALE: Right. But 14

ones, so I'm not sure what you worked out there.

15

because they don't even have the -15

MR. McHALE: This is the letter

16

MS. PICKARD: I don't want to 16

of support, Michelle, that we did in 2014.

17

have -17

MS. MICHELLE BISBING: Umm-hmm.

18

MR. McHALE: -- alignment and 18

MR. McHALE: And I think that's

19

geometry figured out yet whether to -19

the one you had mentioned to Margie, that it would

20

MR. HARRY FORBES: PennDOT has 20

be okay if the board wanted to kind of just --we

21

to approve -21

just redate it and sign it and send it in.

22

(Inaudible discussion amongst 22

MR. HARRY FORBES: For the LSA

23

the board members.) 23

Grant?

24

MR. McHALE: -- move Long Pond 24

MS. MICHELLE BISBING: Yep, yep,

25

or whether to move the off-ramps, I think that's 25

it just needs to be -- you just have to have a 2016

09/27/2016 11:48:57 AM Page 45 to 48 of 59 12 of 15 sheets

49 51

1

date on it. 1

finish, please. I thought our work session was to

2

MS. PICKARD: So you're not 2

discuss zoning issues and things -- things of that

3

asking us to be the -- the grant, you're not asking 3

nature, not actually -4

Tobyhanna -4

MR. MOYER: Yeah.

5

MR. KERRICK: Just asking us to 5

MR. KERRICK: -- two meetings,

6

support it. 6

that's only my opinion.

7

MS. PICKARD: We're just 7

MR. MOYER: Okay. So -8

looking for support not to -8

MS. PICKARD: And it's my

9

MS. MICHELLE BISBING: Support, 9

opinion as well.

10

right. 10

MR. McHALE: So the answer is,

11

MS. PICKARD: Okay. I thought 11

we're not gonna advertise or anything for a work

12

we were gonna be the ones applying for the grant or 12

session, we're just gonna have the meeting at what

13

it would in our name. 13

time?

14

MS. MICHELLE BISBING: No. 14

MR. REISS: The regular meeting.

15

MS. PICKARD: Okay. That I'm 15

MS. PICKARD: The regular -16

okay with, I'm just not ready to -16

MR. MOYER: The regular seven

17

MR. MOYER: Yeah. 17

o'clock.

18

MS. PICKARD: -- take over 18

MS. PICKARD: -- whatever was

19

right now. That's a normal support letter. 19
advertised for.

20

MR. MOYER: All right. 20

MR. MOYER: Do we need to make

21

MR. KERRICK: I'll make a motion 21
a motion to do this?

22

that we send a letter of support for the grant 22

MR. REISS: No.

23

application. 23

MS. PICKARD: No.

24

(Inaudible comments.) 24

MR. MOYER: Okay. So the

25

MS. PICKARD: I'll second that. 25

meeting's gonna be at seven, regular business

50 52

1

THE REPORTER: Excuse me. 1
meeting.

2

MR. KERRICK: I made the 2

MR. KERRICK: On -- on the 3rd.

3

motion, Heidi seconded that. 3

MR. MOYER: On the 3rd, October

4

MR. MOYER: We have a motion, a 4

3.

5

second -5

MS. PICKARD: But, we have to

6

THE REPORTER: No, I heard that, 6
advertise the hearing anyway, right?

7

but I was -7

MR. REISS: I've already

8

MR. HARRY FORBES: We were 8
prepared that -9

sidebarring here. 9

MS. PICKARD: Okay.

10

MR. MOYER: Any other comments 10

MR. REISS: -- and sent that to

11

from the public? 11

the township.

12

The board? 12

MR. MOYER: Thanks.

13

Okay. All in favor? 13

Consider approving the 7/26/16

14

MS. PICKARD: Aye. 14

update to the personnel manual.

15

MR. KERRICK: Aye. 15

MR. REISS: I had circulated

16

MR. MOYER: Aye. So that motion 16

track changes to this.

17

passes. 17

MS. PICKARD: Can we table that

18

Does the board want to schedule 18

to the meeting on the 12th?

19

a work session prior to the meeting in October? 19

MR. MOYER: Okay.

20

MS. PICKARD: No. 20

MS. PICKARD: I'll make that

21

MR. KERRICK: If we have any 21

motion -22

business, but I -- I thought -22

MR. KERRICK: I'll agree with

23

MS. PICKARD: But it'll be in 23

that.

24

the regular meeting. 24

MS. PICKARD: -- to table.

25

MR. KERRICK: But let me 25

MR. MOYER: All right. I've

13 of 15 sheets Page 49 to 52 of 59 09/27/2016 11:48:57 AM

53 55

1

got a motion. 1

MR. KERRICK: We could put it

2

MR. KERRICK: I have a 2

on September, but we can always push it till

3

question. 3

October till you get your information back.

4

Jon -- Jonathan, the -- the only 4

MS. PICKARD: But -- but we need

5

thing you have is the track changes you sent us -5

to -6

MR. REISS: Correct. 6

MR. KERRICK: How long has it

7

MR. KERRICK: -- that's 7

been since you had the last county study with the

8

finalized? 8

other --

9

MR. REISS: Yes. 9

MS. PICKARD: I did it four

10

MS. PICKARD: Okay. 10

years ago -11

MR. KERRICK: So that'll be on 11

MR. KERRICK: Four years ago?

12

our September 12 -- 12

MS. PICKARD: -- and I asked

13

MS. PICKARD: Do we need to 13

COG to circulate it and they didn't respond so I

14

approve that Donny? 14

guess I can do it by myself again. But it's a wide

15

MR. MOYER: Yeah, I'm waiting 15
range, we're paying her 23,000, there's people
16
for John to second. 16
paying 96,000, you get paid by three different
17
MR. KERRICK: Oh, I'll second. 17
people, but I think -18
I'm sorry. 18
MR. KERRICK: But do the other
19
MR. MOYER: All right. Motion 19
ones get paid by three people, the other tax
20
and a second. 20
collectors?
21
Any comments from the public? 21
MS. PICKARD: Yeah, umm-hmm.
22
Okay. 22
Some of them do a five percent of the receipts. It
23
All in favor? 23
just depends, because there's so many parcels and
24
MS. PICKARD: Aye. 24
there's so few parcels, it's very diverse.
25
MR. KERRICK: Aye. 25
MR. KERRICK: Okay.
54 56
1
MR. MOYER: Aye. Motion 1
MS. PICKARD: But I think that
2
passed. 2
she should be entitled to some sort of increase
3
Tax collection salary 3
even if it's minimal, whether it's to like 25,000
4
discussion. 4
or, you know -5
MR. REISS: Is your tax 5
MR. KERRICK: I don't know
6
collector gonna be up for election in 2000 -6
what -7
MS. PICKARD: Yes, she is. And 7

MS. PICKARD: -- or percentage

8

she approached me about consideration. We did this 8
increase.

9

four years ago, it has to be done this -9

MR. KERRICK: See what you get

10

MR. REISS: By February 15, I 10

back and see -11

think. 11

MR. MOYER: Well, let's leave it

12

MS. PICKARD: Yeah. But we need 12

for the whole board.

13

it for the budget if we wanted to, so I wanted to 13

MR. KERRICK: I think we only

14

talk to the board. I was trying to work with COG 14

raised once in --

15

to get another circulation of what everybody else 15

MS. PICKARD: I don't -- not

16

is paying. We are generally on the lower side, but 16
since I've been on the board.

17

her salary hasn't been raised since I've been on 17

MR. KERRICK: I think when I

18

the board. 18

first started.

19

MR. MOYER: I make a suggestion 19

MS. PICKARD: You might have.

20

that we table it then till the rest of the board's 20

MR. KERRICK: I think, I'm not

21

here. 21

sure, but that was many years ago.

22

MS. PICKARD: Yeah, but I just 22

MS. PICKARD: I know, but it --

23

-- that was the purpose of that, so if -- I don't 23

I'm thinking it should go up at least minimally, is

24

know if we want to put it on for September and talk 24

my recommendation, but we can discuss that on next
25
about it. 25
month, next meeting when everybody's here.

09/27/2016 11:48:57 AM Page 53 to 56 of 59 14 of 15 sheets

57

1
MR. MOYER: Right. Okay.

2
Is there any comment from the
3
public?

4
Seeing none.

5
MR. MIKE CHRISTIAN: On that

6
subject or -7

MR. MOYER: Anything.

8
MR. MIKE CHRISTIAN: Okay. I

9
just had a quick question. You mentioned a hearing

10
on October 3 -

11
MR. REISS: That's for that

12
intermunicipal -

13
MS. PICKARD: The liquor

14
license.

15
MR. REISS: -- liquor licence

16

transfer.

17

MR. MIKE CHRISTIAN: Thank you.

18

MR. MOYER: Anyone else?

19

MR. KERRICK: Yeah, could we

20

have a Reader's Digest version of your sign

21

committee or do you want to wait till the end?

22

MR. MIKE CHRISTIAN: I was gonna

23

do that next week.

24

MR. KERRICK: Oh, that's fine.

25

I just wondered how things --

58

1

MR. MIKE CHRISTIAN: We're still

2

looking at definitions, that's --

3

MR. KERRICK: The reason I

4

don't come is I want you guys to decide what you're

5

doing and then present it to us. I just wanted to

6

--I'll wait till next week.

7

MR. MIKE CHRISTIAN: Oh, no,

8

Reader's Digest version is we're --I hope -- I had

9

hoped to finish definitions next week and then get

10
into digital signage.
11
MR. KERRICK: Any violence so
12
far, everybody's --13
MR. MIKE CHRISTIAN: Close to
14
it.
15
MR. HARRY FORBES: We crack a
16
lot of jokes.
17
MR. MIKE CHRISTIAN: We started
18
the --we started to all have some fun.
19
MR. MOYER: Okay. We're
20
adjourned.
21
(Meeting concluded at 7:00 p.m.)
22
--23
24
25

59
1
2
3
4
5
6
7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.
13
14
15
16 TARA WILSON, C.R.
17
18
19
20

21
22
23
24
25

15 of 15 sheets Page 57 to 59 of 59 09/27/2016 11:48:57 AM

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, September 12, 2016, beginning at 7:00 p.m.

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

JONATHAN REISS, ESQUIRE, Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township
Engineer/Interim Township Manager

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

2

1 MS. LAMBERTON: Good evening.
2 I'd like to call the board of supervisors regular
3 business meeting to order. We'll start with the
4 pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Thank you.
8 Bob, do you have any
9 announcements?

10 MR. McHALE: I'll cover under
11 the manager's report.

12 MS. LAMBERTON: Very good.
13 I'll entertain a motion to
14 consider the minutes of July 11 regular business
15 meeting.

16 MR. MOYER: So moved.

17 MS. PICKARD: Second.

18 MS. LAMBERTON: I have a motion

19 and a second.

20 Any questions or comments from
21 the board?

22 Any questions or comments from
23 the public?

24 Seeing none. Call the vote.
25 John?

3

1 MR. KERRICK: In favor.

2 MS. LAMBERTON: Heidi?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: John?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: Donny?

7 MR. MOYER: I vote in favor.

8 MS. LAMBERTON: I vote in

9 favor. Motion carries.

10 I will consider a motion to pass
11 the August 1, 2016 work session minutes.

12 MR. MOYER: So moved.

13 MS. PICKARD: Second.

14 MS. LAMBERTON: I have a motion
15 and a second.

16 Any questions or comments from
17 the board?

18 Questions or comments from the
19 public?

20 Seeing none. Call the vote.
21 John?

22 MR. KERRICK: I vote in favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: Vote in favor.

25 MS. LAMBERTON: John?

4

1 MR. HOLAHAN: Yes.

2 MS. LAMBERTON: Donny?

3 MR. MOYER: I vote in favor.

4 MS. LAMBERTON: I'll abstain, I
5 was not present. Motion carries.

6 I will entertain a motion to
7 consider the minutes for the August 8, 2016 regular
8 business meeting.

9 MR. HOLAHAN: So moved.

10 MS. PICKARD: Second.

11 MS. LAMBERTON: I have a motion

12 and a second.

13 Questions or comments from the
14 board?

15 Questions or comments from the
16 public?

17 Seeing none. Call the vote.
18 John?

19 MR. KERRICK: I vote in favor.

20 MS. LAMBERTON: Heidi?

21 MS. PICKARD: I vote in favor.

22 MS. LAMBERTON: John?

23 MR. HOLAHAN: Yes.

24 MS. LAMBERTON: Donny?

25 MR. MOYER: I vote in favor.

5

1 MS. LAMBERTON: I vote in
2 favor. Motion carries.

3 I will entertain a motion to
4 consider the treasurer's report in the amount of
5 \$632,515.45.

6 MS. PICKARD: I make a motion
7 that we approve the bill pack dated September 12,
8 2016 in the amount of \$632,515.45.

9 MR. HOLAHAN: I'll second.
10 MS. LAMBERTON: I have a motion
11 and a second.
12 Any questions or comments from
13 the board?
14 Any questions or comments from
15 the public?
16 Seeing none. Call the vote.
17 John?
18 MR. KERRICK: I will abstain.
19 I have a business -- or I have a conflict. I have
20 a business relationship with Papillion and Moyer
21 who is on the bill pack.
22 MS. LAMBERTON: Heidi?
23 MS. PICKARD: Vote in favor.
24 MS. LAMBERTON: John?
25 MR. HOLAHAN: Yes.

6

1 MS. LAMBERTON: Donny?
2 MR. MOYER: I'll vote in favor.
3 MS. LAMBERTON: I -- I will
4 abstain, I have a conflict. I'm an employee of

5 Papillion and Moyer as well. Motion carries.

6 Moving on to solicitor's report.

7 Any --

8 MR. REISS: I just have one
9 item. Back in April you approved the completion of
10 the gra -- sewer line, the gravity sewer line,
11 subject to the punch list being completed. There
12 was one last thing on that punch list, which was
13 basically an agreement with the property owner, and
14 that came in -- that was delivered to me today, I
15 sent it to everybody.

16 The way the amendment to the
17 development agreement reads, is that when
18 everything is completed on the punch list, the
19 maint -- 18-month maintenance period would start.
20 However, everything was basically completed back in
21 April except for this one agreement. So I received
22 an email today from the attorney for Kalahari
23 asking if the maintenance period could start back
24 in April since it wasn't any physical item that
25 needed to be, you know, repaired or brought up --

1 up to the level that the township wanted, but it

2 was an agreement. And the agreement really was
3 about restoration of someone's property, they
4 instead just took cash instead of having the
5 developer destroy the property.

6 So the question is, are -- is it
7 okay with you to start the 18-month maintenance
8 period that -- what we're talking about is really
9 the pipe in the ground, that's what the 18-month
10 maintenance period's gonna cover and that's already
11 been in operation since then.

12 MR. MOYER: I'm okay with it.

13 MS. LAMBERTON: Do you need a
14 motion?

15 MR. REISS: We should have a
16 motion because the development agreement calls for
17 it to start effective today.

18 MR. HOLAHAN: I make a motion
19 that we begin the maintenance agreement as of the
20 date of -- I believe it's April 11?

21 MR. REISS: That's correct.

22 MR. HOLAHAN: -- and moving
23 forward 18 months from April 11, 2016.

24 MR. MOYER: I'll second.

25 MS. LAMBERTON: I have a motion

1 and a second.

2 Any questions or comments from
3 the board?

4 Any ques --

5 MS. PICKARD: I just had a
6 question --

7 MS. LAMBERTON: I'm sorry.

8 MS. PICKARD: -- on the -- I
9 just wanted to make sure we had clarification
10 because we have \$176,000 in the escrow and it was
11 my understanding this was the TIF money that's
12 being released because the numbers didn't add up.
13 So I just want to --

14 MR. REISS: The numbers didn't
15 add up because I think you've accrued some
16 additional interests and some stuff.

17 MS. PICKARD: No, it wasn't
18 that because what they were talking about was
19 holding 51,000 and then refunding 69,000 out of
20 176,000. So I just wanted to get clarification
21 that we would go over those numbers.

22 MR. McHALE: What the board

23 approved was the 51,000 that Heidi's referring to
24 subject to the Becker agreement being resolved. So
25 if we wanna just make a motion and close that out,

9

1 that is the item that you all had agreed to subject
2 to that.

3 MR. REISS: That was -- actually
4 it was 55,000 --

5 MR. McHALE: Or 55,000.

6 MR. REISS: That -- that 55,000
7 covered the punch list.

8 MR. McHALE: But that was
9 related to release of the funds in the TIF.

10 MR. REISS: Right. The 51,000
11 figure with some odd dollars, that's the 18-month
12 maintenance period money that's supposed to stay
13 with the township. I think what happened was, back
14 when the punch list was done, I think that the one
15 -- at that time it was about a hundred seventy-five
16 thousand dollars in the account, they probably
17 should've gotten a release of everything but the 55
18 and the 51, and that never apparently happened.

19 MR. HOLAHAN: They're not

20 coming -- that's not what's before us right now.
21 Before us right now --
22 MR. REISS: No, you actually --
23 MR. HOLAHAN: -- is the
24 maintenance agreement, right?
25 MS. PICKARD: We already

10

1 approved --
2 MR. REISS: Back in April you
3 actually authorized --
4 MS. PICKARD: We already
5 approved in April.
6 MR. REISS: -- the release of
7 the money.
8 MR. HOLAHAN: Right.
9 MS. PICKARD: Okay.
10 MR. REISS: So we can go back
11 and look at those minutes.
12 MS. PICKARD: I just want to
13 clarify that --
14 MR. REISS: Right.
15 MS. PICKARD: -- before we

16 release any funds because --
17 MR. REISS: Right. So let's go
18 back --
19 MS. PICKARD: We're missing
20 something somewhere.
21 MR. REISS: Right. Let's go
22 back and look at the minutes in April --
23 MS. PICKARD: Okay.
24 MR. REISS: -- and then we can
25 talk tomorrow.

11

1 MS. PICKARD: Okay.
2 MR. McHALE: And they would need
3 to make a request for that release of those
4 additional funds that you're speaking to.
5 MR. REISS: I think they did
6 back then. I think we approved that re -- I think
7 -- not we, the supervisors approved that release,
8 but we'll tal -- we'll see.
9 MS. PICKARD: I get confused
10 when we're talking about releasing -- releasing the
11 TIF fund, so I think there might've been some
12 confusion with that. They are aware the money that

13 we're holding, 'cause I do send them that statement
14 every month. So I would imagine that would've come
15 up by now.

16 MS. LAMBERTON: But this is
17 basically to determine the date.

18 MR. REISS: Of the maintenance
19 period, correct.

20 MS. LAMBERTON: Right. And that
21 was your motion.

22 MR. KERRICK: That's what we're
23 voting on presently.

24 MS. PICKARD: Yeah.

25 MS. LAMBERTON: Yes.

12

1 MS. PICKARD: Umm-hmm.

2 MS. LAMBERTON: Any other
3 questions or comments from the board?

4 Oh, you're -- no, you're
5 welcome.

6 Any other questions or comments
7 from the board?

8 Questions or comments from the

9 public?

10 Seeing none. Call the vote.

11 John?

12 MR. KERRICK: I vote in favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: I vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: Yes.

17 MS. LAMBERTON: Donny?

18 MR. MOYER: I vote in favor.

19 MS. LAMBERTON: I'll abstain.

20 Motion carries.

21 Okay. Anything else for the

22 solicitor?

23 MR. REISS: No, that's it.

24 MS. LAMBERTON: Thank you.

25 Manager's report, Bob?

13

1 MR. McHALE: I just have a -- a

2 few updates on the PP&L right-of-way areas. We had

3 a -- a concern from some citizens and our emergency

4 services regarding the accumulation of brush piles.

5 We received a -- an updated email from PP&L today

6 and they have photos that show those areas being
7 cleared out. They have about two to three more
8 weeks of work to finish that up.

9 The bridge inspection reports
10 came in for this year, they were all forwarded to
11 the board. There's only a few incidental items
12 that need to be addressed. We'll look -- be
13 looking to do some of them under this year's budget
14 and then some under 2017. Pocono Mountain School
15 District also sent us some information regarding
16 their multisports field dedication ceremony,
17 Thursday, September 15, at 3:45.

18 And, Jonathan, I just wanted to
19 speak briefly to -- like to bring the board up to
20 speed on the PennDOT -- the traffic signal roadway
21 improvements on State Route 115 and Commercial
22 Boulevard. That, as you know, had some issues
23 related to the engineering construction maintenance
24 system from PennDOT. And that pretty much has been
25 resolved to the point where Jonathan wrote a letter

1 of concurrence with the award of the contract.

2 They now identified the Pocono Mountain Industrial
3 Park Authority as sponsor and the township is not a
4 party to the contract per se.

5 Is that correct, Jon?

6 MR. REISS: That's correct.

7 MR. McHALE: There's also been
8 an announcement by PennDOT for a preconstruction
9 meeting for that same project on September 26, 9
10 a.m., at 300 Community Drive, Suite D, that's
11 Pocono Mountain's Corporate Center East in
12 Tobyhanna.

13 And the last item, I forwarded
14 an email to you also regarding the asset purchase
15 agreement for Blakeslee with Aqua. They were going
16 to look to have their application in to the
17 technical utility portion of the review that has to
18 occur for the -- the PUC by the end of last week.
19 I will follow up with them, but assuming that all
20 went well, they're looking at a closing of some
21 time next March or April 2017.

22 And that is all I have for now.

23 Thank you.

24 MS. LAMBERTON: Thank you, Bob.

25 Moving on. Committee reports.

1 Pocono Mountain Regional Police Commission.

2 Anything to report, Donny?

3 MR. MOYER: Not too much. We're
4 moving along with negotiations with the guys, so
5 that should be closing.

6 MS. LAMBERTON: It's going well?

7 MR. MOYER: Yeah, very well.

8 MS. LAMBERTON: And I believe
9 you want executive session?

10 MR. REISS: That's correct.

11 MS. LAMBERTON: Okay. We'll go
12 into an executive session after this for discussion
13 with Jonathan.

14 Open space committee, Heidi?

15 MS. PICKARD: I don't have
16 anything at the moment.

17 MS. LAMBERTON: Nothing to
18 report?

19 Overlay committee, John?

20 MR. HOLAHAN: Yeah, we had a --
21 actually a pretty good meeting the last time. We
22 were able to identify some -- some parameters and
23 some borders that we were looking to include into

24 it, it's -- it's going very well.

25 MS. LAMBERTON: And those that

16

1 are new for this evening, it's for Blakeslee.

2 MR. HOLAHAN: Yeah, it's the --

3 it's our Blakeslee Overlay, so it's our visioning

4 for what we want to do with the Blakeslee area.

5 Kind of revitalize it, in a manner of speaking, so

6 we're -- we're taking a look at some model

7 ordinances and designs and things like that that'll

8 make it attractive for businesses, but most

9 importantly attractive for our residents.

10 You're welcome to come to these

11 meetings, they are open to the public. And you

12 could find the -- I think we're posting it on the

13 website.

14 Aren't we, Bob, the dates of the

15 meetings?

16 MR. McHALE: Yes.

17 MR. HOLAHAN: Okay. And

18 tobyhannatownship.org. That concludes my report.

19 MS. LAMBERTON: Why thank you,

20 John.

21 MR. HOLAHAN: You're welcome,

22 Anne.

23 MS. LAMBERTON: Sign regulation

24 advisory committee.

25 Mike?

17

1 MR. MIKE CHRISTIAN: Good

2 evening. Mike Christian.

3 I handed out -- you were given

4 the report, I'll just read through it. We had a

5 mixed focus last month between viewing definitions

6 and the banner and sandwich board A-frame revised

7 ordinance. We reviewed the proposed ordinance

8 against the current ordinance and against the MCPC

9 Ordinance that was the model and we tried to select

10 the best language.

11 We have finally completed the

12 first draft of definitions, a few challenging items

13 remain and we've discussed those further at this

14 week -- Wednesday's meeting. We did complete

15 review of the banner and sandwich board ordinance

16 changes. With the changes that were requested from

17 the planning commission and from the supervisors,
18 there is one challenging area, that was trying to
19 permit businesses and organizations in residential
20 areas to have banners and A-frames, but not to
21 permit any and all off-premise commercial usage and
22 that is on your agenda tonight. There was some
23 language that we've submitted to Jonathan for his
24 review.

25 Couple of things came up as

18

1 recommendations. As we talked through this, just
2 for the future, recommended that when making this
3 and other ordinances available online, the township
4 use hyperlinks to where the definitions are and
5 other parts of the ordinance so that it makes it
6 easy for people to see and refer back to.

7 Additionally, the committee
8 reviewed the sandwich board permit application from
9 Elizabeth City that could be a good model for our
10 parlance again, in the future with or without a
11 fee. But in order to be business-friendly, that
12 could be available online to be completed and

13 submitted, hopefully.

14 Just as far as some public
15 interest, we have had some public interest, people
16 coming to the meeting, Attorney Briana from MHK
17 Attorneys and John McElroy, from Harmony Beverage.
18 Mr. McElroy spent some time providing his views on
19 the sign situation and on the township. Mentioned
20 he lives in Kidder Township, owns property in
21 Tobyhanna. He intends to apply for digital -- two
22 digital off-premise signs for his properties at 940
23 and 115 in Blakeslee.

24 And Harry Forbes responded that
25 we were here to tweak the ordinance, 'cause he was

19

1 asking about, what we were doing as far as the
2 ordinance, and it's not a total rewrite. And
3 Brendon and I also told him that we plan to work on
4 the digital signage next. He also thanked us for
5 -- for the committee for its work.

6 So this week we start with
7 finalizing definitions and we will start review of
8 the proposed digital billboard highway overlay
9 district.

6 MS. LAMBERTON: Yes, I did see
7 that.
8 MS. PICKARD: -- audit to the
9 board --
10 MS. LAMBERTON: Yes.
11 MS. PICKARD: -- for last year
12 for the EMS, so --
13 MS. LAMBERTON: Anyone have any
14 questions on it?
15 No?
16 MR. HOLAHAN: I do not.
17 MS. LAMBERTON: I do not.
18 Very good.
19 Thornhurst Ambulance Squad. Is
20 anyone here from Thornhurst?
21 Seeing none. We'll move on.
22 The LERTA for old business. I
23 guess we should table that continuously until we --
24 we get our Blakeslee Visioning.
25 MS. PICKARD: I think we need

21

1 to get rolling on it, but I think tonight I would
2 make a motion that we table it.

3 MS. LAMBERTON: I have a motion.
4 MR. HOLAHAN: Second.
5 MS. LAMBERTON: And a second.
6 Any questions or comments from
7 the board?
8 Questions or comments from the
9 public?
10 Seeing none. Call the vote.
11 John?
12 MR. KERRICK: In favor.
13 MS. LAMBERTON: Heidi?
14 MS. PICKARD: I vote in favor.
15 MS. LAMBERTON: John?
16 MR. HOLAHAN: Yes.
17 MS. LAMBERTON: Donny?
18 MR. MOYER: I vote in favor.
19 MS. LAMBERTON: I vote in favor.
20 Motion carries.
21 Moving on to new business.
22 What's the board pleasure? Fiscal year 2017
23 minimum municipal obligation to the Township of
24 Tobyhanna Nonuniformed Employees Pension Plan.
25 We need to take action on this?

1 MR. REISS: Yes.

2 MS. PICKARD: I just need to
3 announce into the record that the MM0 for the
4 Nonuniformed Employees Pension Plan is \$19,535 for
5 the year 2017.

6 MR. REISS: You should approve
7 that by a motion and that will be in your budget
8 next year.

9 MS. LAMBERTON: I'll entertain a
10 motion --

11 MS. PICKARD: Yes, it will be.

12 MS. LAMBERTON: -- to approve.

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

15 MR. HOLAHAN: I'll second.

16 MS. LAMBERTON: I have a motion
17 and a second.

18 Any questions or comments from
19 the board?

20 Any questions or comments from
21 the public?

22 Seeing none. Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: Donny?

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

6 MS. LAMBERTON: I vote in

7 favor. Motion carries.

8 Consider Pinecrest Phases 5 and

9 6 development agreement amendment.

10 MR. REISS: We don't have that

11 back yet, we're waiting for comments from the --

12 the property owner.

13 MS. LAMBERTON: So we will --

14 MR. REISS: Table that.

15 MS. LAMBERTON: -- table that

16 for -- at this time.

17 MR. McHALE: The representative

18 of Pinecrest Trust is here, Brendon Carroll. I was

19 gonna ask if --

20 Brendon, if you were looking to

21 try to get anything started before the October work
22 session or board meeting?

23 MR. BRENDON CARROLL: I had --
24 I had planned to hear a response from my attorney
25 today. I did not receive that, but it would be our

24

1 intent to get started before --

2 MR. McHALE: I was just
3 wondering if there was --

4 MS. LAMBERTON: Well, if we need
5 to call a special meeting?

6 MR. McHALE: Okay. Or if there
7 wasn't anything of any major consequence that he
8 asks to be modified, perhaps the board would
9 consider what Jonathan has already drafted and
10 perhaps allow that to move forward under motion
11 now. But if there are major changes --

12 MS. LAMBERTON: As drafted by
13 Jonathan.

14 MR. McHALE: Correct. -- bring
15 it back either to special meeting or the work
16 session.

17 MS. LAMBERTON: I don't have a
18 problem with as drafted by Jonathan, if someone
19 would be willing to --
20 MR. McHALE: Is that acceptable?
21 MS. LAMBERTON: -- entertain --
22 MR. BRENDON CARROLL: I don't
23 accept Jonathan's proposal on behalf of --
24 MR. McHALE: Well, then we'll
25 just wait then.

25

1 MR. BRENDON CARROLL: -- where
2 we are, 'cause I think it would be better to --
3 MS. LAMBERTON: That's okay.
4 But if you do get an answer shortly, Brendon, and
5 we can help with a special meeting, just contact --
6 MR. BRENDON CARROLL: Okay.
7 Thank you very much. Yeah, I'm sorry for the
8 delay, but --
9 MS. LAMBERTON: You know how
10 those attorneys are. Kidding. Okay.
11 We'll move on then, we'll table
12 that.
13 MS. PICKARD: Do you need a

14 motion to table that or no?
15 MR. REISS: No.
16 MS. PICKARD: All right.
17 MS. LAMBERTON: Consider
18 Resolution 2016 dash 015 budget
19 reappropriation/appropriations.
20 I'll entertain a motion.
21 MS. PICKARD: I make a motion
22 that we approve Resolution 2016 dash zero -- 015.
23 MR. HOLAHAN: I'll second.
24 MS. LAMBERTON: I have a motion
25 and a second.

26

1 Any questions or comments on any
2 of those items?
3 Any questions or comments from
4 the public?
5 Seeing none. Call the vote.
6 John?
7 MR. KERRICK: In favor.
8 MS. LAMBERTON: Heidi?
9 MS. PICKARD: Vote in favor.

10 MS. LAMBERTON: John?
11 MR. HOLAHAN: Yes.
12 MS. LAMBERTON: Donny?
13 MR. MOYER: I vote in favor.
14 MS. LAMBERTON: I'll vote in
15 favor. Motion carries.
16 Consider Resolution 2016 dash
17 016, adopting Monroe County 2016 Hazard Mitigation
18 Plan.
19 I'll -- I'll entertain a motion.
20 MR. MOYER: So moved.
21 MR. HOLAHAN: And I'll second.
22 MS. LAMBERTON: I have a motion
23 and a second.
24 Any questions or comments from
25 the board?

27

1 Any questions or comments from
2 the public?
3 Seeing none. Call the vote.
4 John?
5 MR. KERRICK: In favor.
6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: Vote in favor.
8 MS. LAMBERTON: John?
9 MR. HOLAHAN: Yes.
10 MS. LAMBERTON: Donny?
11 MR. MOYER: I vote in favor.
12 MS. LAMBERTON: I vote in
13 favor. Motion carries.
14 Authorize sending proposed
15 zoning ordinance amendments to allow church use in
16 commercial zoning districts, acronym R-L-U-I-P-A,
17 to the Monroe County Planning Commission and the
18 township planning commission for review and
19 comment.
20 MR. HOLAHAN: So moved.
21 MS. LAMBERTON: I have a motion.
22 MR. KERRICK: Second.
23 MS. LAMBERTON: And a second.
24 Any questions or comments from
25 the board?

28

1 Any questions or comments from
2 the public?

3 Seeing none. Call the vote.
4 John?
5 MR. KERRICK: In favor.
6 MS. LAMBERTON: Heidi?
7 MS. PICKARD: I vote in favor.
8 MS. LAMBERTON: John?
9 MR. HOLAHAN: Yes.
10 MS. LAMBERTON: Donny?
11 MR. MOYER: I vote in favor.
12 MS. LAMBERTON: I vote in
13 favor. Motion carries.
14 Authorize sending the proposed
15 zoning ordinance amendment banner and sandwich
16 board signs to the Monroe Planning Commission and
17 the township planning commission for review and
18 comment.
19 I'll entertain a motion.
20 MR. HOLAHAN: So moved.
21 MR. MOYER: Second.
22 MS. LAMBERTON: I have a motion
23 and a second.
24 Any questions or comments from
25 the board?

1 MR. HOLAHAN: Yes. I couldn't
2 think of how you could make that sound any more
3 interesting. I mean, you guys absolutely nailed it
4 for the definitions of banner --

5 Have you ever seen something
6 like that, right?

7 MR. KERRICK: Not yet.

8 MR. HOLAHAN: How long it take
9 you to craft that? How many meetings?

10 MR. MIKE CHRISTIAN: Too long.

11 Thank you.

12 MR. HOLAHAN: You're welcome.

13 MS. LAMBERTON: I have a motion.

14 Do I have a second? Can I get a

15 sec --

16 MR. HOLAHAN: Yeah, it's been --

17 MS. LAMBERTON: Oh, I'm sorry.

18 That was your -- we have a motion and a second, I
19 apologize.

20 Any other comments or questions
21 from the board?

22 Comments or questions from the
23 public?

24 Seeing none. Call the vote.

25

John?

30

1

MR. KERRICK: In favor.

2

MS. LAMBERTON: Heidi?

3

MS. PICKARD: I'm opposed.

4

MS. LAMBERTON: John?

5

MR. HOLAHAN: Yes.

6

MS. LAMBERTON: Donny?

7

MR. MOYER: I vote in favor.

8

MS. LAMBERTON: I vote in

9

favor. Motion carries.

10

Consider approving July 26, 2016

11

update to the personnel manual.

12

MR. REISS: Right. Back

13

earlier this year you amended the manager's

14

ordinance; and as a result of that, I went through

15

your personnel manual and made some suggested track

16

changes that I've sent to you to make -- to make

17

sure that there isn't any conflict between the

18

amendments to the manager's ordinance and your

19

personnel manual.

20

So I think you've had it for

21 about a month or two now and I was wondering if you
22 want to act on approving that or if you want to
23 talk about it or make changes to it.

24 MS. LAMBERTON: I know one of
25 the questions we had --

31

1 John Kerrick, you correct me if
2 I'm wrong, wasn't it the digital information that
3 we -- I -- I was --

4 MR. REISS: I didn't touch
5 that. I only made changes related to the authority
6 of the manager for discipline and hiring.

7 MS. LAMBERTON: Oh, yes, I
8 apologize. That's correct.

9 MR. REISS: And I also made
10 some changes to make sure that your manual's in
11 compliance with the federal regulations that will
12 go into effect, I think, in December of this year
13 regarding minimum wage and sal -- not minimum wage,
14 but overtime. The minimum amount against your safe
15 harbor amount.

16 MS. LAMBERTON: And we are now
17 compliant.

18 MR. REISS: Well, you are, but I
19 had a question --

20 MS. LAMBERTON: Or we will be.

21 MR. REISS: Right. I had a
22 question there because the new regulations, that
23 amount's gonna go up over time. So eith -- I can
24 either use the current amount or I can reference
25 the regulations as they change so you don't have to

32

1 keep going back in and amending --

2 MS. PICKARD: I would
3 appreciate if you could do that.

4 MR. KERRICK: Yeah, that's a
5 good idea.

6 MS. LAMBERTON: Yeah, that makes
7 sense.

8 MR. REISS: All right. I'll do
9 that and recirculate it then so you can consider it
10 in October.

11 MR. MOYER: Thank.

12 MS. PICKARD: Okay. Thank you.

13 MS. LAMBERTON: Fair enough?

14 Moving on. Township tax
15 collector salary.
16 Anyone have any comments on
17 that?
18 MS. PICKARD: I just did one.
19 I brought that up at the work session, not
20 everybody was here. I just wanted the board to
21 consider, the tax collector had asked that it be
22 looked at. She hasn't had a raise in 20 some odd
23 years and she's asking --
24 MR. KERRICK: It's not quite 20
25 years.

33

1 MS. PICKARD: -- that we look
2 at that. I was planning -- I talked with Bob and
3 was going to try and get a survey from the other
4 townships, we did that the last time, but we
5 decided it wasn't prudent at the time. But her
6 salary is, I think, 23 -- under 24,000.
7 MS. LAMBERTON: You know what I
8 would like to see? I would like to see if you --
9 the survey and with that maybe population versus
10 salary.

11 MS. PICKARD: And that is all in
12 what we did last time, it was amount of tax bills
13 because it's -- it's all over the place. Some
14 people pay five percent of the taxes, some are
15 smaller, some are larger; but I think it -- it
16 would probably make sense to take a look at it.

17 MS. LAMBERTON: What's the
18 pleasure of the board?

19 MR. HOLAHAN: Well, how is the
20 tax --

21 MS. PICKARD: We normally do
22 this every --

23 Sorry.

24 MR. HOLAHAN: That's okay.

25 MS. PICKARD: We normally do

34

1 this when there's a tax -- a tax collector is -- is
2 reupping so we have to make this decision by
3 February and it would affect our budget. If we
4 make a decision or not, we have to wait four years
5 if we don't make a decision again.

6 MR. KERRICK: We can't --

7 MS. LAMBERTON: I want to see
8 where we are.

9 MR. KERRICK: We can't adjust it
10 -- when she's in office, we can't adjust it --

11 MS. PICKARD: Yes, exactly.

12 MR. KERRICK: -- is that
13 correct, Jon? We have to do it before she or
14 whoever gets elected.

15 MR. REISS: For the next term,
16 correct.

17 MR. MOYER: How long for the
18 survey stuff?

19 MS. PICKARD: Depends how long
20 everybody gets back. I mean, we had it last time,
21 I would say we're on the lower side of -- of what
22 is paid, but --

23 MS. LAMBERTON: Can we have --

24 MS. PICKARD: -- but we can look
25 at that --

35

1 MS. LAMBERTON: Will you have it
2 --

3 MS. PICKARD: -- put it in our

4 budget --

5 MS. LAMBERTON: -- for our
6 October meeting?

7 MS. PICKARD: I would think I
8 would -- like to think -- we'll see what we get
9 back. I did ask COG to add that to their survey
10 and I didn't get an answer and they sent the survey
11 out without it, so --

12 MR. KERRICK: Could we have the
13 old one, the one you did last time, to look at?

14 MS. PICKARD: Yeah, I do have
15 that.

16 MR. KERRICK: Send that to us.
17 That'd give us an idea of where we are.

18 MS. LAMBERTON: Yeah, I'd be
19 willing to take a look at it.

20 MS. PICKARD: Okay.

21 MS. LAMBERTON: Everyone --

22 MR. HOLAHAN: Yes.

23 MS. LAMBERTON: -- you good with
24 that? Very good. Thank you.

25 Dollar General Blakeslee,

1 request for release of financial securities.

2 MR. McHALE: I looked into
3 their files and I saw where PennDOT had released
4 their financial security in December 16 last year,
5 the Monroe County Conservation District they
6 provided an approval on their notice of
7 termination. So from a site standpoint, they were
8 pretty much completed quite a bit of time before
9 these dates of October and December of last year.

10 The only thing that was
11 outstanding that they just completed late last week
12 was, there was a new sewer manhole that was placed
13 out in the right-of-way of 940 and that was
14 completed. We didn't get a final report back from
15 the engineer yet, but the land development was
16 completed quite a while ago.

17 Jonathan had mentioned right
18 before the meeting about checking into the actual
19 date that we would consider them finished and if
20 there was any maintenance time period that needed
21 to be applied to that; but for right now, subject
22 to that, if the board wanted to act to reduce that
23 amount, then we could go ahead and plan to reduce
24 that subject to finding out if they had anything

25 remaining for that 15 percent.

37

1 MR. HOLAHAN: Reduce it by --

2 MR. MOYER: Yeah, what's the
3 amount?

4 MR. HOLAHAN: -- how much?

5 MR. McHALE: Well, the total
6 amount is \$524,013. And I'm pretty confident that
7 they finished everything that we needed to have
8 them finish, other than PennDOT and the
9 conservation district more than a year and a half
10 ago, but I need to pull the development agreement
11 and verify all that, look at the time frame and
12 compare it. That's all I really need to do, so --

13 MS. LAMBERTON: So can we make
14 it as per Bob's discretion?

15 MR. REISS: You could pass a
16 motion tonight, conditional motion to authorize the
17 release of the entire bond once Bob determines that
18 they're through the 18-month maintenance period; or
19 in the alternative, if they're not through the
20 18-month maintenance period, at least reduce it,
21 award the 15 percent.

22 MR. McHALE: Perfect.
23 MR. MOYER: Yeah.
24 MS. PICKARD: I'll make that
25 motion.

38

1 MR. MOYER: I'll second.
2 MS. LAMBERTON: I have a motion
3 and a second --
4 MR. KERRICK: I have a question,
5 Bob.
6 MS. LAMBERTON: Questions or
7 comments?
8 John?
9 MR. KERRICK: The only thing
10 that was outstanding was the sewer line, correct?
11 MR. McHALE: Correct.
12 MR. KERRICK: And they finally
13 put the manhole in?
14 MR. McHALE: Yes.
15 MR. KERRICK: Okay.
16 MS. LAMBERTON: Any other
17 questions or comments from the board?

18 MR. HOLAHAN: Yes. So are we
19 looking to reduce it by 85 percent, weren't we
20 doing a 15 percent retainage? So then that would
21 be reducing -- or releasing \$445,411.05, that's 85
22 percent of the outstanding balance.

23 MS. LAMBERTON: I think once Bob
24 verifies that is what we conditionally -- right?

25 MR. REISS: Or a hundred percent

39

1 if Bob determines --

2 MS. LAMBERTON: Right.

3 MR. REISS: -- they're through
4 the 18-month --

5 MR. HOLAHAN: I'm okay with the
6 hundred percent if Bob's okay.

7 MR. KERRICK: I'm okay with it
8 as well.

9 MS. LAMBERTON: Okay. Any other
10 questions or comments from the board?

11 Questions or comments from the
12 public?

13 Seeing none. Call the vote.

14 John?

15 MR. KERRICK: In favor.
16 MS. LAMBERTON: Heidi?
17 MS. PICKARD: I vote in favor.
18 MS. LAMBERTON: John?
19 MR. HOLAHAN: Yes.
20 MS. LAMBERTON: Donny?
21 MR. MOYER: Vote in favor.
22 MS. LAMBERTON: I'll vote in
23 favor. Motion carries.
24 Okay. Bob, you're on that one.
25 And it was with a great

40

1 privilege, we -- I will entertain a motion to
2 appoint our new township manager, Mr. John
3 Jablowski.
4 MR. HOLAHAN: Make a motion that
5 we appoint John Jablowski as the new township
6 manager.
7 MR. KERRICK: I'll second the
8 motion.
9 MS. LAMBERTON: I have a motion
10 and a second.

11 Any questions or comments from
12 the board?

13 Questions or comments from the
14 public?

15 MR. HOLAHAN: Well, wait a
16 second. I mean, did we really check this guy out?

17 MS. LAMBERTON: I can say yes,
18 thoroughly.

19 MR. JOHN JABLOWSKI: You didn't
20 talk to my wife.

21 MR. HOLAHAN: I mean, look at
22 him. That's what we haven't done yet, we should've
23 talked to Mrs. Jablowski.

24 MS. LAMBERTON: I'm sorry.

25 Mike?

41

1 MR. MIKE CHRISTIAN: Yes. Can
2 we have a brief bio of the new manager?

3 Welcome.

4 MS. LAMBERTON: Yes, John, would
5 you like to stand up and --

6 MR. HOLAHAN: Well, you want to
7 make the --

8 MS. LAMBERTON: Yeah, can we --
9 can we finish our --
10 MR. HOLAHAN: Do the vote?
11 MS. LAMBERTON: Sorry. One
12 second, please.
13 Call the vote.
14 John?
15 MR. KERRICK: In favor.
16 MS. LAMBERTON: Heidi?
17 MS. PICKARD: I vote in favor.
18 MS. LAMBERTON: John?
19 MR. HOLAHAN: I vote in favor.
20 MS. LAMBERTON: Donny?
21 MR. MOYER: I vote in favor.
22 MS. LAMBERTON: I vote in favor.
23 Motion carries.
24 Mr. Jablowski.
25 (Audience applause.)

42

1 MR. JOHN JABLOWSKI: Thank you.
2 I want to, first of all, express my gratitude to
3 the board of supervisors for the confidence that

4 they're placing in me. I -- I come with about 25
5 years -- 25 years of experience in local government
6 here in the Commonwealth of Pennsylvania, from
7 serving elected office and serving for -- for
8 various financial institutions and managing the
9 day-to-day operations of local governments in an
10 elected capacity in several communities. So it's
11 with a humble heart that I am very grateful to the
12 confidence that's placed in me and to the 8500
13 residents in the business communities of the
14 township.

15 You know, the township is an
16 ideal place as we all know. You know, from the
17 growth that's happening in Kalahari right here in
18 Pocono Pines and down to Blakeslee, there's a great
19 opportunity to really continue to have Tobyhanna
20 Township be that premiere community in the Pocono
21 region. And it's with the experience and
22 dedication that I have and with the -- with the
23 vision of -- of the board as we can see where the
24 community's going.

25 You know, reflecting back on

1 what happened 15 years ago and, you know, when we
2 look at where we were today 15 years ago as a
3 country, as a nation, as a community, really the
4 bonds that hold the social fabric of a community
5 together are very evident right here in Pocono
6 Township and -- and the Pocono region, and here in
7 Tobyhanna Township that we have that opportunity to
8 continue on that path.

9 And so I want to thank the
10 board. I want to pledge to you and the committee
11 that I'll try to be there Wednesday evening to help
12 out. And that's -- that's an ideal point that I
13 wanted to reenforce, is the committees that the
14 township has and the leadership of the board, but
15 with the various subcommittees and -- and the
16 volunteers and the public service, whether it be
17 the Pocono Mountain Regional Police Department or
18 the volunteers that we have, the brave men and
19 women that'll, you know, go out into a burning
20 building at three o'clock to save life and
21 property, that's what makes a community, and that's
22 why I'm energized about.

23 And that's why I'm so thankful
24 for that opportunity and the volunteers that we
25 have who are serving on committees, to make the

1 community better. We may not all agree upon how
2 we're gonna do it, we're all gonna agree upon the
3 end result and feel good about our community. And
4 that's what I -- I welcome the opportunity to do in
5 the next three weeks, while we have that
6 transition, to work with the board and -- and the
7 fine men and women that are up there and the
8 residents and the business community.

9 So that's a little bit about my
10 bio and certainly I'd welcome the opportunity to
11 spend some time with you and get more up to speed
12 on what you need from me. I want to thank my wife
13 and my son for both being here, some good friends
14 from the City of Wilkes-Barre, members of council
15 Bob Cart -- Cartwright -- Bob Morgan from
16 Cartwright's office, Dave Bulzoni from the City of
17 Scranton and really working collaboratively in the
18 region.

19 What makes our -- our community
20 and our Commonwealth great here in Monroe County,
21 is that we can work together. You know, not just

22 -- we're not an island, you know, we -- we're a
23 great community and we think even better with the
24 friends in Tunkhannock Township and Coolbaugh
25 Township, Mount Pocono and so forth.

45

1 So that's my pledge to you and
2 my pledge to the board. And I'm eager to get
3 started.

4 MS. LAMBERTON: Great. Thank
5 you very much.

6 (Audience applause.)

7 MS. LAMBERTON: Denise, we saw
8 you sneak in back there. We're gonna go back to
9 our Pocono Mountain Regional EMS report. If you
10 have five seconds, I know you were running around
11 this evening.

12 MS. DENISE DOREMUS: No, that's
13 okay. I thought you'd just forget, but --

14 MS. LAMBERTON: Oh, no.

15 MS. DENISE DOREMUS: -- they
16 said they'd come back to you.

17 MS. LAMBERTON: We saw you.

18 MS. DENISE DOREMUS: So I was

19 late. We were doing a bike helmet giveaway with
20 Pocono Mountain Regional Police Department at -- at
21 McDonald's.

22 Call volume this month -- of the
23 month of August was 526 calls for this area, 541
24 total. From mutual aide, we covered 15 this year.
25 Tobyhanna Township is a little bit down from last

46

1 year but not much; and for a total, though, they're
2 up 14.3 per -- 3 percent for the year of 2016.
3 This month we had 87 calls in Tobyhanna Township.

4 MS. LAMBERTON: Thank you very
5 much.

6 MS. DENISE DOREMUS: Oh, and
7 movie night was a blast.

8 MS. LAMBERTON: Oh, fantastic.
9 Good.

10 MR. HOLAHAN: How many hot dogs
11 did you eat, Denise?

12 MS. DENISE DOREMUS: One.

13 MR. HOLAHAN: Yeah.

14 MS. DENISE DOREMUS: That's

15 saying a lot, 'cause I don't like hot dogs.

16 MS. LAMBERTON: Moving on. We
17 have a proclamation, 90-year anniversary, how
18 wonderful is that? Pocono Lake Wesleyan Church. I
19 would like to read this, if -- if I may.

20 Pocla -- proclamation honoring
21 the Pocono Lake Wesleyan Church upon the occasion
22 of its 90th anniversary. Whereas the Pocono Lake
23 Wesleyan Church was born in a farmer's field in
24 1925, less than a quarter mile from the church of
25 today. And whereas in the early days, several tent

47

1 revival meetings were held until a small group of
2 mostly farmers decided to build their own church.
3 Construction began in the late fall of 1925 with
4 the first church service being held March of 1926.
5 And whereas today, the Pocono Lake Wesleyan Church
6 is located at 203 Spur Road, Pocono Lake.

7 The church is celebrating its
8 90th anniversary this year and this anniversary
9 celebration will draw former and current members to
10 Pocono Lake to participate in this momentous
11 milestone in the history of their church. And

12 whereas the congregation of the Pocono Lake
13 Wesleyan Church continues to be active,
14 enthusiastic members of our community through
15 various outreach ministries and in particular, the
16 food pantry ministry, which operates out of the
17 Five Loaf House that the church purchased in 2013.

18 Today's church members have had
19 that same pride and selflessness of the
20 congregation that volunteered their time and
21 talents generations ago. And whereas the Tobyhanna
22 Township Board of Supervisors takes great pleasure
23 in commemorating the Pocono Lake Wesleyan Church on
24 its 90-year celebration, 1926 to 2016.

25 And now therefore, that along

48

1 with the residents of Tobyhanna Township, we
2 commend the Pocono Lake Wesleyan Church and its
3 congregation for their unwavering commitment,
4 dedication and contributions to their community and
5 congratulate them as they continue their ministry
6 and service the good people of Tobyhanna Township.
7 Proclaimed by the Tobyhanna Township Board of

8 Supervisors this 12th day of September 2016.
9 That's quite the --
10 (Audience applause.)
11 MR. KERRICK: Do we need a
12 motion?
13 MS. PICKARD: Yeah, do we need
14 the motion?
15 MS. LAMBERTON: Do we need a
16 motion?
17 MR. REISS: Yes.
18 MR. KERRICK: I'll make that
19 motion.
20 MS. PICKARD: I'll second it.
21 MS. LAMBERTON: I have a motion
22 and a second.
23 Questions or comments from the
24 board?
25 Questions or comments from the

49

1 public?
2 Seeing none. Call the vote.
3 John?
4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: I vote in favor.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I vote in favor.

11 MS. LAMBERTON: I vote in favor.

12 Motion carries.

13 Congratulations to anyone who's

14 a member, that's wonderful.

15 Moving on. Board of

16 supervisors, report or comments.

17 Anything from the board members?

18 MR. HOLAHAN: Just that nice

19 report here, Eddie, from the DPW on the number of

20 things that it accomplishes, substantial. Very

21 good.

22 MS. PICKARD: I did have one

23 thing I wanted to address, forgot at the work

24 session. We have our two signs, the Great Swamp

25 and the first schoolhouse, so we're looking for

1 some direction from Mr. -- for Mr. Bodenschatz,
2 he's trying to find a place for the Great Swamp.
3 He was looking in the area of Forest Glen. I'm not
4 sure if --

5 MR. HOLAHAN: That sounds
6 right.

7 MS. PICKARD: He didn't find a
8 spot specifically, but we were looking if there
9 were any other spot that you had in mind. The
10 other one he was trying to find a spot and I know
11 he was looking -- he was gonna talk to Blakeslee
12 Diner and have it somewhere near the Blakeslee fire
13 station and the Blakeslee Diner, in that little
14 area, 'cause the pavement ends our property line.
15 So if there was any other feedback that we could
16 give Mr. Bodenschatz so we could find an
17 appropriate location for those two markers, that
18 would be wonderful.

19 MR. HOLAHAN: Well, I say we
20 take --

21 MS. LAMBERTON: Anybody have a
22 suggestion?

23 MR. KERRICK: I think we own a
24 little more than the pavement.

25 MR. HOLAHAN: I say we take 45

1 minutes and discuss it right now.

2 MS. PICKARD: You wanna get the
3 map out or --

4 MS. LAMBERTON: I say we --

5 MS. PICKARD: Is there any other
6 suggestions that anybody has for the schoolhouse?
7 I think it can't be across the street, I think it's
8 near Pocono Transmission so where -- that's where
9 the first schoolhouse was. So we're looking to put
10 it on the opposite side of the street there, so --

11 MS. LAMBERTON: Okay.

12 MS. PICKARD: -- as long as
13 you're okay there. But the Great Swamp is a little
14 bit broader, it could go anywhere, we're trying to
15 find location to fill in and find places where
16 people could put it up.

17 Maybe we could put it over near
18 your place?

19 MR. HOLAHAN: Right in my back
20 yard there, yeah.

21 MS. PICKARD: Well, it needs to
22 be in the front yard as long as they can --

23 MS. LAMBERTON: We'll leave that
24 up to you and Mr. Bodenschatz.

25 MS. PICKARD: Okay.

52

1 MS. LAMBERTON: How does that
2 sound?

3 MS. PICKARD: All right. Just
4 --

5 MS. LAMBERTON: Okay.

6 MS. PICKARD: -- let me know if
7 you have any other thoughts or suggestions and
8 we'll go from there.

9 MS. LAMBERTON: Very good.
10 Thank you.

11 Any public comments or
12 questions?

13 Mr. Selig, good evening. How
14 are you, Bob?

15 MR. BOB SELIG: I'm terrific.

16 MS. LAMBERTON: Good.

17 MR. BOB SELIG: I'd like to
18 welcome our new manager.

19 THE REPORTER: Could you just
20 spell your last --

21 MR. BOB SELIG: I'm Bob Selig,
22 Pocono Lake.

23 MS. LAMBERTON: S-e-l-i-g.

24 MR. BOB SELIG: I'd like to
25 welcome our new manager. I'm sure I'll be paying

53

1 him a couple visits. But I have a question, as you
2 can imagine, or I wouldn't be here.

3 J&J Towing and I have met with
4 this board on two occasions. I was under the
5 impression that we agreed upon me signing an
6 affidavit as to the uses of my property on Slutter
7 Road. And I submitted an affidavit with all my
8 uses that I have had in the past on that property
9 on Slutter Road. And about two weeks after -- a
10 week or two after I submitted that affidavit, J&J
11 Towing received a letter requesting that he file
12 for a permit for a salvage license.

13 To my knowledge, there was never
14 any discussion with this board about any salvage
15 license. The issue was, I filled out an affidavit

16 stating what I did there in the past, it was all
17 nonconforming use, and that the issue would
18 disappear. We need some clarification. Did the
19 issue go away? What's the story with this permit
20 now?

21 We just need some clarification
22 as to what -- what's happening here.

23 MS. LAMBERTON: What was the
24 ruling from the zoning officer?

25 MR. BOB SELIG: We got a

54

1 letter.

2 MR. JOSEPH COLYER: Can I come
3 up there?

4 MS. LAMBERTON: Absolutely. I
5 thought this was a done deal, Bob, that's the only
6 reason --

7 MR. JOSEPH COLYER: We all did.

8 MR. BOB SELIG: We all thought
9 so as well.

10 (Inaudible comments.)

11 MR. BOB SELIG: The agreement

12 with the board and myself, that as long as I
13 presented the affidavit, that the issue was done.

14 MS. LAMBERTON: That was my
15 understanding as well.

16 MR. BOB SELIG: And obviously
17 it was not.

18 MR. JOSEPH COLYER: But the
19 terminology is still wrong on that. I think I
20 tried --

21 Joseph Colyer, sorry, owner of
22 J&J Towing.

23 MS. LAMBERTON: Why don't you
24 send --

25 MR. JOSEPH COLYER: I am

55

1 applying -- I am applying for a salvor's license
2 not a salvage license.

3 MR. HOLAHAN: But that's through
4 the state, right, Joe?

5 MR. JOSEPH COLYER: Huh?

6 MS. PICKARD: Yeah.

7 MR. HOLAHAN: Isn't that
8 through the state?

9 MR. JOSEPH COLYER: Yes, but on
10 there it clearly goes back to the salvage and --

11 MR. REISS: That's because -- I
12 don't mean to interrupt you. If you want to
13 finish.

14 MR. JOSEPH COLYER: No, go
15 ahead.

16 MR. REISS: I think if you
17 recollect that stand-alone ordinance defines
18 salvage for purposes of the ordinance. And the
19 activities you're doing on that property meet that
20 definition. So I think that's why the zoning
21 officer's asking -- she said there's no fee
22 associated with it and the township waived the
23 requirements that you -- that your property did not
24 satisfy of that ordinance. I think one of them was
25 that you couldn't be in a residential zoning

56

1 district.

2 MR. BOB SELIG: But if it was
3 done there before, what's the issue?

4 MR. REISS: Well, because when

5 it was done before, the township didn't have that
6 salvage ordinance.

7 MR. BOB SELIG: He's not looking
8 for a salvage license.

9 MR. REISS: I'm sorry, sir, but
10 if you heard me, and I know my voice is breaking
11 up, but the definition of salvage under that
12 ordinance defines what Mr. Colyer's doing on the
13 property. That's why she's saying apply for this,
14 you'll get it. I mean, you're not -- nothing's
15 gonna -- there's no feeage (phonetic) -- there's no
16 fee required, all you have to do is fill out the
17 application and --

18 Thank you very much.

19 -- and you'll get the license.

20 MR. BOB SELIG: But correct me
21 if I'm wrong, he's not doing anything different now
22 than was done previous.

23 MR. REISS: Right, but --

24 MR. BOB SELIG: So if that's the
25 case, why would he need a salvage license? He

1 doesn't want to be a junkyard.

2 MR. REISS: Right.

3 MR. BOB SELIG: A salvage
4 license creates a junkyard. Does not want to be a
5 junkyard, never had -- wanted to be a junkyard.

6 MR. REISS: Unfortunately, the
7 way the definition of a salvage is in that
8 ordinance, it's having any --

9 MR. BOB SELIG: Well, if -- if
10 that's the definition, it was done before. So if
11 it was done previous to zoning, he should not need
12 a permit.

13 MR. REISS: This is not a zoning
14 ordinance issue, this is a stand-alone ordinance
15 which probably was not in effect when you and your
16 father had your businesses at that location, which
17 now is in effect and which does apply to -- to his
18 business.

19 MR. BOB SELIG: Well, if it
20 wasn't in effect before, wasn't I grandfathered?

21 MR. REISS: If you had
22 continued the business, yes, but you --

23 MR. BOB SELIG: Well, the
24 business has never stopped.

25 MR. REISS: No, this is a new

1 business.

2 MR. JOSEPH COLYER: No, a
3 different owner.

4 MR. REISS: Right.

5 MR. BOB SELIG: It never
6 stopped.

7 MR. JOSEPH COLYER: All his
8 stuff --

9 MR. REISS: I'm not trying to
10 argue with you, I'm trying --

11 MR. BOB SELIG: I still got
12 vehicles in the lot.

13 MR. REISS: I'm not trying to
14 argue with you --

15 MR. BOB SELIG: No, no, and I'm
16 not trying to argue. I just want to get it
17 resolved.

18 MS. LAMBERTON: Yeah, me too.
19 Let me ask a question, so if -- if they apply for
20 this, then they're done?

21 MR. REISS: They'll get --
22 right, yes.

23 MS. LAMBERTON: Then that's
24 your last step, does that affect --
25 MR. BOB SELIG: That's up to you

59

1 -- that's up to Joe.
2 MR. JOSEPH COLYER: But it's
3 your property --
4 MR. REISS: There's no fee --
5 there's no fee involved, all it is, is to fill out
6 the application. The township supervisors have
7 already waived any provision that he's in conflict
8 of in that ordinance, he'll get it and you can move
9 forward.
10 MS. LAMBERTON: Now, does that
11 --
12 MR. McHALE: So if we fill out
13 an application for this permit, J&J Towing can run
14 a junkyard there, is that correct?
15 MR. HOLAHAN: No.
16 MR. BOB SELIG: No? Now wait a
17 minute. What do you mean no? What do you mean no?
18 MR. HOLAHAN: No.
19 MR. BOB SELIG: Why can't you?

20 If it's a salvage license permit, why can't you
21 have a junkyard there?
22 MR. JOSEPH COLYER: That's what
23 you're --
24 MR. BOB SELIG: That's what
25 you're saying.

60

1 MR. JOSEPH COLYER: You've been
2 forcing me to try to be this all along and if your
3 definition is that twisted, you need to change
4 that definition. I don't want a junkyard, if you
5 make me apply to be one and give me a permit to do
6 it, then I have a right to do it. You don't have a
7 right to ask me to be something and tell me I can't
8 be it.
9 MR. BOB SELIG: Exactly.
10 MR. JOSEPH COLYER: Come on,
11 now.
12 MR. BOB SELIG: Exactly. I
13 mean, you have an attorney --
14 MR. JOSEPH COLYER: This is
15 crazy. This is a year and 18 months of my life and

16 my business, going -- just kicking this bucket down
17 the road. Business-friendly, I just heard it
18 again, sounds like it.

19 MR. REISS: The only issue is
20 in the definitions -- the only issue is in the
21 definition, it says a salvage yard includes places
22 where either wrecked or unregistered vehicles are
23 stored. Because a salvor's license requires you to
24 store either a -- a wrecked or an unregistered
25 vehicle for a certain period of time before you can

61

1 re -- sell it, that's why -- that's why you've come
2 in -- within that definition, that's the only
3 reason -- reason why you come within that
4 definition.

5 MS. LAMBERTON: And I remember
6 too, Joey, isn't that the reason you really wanted
7 to get a salvor's license so the vehicles didn't
8 stay on your property and you were able to --

9 MR. BOB SELIG: It was gonna --

10 MS. LAMBERTON: -- to gain title
11 -- you were able to gain title, 'cause that's how
12 you gained the title from --

13 MR. JOSEPH COLYER: Yes.
14 MS. LAMBERTON: -- the state if
15 the owner is not --
16 MR. BOB SELIG: Correct.
17 MS. LAMBERTON: So that's kind
18 of --
19 MR. JOSEPH COLYER: Does that --
20 MR. HOLAHAN: What would it
21 take -- what do we have written that --
22 MS. LAMBERTON: I just asked
23 Jonathan, he said we could amend the ordinance so
24 it doesn't state that he would be a salvage. So
25 that would be up to us to amend the ordinance --

62

1 MR. HOLAHAN: And what --
2 MS. LAMBERTON: For right now --
3 I'm so sorry.
4 MR. HOLAHAN: Okay. So doesn't
5 that take the -- does that require the advertising
6 30 days and all that stuff, right?
7 MS. LAMBERTON: Yeah.
8 MR. REISS: Well, it doesn't

9 require to go to the planning commission 'cause
10 it's a stand-alone ordinance, it's not a zoning
11 ordinance.

12 MR. HOLAHAN: Right.

13 MR. REISS: And the way you'd
14 have to define it is, you'd have to either accept
15 out people who have the state-issued salvor's
16 license or put a certain time period that people
17 could store those vehicles on the property, after
18 which they do need a salvage license.

19 MS. LAMBERTON: Which we did
20 talk about and you don't want to leave them there
21 anyway, you just want enough time to get the lic --
22 the registration.

23 MR. JOSEPH COLYER: The time
24 could be on yours. I mean, you know it's a 90-day
25 process and you can, you know, put a time limit.

63

1 MR. BOB SELIG: But -- but the
2 problem is, as I see it, if you change the
3 ordinance, it's going to apply to everybody in this
4 township.

5 MR. REISS: That's correct.

6 MR. BOB SELIG: I mean, you and
7 -- we all know, sitting in this room, that there a
8 lot of problems in this township that would pertain
9 to this same definition, a lot -- a lot worse than
10 what J&J Towing --

11 MS. LAMBERTON: So to avoid
12 changing the ordinance --

13 MR. BOB SELIG: So to avoid that
14 --

15 MS. LAMBERTON: He would apply.

16 MR. BOB SELIG: -- if we apply
17 for this, but then, John Holahan, we have a salvage
18 license, we're a junkyard.

19 MR. HOLAHAN: I think that was
20 one of the things as we discussed this, is that was
21 not something you wanted to do anyway, so if you
22 were given --

23 MR. BOB SELIG: We don't, but
24 legally we would be a junkyard. We could have a
25 junkyard there legally in this township, is that

2 MS. LAMBERTON: That use would
3 be --

4 MR. BOB SELIG: Is that
5 correct, Jonathan?

6 MS. LAMBERTON: -- that's my
7 understanding.

8 MR. REISS: Yes.

9 MS. LAMBERTON: That used to be
10 attached to your property, Bobby.

11 MR. REISS: Well, actually I
12 take -- say that partially yes. The other -- the
13 other part is, you'd still -- if you're gonna do
14 salvage or junkyard business, you would have to
15 comply with zoning and I don't think you comply
16 with zoning.

17 MR. BOB SELIG: Well, we could
18 because we're already grandfathered under the
19 zoning ordinance.

20 MR. REISS: Well, no.

21 MR. BOB SELIG: I already had it
22 there.

23 MR. REISS: Right, but it wasn't
24 a junkyard.

25 MR. BOB SELIG: No, it wasn't a

1 junkyard, that's true.

2 MR. REISS: So what you
3 grandfathered in is not a junkyard under the zoning
4 ordinance.

5 MR. BOB SELIG: My -- you know,
6 I have -- I have concern for this township, as well
7 as I have for my own property. And I cannot -- I
8 can see where if you change this ordinance, you're
9 gonna let the door wide open for many, many other
10 problems.

11 MS. LAMBERTON: And I think
12 that's where we came up with the affidavit, Bobby,
13 to be honest with you, because we thought if you
14 could show the uses --

15 MR. BOB SELIG: And I did that
16 and I complied with that.

17 MS. LAMBERTON: Right.

18 MR. BOB SELIG: And I thought
19 the issue was a done deal, it was over with.

20 MS. LAMBERTON: And I did as
21 well.

22 MR. BOB SELIG: And then when
23 Joe gets this letter, it's not a done deal, you

24 want another permit.

25 MS. LAMBERTON: Well, it sounds

66

1 like the permit is an issue of a piece of paper,
2 there are no fees. And it seems like that will
3 resolve the issue with anything else moving forward
4 with J&J. You could start businesses as you should
5 be able to.

6 MR. BOB SELIG: So if we apply
7 for the permit and the permit is issued, it's for
8 our property only, correct?

9 MS. LAMBERTON: Yes, that's my
10 understanding.

11 MR. REISS: It's for your
12 property only and quite frankly, you still couldn't
13 operate a junkyard because you'd be in violation of
14 the zoning ordinance. You can operate your
15 salvor's --

16 MR. BOB SELIG: Now, how could
17 you have a salvage license and you're not a
18 junkyard?

19 MR. REISS: Because this is a

20 stand-alone ordinance, the board could waive it,
21 the board can't waive zoning.

22 MR. BOB SELIG: You've already
23 waived the junkyard ordinance.

24 MR. REISS: No.

25 MR. JOSEPH COLYER: This is a

67

1 stand-alone.

2 MR. REISS: This is a
3 stand-alone ordinance. The board has not waived
4 the zoning ordinance, they don't have the power to
5 waive the zoning ordinance. You'd have to go to
6 the zoning hearing board to get a variance or some
7 other relief to operate the junkyard.

8 MS. LAMBERTON: So it sounds
9 like this permit is the answer to make this end.

10 MR. BOB SELIG: Well, that's
11 what I heard before.

12 MS. LAMBERTON: I know, I know.
13 We're trying, we're trying.

14 MR. BOB SELIG: You all know
15 that I heard that before.

16 MS. LAMBERTON: Yes, I

17 understand.

18 MR. BOB SELIG: You wanna do
19 that? All right. We'll talk about it after.

20 Okay. Thank you.

21 MS. LAMBERTON: Thank you.

22 Mike?

23 MR. MIKE CHRISTIAN: I just had
24 a question on that. Since the salvor's license
25 falls under the salvage license, why couldn't they

68

1 just apply for a salvor's license?

2 MR. REISS: Well, they are going
3 to, that's a state-issued license, that's not a --
4 that's not a township-issued license.

5 MR. MIKE CHRISTIAN: But it
6 still falls under salvage, doesn't it?

7 MR. JOSEPH COLYER: No, no, it's
8 the state.

9 MS. LAMBERTON: Yes, ma'am?
10 Just state your name, please.

11 MS. SHEILA CALFAYAN: Sheila
12 Calfayan.

13 The Locust Ridge bridge, do we
14 have any information about it.

15 MS. LAMBERTON: Maybe Ed --
16 Ed, would you like to speak to
17 that, please?

18 MR. ED TUTRONE: We -- we
19 received an email that they're going to put that
20 off until now 2017. I'm going to assume they were
21 waiting for a DEP permit at the preconference -- or
22 preconstruction meeting. I'm gonna assume they did
23 not get that permit yet, so now they're holding off
24 till 2017. They will have another meeting prior to
25 start of construction to let everybody know and

69

1 we'll send these out as soon as we get it.

2 MS. SHEILA CALFAYAN: Didn't
3 they start this with the permit? I mean, wouldn't
4 you think that they would get the permit first --

5 MS. LAMBERTON: You would think
6 so.

7 MS. SHEILA CALFAYAN: -- before
8 they even talked about it?

9 (Inaudible comments.)

10 MR. ED TUTRONE: Second time
11 they put it off.
12 MS. SHEILA CALFAYAN: I know
13 that, I live here.
14 Okay. Thank you.
15 MS. LAMBERTON: Thanks, Ed.
16 MR. McHALE: I did want to
17 mention that PennDOT did a great job of paving the
18 entire length of Locust Ridge Road and it looks
19 terrific. I drive it every day and I appreciate
20 the work and services they provide.
21 MS. SHEILA CALFAYAN: I agree.
22 MS. LAMBERTON: Is it nice?
23 MR. McHALE: It is really --
24 MS. SHEILA CALFAYAN: It is
25 really nice.

70

1 MALE VOICE: And hire the quarry
2 every time to do it.
3 MS. LAMBERTON: Very good. Any
4 other questions or comments?
5 MR. ED TUTRONE: Could I just

3 Absolutely, that's okay.

4 MS. BEVERLY MARTINETZ: I didn't
5 know when my time was appropriate.

6 MS. LAMBERTON: Just state your
7 name, please.

8 MS. BEVERLEY MARTINEZ: I'm
9 Beverly Martinetz. I live in Pocono Pines.
10 And as our new manager of
11 Tobyhanna Township has illustriously said, we're
12 all very proud of Tobyhanna Township. But I have a
13 real concern about an abandoned house that's on
14 Sullivan's Trail. And I have pictures if the board
15 would like to -- to see these.

16 I've been living here for 17
17 years and this abandoned house has been there for
18 17 years and it's at the entrance of Pocono West
19 High School and I think it -- I have a lot of
20 concerns about it, because kids can go over there,
21 they're doing graffiti on the walls of this
22 abandoned house.

23 And I got involved in this in
24 about February of this year and was writing letters
25 to the board of supervisors, went to the circuit

1 court in -- in Stroudsburg and went -- there was a
2 hearing, saying, if no one came forward to say that
3 they own this, then it can go up for auction. It
4 had been up for auction several times, they
5 couldn't find the owners, but no one wanted to buy
6 it, 'cause it's such an eyesore.

7 So, you know, going to your
8 point about us being proud of this area, this is a
9 total eyesore. So now I'm told through
10 Representative Rader's office that it has been
11 sold. So when I called the office, they said,
12 well, let's just wait until the new owners have
13 time to clean this up. And by the way, before it
14 was even sold, people were dumping appliances,
15 washers, dryers, tires and all that, you know,
16 'cause it was just a dumping area. It was just
17 really terrible.

18 The -- the Life Church down the
19 road took it upon themselves as good community
20 citizens to clean up a lot of the -- the large
21 appliances, but there's still piles and piles of
22 trash there. And so now, it was my understanding
23 that it was sold in like the May time frame. Well,

24 a lot of time has gone by and nothing has changed.

25 So I'm just asking the

73

1 supervisors, you know, is there going to be a plan
2 to ever do something, you know, with that piece of
3 property? Because it's just 17 years, nothing has
4 happened, now there is an owner and there should be
5 some kind of plan to eliminate it, tear it down, do
6 something.

7 MS. LAMBERTON: What are our
8 rights as a township?

9 MR. MOYER: How long has the
10 new owner had it?

11 MS. PICKARD: July.

12 MR. McHALE: July 12.

13 MS. LAMBERTON: I mean, what can
14 we do?

15 MR. REISS: I don't know if
16 you've adopted Property Maintenance Code when you
17 adopted the Uniformed Construction Code. There are
18 provisions in there that you could look at, the
19 building code inspector could look at. There is a
20 blighted property act that you could proceed

21 under but -- to force the sale of the property
22 again, but that may -- it sounds to me like the
23 sale of the property has already occurred.

24 MS. LAMBERTON: Do you know who
25 purchased it?

74

1 MS. BEVERLY MARTINETZ: No, I
2 don't.

3 MS. JENNIFER DELEO: It was
4 someone from Upstate, I know that. It wasn't
5 anyone local.

6 MR. REISS: I think I remember
7 hearing it was someone from New Jersey.

8 MR. KERRICK: Why don't we
9 reach out to them, phone call.

10 MS. LAMBERTON: Maybe we could
11 direct our new manager.

12 Yeah, and not to throw you under
13 bus right out of the gate, John, but I mean, yeah,
14 I -- I remember it being in disarray for a number
15 of years and --

16 MR. JOHN JABLOWSKI: If I can,

17 after the meeting, give me your phone number and
18 maybe we'll look at it -- get a phone number of the
19 property --

20 MS. LAMBERTON: And maybe go get
21 with Jonathan and see what some of the ordinances
22 are that we already have adopted and what you could
23 use to your benefit.

24 MR. JOHN JABLOWSKI: With those
25 codes, some of those codes you do have the right --

75

1 the township would have the right, depending on the
2 ordinance, to look at them, if there are those
3 codes in conjunction with the zoning office --

4 MS. LAMBERTON: I actually
5 contacted a school board member and I said it's the
6 back entrance of your school, why don't you just
7 buy it and clean it up. Not that I want to raise
8 anybody's school taxes, but, you know -- and that
9 will be -- I would be accused of that, but it made
10 sense to me to contact the school and say, are you
11 guys even aware that this in your backyard.

12 MS. BEVERLY MARTINETZ: Well, at
13 that meeting of the circuit court in Stroudsburg,

14 there was a representative from the school. So
15 they're certainly aware of that, but I don't know
16 what his stance was, I don't think they want to buy
17 it, it's just they want something done too.

18 MS. LAMBERTON: Sure, sure.
19 Well, thank you for your awareness. And give our
20 new manager a moment just to get settled, but thank
21 you for your information.

22 MR. HOLAHAN: But he will be in
23 the office October 1.

24 MS. PICKARD: 3rd.

25 MR. HOLAHAN: 3rd

76

1 MS. LAMBERTON: Any other --
2 Brendon?

3 MR. BRENDON CARROLL: Just I
4 believe Bureau Veritas handles abandoned --

5 MS. LAMBERTON: Wonderful.

6 MR. BRENDON CARROLL: --
7 buildings under the international residential code
8 --

9 MS. LAMBERTON: Okay.

10 MR. BRENDON CARROLL: -- as --
11 as unsafe structures and things like that.
12 MS. LAMBERTON: Might be the
13 first folks we reach out to.
14 MR. BRENDON CARROLL: Bill
15 Burton will be able to help you with that.
16 MS. LAMBERTON: And I happen to
17 have his cell phone number, John, so --
18 MR. JOHN JABLOWSKI: Great.
19 Thank you.
20 MS. LAMBERTON: Anyone else?
21 I'll entertain a motion to
22 adjourn into executive to discuss Pocono Mountain
23 Regional Police litigation involving participating
24 townships.
25 MR. HOLAHAN: Okay.

77

1 MS. LAMBERTON: Thank you, all.
2 (Meeting concluded at 7:57 p.m.)

3 ---

4
5
6

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

78

1
2

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

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

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Wednesday, September 21, 2016, beginning at 6:00 p.m.

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

JONATHAN REISS, ESQUIRE, Solicitor
(via telephone)

ALSO PRESENT: JOHN J. JABLOWSKI JR.
Township Manager

ROBERT J. McHALE, Township Engineer

MAUREEN MINNICK, Township Zoning
Officer

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

2

1 MS. LAMBERTON: Good evening.
2 I'd like to call the board of supervisors special
3 meeting, Wednesday, September 21, 2016 to order.
4 We'll start with the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Thank you.

8 MS. PICKARD: We calling
9 Jonathan?

10 MS. LAMBERTON: Well, that's
11 what I just said, if we do need him, we'll call
12 him; if not, he's available by phone, but if not we
13 won't, as long as everybody's okay with that?

14 MR. HOLAHAN: Yes.

15 MS. PICKARD: I just thought we
16 were having him by phone, that's all.

17 MR. McHALE: If we need him,
18 that's his phone number.

19 MS. LAMBERTON: We're big boys
20 and girls.
21 Okay. We'll start with new
22 business.
23 And welcome, Mr. Jablowski, nice
24 to have you here.
25 MR. JABLOWSKI: Thank you.

3

1 MS. LAMBERTON: I will entertain
2 a motion to consider the proposed minor subdivision
3 and lot consolidation of Great Bend Holdings, Inc.
4 of New Ventures Park Liberty Travel Plaza.
5 MS. PICKARD: We had a bunch of
6 waivers on that and I was hoping that --
7 MS. LAMBERTON: We can -- we can
8 open it up after --
9 MS. PICKARD: -- Jonathan would
10 be here to make sure that we did everything
11 correctly.
12 MR. McHALE: I mean, you can
13 just read the waivers right into it or you can get
14 him on the phone.
15 MR. HOLAHAN: I'll -- I'll make

16 a motion that we approve it based on waivers to the
17 SALDO -- SALDO Section 135 dash 12.D.2, SALDO
18 Section 135 dash 15.A.15, SALDO Section 135 dash
19 17.L and SALDO Section 135-17 dot M.

20 MS. LAMBERTON: I have a motion.

21 Do I have a second?

22 MR. KERRICK: That's it? Is
23 that all, John?

24 MR. HOLAHAN: That's all of them
25 in here.

4

1 MS. LAMBERTON: Yeah, they're the
2 ones listed, right?

3 MR. KERRICK: I'll second the
4 motion.

5 MS. LAMBERTON: I have a motion
6 and second.

7 Any questions or comments from
8 the board?

9 MS. PICKARD: And that was
10 subject to the engineer and the legal review?

11 MR. HOLAHAN: I didn't say

12 that?

13 MS. PICKARD: I don't know if
14 you did or not, just making sure.

15 MS. LAMBERTON: If you'd like to
16 amend your motion?

17 MR. HOLAHAN: And I'll amend the
18 motion to consider those as well.

19 MS. LAMBERTON: John, you amend
20 your second?

21 MR. KERRICK: Yes. I would
22 assume that that would've been there before it came
23 to us.

24 MS. LAMBERTON: Correct.

25 Any other questions or comments

5

1 from the board?

2 Any questions or comments 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: John?

10 MR. HOLAHAN: Yes.

11 MS. LAMBERTON: I vote in
12 favor. Motion carries.

13 I will entertain a motion to
14 amend the start date for our new township manager,
15 Mr. John Jablowski, to tomorrow being Thursday --

16 MS. PICKARD: I had a question
17 on that, but I wanted to speak with the attorney.
18 I don't know if we can do that retroactively at
19 all?

20 MS. LAMBERTON: Okay. Do you
21 want to pose your question?

22 MS. PICKARD: I was wondering
23 if we legally could retroactively appoint him
24 because he has been coming in the last couple days.

25 MR. HOLAHAN: Yeah, but we're

6

1 not paying him. Well, maybe we are gonna pay him.

2 MS. PICKARD: If we did
3 retroactively we --

4 MR. HOLAHAN: We'd be able to

5 pay him.

6 MS. LAMBERTON: We could amend
7 the date to the date that he started coming in if
8 you would choose to do that instead and then --

9 MS. PICKARD: Well, I wanted to
10 make sure that we had legal counsel, I thought Jon
11 was gonna be here.

12 MS. LAMBERTON: I guess I should
13 just call Jonathan.

14 MS. PICKARD: Friday you were
15 in, right?

16 MR. JABLOWSKI: Correct, yes.

17 MS. PICKARD: So Friday; he was
18 in Monday; had meetings today, that was (inaudible)
19 today.

20 MS. LAMBERTON: We will ask.

21 Hey, Jonathan, it's Anne. How
22 you doing? Good, good. I'm gonna put you on
23 speakerphone. We started our meeting. Heidi had a
24 few questions about the amended start date for the
25 new township manager. I'm gonna put you on

1 speaker, okay? Thank you.

2 Can you hear?

3 MS. PICKARD: Jonathan?

4 MR. REISS: Yes.

5 Hi, Heidi.

6 MS. PICKARD: Hi. I was
7 wondering if we would be able to retroactively make
8 his start date to last Friday?

9 MR. REISS: Last -- last Friday,
10 sure.

11 MS. PICKARD: Okay. I just
12 didn't know if we could legally do that
13 retroactively.

14 MR. REISS: I'm sorry. I'm
15 trying to end this call that's coming in. Good, I
16 got it. All right.

17 You can do that retroactively.
18 There's also one other thing that you probably
19 should address with your motion tonight. Section
20 20 dash 9 in your board manager's ordinance
21 requires that during the tenure of his or her
22 office, the manager may only reside outside of the
23 township with the approval of the board of
24 supervisors. And I'm not sure what John's
25 long-term intentions are, but at least for the

1 short-term, you should waive or consent or approve
2 his residing outside of the township.

3 MS. LAMBERTON: Very good.

4 Thank you.

5 MS. PICKARD: Okay. Can I make
6 that motion that we amend the --

7 MR. HOLAHAN: Start date to the
8 16th?

9 MS. PICKARD: -- start date to
10 the 16th and waive any residency requires --
11 requirements for Mr. Jablowski?

12 MR. HOLAHAN: I'll second that.

13 MS. LAMBERTON: I have a motion
14 and a second.

15 Any questions or comments from
16 the board?

17 Questions or comments from the
18 public?

19 Seeing none. Call the vote.
20 John?

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: John?
25 MR. HOLAHAN: Yes.

9

1 MS. LAMBERTON: I vote in
2 favor. Motion carries.
3 Welcome aboard.
4 MR. JABLOWSKI: Thank you.
5 MR. HOLAHAN: Now, you get paid,
6 oh.
7 MS. PICKARD: What a concept.
8 MR. JABLOWSKI: Thank you.
9 MS. LAMBERTON: Moving on.
10 Austin T. Blakeslee Natural Area, placement of
11 Harrison Park historical marker.
12 I'll open it for discussion.
13 Is that your --
14 MS. PICKARD: Bob put that on
15 the agenda.
16 MS. LAMBERTON: Oh.
17 MS. PICKARD: He just wanted to
18 put it towards the grassy side on the left, but
19 Eddie should go out there and -- and look at the

20 area. I think we put it more on internally than in
21 the right-of-way, it won't be --

22 MR. McHALE: We had received a
23 request to -- for the placement of the historical
24 marker and since Tunk and Toby are jointly together
25 on this park, we had forwarded an aerial and asked

10

1 for that to be just a mark on it, but it didn't get
2 returned to us. However, as Heidi indicated, as
3 you would face 115 --

4 Ed, you were wanting to put it
5 on the left side?

6 MR. ED TUTRONE: Left side of
7 the building.

8 MR. McHALE: As you're facing
9 115 -- left side coming in?

10 MR. ED TUTRONE: Coming in.

11 MR. McHALE: Okay. So it'd be
12 the right side as you're facing 115. So we could
13 do that. We can also just forward a quick email to
14 Tunk and just say, do you concur, and then move
15 forward from that point. And then they can

16 actually specifically get a spot out there in the
17 field to locate that.

18 MS. PICKARD: Great. And I
19 talked to Anne Sincavage from the open space
20 committee and we felt that probably towards the --
21 the fountain might be --

22 MR. ED TUTRONE: Also we, as the
23 fire company, are the ones that are sponsoring that
24 one --

25 MS. PICKARD: Okay.

11

1 MR. ED TUTRONE: -- I believe.

2 And, Brendon, correct me if I'm
3 wrong on this, usually they -- they'll ask the
4 person sponsoring what --

5 MR. BRENDON CARROLL: Yes,
6 that's typically right.

7 MR. ED TUTRONE: So as long as
8 the supervisors were okay with where we would put
9 it and try to keep it out of -- off of the way from
10 115.

11 MS. LAMBERTON: I have no issue
12 with it, just --

13 MS. PICKARD: And they can pull
14 in to the park --
15 MS. LAMBERTON: -- using your
16 discretion.
17 MS. PICKARD: -- and park
18 anyway, so --
19 MR. HOLAHAN: Do we need to vote
20 on it or just by consensus?
21 MS. LAMBERTON: No, I think it's
22 consensus.
23 MS. PICKARD: It was just by
24 consensus.
25 MR. HOLAHAN: Yeah, I'm all

12

1 right with it.
2 MS. LAMBERTON: Okay.
3 MS. PICKARD: I did reach out to
4 Tunk before Bob sent that out in case, that they're
5 really not gonna have any concern about --
6 MS. LAMBERTON: Oh, wonderful
7 MS. PICKARD: -- that, but --
8 MR. McHALE: We'd like to get --

9 MS. PICKARD: It was sent there
10 so they can --

11 MR. McHALE: -- something in a
12 reply email, would be helpful, just to have for our
13 records --

14 MS. PICKARD: -- we have it in.

15 MR. McHALE: -- so that
16 everybody's good and we'll get that.

17 MS. LAMBERTON: Paper guy right
18 there.

19 I understand that, Bob, that's
20 fine.

21 We good?

22 MR. HOLAHAN: I'm good.

23 MS. LAMBERTON: Thank you.

24 Ed, whatever your discretion is
25 will work with the board.

13

1 MS. PICKARD: We're looking for
2 some dates for the township markers. We're still
3 looking for a site for the Great Swamp somewhere
4 off of maybe Locust Ridge or Caughbaugh Road. But
5 once that's done, Rick did ask that we come up with

6 some dates that would be convenient for the board
7 to do the dedication.

8 MS. LAMBERTON: Oh, okay. Why
9 don't you make it before our -- either our work
10 session or our board meeting and then that way
11 we'll just come out a little bit earlier.

12 MS. PICKARD: All right. Well,
13 October 3 is our next meeting --

14 MS. LAMBERTON: Sure.

15 MS. PICKARD: -- unless we do a
16 budget a meeting, so I'll see if that's doable.

17 MS. LAMBERTON: Sounds good.
18 Thank you.

19 MR. JABLOWSKI: If I can make a
20 comment on that. In conjunction with the folks
21 that are doing the historical markers, I was going
22 to suggest that perhaps -- and I know there's been
23 some press around it, but on behalf of the board of
24 supervisors, put a press release together to -- to
25 issue to the local media outlets of -- of the

1 partnership that we're doing and certainly the

2 township's contributions on behalf of the board of
3 supervisors. I was gonna prepare something and
4 circulate it for review.

5 MR. HOLAHAN: Cool.

6 MS. LAMBERTON: I think that's a
7 great idea and bring people -- make awareness to
8 it. A lot of folks might not even realize it's
9 going on.

10 I think that's great, John.
11 Thank you.

12 MS. PICKARD: And just to
13 clarify, so in case that I got that confused, the
14 fire company is doing the park one, we're doing the
15 one that we put at the fire company for the first
16 schoolhouse. And then the other one is the Great
17 Swamp, which we're trying to put by the bog
18 somewhere.

19 MR. ED TUTRONE: And we're also
20 doing the library.

21 MS. PICKARD: You're doing the
22 library, yeah.

23 MR. JABLOWSKI: So we'll just
24 coordinate who is doing what and when, one release
25 we could put all the various community groups that

1 are participating in the whole venture.

2 MS. PICKARD: All right. Well,
3 it depends, they're all being done at separate
4 times.

5 MS. LAMBERTON: I think we
6 should just put John in touch with Rick and --

7 MR. HOLAHAN: Work it out.

8 MS. PICKARD: Yeah, umm-hmm.

9 MS. LAMBERTON: Right. Thank
10 you.

11 Letters of support and consent.
12 Pocono Manor's Investors -- excuse me -- is looking
13 for a letter of support for the natural gas main
14 extension project.

15 And we have to take these in the
16 form of a motion, I'm assuming, Jonathan?

17 MR. REISS: Yes.

18 MS. LAMBERTON: I'll entertain a
19 motion.

20 MR. HOLAHAN: So moved.

21 MS. PICKARD: I'll second that.

22 I just had a question, how much these were for, if
23 we knew. Do you have that --

24 MS. LAMBERTON: I do not know.
25 We can check with --

16

1 MS. PICKARD: Harry?
2 MS. LAMBERTON: That has nothing
3 to do -- it's Pocono Manor Investors.
4 MS. PICKARD: Okay.
5 MS. LAMBERTON: Yeah.
6 MR. HARRY FORBES: Jim will be
7 here later --
8 MS. PICKARD: That's fine.
9 MS. LAMBERTON: Oh.
10 MR. HARRY FORBES: -- for the
11 other meeting.
12 MS. LAMBERTON: Okay.
13 MS. PICKARD: All right. We
14 have a motion and second.
15 MS. LAMBERTON: Motion and a
16 second.
17 Any other questions or comments
18 from the board?
19 Questions or comments from the

20 public?

21 Seeing none. Call the vote.

22 John?

23 MR. KERRICK: In favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

17

1 MS. LAMBERTON: John?

2 MR. HOLAHAN: Yes.

3 MS. LAMBERTON: I vote in

4 favor. Motion carries.

5 Arcadia Properties, LLC, is
6 looking for a letter of support to cover the cost
7 overruns associated with PennDOT work on Route 115.

8 MR. McHALE: Now, they've
9 modified that as of this afternoon to where there
10 should be a new printed narrative and an email from
11 Shawn Langan in your paperwork. And he actually
12 had given us some new language.

13 MS. LAMBERTON: But they're
14 going for grant money. Do we know what the -- have
15 the amounts changed, is that anything we need to be
16 concerned with?

17 MS. PICKARD: No.
18 MS. LAMBERTON: We're just
19 looking to support the project, correct?
20 MR. McHALE: Yes.
21 MS. LAMBERTON: A four-page
22 narrative, Bob?
23 MR. McHALE: So we're gonna --
24 we're gonna combine actually the --
25 MS. LAMBERTON: Sorry.

18

1 MR. McHALE: -- the
2 infrastructure -- the last two items,
3 infrastructure, installation of wells, water system
4 associated with Lots 100 and 110. And also the
5 natural gas main extension project, that's all
6 gonna be part of that. And if you wish, here's his
7 quick description right here that he was proposing;
8 so if we want to read that into the motion, that
9 would be perfect.
10 MS. LAMBERTON: Just so
11 everyone's aware, activities proposed, the utility
12 extension and infrastructure enhancement project

13 will include: the construction of the UGI gas line
14 extension to the site, construction of an on-site
15 well-fed water system, tanks and pumps for fire
16 suppression, an additional internal roadway and
17 traffic improvements to provide better access to
18 the site.

19 I will entertain a motion to
20 accept a letter of support with what I just read
21 being inclusive.

22 MR. HOLAHAN: Who is the letter
23 going to?

24 MS. LAMBERTON: I would have to
25 assume probably the IDA.

19

1 MR. McHALE: Yes.

2 MS. LAMBERTON: This is all
3 going to Michelle and Chuck.

4 MS. PICKARD: Is this an LSA
5 Grant?

6 MR. HOLAHAN: Yes, yes, it is.

7 MS. LAMBERTON: Is it -- are
8 they all?

9 MR. HOLAHAN: The applicant

10 is the IDA.

11 MS. LAMBERTON: Yes.

12 MR. HOLAHAN: I'll make that

13 motion.

14 MS. PICKARD: I'll second the

15 motion.

16 MS. LAMBERTON: A motion and a

17 second.

18 Any questions or comments from

19 the board?

20 Questions or comments from the

21 public?

22 Seeing none. Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

20

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: I vote in favor

5 motion carries.

6 Arcadia Properties, LLC, is
7 looking for another letter of support for infra --
8 MR. McHALE: No --
9 MS. PICKARD: Those are the
10 same?
11 MR. McHALE: They're all
12 combined --
13 MS. LAMBERTON: Oh, okay.
14 MR. McHALE: All Arcadia's done.
15 MS. LAMBERTON: Oh, okay. Thank
16 you. We move on to Wildlands Conservancy, acquire
17 land adjacent to Thomas Darling Preserve. They're
18 looking for a letter of support.
19 MS. PICKARD: They're actually
20 looking for a letter of cassette -- consent. We
21 gave them a letter of support and they needed to
22 say consent. And Dawn Gorham is here from the
23 Wildlands Conservancy.
24 MS. DAWN GORHAM: DCED
25 apparently needs the actual word consent in the

21

1 letter and letter of support apparently is not
2 sufficient to meet their requirements, which they

3 have just notified us of and, of course, you know,
4 they need it yesterday, so --

5 MS. LAMBERTON: Perfect timing.

6 MS. DAWN GORHAM: Yes.

7 MS. LAMBERTON: I'll entertain a
8 motion --

9 MR. McHALE: If we could --

10 MS. LAMBERTON: Go ahead.

11 MR. McHALE: -- elaborate just a
12 little bit on this site.

13 Maureen, you might want to also
14 mention a couple things related to it.

15 We forwarded -- we actually --
16 because of the crunch in time on all this
17 notification, we were able to get with the county
18 and they provided us with some of the actual
19 documents that were actually the original
20 subdivision and forwarded that to us, which was a
21 great help.

22 This is the parcel that they are
23 -- the 72 acres that they're looking to purchase
24 and actually join with, I assume, at some point in
25 time, the Wildlands Conservancy properties behind

1 or --

2 MS. DAWN GORHAM: Yes, it would
3 serve as an access and trail-head off of Route 940
4 to the larger Thomas Darling Preserve.

5 Mr. McHALE: I just wanted to
6 point out a couple things so the board's aware of.
7 On this subdivision, as it was originally approved,
8 there's hiking trails depicted, there's a nature
9 park depicted, there's also six lots along the
10 right-of-ways of cul-de-sacs and roadways and a few
11 other items like that. We didn't know if any of
12 that was in any kind of covenants that were already
13 a part of deeds for people that had purchased
14 property already or built in that location; and if
15 so, it just might be something you're gonna have to
16 work through. But we just wanted to bring that up
17 as those are just questions.

18 The other item is -- and Maureen
19 can speak to this -- is that the -- the property
20 with -- is -- is actually right here --

21 MS. MINNICK: It's zoned
22 residential.

23 MR. McHALE: -- and it's zoned

24 R-2 and you have open space zone behind it.

25 And, you can speak to that.

23

1 MS. MINNICK: The open space --
2 open space is zoned for residential use as well.
3 If you folks were to join those properties, you
4 could be able to continue the use of open space. I
5 don't see anything outstanding that would hol --
6 withhold yous doing anything that you would need to
7 do if you continue the use of that preserve as it
8 is now.

9 MS. DAWN GORHAM: Excellent.

10 MR. JABLOWSKI: And we're okay,
11 although that's zoned R-2 -- and we certainly
12 support the efforts, but I don't want to throw a
13 cock into the wheel. But it's zoned R-2 so there's
14 no problem because an R-2, if that's not -- in R-2
15 there isn't any -- a provision for that once it
16 becomes a preserve under -- under the -- the code,
17 it says preserve is a thousand acres or more. And
18 I believe it also reads that it's -- it's, you
19 know, not open to the public, that's more private
20 usage.

21 MS. MINNICK: The preserve --
22 the preserve itself is -- is a private development,
23 but they're using it for open space. It would
24 probably fall under hunting or fishing club --

25 MR. JABLOWSKI: As long as it's

24

1 fine, I wanna make -- just make sure that --

2 MS. MINNICK: Yeah.

3 MS. DAWN GORHAM: Yeah, I spoke
4 with our attorney about the private rights that
5 might be associated with using trails and access to
6 it from the property owners, other lot owners. And
7 everything that we're doing wouldn't interfere with
8 that. They would still -- because it would be open
9 to the public so they would still have access to
10 that.

11 Another interesting thing to
12 note about this is, of that development plan, about
13 125 lots went to tax sale back in the mid '90s and
14 about half of them were purchased by the nature
15 conservancy and are now part of nature conservancy
16 property and part of the Thomas Darling Preserve

17 and about another 60 lots were purchased by the
18 owner of the 72 acre property.

19 MR. JABLOWSKI: It's certainly a
20 great concept and we certainly encourage that and
21 as the Blakeslee Visioning process comes into
22 fruition, you know, to really incorporate the work
23 that you're doing there with the larger scope and
24 the larger vision for the -- for that whole
25 village, certainly benefit.

25

1 MS. PICKARD: How's that prop
2 -- that property is still a tax -- is that 319
3 currently?

4 MS. DAWN GORHAM: The 72 acres?
5 I don't believe so because it's only assessed at a
6 hundred and fifty dollars. If they purchased --
7 that 72 acres was purchased for \$300 in 1996.

8 MR. HOLAHAN: It was taken off
9 a repository.

10 MS. PICKARD: Yeah, okay.

11 MR. HOLAHAN: Jonathan?

12 MR. REISS: Yes.

13 MR. HOLAHAN: Okay. I'm a

14 property owner in Blakeslee Estates, do I have any
15 conflict there?

16 MR. REISS: The only way you
17 have a conflict is if this acquisition somehow
18 increases your property value, that would be
19 pecuniary benefit to you.

20 MR. HOLAHAN: Okay.

21 MR. REISS: If you want to be
22 extra careful, you could recuse yourself because of
23 that and make sure you fill out the form so they're
24 appended to the minutes.

25 MR. HOLAHAN: I will recuse

26

1 myself.

2 MS. LAMBERTON: Other questions
3 or comments?

4 MS. PICKARD: Did we get a
5 motion and a second? I believe we did.

6 MR. HOLAHAN: I don't think there
7 was a motion.

8 MS. LAMBERTON: We didn't?

9 MR. McHALE: No, I think we

7 the board?

8 Questions or comments from the

9 public?

10 Seeing none. Call the vote.

11 John?

12 MR. KERRICK: In favor.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: I vote in favor.

15 MS. LAMBERTON: John?

16 MR. HOLAHAN: I recuse myself

17 because I'm a property owner.

18 MS. LAMBERTON: I will vote in

19 favor. Motion carries.

20 MS. DAWN GORHAM: Thank you.

21 And if there's any way the letter could be drafted

22 this week so I can pick it up Friday morning

23 because they need it Friday.

24 MS. LAMBERTON: Well, as luck

25 would have it --

28

1 MR. McHALE: Bob already has a

2 draft.

3 MS. DAWN GORHAM: Tonight?

4 Excellent.

5 MR. JABLOWSKI: Bob's on top of
6 it, he's ready to sign.

7 MS. DAWN GORHAM: Thanks very
8 much.

9 MR. JABLOWSKI: We're here to
10 help.

11 MS. LAMBERTON: I will entertain
12 a motion for a letter of support for Pocono
13 Mountain Regional Police Department, for equipment
14 vehicles with on-board camera systems.

15 MS. PICKARD: I'll make that
16 motion.

17 MR. HOLAHAN: I'll second.

18 MS. LAMBERTON: I have a motion
19 and a second.

20 Any questions or comments from
21 the board?

22 MR. KERRICK: Any idea of the
23 price? Just asking.

24 MR. McHALE: Hundred and fifty
25 thousand, I believe it is.

1 MS. LAMBERTON: Hundred and
2 fifty thousand?

3 MR. HOLAHAN: Yep, hundred fifty
4 for twenty-two vehicles.

5 MS. LAMBERTON: Any other
6 questions or comments from the board?

7 Questions or comments from the
8 public?

9 Seeing --

10 MR. HOLAHAN: Chief, you can't
11 get everybody like an iPhone or something like
12 that?

13 CHIEF CHRIS WAGNER: I'll tell
14 you what, keeping up with technology, as we all
15 know, is very costly and when we got these quotes
16 that -- that number did hit hard. But they're
17 running about \$5,000 a unit and then we need
18 servers to store all the video on, so it is quite
19 an undertaking, but anymore the video -- the videos
20 aren't the old tunnel vision that you used to see
21 on Cops anymore, it's almost 180 degrees with a
22 camera out the back.

23 So it really does cover a lot of
24 the -- the -- you know, the scene, wherever we may

25 be, so it's a fantastic system, but again, as we

30

1 know with technology, it just -- it keeps moving
2 and it keeps costing.

3 MS. LAMBERTON: Chief Chris
4 Wagner if you need his name.

5 Any other questions or comments?
6 Questions or comments from the
7 public?

8 Seeing none. Call the vote.
9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Yes.

15 MS. LAMBERTON: I vote in favor.

16 Motion carries.

17 CHIEF CHRIS WAGNER: Thank you.

18 MS. LAMBERTON: Good luck.

19 Moving on, county reassessment
20 meeting.

21 MS. PICKARD: I was at the COG
22 meeting and the company that's doing the
23 reassessment offered to come and speak to the
24 municipalities, have a town hall, have whatever we
25 wanted. He did contact me back before I could bring

31

1 it up and throw some dates out that Bob had emailed
2 or I forwarded that email. They were October 13th,
3 18th, 19th and 20th.

4 So I don't know if it would be
5 the board's pleasure. I think it's a great idea to
6 have -- open it up to the public and let them come
7 in and ask their questions. It would be good for
8 us to ask questions.

9 MS. LAMBERTON: Yeah, I agree.

10 MS. PICKARD: There were some
11 concerns I already had that were brought up at the
12 COG meeting about second homeowners, that they were
13 gonna leave the door knockers on the door, so I
14 know that the managers from the associations would
15 want to be here as well.

16 MS. LAMBERTON: I think we
17 should put John to task and if maybe you want to

18 send out an email to see a couple of dates that
19 could work, that Heidi has listed, and share an
20 email with us --
21 MR. JABLOWSKI: Sure.
22 MS. LAMBERTON: -- and then we
23 could set up a town hall meeting, I think that's a
24 great idea. All right?
25 MS. PICKARD: So does the board

32

1 have any question or concern with those dates?
2 MS. LAMBERTON: I didn't even
3 look at them.
4 MS. PICKARD: I know. Well --
5 MS. LAMBERTON: That's okay.
6 I'll just wait for John's email in the morning.
7 MS. PICKARD: Okay.
8 MS. LAMBERTON: Okay? I think
9 that's the easiest way to do it. Okay?
10 Anything else on county
11 reassessment?
12 Oops, sorry, Jonathan.
13 MR. REISS: Pardon me?

14 MS. LAMBERTON: I've got an
15 incoming call now too, sorry about that.
16 MR. HOLAHAN: Yeah, you want to
17 conference, who is it?
18 MS. LAMBERTON: We'll open it up
19 for public comment.
20 Does anyone have anything they'd
21 like to share?
22 Mr. Brendon Carroll?
23 MR. BRENDON CARROLL: I would
24 just like to thank Mr. McHale for stepping in and
25 acting on behalf of the township as the manager for

33

1 the last few months. Welcome to John as well, but
2 Bob's been very helpful with me and I just think it
3 should be acknowledged by the board.
4 MS. LAMBERTON: Well, thank you.
5 I appreciate that, I couldn't agree more.
6 Thank you for everything, Bob.
7 MR. McHALE: Thank you, Brendon.
8 MS. LAMBERTON: It won't go
9 unnoticed.
10 MS. PICKARD: Yeah, I think the

11 staff would like to do Bob McHale Day and --
12 MS. MINNICK: Bob.
13 MR. HOLAHAN: Say leave that up
14 to the staff?
15 MR. KERRICK: I would like to go
16 into executive session.
17 MS. LAMBERTON: You want to go
18 into executive --
19 MR. JABLOWSKI: I have a few, if
20 I may --
21 MS. LAMBERTON: Sure. I'm
22 sorry, of course.
23 MR. JABLOWSKI: Of course, I'd
24 like to echo the comments on Bob and certainly the
25 whole staff. And, you know, thank you very much

34

1 for the board and the community at large, residents
2 and businesses of Tobyhanna Township. You know,
3 the staff and the team that are here, I had the
4 opportunity to meet with the legal folks today,
5 Perkasio, as well as the past few days, as the
6 board knows, and getting to know certainly the

7 community, the individuals that you have on the
8 team. And it's a very good cohesive team and great
9 foundation moving forward. So thank you for that
10 opportunity and I look forward to continuing to
11 work together.

12 Specifically, our finance
13 director Heidi and myself were wondering -- we'd
14 like to maybe set some budget dates. As we know,
15 the 2017 --

16 MS. LAMBERTON: Yes.

17 MR. JABLOWSKI: -- fiscal year
18 is rapidly coming upon us and we'd like to set some
19 dates. Past history, as we know the board had met
20 usually Wednesday mornings, I think it was, in the
21 past. Board's pleasure? I will send out an email,
22 but why don't we -- I mean, are there any mornings,
23 evenings, preferences?

24 MS. LAMBERTON: I like it first
25 thing in the morning, that's just easier for me

35

1 with work.

2 I don't know, John?

3 MS. PICKARD: I don't think

4 Donny is involved or is Donny around, that
5 Wednesday's not --

6 MS. LAMBERTON: No, I think any
7 morning, you know, why don't you suggest --

8 MS. PICKARD: 'Cause we had a
9 couple conflicts --

10 MS. LAMBERTON: -- maybe morning
11 or evening? I just don't -- I don't prefer the
12 middle of the day, that just does not work.

13 MR. HOLAHAN: I think we were
14 doing them like 7:30 in the morning --

15 MS. LAMBERTON: Yeah.
16 Does that work for you --

17 MR. HOLAHAN: -- before, right
18 -- and I'm on a cool with that.

19 MS. LAMBERTON: John Kerrick?

20 MR. KERRICK: That's fine.

21 MS. PICKARD: Can you get here
22 by then?

23 MR. JABLOWSKI: Sure. What days
24 were we looking at, the --

25 MS. PICKARD: Are any of the

1 days of the week better for others?

2 MS. LAMBERTON: You know, let's
3 do Wednesday morning, 7:30, shoot out a couple
4 consecutive Wednesdays --

5 MR. KERRICK: Are you gonna have
6 something that's proposed, Heidi?

7 MS. LAMBERTON: -- and we get
8 rolling on it.

9 MS. PICKARD: What's that?

10 MR. KERRICK: Are you and John
11 gonna have something proposed or we just gonna hand
12 out a wish list?

13 MS. PICKARD: Well, we have a
14 rough draft that we're still working on.

15 MS. LAMBERTON: And I know
16 Pocono Mountain Regional's budget was shared. I
17 saw Margie was copied on that email as well, Chris,
18 so thank you very much for getting that out.

19 CHIEF CHRIS WAGNER: You're
20 welcome.

21 MS. PICKARD: I had a couple
22 questions on that too about -- I put a call into
23 Cathy -- about if we were gonna look at --

24 MR. KERRICK: I didn't see it.

25

MS. LAMBERTON: It should be

37

1 shared, I'm sure, by tomorrow or --

2 MS. PICKARD: I think it was a
3 six or seven percent increase.

4 But if we were gonna look at
5 extra hours, is that -- that something that we need
6 to know, we need to start looking at?

7 MR. KERRICK: Six percent
8 increase on our current?

9 MS. PICKARD: On our current.

10 MR. KERRICK: Is that where you
11 are, Chris?

12 CHIEF CHRIS WAGNER: Yeah, it's
13 actually 6.71. We got notified that the numbers
14 coming in for healthcare are looking at 17 to 20
15 percent increase.

16 MS. PICKARD: And October 12 we
17 have that meeting, Chris, right?

18 MR. KERRICK: So that's about a
19 hundred and eighteen thousand (inaudible) increase
20 for Toby, roughly?

21 CHIEF CHRIS WAGNER: I believe.

22 I'd have to double-check that number.

23 MS. PICKARD: Did you check with
24 Ben on that? 'Cause I didn't get any notification
25 for ours.

38

1 CHIEF CHRIS WAGNER: That was an
2 informal one. They said that the numbers obviously
3 come out around October, but she said basically
4 you're probably looking at 17 to 20. So now we put
5 it at 20 for worst case scenario, hopefully we can
6 bring it down once we get that actual number.

7 MS. PICKARD: And that will be
8 on the 12th.

9 CHIEF CHRIS WAGNER: I believe
10 so.

11 MS. PICKARD: Yeah, we have a
12 meeting, which is the same as that budget meeting
13 on Wednesday morning, I have to be down there at 9
14 or 9:30.

15 MS. LAMBERTON: Okay.

16 MR. JABLOWSKI: Is the board's
17 pleasure to have -- to schedule three meetings, two

18 meetings, four meetings?

19 MS. PICKARD: Want to do it
20 every other week or do you wanna do it every week?

21 MS. LAMBERTON: I think we
22 should do it every week. Let's schedule at least
23 three.

24 MR. JABLOWSKI: Is the 12th --

25 MS. PICKARD: The 19th --

39

1 MR. JABLOWSKI: We have the
2 12th, 19th and 26th, about three Wednesdays.

3 MS. LAMBERTON: Okay.

4 MR. JABLOWSKI: Because then
5 that brings us in -- obviously we have our -- our
6 meeting in November, November 7. So if we're able
7 to present a final draft for consideration on the
8 7th; Monday, the 7th.

9 MS. PICKARD: That would be a
10 work session?

11 MS. LAMBERTON: Is that the
12 first Monday?

13 MR. JABLOWSKI: That's the first
14 Monday.

15 MS. LAMBERTON: I don't have
16 November in front of me. Okay.
17 MR. JABLOWSKI: And then the
18 14th is the --
19 MS. LAMBERTON: Regular
20 meeting.
21 Is everyone okay with that? Can
22 we do that?
23 MR. HOLAHAN: Yes.
24 MS. PICKARD: Yep.
25 MS. LAMBERTON: Great. Thank

40

1 you.
2 If you wanna just send out an
3 email to confirm that tomorrow, that'd be great.
4 Thank you, appreciate that.
5 Any other questions or comments
6 from the public?
7 Anybody from the board?
8 I'll enter -- we're gonna go
9 into executive, John? Did you --
10 MR. KERRICK: Please.

11 MS. LAMBERTON: -- want to
12 request executive?
13 We will adjourn and go into
14 executive.
15 MR. REISS: Can I ask a
16 question?
17 MS. LAMBERTON: Oh, sure. I'm
18 sorry. I forgot you were there. Sorry, Jonathan.
19 MR. REISS: What happened about
20 the Liberty Travel Plaza?
21 MS. LAMBERTON: Motion was
22 passed.
23 MR. REISS: It was? Okay.
24 MS. LAMBERTON: Yes. I'm sorry.
25 MR. REISS: And I'm assuming

41

1 it's subject to the last review letter?
2 MS. LAMBERTON: Yes, and the
3 waivers.
4 MR. REISS: Okay.
5 MS. LAMBERTON: They were
6 included in the motion.
7 MR. REISS: Got it.

8 MS. LAMBERTON: And legal
9 review. All right?
10 MR. REISS: Yes.
11 MS. LAMBERTON: Very good. All
12 right. Thank you, Jonathan.
13 MR. KERRICK: I would bring him.
14 MR. REISS: Have a good night.
15 MR. KERRICK: We're going to
16 need him.
17 MS. LAMBERTON: We're going to
18 bring you with us.
19 MS. PICKARD: I had one --
20 MS. LAMBERTON: That's kind of
21 odd.
22 MS. PICKARD: Just question
23 then. Is somebody going to be able to go to the
24 Wesleyan Church on Saturday.
25 MR. HOLAHAN: What time?

42

1 MS. PICKARD: I think it's
2 noon.
3 MS. LAMBERTON: I cannot.

4 MR. HOLAHAN: Yeah, I can be
5 there, Anne.
6 MS. LAMBERTON: There you go.
7 MS. PICKARD: There you go.
8 MS. LAMBERTON: Thank you.
9 MR. HOLAHAN: Unless, John, were
10 you gonna go?
11 MR. KERRICK: I might not be in
12 town.
13 MR. HOLAHAN: Okay.
14 MS. PICKARD: I can't go.
15 MR. HOLAHAN: All right. I'll
16 take care of this
17 MS. LAMBERTON: Thank you, John.
18 MS. PICKARD: We'll talk to you
19 later, Jon.
20 MS. LAMBERTON: He's coming with
21 us.
22 Thank you.
23 MS. PICKARD: Is John coming
24 with us?
25 MR. REISS: I'm still here.

1 MR. HOLAHAN: No, the other --
2 MS. LAMBERTON: We have way too
3 many Johns.
4 MS. PICKARD: We have four
5 Johns.
6 MR. KERRICK: Are we done?
7 MS. LAMBERTON: Yeah, we're
8 done.
9 (Meeting concluded at 6:30 p.m.)

10 ---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

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, October 3, 2016, beginning at 7:00 p.m.

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

JOHN B. RICE, ESQUIRE, Solicitor

ALSO PRESENT: John J. Jablowski, Jr., MPA, Township
Manager

Robert J. McHale, Township Engineer

APPEARANCE: PATRICK HUGHES, ESQUIRE
1170 Highway 315
Plains, PA 18702
For Tobyhanna Beer & Deli

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

2

***Index regarding the public hearing on the
Liquor license transfer to Tobyhanna Beer & Deli

INDEX TO EXHIBITS

BOARD EXHIBIT NO.	PAGE
1..Information Regarding Application..	24.....
2..Legal Notice.....	24.....
3..Proof of Publication.....	24.....
 RESIDENT EXHIBIT NO.	
1..Letter.....	23.....

*Exhibits not provided to the reporter.

3

1 MS. LAMBERTON: Good evening.
2 I'd like to welcome you all to the board of
3 supervisors regular business meeting of October 3,
4 2016. We'll call the meeting to order with the
5 pledge of allegiance, please.

6 (Pledge of Allegiance was
7 recited.)

8 MS. LAMBERTON: Thank you. We
9 have an announcement for our trick or treat hours,
10 will be Monday October 31 from 6 p.m. to 8 p.m.

11 And before we get started, I
12 received an official notification from Mr. Donny
13 Moyer that he will be resigning from the board of
14 supervisors. He wanted everyone to know it was a
15 pleasure to work with us all and he wanted to thank

16 us all for his support throughout the years.

17 MR. KERRICK: I make a motion
18 we accept his resignation.

19 MR. HOLOHAN: I'll second it.

20 MS. LAMBERTON: I have a motion
21 and a second.

22 Any questions or comments from
23 the board?

24 Any questions or comments from
25 the public?

4

1 Seeing none. Call the vote.
2 John?

3 MR. KERRICK: In favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: I vote in favor.

6 MS. LAMBERTON: John?

7 MR. HOLAHAN: Yes.

8 MS. LAMBERTON: I vote in
9 favor. Motion carries.

10 So now it's my understanding
11 that we will have our township manager put a

12 notification in the newspaper for any letters of
13 intent.

14 MS. PICKARD: And we have 30
15 days --

16 MS. LAMBERTON: And we have 30
17 days.

18 MR. RICE: 30 days, right.

19 MS. LAMBERTON: Okay?

20 MR. JABLOWSKI: I'll get that
21 out tomorrow.

22 MS. LAMBERTON: Thank you,
23 John.

24 I'll entertain a motion to
25 consider the minutes of the September 6, 2016 work

5

1 session.

2 MS. PICKARD: So moved.

3 MR. HOLAHAN: Second.

4 MS. LAMBERTON: I have a motion
5 and a second.

6 Any questions or comments from
7 the board?

8 Any questions or comments from

9 the public?

10 And I take it there are no

11 corrections? No.

12 Seeing none. Call the vote.

13 John?

14 MR. KERRICK: In favor.

15 MS. LAMBERTON: Heidi?

16 MS. PICKARD: I vote in favor.

17 MS. LAMBERTON: John?

18 MR. HOLAHAN: Yes.

19 MS. LAMBERTON: I vote in

20 favor. Motion carries.

21 I will entertain a motion to

22 consider the treasurer's report in the amount of

23 \$416,661.05.

24 MR. HOLAHAN: I make a motion

25 that we approve the treasurer's report in the

6

1 amount of \$416,661.05.

2 MS. PICKARD: Second that.

3 MS. LAMBERTON: I got a motion

4 and a second.

5 Any questions or comments from
6 the board?

7 MS. PICKARD: I just wanted to
8 say that included the 124,000 and change we
9 refunded to Kalahari on the sewer escrow.

10 MS. LAMBERTON: Thank you.
11 Any questions or comments from
12 the public?

13 Seeing none. Call the vote.
14 John?

15 MR. KERRICK: I vote in favor.

16 MS. LAMBERTON: Heidi?

17 MS. PICKARD: I vote in favor.

18 MS. LAMBERTON: John?

19 MR. HOLAHAN: Yes.

20 MS. LAMBERTON: And I will
21 abstain as to a conflict with Kalahari. My
22 daughter is an employee there.

23 MR. KERRICK: I handed a
24 conflict of interest in earlier --

25 MR. JABLOWSKI: Yes.

1 MR. KERRICK: -- but I really

1 & Deli, Inc., and the Pennsylvania Liquor Control
2 Board and the Liquor Code controls what happens
3 when there's a transfer. This law has been changed
4 many, many times probably in the last 15 years.
5 There used to be a quota in certain municipalities,
6 but whenever there's a transfer in from another
7 municipality, there has to be a public hearing
8 within 45 days.

9 So that's what's been advertised
10 for tonight. I understand the applicant is here,
11 and is he represented by counsel?

12 MR. HUGHES: Correct. He is.
13 Hello, everyone. I'm Attorney Pat Hughes.

14 MR. RICE: Okay.

15 MR. HUGHES: I'm here for the
16 intermunicipal transfer for the PA Liquor License
17 R21195. I represent Tobyhanna Beer & Deli.

18 I don't want to take too much of
19 your time tonight, just a couple key points in the
20 transfer.

21 First, this isn't a bar, this
22 isn't a night club, anything like that. It's a

23 convenience store, going to sell six packs and
24 twelve packs to go; second, there's to be no live
25 entertainment at the place; third, there's going to

9

1 be limited hours of operation. Store will serve,
2 you know, hot foods and deli sandwiches, things
3 like that.

4 Fourth, this is the only first
5 step in the process, they still have to go through
6 the regular steps of PCLB and go through that whole
7 process with them afterwards. Fourth -- or fifth,
8 this transfer is going to add new jobs to the area,
9 to form extra staff workers and considering there's
10 also going to be local construction hired for the
11 planning aspect of this, which also has to be
12 approved by zoning. Lastly, this area is a growing
13 area with new businesses and restaurants and this
14 transfer will be a good competition for the area.

15 Thank you.

16 MS. LAMBERTON: Thank you.

17 MR. RICE: Sir, just your name
18 and address again?

19 MR. HUGHES: Yeah, Attorney Pat

20 Hughes, that's 1170 Highway 315, Plains, PA 18702.

21 MR. RICE: And the applicants
22 are -- who are your clients sitting here tonight?
23 Just the name and an address so we have it for the
24 record.

25 MR. ATRSH PATEL: Atrsh Patel

10

1 THE REPORTER: Can you spell
2 that, please?

3 MR. ATRSH PATEL: A-T-R-S-H,
4 1528 Brittain Street, Berwick, Pennsylvania 18603.

5 MR. RICE: Okay. And was it --
6 the applicant's Tobyhanna Beer & Deli, Inc., so you
7 are the chief shareholder, president?

8 Mr. Hughes, you want to -- I
9 mean, you could --

10 MR. ATRSH PATEL: As a manager.

11 MR. RICE: The manager?

12 MR. ATRSH PATEL: Uh-hum.

13 MR. HUGHES: He's the -- he's
14 the manager of it.

15 MR. RICE: Who is the -- who is

16 the owner other than the corporation, who's the
17 principal shareholder in the corporation?

18 MR. ATRSH PATEL: The principal
19 shareholder is Binal Patel, that's my sister.

20 MR. RICE: Okay.

21 MR. ATRSH PATEL: So she is the
22 principal shareholder in the business.

23 MR. RICE: Okay.

24 MR. HUGHES: Do you want to
25 list her address as well?

11

1 MR. RICE: That -- that would
2 be great, yeah.

3 MR. PATEL: All right. Her
4 name is Binal Patel, B-I-N-A-L, 799 Coon Road,
5 Wyoming, PA 18640.

6 MR. RICE: Okay. And, Mr.
7 Hughes, you said that this is going to be a
8 convenient store?

9 MR. HUGHES: Correct.

10 MR. RICE: You said no live
11 entertainment?

12 MR. HUGHES: Correct.

13 MR. RICE: Nothing outside,
14 music, nothing like that outside?
15 MR. HUGHES: Nope.
16 MR. RICE: And how many new
17 jobs would be created?
18 MR. HUGHES: I would say in the
19 area of five new jobs, something like that, just to
20 start off.
21 MR. RICE: Okay. And you still
22 have to go through the PLCB --
23 MR. HUGHES: Correct.
24 MR. RICE: -- procedure --
25 MR. HUGHES: This has to be

12

1 approved by the PLCB, correct.
2 MR. RICE: -- for this to be
3 finalized?
4 MR. HUGHES: And there will
5 also be some extra security measures added too.
6 There'll be more lighting outside, there's more
7 surveillance cameras, things like that. It's going
8 to be safer, actually, in the area as well.

9 MR. RICE: Okay. And there's
10 zoning issues down the road --

11 MR. HUGHES: Right. Exactly.

12 MR. RICE: -- that have to be
13 dealt with?

14 I don't have any other
15 questions. If the board has any questions, feel
16 free to ask.

17 MS. LAMBERTON: My only
18 question is, it's strictly to go, correct?

19 MR. HUGHES: Correct. They are
20 allowed legally to drink them in the store, but
21 they are six packs to go.

22 MS. LAMBERTON: Oh, okay. I
23 didn't realize that. Thank you.

24 MR. RICE: I mean, we -- go
25 ahead, John.

13

1 MR. HOLAHAN: Mr. Hughes, only
2 six packs or will it be six --

3 MR. HUGHES: Six and twelve
4 packs.

5 MS. LAMBERTON: Is there --

6 MS. PICKARD: What are the
7 hours? Are they changing the hours?
8 MR. HUGHES: They're limited
9 hours under the rules; however, they'll be 11 p.m.,
10 I believe.
11 FEMALE VOICE: Just regular
12 store hours?
13 MR. HUGHES: Correct.
14 MS. LAMBERTON: Is there a
15 maximum of six packs or twelve packs that are
16 allowed to be sold at once?
17 MR. HUGHES: I believe it's 54
18 ounces for one person, I believe that's the rules.
19 (Whispered comment by Ms.
20 Lamberton.)
21 MR. JABLOWSKI: Two six packs
22 so I hear.
23 MS. LAMBERTON: So I hear.
24 MS. LAMBERTON: Thank you.
25 That's all I have.

1 MR. HOLAHAN: So how many

2 liquor licenses do we have? This is a liquor
3 license, right?

4 MR. RICE: Yes.

5 MR. HOLAHAN: So -- but it's
6 only for beer?

7 MR. HUGHES: Right. It's
8 technically an R license, which is a restaurant
9 license.

10 MR. HOLAHAN: Okay.

11 MR. HUGHES: But it's
12 technically both food and beer.

13 MR. HOLAHAN: So do we know how
14 many licenses we have within this township?

15 MR. RICE: I don't know. I
16 mean, we can -- we can get you that information,
17 I'm sure, John.

18 MR. HOLAHAN: That's fine. I'm
19 wondering, why are we transferring it from
20 Chestnuthill Township to Tobyhanna Township?

21 MR. HUGHES: I believe because
22 there wasn't any available in the area, so they had
23 to transfer it in.

24 MR. HOLAHAN: But you don't
25 know that for a fact?

1 MR. HUGHES: I do not.

2 MR. HOLAHAN: Okay.

3 MR. RICE: Okay. So just -- is
4 there sit-down service in here at all?

5 MR. HUGHES: There will --

6 MR. RICE: Couple tables and
7 chairs?

8 MR. HUGHES: Right. I believe
9 there'll be 30 seats in the building just due to
10 the rules.

11 MR. RICE: Okay.

12 MR. HUGHES: So there will be
13 some seating in there. There's a Subway in
14 conjunction with it, but that will be separate from
15 that.

16 MR. RICE: Outdoor seats too?

17 MR. HUGHES: No, I don't
18 believe so.

19 MR. RICE: Okay. I don't -- I
20 don't really have any other questions.

21 MR. HOLAHAN: Is that something
22 we can restrict at zoning if we decide that we
23 don't want outdoor seating?

24 MR. RICE: That would be a
25 zoning issue once they come in for a permit or we

16

1 could ask Mr. Hughes right now whether his client
2 would restrict the property --

3 MR. ATRSH PATEL: There will be
4 no outside --

5 MR. RICE: No outdoor seating?

6 MR. ATRSH PATEL: -- seating,
7 no.

8 MR. RICE: Okay. That's even
9 better.

10 MS. LAMBERTON: It doesn't --
11 it's really not conducive to it, the way the
12 building is with your parking.

13 MR. RAVI KANANI: Right.
14 There's not enough space.

15 MS. LAMBERTON: You'd lose
16 parking.

17 MR. RAVI KANANI: Yeah.

18 FEMALE VOICE: It's basically
19 gonna be --

20 MR. ATRSH PATEL: And you're
21 really not allowed to do that, so --
22 MR. RICE: Yeah, I think the
23 -- yeah, the PL --
24 MR. ATRSH PATEL: The LCB
25 don't allow you to do that --

17

1 MR. RICE: PLCB wouldn't,
2 right. Right.
3 Okay. Any other questions from
4 the board?
5 MR. KERRICK: I'll reserve the
6 right if you open it to the public and I have any
7 questions later. I don't have any right now.
8 MR. RICE: Okay.
9 MS. LAMBERTON: Heidi? John?
10 MS. PICKARD: I'm with John.
11 MR. HOLAHAN: I'm with him,
12 yeah.
13 MS. LAMBERTON: Very good.
14 MR. RICE: Any public comment
15 regarding this?
16 Sorry, we need you to state your

17 name and your address and then your public comment.

18 MR. JOHN McELROY: My name is
19 John McElroy. My address is 1466 State Route 940,
20 Blakeslee, PA 18610.

21 Did you say that's there's not a
22 quota --

23 MR. RICE: Correct.

24 MR. JOHN McELROY: -- for a
25 liquor license in the township, that the LCB had

18

1 done away with quotas?

2 MR. RICE: Correct. 2001, I
3 believe it was.

4 MR. JOHN McELROY: No, that's
5 not true.

6 MR. RICE: Okay. Well, correct
7 me then.

8 MR. JOHN McELROY: That's not
9 true. It's one license per every 3,000 year round
10 residents. That is the law.

11 MR. RICE: Okay.

12 MR. JOHN McELROY: The reason

13 why they did that, is they don't want so -- any
14 particular township or town to be flooded with
15 licenses. There's a quota. It's for the
16 well-being of the citizens. So it's one license
17 for every 3,000 year round residents.

18 MR. RICE: Do you have --

19 MR. JOHN McELROY: Do you know
20 how many year round residents you have in Tobyhanna
21 Township?

22 MR. RICE: Don't know.

23 MR. JABLOWSKI: 8,500.

24 MS. LAMBERTON: Eight thous --
25 eight thousand --

19

1 MR. JABLOWSKI: 8,500.

2 MS. LAMBERTON: 8550.

3 MR. JOHN McELROY: 8,600
4 residents, approximately. Right now you have at
5 least 11 licenses in this township, at least. That
6 does not include what is also in safekeeping;
7 thereby you are severely over your quota.

8 Also, I think you received a
9 letter from various other licenses at the township

10 explaining that they --
11 Did you?
12 MS. LAMBERTON: I received one
13 document from you, John. That's all I received.
14 MR. JOHN McELROY: Did you get
15 any signed --
16 MR. JABLOWSKI: Yes, we did.
17 MR. JOHN McELROY: -- from --
18 MR. JABLOWSKI: Yes.
19 MR. JOHN McELROY: -- any bar
20 owners?
21 MR. JABLOWSKI: Yes, we did.
22 MR. JOHN McELROY: Okay. You
23 do have them?
24 MR. JABLOWSKI: Correct.
25 MR. JOHN McELROY: Can the

20

1 supervisors see those?
2 MR. RICE: You want to -- you
3 want to put that into the record tonight? Do you
4 want to put that letter into the record?
5 MR. JOHN McELROY: Please.

6 MR. RICE: Okay. So let's have
7 that. Do you have a copy of the law that says
8 there's a quota in this township with you?

9 MR. JOHN McELROY: I don't have
10 that copy but --

11 MR. RICE: You should send that
12 to me because I -- you and I are going to disagree
13 on that.

14 MR. JOHN McELROY: Okay.

15 MR. JABLOWSKI: I asked Maur --
16 I apologize, I --

17 MS. LAMBERTON: No, no, that's
18 okay, just so we --

19 MR. JABLOWSKI: We did receive
20 a letter -- I think it was like seven.

21 MR. JOHN McELROY: Five, six,
22 something like that.

23 MR. RICE: Okay.

24 MR. JOHN McELROY: Different
25 bar owners in the township --

21

1 MS. LAMBERTON: Oh, okay.

2 MR. JOHN McELROY: --

3 expressing the fact that they have a hard enough
4 time making -- keeping their businesses open. I
5 mean, take a look. You got the Edelweiss sitting
6 there; you got the Village Squire sitting there.
7 Did they attempt to buy those licenses -- the other
8 license, Village Squire?

9 Also within the next year to
10 two, with the new liquor law, they will be bringing
11 out any licenses that have gone defunct over the
12 past so many years. There's one in particular
13 right -- right across the street from where you
14 were, from where these guys were. They will be put
15 on auction by the liquor board.

16 If it's in the township, you
17 don't have to approve anything. I'm sure the
18 people -- the bar owners in Chestnuthill Township,
19 or wherever this place -- Brodheadsville, I'm sure
20 they're happy to see one of their competitors go.
21 But the people in Jubilee, Robert Christian's,
22 Da's, McGinley's, they don't need any more
23 competition. They don't.

24 Again, you're severely -- you
25 got at least 11 licenses in this township, at

1 least.

2 MS. LAMBERTON: Can I ask a
3 question?

4 MR. RICE: Sure.

5 MR. JOHN McELROY: Sure.

6 MS. LAMBERTON: Those 11
7 licenses, though, how long have they been in these
8 establishments?

9 MR. JOHN McELROY: How many
10 years?

11 MS. LAMBERTON: Yeah.

12 MR. JOHN McELROY: I'm not
13 sure.

14 MS. LAMBERTON: I mean, they're
15 not new, I guess is my question.

16 MR. JOHN McELROY: No, they're
17 not new.

18 MS. LAMBERTON: So --

19 MR. JOHN McELROY: Oh, yes,
20 yes. You have just approved one where the Choice
21 at Blakeslee Corners. You're well aware of that.
22 You've done that in the past year, which begs the
23 question, how many more are you going to approve

24 coming from out of townships? That's why -- that's
25 why the quota was set and that's why --

23

1 MR. RICE: And we're going to
2 disagree on whether there's a quota or not unless
3 you have something with you. It's easy to quote
4 the law but you got to back it up.

5 MS. LAMBERTON: And I --

6 MR. RICE: So if you want to
7 submit that at some point and the letters, you
8 know, I just want to mark -- let's --

9 MR. JOHN McELROY: I submitted
10 the letters.

11 MR. RICE: Okay. Then --

12 MR. JABLOWSKI: Yes, we have
13 the letters.

14 MR. JOHN McELROY: He has them.

15 MR. RICE: -- we will mark --
16 what was your last name, sir?

17 MR. JOHN McELROY: McElroy.

18 MR. RICE: We'll mark Mr.
19 McElroy's letter unless you have an objection, Mr.
20 Hughes --

21 MR. HUGHES: No objection.

22 MR. RICE: -- as Resident 1 and
23 then I'm also going to -- I have some board
24 exhibits here, which is the information that came
25 in with the application. And let me just slide

24

1 these down --

2 MS. LAMBERTON: Sure.

3 MR. RICE: -- to the board.
4 We'll mark these board exhibits. B-1 is the
5 information which was provided by the applicant
6 regarding the application; B-2 is the board of
7 supervisors legal notice; and B-3 is the proof of
8 publication. So they're in the record also and Mr.
9 McElroy's letter.

10 Sir, do you know the date of
11 your letter? The date of your letter that you
12 sent?

13 MR. JOHN McELROY: It should be
14 right on there.

15 MR. HOLAHAN: It says received
16 September 9 by the township.

17 MR. RICE: Okay.
18 MR. JOHN McELROY: September
19 19.
20 MR. JABLOWSKI: It just came
21 in.
22 MR. RICE: Okay.
23 MR. JABLOWSKI: You want me to
24 go get a copy?
25 MR. RICE: No, that's okay. If

25

1 we have the date, that's sufficient for this
2 record.
3 MR. JABLOWSKI: For the
4 supervisors to know, the letter that we received
5 was a form letter and it was executed by six or
6 seven of the various establishments that are on
7 Route 940.
8 MR. RICE: Okay.
9 MR. KERRICK: I have a question
10 for John.
11 MR. RICE: Yes.
12 MS. LAMBERTON: Sure.
13 MR. KERRICK: John, how many

14 licenses out of the 11 are private clubs, private
15 communities? Any of those 11?

16 MR. JOHN McELROY: No.

17 MR. KERRICK: There's 11 --

18 MR. RAVI KANANI: Lake Naomi is
19 a private club.

20 MR. KERRICK: Understood. I'm
21 just trying to figure out where there's 11, I know
22 there's several establishments closed.

23 MR. JOHN McELROY: Let's start
24 right there in Blakeslee Corners. You've got Da's,
25 you've got the diner, which will be --

26

1 THE REPORTER: I can only take
2 one down -- you can't --

3 MR. RICE: Yeah, let's get a
4 little order to this. So Mr. Kerrick had a
5 question for Mr. McElroy. So let's see if Mr.
6 McElroy can answer that and then everyone else in
7 the front row, just wait your turn, anybody else
8 that wants to make any public comment.

9 John, go ahead, you have any

10 more questions on that?

11 MR. KERRICK: No, I just -- I
12 just wondered if it was like -- Lake Naomi is a
13 private club. Pinecrest, they're all private
14 clubs, they're not open to the public. I was just
15 trying to weigh out how many between the 11 were --

16 MR. BRENDON CARROLL: Brendon
17 Carroll.

18 Just to --

19 John, there are different types
20 of -- like our license is a private club license --

21 MR. JOHN McELROY: I understand.

22 MR. BRENDON CARROLL: -- like
23 John's saying. Lake Naomi has a different license
24 than Pinecrest and the restaurant license is
25 different than --

27

1 MR. KERRICK: I can't go to
2 Pinecrest and I can't go to Lake Naomi, I'm just
3 trying to --

4 MR. BRENDON CARROLL: It's not
5 open to the public, John.

6 MR. KERRICK: It's not open to

7 the public.

8 MR. BRENDON CARROLL: That's
9 correct.

10 MR. KERRICK: It is a liquor
11 license but it's not open to the public.

12 MR. BRENDON CARROLL: It's a
13 special -- it's a different liquor license.

14 MR. RICE: Yeah, the state's
15 been creating a lot of different types of licenses.
16 I mean, there's a new act that passed in the last
17 year.

18 MR. BRENDON CARROLL: Now, that
19 is a -- that would be my question, why would they
20 not take advantage of a -- of a license that has
21 been provided, newly provided by the LCB --

22 MR. RICE: I don't --

23 MR. BRENDON CARROLL: -- versus
24 transferring one that --

25 MR. JABLOWSKI: Well, you have

28

1 to buy it too.

2 MR. BRENDON CARROLL: I know

3 there's a big thing in -- you know, like you got a
4 difference license --

5 MR. McELROY: That's absolutely
6 -- that's absolutely happening.

7 MR. RICE: Okay. Just one at a
8 time. So we're here for this application. There's
9 very narrow grounds to object to this type of an
10 application and if anybody has anything else they
11 want to say about that, you know, we can certainly
12 have more public comment.

13 You folks have presented your
14 case?

15 MR. HUGHES: Correct, yep.

16 MR. RICE: Okay. We have the
17 information, hours of operation, how they're going
18 to operate and the type of license, we know what
19 that is.

20 MS. LAMBERTON: I think this
21 gentleman wanted to say something.

22 MR. KERRICK: I have another
23 question then when you have time.

24 MR. RICE: Okay. Well, let's
25 -- let's -- let's go through rest -- the rest of

1 public comment about this application.

2 Anybody else have any other
3 public comment?

4 Sir, go ahead.

5 MR. RAVI KANANI: Yeah, so --

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

8 MR. RAVI KANANI: Ravi,
9 R-A-V-I, Kanani, K-A-N-A-N-I. I work for the
10 company.

11 It's not like we haven't tried
12 to buy a license here. It's not easy to find a
13 license, so we wouldn't be going through this
14 process if we weren't able to find a license that
15 was in the township available for sale. He's
16 right, there are a couple of licenses in
17 safekeeping, but they weren't available to us;
18 therefore we had to find it somewhere else.

19 MR. RICE: Okay.

20 MS. LAMBERTON: I would think
21 that if -- like you said, the Edelweiss or the
22 Village Squire, I would think they'd want to hold
23 it because that makes their property more valuable
24 to sell. I would not -- if I owned that building,

25 John, to be honest, I wouldn't want to sell my

30

1 license 'cause it's set up for a restaurant, you
2 know, what's the chances of you having something
3 available --

4 MR. JOHN McELROY: It is
5 available for sale. Has the attempt been made,
6 that was just the question.

7 MS. LAMBERTON: I believe he did
8 state that the attempt was made.

9 MR. JOHN McELROY: He attempted
10 to --

11 MS. LAMBERTON: Yeah.

12 MR. JOHN McELROY: -- to buy
13 the Edelweiss license?

14 MR. RICE: Well, let's --

15 MR. JOHN McELROY: Just asking.

16 MR. RICE: Okay. He said what
17 he said.

18 MR. JOHN McELROY: Okay.

19 MR. RICE: Okay? And Mr.

20 Kerrick had another question.

21 MR. KERRICK: Your question --
22 or your statement a minute ago about requirements
23 or restrictions of narrow -- you said narrow to
24 object to this --

25 MR. RICE: Right.

31

1 MR. KERRICK: -- could you
2 explain that a little bit more, what we can and
3 cannot do?

4 MR. RICE: It's got to be --

5 MR. KERRICK: If I stated that
6 correctly.

7 MR. RICE: It's got to be a
8 severe health, safety and welfare issue. There's
9 got to be some -- something in the background or
10 something that, you know, comes to the board's
11 attention and even if you would deny this, the LCB
12 still has final say on this. It still is up to
13 them.

14 I mean, they do the background
15 checks, they do the things that townships aren't
16 equipped to do. This is an opportunity, when
17 there's a transfer, to get some information out

18 about the operation because when I look at the
19 application, it's a corporation. It's nice to see
20 a face, an address and a little bit about the
21 person that's actually -- you know, the shareholder
22 in the corporation.

23 We asked hours of operation,
24 those types of things, John, but it's -- when I say
25 narrow, it's very, very narrow. I don't know that

32

1 -- you know, competition is not one of those
2 issues, quota is not one of those issues. There's
3 got to be something that's very, very severe in
4 terms of the health, safety and welfare issue.

5 I don't know of any -- I've done
6 about, I'll say, ten of these hearings in Monroe
7 County, Bucks County, Montgomery County and
8 Delaware County and I've yet to see one -- some
9 have tried to deny it, but none have ever upheld.
10 And that's under the old law. The new law is a lot
11 more favorable, I think, to transfers. I mean,
12 there was a quota in place till 2001, I believe,
13 and then the law changed and it's changed again.

11 you can go from county to county.

12 MR. HOLAHAN: Mr. Rice, we got
13 a letter from Jonathan that kind of speaks to this,
14 that was sent to Mr. McHale and I'm looking, but it
15 looks like there's a quote from the current act,
16 which is Act 141.

17 MR. RICE: Of 2001.

18 MR. HOLAHAN: Right, but it's
19 Act -- yeah, Act 141 from 2001.

20 MR. RICE: Right.

21 MR. HOLAHAN: And there's a
22 quote here, it says, the municipality must approve
23 the request unless it finds with doing so would
24 adversely affect the welfare, health, peace and
25 morals of the community or its residents.

34

1 MR. RICE: Correct. That's the
2 health, safety and welfare issues.

3 MR. HOLAHAN: Well, it's --
4 they really defined it there.

5 MR. RICE: And the case law on
6 this, John, is -- I mean, it's -- it's -- I mean,

7 it has to be -- it's not just, I'm against selling
8 alcohol for whatever reason. It's got to be
9 something more than that with the location or the
10 operator in order for you to have the ability or
11 LCB have the ability.

12 MR. JABLOWSKI: Commonly if
13 there was a nursery school next door, if there was
14 a, you know, high school next door, something of
15 that nature.

16 MR. HOLAHAN: I guess the
17 concern is the dilution of liquor licenses, having
18 so many of them, it dilutes them so you add another
19 one, which if they're worth a certain amount of
20 money that -- it would reduce the ability to sell
21 another one or -- for a price for -- I don't know
22 what a fair price is, can you tell me? What are
23 you paying for the license?

24 MR. HUGHES: Would you like to
25 state?

35

1 MR. KERRICK: You don't have
2 to.

3 MR. HOLAHAN: You don't have to

4 say it, I'm just asking.

5 MR. KERRICK: I wouldn't.

6 MR. HUGHES: It's different --
7 it's different -- every county's different --

8 MR. ATRSH PATEL: Every county
9 is different. Like right now on this side, it's
10 too high, that what I can say. It's too high.

11 MR. HOLAHAN: Compare --
12 compared to --

13 MR. ATRSH PATEL: Compared to
14 like if you come by Luzerne County or Columbia
15 County, it's too high, too way high.

16 MR. RAVI KANANI: It's double
17 Luzerne County here.

18 MR. HOLAHAN: That's close
19 enough. Thank you.

20 MR. JABLOWSKI: Well, our goal
21 is to increase tourist traffic and our goal is to
22 have more people coming in; so therefore all the
23 businesses -- all boats should rise together.

24 MS. LAMBERTON: So if there's
25 no quota, what is the issue on obtaining a license?

1 MR. KERRICK: I can never
2 understand why we're even involved in it, to be
3 honest with you.

4 MS. LAMBERTON: Well, the LCB
5 --

6 MR. KERRICK: I understand that,
7 but it doesn't make sense.

8 MS. LAMBERTON: And I believe
9 it's just the zoning, is what John's stating.

10 MR. KERRICK: Legal counsel
11 told us the same thing, there's really nothing we
12 can do.

13 MS. LAMBERTON: Yeah.

14 MR. KERRICK: I'm sympathetic
15 to what John McElroy is saying, but what do we do?

16 MR. RICE: Yeah, the state --

17 MR. KERRICK: Nothing.

18 MR. RICE: Yeah, the state
19 gives you 45 days to hold a hearing, but really no
20 -- there's no teeth in this act other than -- I
21 mean, I see it as a way to get questions asked and
22 answered about the operator, about the facility,
23 about the hours of operation. We -- we heard
24 tonight there's no outdoor dining, they're willing

25 to agree to that. So, I mean, a lot of the other

37

1 issues since 2001, you know, and -- when the act
2 really changed significantly have gone way.

3 So is there any other public
4 comment on this?

5 MR. JOHN McELROY: Did you say
6 the liquor board could override the township and
7 approve the license if the township says no?

8 MR. RICE: Yes.

9 MR. JOHN McELROY: You said
10 that?

11 MR. RICE: Yeah.

12 MR. JOHN McELROY: I don't
13 think that's true either. Because as a matter of
14 fact, there's a case right now where Wawa in Bucks
15 County has been turned down by a township and
16 there's no recourse.

17 MR. RICE: What township?
18 Maybe we represent them. What township?

19 MR. JOHN McELROY: I'm not
20 really sure the township. It's in Buck (sic)
21 County.

22 MR. RICE: We represent a lot
23 of municipalities in Bucks County. I would know
24 about that unless it's way in the southern part of
25 Bucks County.

38

1 MR. JOHN McELROY: So we are
2 going to wait and see if there is a quota, though,
3 correct?

4 MR. RICE: No.

5 MR. JOHN McELROY: You're not?

6 MR. RICE: No, this -- this
7 board's going to make a decision tonight. They
8 have 45 days to --

9 MR. JOHN McELROY: Whether
10 there's a quota or not?

11 MR. RICE: That's not -- that's
12 not an element in an application as of 2001, unless
13 you want to give me something, sir, that says
14 otherwise.

15 MR. JOHN McELROY: So we're
16 agreeing to disagree? You're saying one thing, I'm
17 saying another.

18 MR. RICE: I'm saying there's
19 no quota as of 2001.

20 MR. JOHN McELROY: I'm saying
21 you're wrong.

22 MS. PICKARD: Hey, John?

23 MR. RICE: Yes.

24 MS. PICKARD: I just had some
25 -- I don't think they're relevant to this, but I

39

1 have some issues or concerns about parking and --
2 and different zoning, is that going to be
3 addressed?

4 MR. RICE: Not in this hearing.

5 MS. PICKARD: Yeah.

6 MR. RICE: Yeah.

7 MS. PICKARD: That would be
8 addressed with land development --

9 MR. RICE: Right.

10 MS. PICKARD: -- changes or any
11 changes to the property?

12 MR. RICE: Right. Right. I
13 mean, if it's a land development plan -- this is
14 not a new building, right?

15 MS. LAMBERTON: No.
16 MR. RICE: This is a --
17 MS. LAMBERTON: Existing.
18 MR. RICE: So whatever --
19 MS. PICKARD: Does that
20 consider change of use kind of thing?
21 MR. RICE: Yeah, I --
22 MS. LAMBERTON: No.
23 MR. RICE: What's been there?
24 MS. LAMBERTON: No.
25 MR. RICE: It's the same --

40

1 it's a convenient store --
2 MS. LAMBERTON: It's still
3 retail.
4 MR. RICE: -- and now they're
5 going to sell beer? I think I would leave that up
6 to the zoning officer to decide.
7 MS. PICKARD: Or I was just
8 saying that the parking for more of an expanded use
9 and they have five more employees coming. I'm just
10 asking. There's no restrictions that we're allowed

11 to put on anything either if we were to adopt this
12 as far as the hours, I mean, there's things about
13 what type -- you know, we can't -- as long as it's
14 a license with the law --

15 MR. RICE: Right.

16 MS. PICKARD: -- they can do
17 whatever they want.

18 MR. RICE: If they agree to
19 restrictions, and I think I heard tonight no
20 outdoor dining --

21 FEMALE VOICE: Right. No
22 outdoor dining.

23 MR. RICE: -- your hours of
24 operation go till eleven o'clock, right?

25 MS. PICKARD: But it's just

41

1 take-out beer only, not serving inside or serving
2 other forms of liquor or anything --

3 MS. LAMBERTON: No, that's not
4 what was said. What was said was they could sell
5 six packs to go, but they are allowed to drink them
6 in-house if they so choose.

7 Did I understand that correctly?

8 MR. HUGHES: Correct.

9 MS. PICKARD: I'm asking if we
10 can restrict that and and I just asked the question
11 --

12 MR. ATRSH PATEL: Well, it
13 depends. If you -- if you have a house policy, you
14 are allowed to stay for like 20 minutes, you can
15 have one can of beer and then we can tell them not
16 to sell them.

17 MR. HUGHES: And the LCB still
18 restricts their use on everything they do there's
19 restrictions. (Inaudible) until 2 a.m.

20 MS. PICKARD: But you could --
21 like you're saying you're only opened to 11, but
22 you could expand your hours then and stay open
23 until 2?

24 MR. ATRSH PATEL: But we are
25 not going to.

42

1 MS. PICKARD: I know you're
2 saying you're not going to, but you could?

3 MR. RICE: Well, let me -- let

4 me ask the applicant because, you know, I -- as
5 I've said, I've done about ten of these and
6 applicants agree that hours of operation and no
7 outdoor music, that's always a big one.

8 MR. ATRSH PATEL: That's going
9 to stay the same, the hours --

10 MR. RICE: No outdoor dining,
11 so if the board approves this, you would agree to
12 those conditions --

13 MR. ATRSH PATEL: Yes, we do.

14 MR. RICE: -- to be attached to
15 this? Okay?

16 MR. RAVI KANANI: We have our
17 employees here, like they'll --

18 FEMALE VOICE: We're here.

19 MR. RAVI KANANI: -- agree to
20 it too.

21 MR. RICE: Okay. Well, we --
22 we want to hear from the owner because --

23 MR. RAVI KANANI: Yeah, we'll
24 agree with it.

25 MS. LAMBERTON: I don't have a

1 problem with it.

2 MR. RICE: Yeah. I mean, those
3 types of things I've seen approved because the
4 applicant agrees to it.

5 I've sat in two or three Giant
6 liquor license transfers. Giant is -- if there's
7 any Giants, they are also transferring liquor
8 licenses into different municipalities. They're
9 adding like a beer garden type of a atmosphere,
10 separate -- separate register, separate entrance
11 and exit. They're doing that all over.

12 So those three conditions, which
13 I just mentioned, would be the hours of operation,
14 no later than 11 p.m., no outdoor seating.

15 FEMALE VOICE: And no music.

16 THE REPORTER: Can you state
17 your name, Miss, please?

18 FEMALE VOICE: Brenda.

19 MR. RICE: Okay. So is there
20 anything else from the board?

21 MR. HOLAHAN: I'm looking that
22 there are licenses going up, there's 40 -- 40
23 expired licenses across 21 counties. Monroe is not
24 listed as one of them. So they've listed a bunch
25 of counties here. Monroe is not getting anything

1 auctioned.

2 MR. JOHN McELROY: That's the
3 first wave in. That's the first wave of licenses,
4 John. I have one other question. They've agreed
5 that they're not gonna have outdoor music and seats
6 and all that stuff, how do you enforce that if they
7 do?

8 MR. RICE: It's going to be
9 attached to this resolution if the board approves
10 it tonight. We have a draft resolution, but I'm
11 going to include those three conditions and it's --

12 MR. JOHN McELROY: How do you
13 enforce that though?

14 MR. RICE: Let me finish. It's
15 going to go to the LCB and they will put that in
16 the license.

17 MR. JOHN McELROY: Okay. So if
18 they sell that license to another guy, okay, they
19 decide, you know what, we're not making any money
20 on this, we're gonna sell that license, okay, so it
21 goes across the street, down the street, there's no

22 way to enforce what they're agreeing to here
23 tonight, that's an absolute.

24 MR. RICE: You have it --

25 MS. PICKARD: It's in the

45

1 license, isn't it?

2 MR. RICE: Yeah, if it's in the
3 license and they're going to have to get a zoning
4 permit --

5 MR. KERRICK: If it goes to
6 someone else, they're gonna have another hearing.

7 MR. RICE: -- it's gonna follow
8 the zoning permit.

9 MR. KERRICK: You can't what if
10 it to death, correct?

11 MS. LAMBERTON: That's actually
12 -- John just had a very good comment. That's true.
13 I was listening.

14 MR. KERRICK: If it goes -- if
15 they sell the license, it goes somewhere else,
16 they're gonna have another hearing and then those
17 -- those restrictions --

18 MR. JOHN McELROY: No, you

19 don't need a hearing, no.

20 MR. RICE: That won't be --

21 MR. JOHN McELROY: 'Cause it's
22 already in the township.

23 MR. RICE: That won't be a
24 transfer.

25 MR. JOHN McELROY: No. There

46

1 would not be another new hearing.

2 MR. RICE: But these conditions
3 are going to go with the license, so --

4 MR. JOHN McELROY: I don't
5 think you can enforce them.

6 MS. LAMBERTON: And then I
7 believe it would be our zoning officer, if I'm not
8 mistaken, John, that would have the right to
9 enforce that if someone questioned it or they
10 noticed it.

11 MR. RICE: So I see --

12 MR. JOHN McELROY: You are
13 opening a restaurant there though, correct?

14 MS. LAMBERTON: No.

15 MR. RICE: It's a convenience
16 store.

17 MR. JOHN McELROY: Well, you
18 have 30 seats. You have to provide 30 seats, what
19 are those seats for?

20 MR. RAVI KANANI: We already
21 have --

22 MS. LAMBERTON: They're already
23 there.

24 MR. JOHN McELROY: You already
25 have 30 seats?

47

1 MS. LAMBERTON: Yeah.

2 FEMALE VOICE: We don't -- I
3 don't think there's 30 seats --

4 MR. RAVI KANANI: It's like 24
5 --

6 (Inaudible comments.)

7 MS. LAMBERTON: One at a time,
8 please.

9 MR. RICE: Time out. Time out,
10 'cause we're going to close this hearing real soon.

11 MR. HUGHES: There will be a

12 minimum of 30 seats in the building.

13 MR. RICE: Attorney Hughes.

14 MR. HUGHES: Correct.

15 MR. RICE: These three

16 conditions that you just --

17 MR. HUGHES: Yes.

18 MR. RICE: -- your client's

19 agreed to --

20 MR. HUGHES: Yes.

21 MR. RICE: -- you would agree

22 that they would be attached to any zoning permit

23 for this use, right?

24 MR. HUGHES: Yes.

25 MR. RICE: Fine. Done.

48

1 MR. JOHN McELROY: I just heard

2 from our lawyer in Philadelphia and, yes, there is

3 a quota system still in effect.

4 MR. RICE: Okay. Good. Send

5 that to me.

6 MR. JOHN McELROY: Okay.

7 MR. RICE: Yeah.

8 MR. JOHN McELROY: Just so
9 everybody knows that there's a quota system.
10 MR. RICE: I'd love to see
11 that.
12 Is there any other public
13 comment?
14 MR. JOHN McELROY: For R
15 licenses.
16 MR. RICE: Is there any other
17 public comment?
18 So what's in front of the board
19 is --
20 MR. KERRICK: You want to close
21 the hearing? Make a motion to close the hearing.
22 MR. RICE: Yeah. Yeah.
23 MS. LAMBERTON: I'll entertain
24 --
25 MR. KERRICK: I make a motion

49

1 we close the hearing.
2 MS. LAMBERTON: I have a
3 motion.
4 MR. HOLAHAN: I'll second it.

5 MS. LAMBERTON: Motion and
6 second.
7 Questions or comments from the
8 board?
9 Questions or comments from the
10 public?
11 Seeing none.
12 John, call the vote?
13 MR. KERRICK: Well --
14 MR. RICE: Well, let me --
15 MR. KERRICK: I think he has
16 some things he has to say first.
17 MR. RICE: If the board's --
18 (Whispered comment by Ms.
19 Lamberton.)
20 MR. RICE: If the board -- if
21 the board's inclined to approve this, we heard the
22 conditions; no outdoor seating, no outdoor music,
23 hours of operation end at 11 p.m., actually four.
24 And those conditions will be part of any zoning
25 permit issued for this site and would go with the

1 license, so that's what's in front of you.

2 I don't believe you have any
3 grounds to deny this under the law and you have a
4 draft resolution, which we will include these
5 conditions in before you sign it. So that's what's
6 in front of you.

7 MR. KERRICK: I'll vote in
8 favor to close the hearing. I --

9 MS. LAMBERTON: That's all I
10 was doing. Okay.

11 MS. PICKARD: I vote in favor
12 as well.

13 MR. HOLAHAN: Yes.

14 MS. LAMBERTON: I vote in favor
15 to close the meeting. Meeting is -- or the hearing
16 is now closed.

17 So moving forward, what's the
18 pleasure of the board? I'll entertain a motion to
19 consider Resolution 2016 dash 017, board's decision
20 on liquor license transfer, do I have a motion?

21 MR. KERRICK: I'll make a
22 motion to approve, under legal counsel's comments,
23 that we really can't object to it, so I'll make
24 that motion.

25 MS. PICKARD: And I'll second

1 that.

2 MS. LAMBERTON: I have a motion
3 and a second.

4 Any questions or comments from
5 the board.

6 MR. RICE: And that's subject
7 to the conditions?

8 MR. KERRICK: Subject to the
9 conditions.

10 MS. LAMBERTON: That's what
11 John's motion was, yes, subject to the conditions
12 that you had mentioned.

13 MR. RICE: Great.

14 MS. LAMBERTON: Any questions
15 or comments from the public?

16 MS. PICKARD: I just have --

17 MS. LAMBERTON: That's okay.
18 Go ahead.

19 MS. PICKARD: If there is a
20 quota, wouldn't it be up to the LCB to enforce that
21 concerns?

22 MR. RICE: Yeah, yeah.

23 MR. JOHN McELROY: That's
24 actually up to you guys. That's why you're here,
25 that's why you're here because there is a quota,

52

1 that's why and that's why your other bar owners in
2 this township asked you not to approve it because
3 you're gonna hurt their business. They're having a
4 hard enough time, that's why, because there is a
5 quota.

6 MR. RICE: Attorney Hughes, are
7 you aware of any quota?

8 MR. HUGHES: I'm not aware of
9 any quota.

10 MR. RICE: Okay.

11 MR. JOHN McELROY: Two against
12 one.

13 MR. RICE: But we went to law
14 school.

15 MR. HOLAHAN: And graduated.

16 MS. LAMBERTON: And graduated.

17 MR. RICE: Graduated.

18 MR. JOHN McELROY: I have a

19 couple degrees too.

20 MR. KERRICK: You say it's hard
21 for the bar owners, and I'm sure it is, I just
22 wanted to comment, I have no problem with that; but
23 we also could expose the township to a legal suit
24 too that costs the taxpayers and those bar owners
25 money to defend it, so I'm gonna take your advice.

53

1 MR. JOHN McELROY: That is not
2 true. You could not -- if you guys --

3 MR. KERRICK: You disagree to
4 disagree on everybody tonight, don't you?

5 MR. JOHN McELROY: Well,
6 actually, John, I've been around for a while --

7 MR. KERRICK: Me too.

8 MR. JOHN McELROY: -- and I
9 kind of know the law and I kind of know these laws.

10 MR. KERRICK: I'm sure you do,
11 John. That's your business.

12 MR. JOHN McELROY: You got it.

13 MS. LAMBERTON: And I do
14 respect that. I -- I personally will --

15 MR. JOHN McELROY: I spent a

16 lot of time in Harrisburg with the liquor board, I
17 spent a lot of time. I think you all know that.
18 MS. LAMBERTON: I'm gonna have
19 to go with the advice of our solicitor. I --
20 MR. JOHN McELROY: That's fine.
21 MS. LAMBERTON: -- apologize
22 for that.
23 So I have a motion and a second
24 on the table.
25 Any other questions or comments

54

1 from the public?
2 Seeing none. Call the vote.
3 John?
4 MR. KERRICK: In favor.
5 MS. LAMBERTON: Heidi?
6 MS. PICKARD: I vote in favor.
7 MS. LAMBERTON: John?
8 MR. HOLAHAN: No.
9 MS. LAMBERTON: I vote in
10 favor. Motion carries.
11 Okay. Moving on. Manager's

12 report.

13 MR. JABLOWSKI: Good evening
14 members of the board of supervisors and the public.
15 On October 6 we're going to have a meeting with
16 State Senator Mario Scavello and State
17 Representative Jack Rader to continue the progress
18 on the traffic study on State Route 940 in Pocono
19 Summit, the point of access study, as we've
20 discussed, the community economic development
21 there.

22 Item No. 2, with our financial
23 staff, and I have to give them credit, we put
24 together a savings plan and I'd like to introduce
25 for consideration a resolution to the board whereby

55

1 we would transfer funds as you see in your packet
2 there, to do a supplemental appropriation in the
3 budget.

4 What the genesis of this is, is
5 to save the township several thousand dollars in
6 interest payments. Fiduciarily, we're doing rather
7 well and we have some funds, about \$402,000. We
8 can advance pay, a loan with Landmark Bank, in

9 addition to pay down on the existing loan with the
10 ESSA for the sewer system and the sewer plant.
11 This effectively will save approximately \$8,000 on
12 interest payments between now and the estimated
13 time of the sale and thus more effectively utilize
14 the township funds. IDL put it together.

15 MS. LAMBERTON: 8,000 monthly?

16 MR. JABLOWSKI: Total about
17 8,000.

18 MS. LAMBERTON: Total?

19 MR. JABLOWSKI: Yeah. So this
20 would be -- under the Second Class Township Code we
21 have to have a supplemental appropriations because
22 basically we're taking money from the existing
23 sewer fund and utilizing it for this purpose of
24 advanced payment.

25 MR. HOLAHAN: Before us -- this

56

1 is before us now to vote on?

2 MR. JABLOWSKI: Correct.

3 MR. HOLAHAN: Yes. Okay. I'll
4 make a motion that we approve Resolution 2016 dash

5 --

6 MR. JABLOWSKI: 018.

7 MR. HOLAHAN: -- 018.

8 MS. PICKARD: I'll second that.

9 MS. LAMBERTON: I have a motion

10 and a second.

11 Any questions or comments from

12 the board?

13 MR. HOLAHAN: No.

14 MS. LAMBERTON: Just one

15 question, this isn't -- you're okay with moving

16 forward with this now instead of waiting for the

17 budget at the end of the year to --

18 MR. JABLOWSKI: Correct.

19 MS. LAMBERTON: Okay. Any

20 questions or comments from the public?

21 Seeing none. Call the vote.

22 John?

23 Oh, I'm sorry.

24 MS. PEGGY RAPP: No, that's all

25 right. I just wanted --

1 THE REPORTER: Can you state

2 your name?

3 MS. LAMBERTON: If you could
4 just state your name, please, for the --

5 MS. PEGGY RAPP: Peggy Rapp.
6 Can I just ask you to speak
7 louder?

8 MS. LAMBERTON: Me?

9 MS. PEGGY RAPP: All of you.

10 MS. LAMBERTON: Oh, sure. Ab
11 -- I've never been accused of being quiet. Thank
12 you so much for that. I apologize. I'm sorry.

13 MS. PEGGY RAPP: And especially
14 your --

15 MR. RICE: Not me.

16 MS. LAMBERTON: Oh, you mean
17 John, our township manager.

18 MR. JABLOWSKI: You got it.
19 Thank you.

20 MS. LAMBERTON: Thank you.
21 Sorry about that.

22 Any other questions or comments
23 from the public?

24 Seeing none. Call the vote.
25 John?

1 MR. KERRICK: In favor.

2 MS. LAMBERTON: Heidi?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: John?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: I vote in

7 favor. Motion carries.

8 MR. HOLAHAN: Can I put this on

9 hold for a second?

10 (Discussion off the record.)

11 MR. JABLOWSKI: The third item

12 on the report is the Pocono Mountain Regional EMS.

13 Currently some sections in the Arrowhead Lake

14 Community are being served by the Thornhurst

15 Ambulance and I presume there's been some concerns.

16 And do we have a representative

17 here from Pocono Mountain Regional EMS? They've

18 asked us to consider and I'm recommending to the

19 board that we consider designating the Pocono

20 Mountain Regional EMS as the primary BLS and ALS

21 responder in our sections, in Tobyhanna Township

22 sections of Arrowhead Lake. There is some concern

23 about the response times from Thornhurst Ambulance.

24 MR. KERRICK: I was under the
25 impression that they were.

59

1 MR. HOLAHAN: Right. I thought
2 so as well.

3 MS. LAMBERTON: Yeah, I thought
4 we changed --

5 MR. KERRICK: I didn't know
6 that they were.

7 MS. PICKARD: They changed it
8 because of the bridge, which is not happening now.

9 MR. HOLAHAN: Oh, yes.

10 MS. PICKARD: So --

11 MR. KERRICK: But that still
12 shouldn't affect the Tobyhanna Town -- I'm sorry.

13 MS. DENISE DOREMUS: No, just
14 before there's not all -- I was informed today that
15 Thornhurst is gonna be volunteer, that there's no
16 more paid crew. That was my concern because the
17 volunteers in the past have not had a very good
18 response time. And there was two weeks ago where
19 it took them 20 minutes to respond to a cardiac

20 arrest, actually, in a part of Coolbaugh Township.

21 So now, that this came of light
22 to me, and I really didn't want to bother
23 Thornhurst, you know, with these -- because the
24 bridge wasn't closed and our response time for that
25 would be -- as you know the detour is 18 miles

60

1 long; so we were just gonna leave it and they would
2 call Lackawanna County. But it's not gonna happen
3 until 2017 and God forbid, I don't want that on my
4 head, that that response time from them because of
5 my decision in allowing them, you know, to finish
6 the coverage area.

7 I mean, we can keep an eye on
8 it, but now that we just got the new letter from
9 Monroe County Control Center that it will take 30
10 days for us to change the mapping, I think we
11 should start it now and then for those 30 days we
12 can keep an eye on it.

13 Does that make sense?

14 MS. LAMBERTON: And then in
15 2017 there will be closure on the bridge and they

16 will --

17 MS. DENISE DOREMUS: There will
18 be closure. Maybe by then we can figure something
19 out to put an ambulance on that side, but -- but
20 right now --

21 MS. LAMBERTON: That was my
22 question.

23 MS. DENISE DOREMUS: But right
24 now -- I mean, I'll do anything for, you know, the
25 service of the community and I don't want to hurt

61

1 them by -- because I know from past experience it's
2 not gonna be good.

3 MR. ED TUTRONE: Anne?

4 MS. LAMBERTON: Yes.

5 MR. ED TRUTONE: Speaking of
6 the bridge, the management coordinator, that's
7 where we initially sat down when the closure was
8 going to happen and as a representative from the
9 township to head up the whole thing, all emergency
10 services, we'd make sure that it was covered and we
11 will do so again in '17 if they do the bridge.

12 MR. JABLOWSKI: And we just

13 want to be proactive in bringing that to the
14 board's attention because, you know, the health and
15 safety of the residents certainly and -- you know,
16 no pun intended, we can cross that bridge when we
17 come it -- come to it in 2017. When it happens, we
18 can sit down and address it prior to it happening.

19 MR. HOLAHAN: All right. So --

20 MR. KERRICK: I think we've
21 always been --

22 MR. HARRY FORBES: We won't
23 cross the bridge.

24 MR. JABLOWSKI: We won't cross
25 the bridge when we come to it.

62

1 MR. KERRICK: We've always been
2 proactive here, as well as the ambulance and fire.
3 It's Tobyhanna Township, we need to take care of
4 the township and that's who should go.

5 MR. HOLAHAN: So do we need
6 this in form of a motion?

7 MR. JABLOWSKI: I would
8 recommend.

9 MR. HOLAHAN: I make a motion
10 --
11 MR. JABLOWSKI: Yes.
12 MR. HOLAHAN: -- that we
13 appoint Pocono Mountain Regional EMS as the primary
14 ALS and BLS responders.
15 MS. LAMBERTON: For?
16 MS. PICKARD: I'll second that.
17 MS. LAMBERTON: Motion and a
18 second.
19 Do we need to be clearer on the
20 area?
21 MR. JABLOWSKI: For -- for
22 Arrowhead.
23 MR. RICE: For the -- yeah.
24 MR. HOLAHAN: For Arrowhead.
25 MR. RICE: Yeah.

63

1 MR. HOLAHAN: But that's
2 Tobyhanna Arrowhead, right?
3 MR. JABLOWSKI: That's correct.
4 Correct.
5 MS. LAMBERTON: Any questions

6 or comments from the board?

7 MR. KERRICK: No questions.

8 MS. LAMBERTON: Any questions

9 or comments from the public?

10 Seeing none -- I'm sorry. Go

11 ahead.

12 MS. DENISE DOREMUS: Do you

13 have my name?

14 THE REPORTER: Yes, I do.

15 MS. DENISE DOREMUS: Okay.

16 MS. LAMBERTON: Call the vote.

17 John?

18 MR. KERRICK: In favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: I vote in favor.

21 MS. LAMBERTON: John?

22 MR. HOLAHAN: Yes.

23 MS. LAMBERTON: I vote in favor.

24 Motion carries.

25 Thank you for bringing that to

1 our attention both of you.

2 MR. JABLOWSKI: Thank you.

3 No. 4, I'll reserve some
4 comments for later. I don't have any report on
5 that. Community manager meetings, in the past
6 we've had community manager meetings, we're
7 reinstituting that on October 26, at 9 a.m.
8 Certainly the board is welcome to join, as well as
9 the members of the public. We're having a
10 community manager meeting for those 22 or so
11 associations in the township. We'll be instituting
12 that on a quarterly basis. Weather dependent,
13 we'll have one at the end of January if the weather
14 holds out.

15 Local government meetings, we're
16 going to have a presentation by the firm that's
17 doing the countywide reassessment on November 14,
18 at five o'clock here prior to our board meeting.
19 Was tentative about an hour and a half ago and now
20 it's confirmed. So we have confirmed that.

21 I'll be meeting with the board
22 of county commissioners as well to introduce myself
23 and to continue our working partnership with them
24 next week on the 14th.

25 As you know we have our budget

1 presentations and our budget hearing scheduled as a
2 reminder for 7:30 next Wednesday and going forward
3 on that, working with our finance team to prepare
4 -- prepare the drafts of that.

5 I sent you this afternoon, if
6 you had a chance to read it -- if not, please feel
7 free to read -- a presentation that we've put
8 together on rural development in Pennsylvania.
9 Tobyhanna Township will be a -- hopefully a model
10 community as rural development is happening
11 throughout Pennsylvania and there's certainly
12 variations of rural development in western
13 Pennsylvania and eastern Pennsylvania.

14 Working with our DPW staff and
15 our finance team in putting together a signage
16 project and continuing that. On both the entrances
17 and within the villages within the township and at
18 the next meeting I'll have some samples and some
19 cost estimates for the board to review as part of
20 our budget for '17 and if we have any allocations
21 left for '16.

22 Some special community events.
23 As we know, the fall festival was this past Sunday.

24 It was attended by residents of the community.
25 Mother Nature did hold out, she could have been

66

1 more helpful, but it was a great event and those
2 folks that put it together did a fantastic job as
3 always.

4 We'll be hosting a Red Cross
5 blood drive here in the facility on October 7, so
6 we certainly encourage members of the community to
7 come out and support that fine endeavor. As well
8 as the Blakeslee Health Center on October 12, we'll
9 have a ribbon cutting in Blakeslee, so the public
10 is invited to that as well.

11 MS. PICKARD: That's 11 a.m.?

12 MR. JABLOWSKI: That is at 11
13 a.m.

14 And I wanted to thank the board
15 of supervisors for the continued partnership in
16 work. We have a lot of plans going forward for
17 fiscal year 2017, that it is our confidence and our
18 hope that we'll certainly make Tobyhanna Township
19 an even better place to be.

20 MS. LAMBERTON: Thank you,
21 John.

22 MS. PICKARD: I had one
23 question, on the town hall for the 14th, will we
24 advertise for that?

25 MR. JABLOWSKI: Yes, correct.

67

1 MS. LAMBERTON: Anything else?

2 MR. JABLOWSKI: Yeah, we'll put
3 it both in our website and -- and also on that,
4 yes, we were notified by the county reassessor's
5 office and I believe we sent some correspondence to
6 you via e-mail today, that the firm that is doing
7 the reassessment will be touring throughout
8 Tobyhanna Township, so just as an advisory, should
9 you have any questions, please don't hesitate to
10 give the assessor's office a call, but they will be
11 visit -- begin to visit the township relatively
12 soon.

13 Yes, ma'am?

14 MS. PEGGY RAPP: I'm Peggy
15 Rapp, 162 State Avenue.

16 Will the rural township

17 development plan be put onto the website for us to
18 review?

19 MR. JABLOWSKI: Sure. That's a
20 presentation on -- that we put together -- that
21 myself and the Center for Rural Pennsylvania, which
22 I helped create back in 1987, presentation on rural
23 Pennsylvania and economic development issues that
24 affect rural Pennsylvania and --

25 MS. PEGGY RAPP: Is it specific

68

1 to Tobyhanna Township or --

2 MR. JABLOWSKI: No, specific to
3 rural Pennsylvania and the 48 counties or so that
4 are designated rural.

5 MS. PEGGY RAPP: I
6 misunderstood you.

7 MR. JABLOWSKI: Sure, no
8 problem. But it's certainly welcome and I'd be
9 more than happy to share that document with you.

10 MS. LAMBERTON: Is --

11 MR. JABLOWSKI: Thank you.

12 MS. LAMBERTON: You're very

13 welcome, John. Thank you.

14 Reports from our committees.

15 Pocono Mountain Regional Police Commission. I
16 e-mailed a packet. Were there any questions? It
17 was a pretty quiet -- quiet meeting.

18 MS. PICKARD: I just had a
19 question, it seems as though going through the
20 budget that there was 40 hours in there that was
21 divided in that preliminary budget by our current
22 usage, are we good with that? Are you making a rec
23 -- 'cause I'm trying to --

24 MS. LAMBERTON: I would say we
25 stay where -- with the hours that we have. No one

69

1 has --

2 MS. PICKARD: But we're getting
3 an extra 12 hours, I think, out of that budget.

4 MS. LAMBERTON: Well, we
5 actually had to purchase ten more last year.

6 MS. PICKARD: I know, but when
7 I talked to Kathy, she said that budget was put
8 together with 40 extra hours that they equally
9 divided 'cause everybody -- which would give us --

10 MS. LAMBERTON: Probably from
11 the MMOs, I don't know.

12 MS. PICKARD: An extra --

13 MS. LAMBERTON: That's a good
14 question I can ask.

15 MS. PICKARD: That's what Kathy
16 told me 'cause I was asking her how to calculate if
17 we needed it, but she said they were dividing that
18 up and nobody seemed to --

19 MS. LAMBERTON: Yeah, that --

20 MS. PICKARD: She said that --

21 MS. LAMBERTON: -- wasn't
22 brought up at that meeting, it was just brought up
23 with the additional costs because of the health
24 insurance.

25 MR. KERRICK: Well, I have -- I

70

1 have a concern of how much more we take, whether we
2 need it or not. They said this year the
3 healthcare, the 18 to 20 percent -- what they're
4 stating or my insurance is, we have to come in
5 compliance next year, could go up 80 to 105, 110

6 percent raise and also the MMO next year is gonna
7 be very high.

8 MS. PICKARD: Why is the MMO
9 gonna be --

10 MR. KERRICK: It was gonna kick
11 in '17, this was years ago, unless I'm wrong.

12 MS. PICKARD: But we didn't do
13 the (inaudible) we took the fight then and paid
14 higher those years.

15 MR. KERRICK: Talk to me next
16 year.

17 MS. PICKARD: All right. I'm
18 -- well, I got the MMO for --

19 MR. KERRICK: We just got to --

20 MS. PICKARD: -- next year and
21 --

22 MR. KERRICK: We just got to be
23 careful.

24 MS. LAMBERTON: I would
25 suggest, why don't we bring Kathy or Chief Wagner

71

1 in to one --

2 MR. KERRICK: Are we just --

3 MS. LAMBERTON: -- of our
4 budget meetings.

5 MS. PICKARD: Yeah.

6 MR. KERRICK: Are you gonna try
7 to get your budget down any or that's --

8 MS. LAMBERTON: That's just
9 what they presented.

10 MR. KERRICK: But are you gonna
11 work through it and try to get it down or no?

12 MS. LAMBERTON: John, I will
13 know more next week. I --

14 MR. KERRICK: I spoke with
15 Chris regarding some hardware that they wanted to
16 buy and different things, where they can go in the
17 cloud or not, different prices, but it's pretty --

18 MS. LAMBERTON: I wonder if
19 their --

20 MR. KERRICK: It's a hundred
21 and --

22 MS. LAMBERTON: -- information
23 can be sent --

24 MR. KERRICK: It's \$118,000
25 increase for us, plus we have other things that we

1 want to --

2 MS. PICKARD: Well, and that's
3 why I was saying, I don't mind that if we're
4 getting an extra 12 hours, I think that's, you know
5 -- but I don't know whether everybody else realized
6 that either, but when I asked Kathy, she said it's
7 already included, so maybe I was mistaken with her,
8 that was what she had said.

9 MR. KERRICK: I was told there
10 was no increase amount, but I could be wrong.

11 MR. JABLOWSKI: Well, I could
12 certainly ask the chief and/or Kathy to attend
13 hopefully our first budget meeting next -- next
14 Wednesday.

15 MS. LAMBERTON: That will be a
16 great idea. I think they can explain it better
17 than anyone.

18 MR. HOLAHAN: So let me bring
19 something up then, with Don's resignation, he's now
20 off the board?

21 MS. LAMBERTON: Yes.

22 MR. HOLAHAN: So now we need to
23 appoint somebody for police commission, would we do

24 that before we bring in another supervisor?

25 MS. LAMBERTON: I mean, we

2 MR. HOLAHAN: Yeah, I make a
3 motion that we appoint John Jablowski as our
4 representative to fill Don's position.

6 And I thought we were gonna do some of that later,
7 but that's --

11 Okay. I have a motion and a
12 second.

15 Questions or comments from the
16 public?

18 MR. HARRY FORBES: You just
19 did.

21 help you out.

22 MR. HARRY FORBES: I know I
23 forget who I am. This is the second meeting I've
24 heard, and because your health insurances are now
25 starting to come due, both with the police agency

74

1 and probably your own.

2 Several years ago we were
3 getting hit -- we're in Pike County, we're getting
4 hit with staggering renewal costs. One year it may
5 have been health, the next year it was medicines
6 and on and on and on. I elected to convince the
7 board at that time to go third party self-insured
8 and we struck a deal with Blue Cross where we -- we
9 became our own person. Blue Cross, all they did
10 was manage claims for a fee.

11 It saved us a fortune and what
12 it did for us is gave us stability so that year in
13 and year out we knew where our cost factors were.
14 Because if you're going through a renewal, they
15 give you a claims that you have no way of knowing
16 whether they're true, accurate or whatever, and we

14 police agency, if you --

15 MS. PICKARD: They're in that.

16 They're in it too. The police are in it and we'll

17 -- the 11th and the 12th -- we have somebody coming

18 in the 11th and the 12th, we'll be getting our

19 rate.

20 MR. JABLOWSKI: Okay.

21 MS. PICKARD: But, yeah, this

22 is --

23 MR. HARRY FORBES: You may want

24 to explore your own.

25 MS. PICKARD: -- with that --

76

1 and we get paid back. One year we got \$46,000. We

2 haven't had a good year since then, but we put that

3 away to help smooth out any increases but --

4 MR. HARRY FORBES: Just a

5 suggestion.

6 MS. PICKARD: Yeah.

7 MR. JABLOWSKI: Thank you.

8 MS. PICKARD: No, thank you. I

9 think this is more ACA related than --

10 MR. HOLAHAN: So we've got a
11 motion on the floor.
12 MS. LAMBERTON: Yeah, any other
13 questions or comments 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: John?
20 MR. HOLAHAN: Yes.
21 MS. LAMBERTON: I vote in
22 favor. Motion carries.
23 MR. JABLOWSKI: Thank you.
24 MS. LAMBERTON: You're welcome.
25 Open space committee?

77

1 MS. PICKARD: I don't know. We
2 went -- we went -- we were reading sewer meters,
3 John -- we showed John some issues down at the --
4 MR. JABLOWSKI: Blakeslee.
5 MS. PICKARD: -- Blakeslee
6 Natural Area, just where the buildings need to come

7 down and there's some trees, so we were kind of
8 looking at that and hoping to get that accomplished
9 next year's budget, so --

10 The other thing is, I have -- I
11 don't know, maybe John can help with us. We had a
12 call about horses in the park and we didn't respond
13 to that yet. We didn't have anything. I didn't
14 (inaudible) because we didn't have anybody
15 requesting that. I put it out to PCAP on the
16 discussion group and I didn't get a single
17 response.

18 MS. LAMBERTON: But people want
19 to have horses --

20 MR. RICE: They want to bring
21 horses?

22 MS. LAMBERTON: -- in the park
23 --

24 MS. PICKARD: They asked --

25 MS. LAMBERTON: -- or they did

78

1 --

2 MS. PICKARD: -- they're

3 allowed to -- you know, so we allow dog walking and
4 they have to take whatever they --

5 MR. RICE: Big shovel.

6 MS. PICKARD: Yeah, exactly.

7 So I don't know if --

8 MS. LAMBERTON: That's what I
9 was thinking.

10 MS. PICKARD: But I don't know
11 --

12 MR. HOLAHAN: Those paths are
13 much too narrow for horses.

14 MS. PICKARD: Well, that's what
15 I was thinking.

16 MS. LAMBERTON: Well, I mean --

17 MS. PICKARD: I don't know if
18 some of the upper paths --

19 MS. LAMBERTON: Is it any
20 different than the state gamelands where somebody
21 could go take their --

22 MS. LAMBERTON: We'll have John
23 look into the restrictions on the horses.

24 Okay. Very good. Okay.

25 Anything from the overlay committee? Or are we --

1 MR. HOLAHAN: No.

2 MS. LAMBERTON: -- tabling that
3 -- okay.

4 The sign regulation advisory
5 committee.

6 MS. PICKARD: I don't know if
7 Denise had anything before we go there? You passed
8 --

9 MS. LAMBERTON: Okay. Anything
10 else from the reg --

11 I'm sorry, Mike, give us just
12 one sec.

13 Anymore, Denise, with the EMS?

14 MS. DENISE DOREMUS: I do have
15 -- I do have my report totals. I did get them done
16 even though you changed the time on me to this
17 Monday.

18 MS. LAMBERTON: Sorry.

19 MS. DENISE DOREMUS: It's okay.
20 The total calls this month for the month of
21 September was 499, in Tobyhanna Township it was 79.
22 It was down a little bit this month, but you're
23 still up total for the total year 10 percent and we
24 did come to the Octoberfest yesterday and it was

25 very nice. What was -- Fall Fest.

80

1 MR. JABLOWSKI: Fall Fest.

2 MS. DOREMUS: Fall Fest.

3 MR. JABLOWSKI: Thank you.

4 MS. DENISE DOREMUS: October,
5 we have so many things going on for the fests.

6 MS. PICKARD: And you have
7 something for Halloween?

8 MS. DENISE DOREMUS: Yes, oh,
9 we have -- no, it was kind of called like a
10 trunk-or-treat, but we have a Halloween and it's
11 gonna be held in Mount Pocono on Murray Street this
12 year. It tends to be the -- the main thing and we
13 get more people there, so that's on October 30.

14 MS. LAMBERTON: The Sunday.

15 MS. DENISE DOREMUS: Yes.

16 MS. PICKARD: On Sunday?

17 MS. DENISE: Saturday, the 29th
18 then? 29.

19 MS. PICKARD: 29.

20 MS. DENISE DOREMUS: Yes.

21 MS. PICKARD: At what time?
22 MS. LAMBERTON: Sunday's the
23 30th, you're right.
24 MS. DENISE DOREMUS: But it's
25 Saturday.

81

1 MS. LAMBERTON: Oh, I'm sorry.
2 MS. DENISE: 29th, so 12 to 3,
3 in Mount Pocono Firehall and there was something
4 else. I don't remember.
5 MS. LAMBERTON: Just pipe up if
6 it comes to you. Okay?
7 MS. DENISE DOREMUS: Oh,
8 EMREMS.org. We make a monthly newsletter, so if
9 you go there every month -- it's been on the last
10 three months. So every month we have our media kit
11 on there, plus a monthly newsletter, which we have
12 sponsorships that put articles in there, the
13 doctors from Pocono Medical Center and different --
14 the fire company. I already put one in there this
15 month, so if you're on there just look on it and
16 it's pretty good.
17 MS. LAMBERTON: Great.

18 MS. DENISE DOREMUS: Jeanine
19 puts it together.
20 MS. LAMBERTON: Nice.
21 MS. DENISE DOREMUS: Okay?
22 MS. LAMBERTON: Okay. Mike,
23 sorry about that. Sign regulation advisory
24 committee.
25 MR. MIKE CHRISTIAN: Good

82

1 evening. Mike Christian.
2 We finally completed review of
3 the banner and sandwich for the ordinance and also
4 finaling definitions. The committee studied the
5 proposed draft digital billboard highway overlay
6 district, but when viewed in conjunction with the
7 township map, it was determined to be so
8 restrictive as to have minimal benefits; and rather
9 than proceeding with it, and in lieu of revising it
10 in a vacuum, we agreed within the committee to
11 study the proposed LED digital sign changes first,
12 the proposed sign ordinance as a whole, and then it
13 include the highway digital billboard overlay --

14 that's a mouthful -- all together so we understand
15 the full impacts rather than doing it piecemeal.

16 There have been lively
17 discussions, an understatement, on how to achieve
18 the balance needed to permit digital signs and yet
19 still maintain in the traffic set by the township.
20 But the committee is proceeding on the LED digital
21 changes and we'll then integrate them into the
22 ordinance.

23 The coming month we'll also be
24 studying the highway digital overlay and the
25 balance of the ordinance.

83

1 MS. LAMBERTON: Thank you,
2 Mike. And you guys, your group, wonderful group of
3 people you have put together. And it sounds like
4 you're really making progress and I do appreciate
5 everything.

6 I would like to make just one
7 suggestion if you wouldn't mind. It's been brought
8 to my attention that there's a lot of public
9 comment throughout your entire meeting, and I know
10 that's very detrimental to not have that until the

11 end of the meeting. Maybe you would just want to
12 hold your public comment until the end of your
13 meeting.

14 It'll help you streamline your
15 thought process with your committee because that's
16 normally -- I find that to work -- when you're
17 working -- 'cause that's what our idea of behind
18 the committee was, that you folks could sit down,
19 you had both residential and commercial minds, and
20 then you come up with the best suggestions to bring
21 back to the board of supervisors -- the planning
22 commission and the board of supervisors. It might
23 help you --

24 MR. MIKE CHRISTIAN: All right.

25 MS. LAMBERTON: -- get through

84

1 your meeting.

2 MR. MIKE CHRISTIAN: We'll
3 certainly take that -- the reason for -- if there
4 was different sections of the discussion and we're
5 breaking to something different, that was the
6 original intent to let them comment at the end of

7 the session; however, now that we're pretty much
8 focused on one thing, I can see that --

9 MS. LAMBERTON: It might help
10 you out a little bit. Thank you.

11 It also -- it's been brought to
12 my attention that we have supervisors attending
13 these meetings and I just respectfully ask for them
14 not to comment on behalf of the entire board. If
15 they want to make a comment for themselves, that's
16 fine, but not as a board.

17 Thank you very much for all your
18 work, you guys, we really appreciate it.

19 MR. HOLAHAN: I've been to
20 those meetings and I -- and I haven't commented as
21 -- on behalf of the supervisors. I know better
22 than that.

23 MS. LAMBERTON: No, I respect
24 that, John.

25 MR. HOLAHAN: But one of my

1 concerns is, that the -- I'm concerned about the
2 committee's direction. What I don't want them to
3 do is put all this work into something and bring it

4 back to us and that we say, well, that's not what
5 we wanted, 'cause you're getting into digital signs
6 and I understand the discussion's been that legally
7 cannot restrict having digital signs in commercial
8 district.

9 So when we had our town hall
10 meetings, we talked about, we were not gonna have
11 digital signs up and down the corridor, this
12 committee is talking as if, yes, there will.

13 MR. MIKE CHRISTIAN: That would
14 be good to get some clarification on that because
15 it was my understanding from when we were assigned
16 this task that we wanted to somehow be -- have a
17 balance within the township rather than digital
18 signs everywhere and it would be good to get some
19 direction on what the feeling of the supervisors
20 is.

21 MR. HOLAHAN: So we may need
22 some advice from counsel on, can you, in fact,
23 restrict digital signs in a C and C -- commercial
24 and commercial industrial, can we restrict them
25 just to overlay area?

1 MR. RICE: There's a lot of
2 litigation going on involving billboards and then
3 --

4 MR. HOLAHAN: Right. Right.
5 But we're --

6 MR. RICE: -- the further --

7 MR. HOLAHAN: -- not even
8 talking just billboards, we're not even talking
9 about off-premise, we're talking on-premise signs
10 as well.

11 MR. RICE: Right. Right.
12 Right.

13 MR. HOLAHAN: And of course I
14 get the discussion between what a back lit sign
15 looks like and what a static sign looks like. I --
16 I just have to say that even though the message is
17 changing every eight seconds or fifteen seconds --
18 I guess we shouldn't get into a big discussion of
19 it. We got a lot of work here.

20 MS. LAMBERTON: Yeah, we got a
21 lot ahead of us here.

22 MR. KERRICK: Well, I want to
23 say that I would request if you two are gonna go
24 and represent yourselves, the board, whatever, you

25 give us the option, because I thought we were

87

1 supposed to stay out of it, let the committee do
2 their job and come back with recommendations.

3 MR. HOLAHAN: Yeah, I'm --

4 MR. KERRICK: I mean, if you
5 go, have the courtesy to tell us that you're gonna
6 be there, then it's our option whether we want to
7 go or not.

8 MS. PICKARD: Well, we've both
9 been going and, I didn't say --

10 MR. KERRICK: But that was not
11 our intent.

12 MS. PICKARD: -- spoke for the
13 board and it was --

14 MR. KERRICK: You're still
15 there and you're talking, so they're taking it as
16 the board.

17 MS. PICKARD: Well, I think
18 what I said --

19 MR. KERRICK: And I don't want
20 you or John --

21 MS. PICKARD: I know that.

22 MR. KERRICK: -- speaking for
23 me.

24 MS. PICKARD: But I did say the
25 board said at the meeting, and it's on the record,

88

1 Annie said it, that we didn't want the signs lit
2 up, up and down the corridor of 940.

3 MR. KERRICK: Understood.

4 MS. PICKARD: And they're going
5 --

6 MR. KERRICK: Just give me the
7 courtesy.

8 MS. PICKARD: I know that. But
9 they're saying they're doing that. So our question
10 was to bring it back to get some clarification so
11 they're not wasting their time.

12 MR. KERRICK: We all have
13 telephones. Hey, John, let's go to the meeting --

14 MS. PICKARD: We're talking
15 about it now. They want the clarification.

16 MR. KERRICK: Well, John just
17 said he didn't want to. Do you want to talk about

18 it now? We'll talk about it now.

19 MR. HOLAHAN: I don't -- I
20 don't want -- my -- my problem with digital signs,
21 even if they're changing every 10 or 15 seconds,
22 they're still commercials and a static sign just
23 looks different, that's my --

24 MR. KERRICK: Understood.

25 MR. HOLAHAN: That's my

89

1 personal thing. And I thought that was the intent
2 of the residents when we had the town hall meetings
3 and the e-mails that we received, that people were
4 up in arms about big signs. No, we're not gonna
5 run signs up and down 940. We're just looking the
6 380 area, it makes sense where Kalahari is, maybe
7 down 115, 80, something like this for being
8 overlay.

9 MR. KERRICK: That was our
10 conversation.

11 MR. HOLAHAN: Well, the
12 discussions they're having now is, having them up
13 and down 940. Now, how would you restrict them?
14 And it's almost like if you restrict them and say

15 you can't have them within a thousand feet of each
16 other, then whoever rushes to make the application,
17 gets the billboard and the other ones don't.

18 MR. KERRICK: Understood.

19 MR. HOLAHAN: And I certainly
20 --

21 MS. LAMBERTON: Well, I'm sure
22 you guys will come up with -- your committee will
23 come up with what the gist of the town hall meeting
24 portrayed for folks.

25 MR. MIKE CHRISTIAN: Well,

90

1 actually that's not the direction it's going. If
2 -- as you -- as I just heard, John Kerrick just
3 said it, I thought that you just said that it was
4 the intent and you had said it in another meeting,
5 the idea was not to have them up and down the 940
6 corridor and John --

7 MR. KERRICK: The last
8 conversation we had, that's what I remember, but
9 John Holahan just said that there might be some
10 challenging with the commercial areas, that's

11 something we never spoke about, so what do we --
12 what do we -- what do we do?

13 MR. RICE: We can give you some
14 parameters. I mean, this is an issue that
15 everybody -- ever municipality's struggling with,
16 you know, some had made decisions to be very
17 stringent on digital signs as a whole. It depends
18 on your community. You know, usually those
19 communities that are rural with not any major
20 highways and maybe historic districts, so they've
21 struck them from a lot of their zoning districts.
22 I mean, you've got some major byways in this
23 township.

24 You know, it's -- you got to
25 make a policy decision on it. We can give you what

91

1 the courts have said up to this point. I mean,
2 we've dealt with a couple digital billboard cases,
3 you know, for any billboards in certain areas or
4 overlay zones, that kind of thing. But I don't
5 think you can totally exclude them, you can control
6 them, but you got to have some basis to do it.

7 MR. KERRICK: We talked about

8 size and different things, if it was on the
9 corridor, but not billboards, not anything huge.

10 MS. PICKARD: One of the --

11 MR. KERRICK: That's the last I
12 heard.

13 MS. PICKARD: -- questions that
14 became an issue that we were, you know -- one of
15 the members was arguing about that we couldn't
16 restrict and that's where he said we wanted to get
17 Jonathan in, was about the nonconforming billboards
18 on the corridor of 940 'cause now they're permitted
19 in commercial/industrial, we have nonconforming
20 along the corridor. So the question was, whether
21 they had to be allowed to be digital.

22 MR. RICE: That's a whole
23 different -- yeah, that --

24 MS. PICKARD: Well, that was
25 the question.

92

1 MR. RICE: Okay. Okay.

2 MR. MIKE CHRISTIAN: That was
3 one of the questions.

4 MR. RICE: Yeah.

5 MR. McHALE: So make sure I
6 understand this, I'm in agreement with what Mr.
7 Kerrick was saying, is that, I understood that we
8 were talking about billboards not being strewned
9 down the corridor of 940, not on-premise signs, so
10 am I wrong or are we wrong?

11 MR. KERRICK: That's -- that's
12 what I thought but maybe I'm wrong. I mean, we're
13 not talking small store sign --

14 MR. McHALE: That's the
15 direction --

16 MR. KERRICK: -- we're talking
17 regulated signs if it was digital.

18 MS. PICKARD: But regulated to
19 size, that was --

20 MR. McHALE: But on-premise --
21 the small on-premise signs, we're saying, we don't
22 want in any commercial district from Pocono Summit
23 all the way to blakeslee, is that correct?

24 MR. HOLAHAN: Yes. I've got
25 -- what's -- what's the regulation? I think it's

1 80 square feet and I'm stand -- my sign is standard
2 with -- amongst a lot of the other signs up and
3 down 940 of the businesses, so it's a fair amount
4 of space (inaudible), 10 by -- I can't remember
5 now.

6 MS. PICKARD: It's 40 on each
7 side?

8 MR. HOLAHAN: It might be 40 on
9 each side, yeah. It might be that. So those
10 aren't small signs and then we've got some
11 marquees.

12 MR. McHALE: So you would be
13 doing overlays and specifically detailing two ends
14 of the township and all the commercial properties
15 within would have no electronic signs, so --

16 MS. LAMBERTON: Well, I thought
17 we were looking at a percentage of it to be
18 digital.

19 MR. KERRICK: Sizewise.

20 MS. LAMBERTON: Right.

21 MS. PICKARD: And that was one
22 of the things, but I think the committee was saying
23 they wanted a hundred percent and they wanted --

24 MR. KERRICK: That we would
25 encourage -- can I use you, John?

1 MR. HOLAHAN: Yes. Yeah.

2 MR. KERRICK: Your sign as an
3 example?

4 MR. HOLAHAN: Yeah.

5 MR. KERRICK: If you wanted to
6 go electronic, smaller.

7 MR. MIKE CHRISTIAN: How small?

8 MR. KERRICK: We just -- we
9 just -- it was a thought.

10 MS. LAMBERTON: Yeah, that was
11 -- that was discussed.

12 MR. McHALE: Harry had
13 something that he was gonna --

14 MS. LAMBERTON: I'm sorry,
15 Harry, yes, you did.

16 MR. HARRY FORBES: I was just
17 getting into this thing that, if you're looking at
18 your business district along your corridor and you
19 want to restrict it strictly to 115 and right in
20 the Blakeslee area or right down into the major
21 up-down (inaudible). I'm a business owner over

22 here struggling -- you heard a business owner
23 tonight saying we're struggling and to put a sign
24 up and whether it's 40 square feet or you reduce
25 it, we haven't even gotten into that discussion on

95

1 the amount of -- what is it, nims?

2 MR. McHALE: Nits.

3 MS. PICKARD: Nits.

4 MR. MIKE CHRISTIAN: Nits.

5 MR. HARRY FORBES: And the
6 whole thing. All discussion came up that we got
7 into an AD20 or should be fifty-fifty and that's
8 where the discussion really was going that if
9 you're gonna clean up some of your old signs and
10 somebody wants to invest the money into putting up
11 an electronic sign within that area, which a lot of
12 them are much nicer than some of these signs that
13 are along the corridor, and then do you restrict it
14 when you -- and we haven't even gotten into the
15 ordinance portion where you restrict it as to how
16 late at night, does it have to go off after a
17 certain period of time. There's your controls. We
18 haven't even gotten into the text of that portion.

19 Right now we're dealing with
20 definitions and getting into where we're at, going
21 through that particular portion, so -- and I
22 disagree with argument, I think it's discussion
23 back and forth, and we've had some good discussions
24 into where we're headed with some of this for you.
25 And keeping in mind, that we

96

1 want to restrict it around the residential
2 sections. As a matter of fact, we reduced it in
3 size from, oh, I think -- what was it originally?
4 40 --

5 MR. MIKE CHRISTIAN: 65.

6 MR. McHALE: 64, 65 --

7 MR. HARRY FORBES: 65 --

8 MR. McHALE: -- to 16 square
9 feet.

10 MR. HARRY FORBES: -- down to
11 30.

12 MR. McHALE: If it's near a
13 residential area.

14 MR. HARRY FORBES: Yeah, in and

15 around -- and then we restricted it in distance
16 that it had to be at least a hundred -- a hundred
17 yards?

18 MR. JABLOWSKI: We're looking
19 for bed and breakfast purposes.

20 MR. HARRY FORBES: But there's
21 a lot of -- yeah, we used that as bed and breakfast
22 as an example, but trying to restrict this so that
23 your residents are protected from the glare and the
24 glow of an electronic sign. We haven't even
25 started talking about billboards, which are really

97

1 gonna be restricted around your 380 and Interstate
2 80 corridor when you really look at it, anywhere
3 along 940. But I think this discussion is just
4 really starting to get to where the focus on this.

5 But then it comes to you folks
6 and your planning and you -- and the county
7 planning before you even agree or disagree with it.
8 And your discussion is gonna be after you guys
9 digest it, come back to maybe even restricting it
10 more, so --

11 MR. HOLAHAN: So here's --

12 here's my issue there, Harry, is, I don't go to
13 those meetings to try to steer anything, just
14 listen to what's going on, all right?

15 MR. HARRY FORBES: Who, about
16 me?

17 MR. HOLAHAN: No, me.

18 MR. HARRY FORBES: I haven't had
19 a problem, John.

20 MR. HOLAHAN: So, well, I guess
21 I'm defending myself against Kerrick here but --

22 MR. KERRICK: Me?

23 MS. LAMBERTON: It's all good.

24 MR. HOLAHAN: But anyway, what
25 I don't want to see happen is, all this time and

98

1 effort put in, if they're going down the path that
2 we're not looking for. Not only that we're not
3 looking for, but the residents. They were pretty
4 clear. It wasn't that they weren't concerned about
5 seeing billboards or digital signs -- take that
6 back, digital signs from their houses, they didn't
7 want to see them driving into the township heading

8 back to their development. I mean, that's what the
9 -- the big deal was and that's why we picked you
10 guys to kind of figure that out for us too.

11 MR. HARRY FORBES: I sat
12 through that hearing and I didn't hear the same
13 thing. Maybe I'm --

14 MR. HOLAHAN: You didn't get
15 all the e-mails that we got as well, so --

16 MR. HARRY FORBES: Well, I
17 think some of that was -- I'm not even gonna go
18 there.

19 MR. HOLAHAN: No, understood.

20 MS. LAMBERTON: Okay. Let's
21 let --

22 I'm sorry. Go ahead.

23 MR. JABLOWSKI: Just one thing,
24 in some initial discussions with some potential
25 developers that are preliminarily considering

1 moving into the Blakeslee area, and in very early
2 discussions on that regards, national in scope and
3 natural in nature, certainly signage is very
4 important to those folks. Understanding the

5 concerns of the residents and the residential
6 community, but also at the same time trying to --
7 couple economic development opportunities that
8 hopefully will be forthcoming within the township
9 to really look at, at least that intersection there
10 and how, with an overlay, with some other
11 opportunities that we're gonna have there and, you
12 know, how do we create a special designation
13 perhaps right in that intersection there.

14 You know, that might be a
15 discussion that -- that we can embark upon to
16 really look at -- to help stimulate interests on a
17 national level of that intersection there, keeping
18 in mind when you come down 940, it's a whole
19 different situation.

20 MR. HARRY FORBES: I don't
21 disagree with you. I think it's a matter of, we
22 haven't even gotten into those things yet. Right
23 now we're struggling with putting -- putting the
24 two emphasis --

25 MS. PICKARD: But Wednesday --

1 Wednesday we do have the village overlay meeting
2 the sign committee, so that's gonna collide this
3 Wednesday, so --

4 MR. HOLAHAN: You want to go,
5 John?

6 MS. PICKARD: Ann Hutchins will
7 be there.

8 MS. LAMBERTON: Okay.

9 MR. MIKE CHRISTIAN: We can
10 spend all night.

11 MS. LAMBERTON: We could spend
12 all night, but that's not --

13 MR. MIKE CHRISTINA: And what
14 will that do?

15 MS. LAMBERTON: -- gonna solve
16 anything this evening. Yeah, I'm sure. Well, I do
17 appreciate everyone's time that you're putting into
18 this and I know that we're gonna come up with some
19 great ideas and we'll be able to work together and
20 work something out.

21 Is there anything else you
22 wanted to comment about, Mike, or --

23 MR. MIKE CHRISTIAN: No, I'm
24 just -- now I'm just probably more confused than
25 when I came in because it seems like the majority

1 of the board is saying, yeah, try to restrict it
2 along 940, is that what I'm hearing?

3 MS. LAMBERTON: Well, it sounds
4 like you're coming up with solutions that folks
5 would be able to compromise with things that
6 they're near a residential area, which is wonderful
7 to hear.

8 MR. MIKE CHRISTIAN: Yeah,
9 well, we -- right now we said all C and CI areas
10 and two freestanding signs and one wall sign, if
11 you put that up along 940, we're talking a whole
12 different animal.

13 MS. LAMBERTON: Well, I think
14 too, I like the idea where you say if it is a
15 digital concept, just limit the size, don't put
16 two, you get one. I mean, there's ways to work it
17 that --

18 MR. MIKE CHRISTIAN: They'll
19 have to revisit that in light of this conversation.

20 MS. LAMBERTON: Sorry.

21 MR. BRENDON CARROLL: Not to
22 speak for Mike, but it's my understanding I -- I

23 think -- I'm the anti-sign guy, but it's my
24 understanding from the solicitor, that that's
25 basically what we control -- what we can control is

102

1 the size and spacing and such, not to prohibit --

2 MS. LAMBERTON: Type.

3 MR. BRENDON CARROLL: -- that
4 under the law unless you want to get sued all the
5 time, so --

6 MR. RICE: And location.

7 MR. BRENDON CARROLL: And
8 location --

9 MR. RICE: You know, if you're
10 residential district, you're not going to --

11 MR. BRENDON CARROLL: It's not
12 as easy as just saying we can't have it here and
13 here. I mean, it is, you can do whatever you want
14 but --

15 MR. MIKE CHRISTIAN: But you
16 can do overlays.

17 MR. BRENDON CARROLL: That's
18 what we -- I think we need to understand what --

19 how that works.

20 MR. RICE: Right.

21 MR. MIKE CHRISTIAN: John, just
22 to clarify, we can have overlays --

23 MR. RICE: Yes, yes. Yeah,
24 we've done a lot of -- I mean, we did a lot of --
25 not to -- sort of getting off the agenda here, but

103

1 we've done a lot of billboard and cell tower
2 overlays in townships where generally 200 feet from
3 the right of way of route so and so in, you can
4 have this and, you know, that's your overlay. And
5 also village overlays we've done, like in historic
6 districts, signs have to be no digital at all, but
7 wood, 'cause they're historic during the -- you
8 know, registered historic places, so, I mean, it's
9 not that uncommon, depends on your community.

10 MR. MIKE CHRISTIAN: Thank you.
11 Good discussion.

12 MS. LAMBERTON: Clear as mud,
13 right?

14 Okay. We're gonna move on. No
15 one's here from Thornhurst Ambulance. We'll move

16 on to old business. LERTA. Are we going to leave
17 that tabled until we get Ann --
18 MS. PICKARD: Until we get --
19 MS. LAMBERTON: Okay.
20 MS. PICKARD: -- more on the
21 village.
22 MS. LAMBERTON: Consider the
23 revised personnel manual dated October 3, 2016.
24 What's the pleasure of the
25 board?

104

1 MR. HOLAHAN: I'd like to make a
2 motion that we adopt the new personnel manual dated
3 October 3 of 2016.
4 MS. PICKARD: I'll second it.
5 MS. LAMBERTON: I have a motion
6 and a second.
7 Any questions or comments from
8 the board?
9 Any questions or comments from
10 the public?
11 Seeing none. Call the vote.

12 John?
13 MR. KERRICK: Favor.
14 MS. LAMBERTON: Heidi?
15 MS. PICKARD: I vote in favor.
16 MS. LAMBERTON: John?
17 MR. HOLAHAN: Yes.
18 MS. LAMBERTON: I vote in
19 favor. Motion carries.
20 Township tax collector salary
21 discussion, what's the pleasure of the board?
22 MS. PICKARD: I think we're
23 still getting the feedback, the survey went out
24 with COG. I think maybe hopefully maybe by one of
25 our budget meetings, we'll have more information

105

1 back on that.
2 MS. LAMBERTON: Okay.
3 MR. HOLAHAN: Let's table that.
4 MS. LAMBERTON: We'll table
5 that for now.
6 MS. PICKARD: Do we need a
7 motion to table?
8 MS. LAMBERTON: Do we need a

9 motion to table?

10 MR. HOLAHAN: Motion to table.

11 MS. LAMBERTON: Yes.

12 I have a motion. Do I have a

13 second?

14 MS. PICKARD: Second.

15 MS. LAMBERTON: I have a motion

16 and a second.

17 Questions or comments from the

18 board?

19 Questions or comments from the

20 public?

21 Seeing none.

22 John, call the vote?

23 MR. KERRICK: Favor.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I vote in favor.

106

1 MS. LAMBERTON: John?

2 MR. HOLAHAN: Aye.

3 MS. LAMBERTON: I'll vote in

4 favor as well. Motion carries.

5 Pinecrest Phases 5 and 6

6 agreement.

7 MR. RICE: I have that -- that
8 agreement. Mr. Carroll has signed that agreement.
9 This is an agreement to complete a lot of the
10 uncomplete improvements.

11 The township is holding, you
12 know -- and Bob can probably address what exactly
13 they're going to do, but the agreement spells out
14 the estimated cost of improvements to put wearing
15 courses on some of the roads, stabilize the
16 stormwater facilities. These are roads that don't
17 have existing wear and course. There's some
18 homeowners that are living there, I believe, Bob?

19 MR. McHALE: Yes.

20 MR. RICE: So we have an
21 estimate. Mr. Carroll is signing this on behalf of
22 Pinecrest Lake Community Trust. He has signed it,
23 we've reviewed and approved the agreement.
24 Jonathan's been working on this and it's before the
25 board for approval.

1 MR. HOLAHAN: I make a motion

2 that we authorize the chair to sign the agreement
3 with Mr. Carroll.

4 MS. PICKARD: I second that.

5 MS. LAMBERTON: I would just
6 amend that to have our township manager sign that
7 because I am a resident.

8 MR. HOLAHAN: Oh, that --

9 MS. LAMBERTON: Okay?

10 MR. HOLAHAN: Yeah.

11 MS. LAMBERTON: Would you amend
12 your motion?

13 MR. HOLAHAN: Certainly I'll
14 amend my motion to --

15 MS. LAMBERTON: You amend your
16 second?

17 MS. PICKARD: I'll amend my
18 second.

19 MS. LAMBERTON: Any questions
20 or comments from the board?

21 Questions or comments from the
22 public?

23 Seeing none. Call the vote.
24 John?

25 MR. KERRICK: In favor.

1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: I vote in favor.

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: Yes.

5 MS. LAMBERTON: And I will
6 abstain. Motion carries.

7 MR. BRENDON CARROLL: Thank
8 you.

9 MS. LAMBERTON: Moving on to
10 new business. Kalahari Boulevard, water seepage,
11 time extension request.

12 MR. HOLAHAN: I make a motion
13 that we grant the extension.

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 Questions or comments from the
20 board?

21 MR. HOLAHAN: Yes. Not really.
22 I just thought I'd throw that out.

23 MS. LAMBERTON: You just wanted
24 to throw that out there.

25 Any questions or comments from

109

1 the public?

2 Seeing none. Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: John?

8 MR. HOLAHAN: Yes.

9 MS. LAMBERTON: I will abstain.

10 Motion carries.

11 Tobyhanna Township Sewer

12 District No. 1, Kalahari financial sec --

13 MR. McHALE: I'm sorry. Before
14 we get off Kalahari.

15 MS. LAMBERTON: Yes.

16 MR. McHALE: The ropes course
17 financial security there is a development agreement
18 that will be -- or an amendment to the development
19 agreement that John Rice's office is putting

20 together. The Stage B improvements has about a
21 hundred and -- Category 1 on site has about
22 \$179,000 remaining, that has not been utilized yet.

23 They are close to another draw
24 on the work that's been done. The ropes course has
25 a cost estimate of around 158,000 -- or 168,000.

110

1 They're gonna want to complete that within the next
2 two months. So we were thinking that why not just
3 combine the financial securities rather than have
4 them post them for two months and then, you know --
5 and there's been dialog with Attorney Zwally that
6 their client was immutable (phonetic) to that as
7 well.

8 So just wanted to bring that up,
9 see if the board wanted to make a motion to accept
10 if they wanted to, to concurrent --

11 MR. HOLAHAN: I'll make that
12 motion.

13 MR. McHALE: -- financial
14 securities.

15 MR. HOLAHAN: I make a motion

16 that we combine the securities.

17 MR. RICE: So the mo -- the
18 issue is to start the 18 month maintenance.

19 MR. McHALE: Well --

20 MR. RICE: That's a separate?

21 MR. McHALE: -- that's a
22 separate item.

23 MR. RICE: Okay. But you're
24 going to release the cash escrow?

25 MR. McHALE: That's a third

111

1 item.

2 MR. RICE: All right.

3 MR. McHALE: On the ropes
4 course --

5 MR. RICE: I'm leaving it up to
6 you.

7 MR. McHALE: On the ropes
8 course, that's on-site, but John's right, we do
9 have two more items that we need to address as well
10 and that'll be coming next.

11 But the ropes course is just the
12 financial securities, so if the board is finding

13 that acceptable, then if you just had a motion,
14 say, yes, then it will go into the development
15 agreement as combining the financial securities for
16 both the ropes course and what's remaining on State
17 B, Category 1 on-site.

18 MS. PICKARD: Stage B, Category
19 1, that's with the TIF money?

20 MR. McHALE: That's Phase 2,
21 no. That's -- that's what's going on right now on
22 the site for the new hotel and the waterpark.

23 MR. HOLAHAN: My motion stands.

24 MR. KERRICK: I'll second that,
25 John, if you -- if you're --

112

1 MR. HOLAHAN: I am, yep.

2 MS. LAMBERTON: Okay. I have a
3 motion and a second.

4 Any questions -- any questions
5 or comments from the board? Do we get it?

6 MR. KERRICK: I got it.

7 MS. LAMBERTON: Okay. Any
8 questions or comments from the public? No, really?

9 Call the vote.
10 John?
11 MR. KERRICK: In favor.
12 MS. LAMBERTON: Heidi?
13 MS. PICKARD: I vote in favor.
14 MS. LAMBERTON: John?
15 MR. HOLAHAN: Yes.
16 MS. LAMBERTON: I'll abstain.
17 Motion carries.
18 MR. McHALE: Okay. Now we have
19 the two that John --
20 MR. RICE: I shouldn't have
21 opened my mouth, Bob.
22 MS. LAMBERTON: No, no, it's
23 all good.
24 MR. RICE: You got it.
25 MR. McHALE: Just trying to

113

1 cover the basis.
2 MR. RICE: Yeah.
3 MS. LAMBERTON: So we have the
4 Tobyhanna Township Sewer District No. 1, Kalahari
5 financial security, maintenance period.

6 MR. McHALE: So that's gonna be
7 established as --
8 MR. RICE: Effective May 26,
9 2016.
10 MR. McHALE: There you go.
11 MR. RICE: So --
12 MS. LAMBERTON: We'll entertain
13 a motion for that.
14 MR. RICE: Yeah.
15 MR. KERRICK: So moved.
16 MR. HOLAHAN: Second.
17 MS. LAMBERTON: Motion and a
18 second.
19 Questions or comments from the
20 board?
21 Questions or comments from the
22 public?
23 Seeing none. Call the vote.
24 John?
25 MR. KERRICK: In favor.

1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: I vote in favor.

3 MS. LAMBERTON: John?

4 MR. HOLAHAN: Yes.

5 MS. LAMBERTON: I will abstain.

6 Motion carries.

7 We have an amendment to the
8 asset purchase agreement with -- oh, I'm sorry, we
9 -- oh, my God, there's one more.

10 MR. RICE: There's one other.

11 MR. McHALE: The second part of
12 that portion of the Sewer District No. 1 is that
13 there still remains a cash sewer escrow of
14 51,839.25 as of September 30.

15 MS. LAMBERTON: And you need a
16 motion to release --

17 MR. McHALE: And we would need
18 a motion to release that because there are already
19 15 percent of the total costs of the contract
20 that's already been put up as letter of credit.
21 We have \$400 --

22 MS. LAMBERTON: I'll entertain
23 a motion --

24 MR. KERRICK: Make that motion
25 to release the 51 and whatever --

1 MS. LAMBERTON: \$51,839.25.

2 MR. KERRICK: That's my motion.

3 MR. McHALE: Plus any accrued

4 interest.

5 MS. PICKARD: I think there's a

6 little bit more interest --

7 MS. LAMBERTON: Plus any accrued

8 interest. I'll entertain a motion.

9 Is that your motion, John?

10 MR. KERRICK: Yes.

11 MS. PICKARD: Second.

12 MS. LAMBERTON: I have a motion

13 and a second.

14 Any questions or comments from

15 the board?

16 MS. PICKARD: (Inaudible

17 comment.)

18 MS. LAMBERTON: Close that

19 account.

20 Any questions or comments from

21 the public?

22 Seeing none. Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

116

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: I will abstain.

5 Motion carries.

6 MR. McHALE: Thank you.

7 MS. LAMBERTON: Okay. Moving

8 on. Amendment to assets purchase agreement with

9 Aqua Pennsylvania.

10 MR. RICE: I will address this

11 one.

12 MS. LAMBERTON: Okay.

13 MR. RICE: You have a minor

14 amendment to this -- to this agreement.

15 Essentially you're revising the map, the service

16 map so it conforms with what's currently in the

17 service area. There's nothing beyond that. What

18 -- if we go beyond that, then we have a PUC issue,

19 which would have to go in front of the PUC, I

20 assume.

21 And the buyer has requested that
22 the map -- map be modified. Jonathan's prepared
23 this with our counsel and it's ready for board
24 approval. The new map would have a date of 9/12/16
25 on it.

117

1 MR. KERRICK: I have a
2 question.

3 MS. LAMBERTON: And that's been
4 reviewed and everybody's happy?

5 MS. PICKARD: We have a
6 question down here.

7 MS. LAMBERTON: Go ahead, John.

8 MR. KERRICK: Bob, did you look
9 at this map?

10 MR. McHALE: Yes, sir, and it
11 matches the Act 537.

12 MR. KERRICK: So what about the
13 ones that were kind of -- that were never really
14 put in the area that like touched the sewer
15 district, the 30 plus acres at Blakeslee Corners
16 and different things, it was all part of our

17 overlay, are they in or out? I didn't see the map.

18 MR. McHALE: They're not -- it
19 is only the Act 537 boundary of the initial and the
20 ultimate service area, which includes the 940
21 corridor.

22 MS. LAMBERTON: There you go.

23 MR. McHALE: It includes all of
24 it.

25 MR. KERRICK: But does that --

118

1 MR. McHALE: It does not
2 include any potential --

3 MS. LAMBERTON: Or addition.

4 MR. McHALE: -- build-out or
5 additioning --

6 MR. KERRICK: What does that do
7 to Aqua if they want to hit those ones that we
8 talked about when we were looking for the EDU's?

9 MR. McHALE: Well, Aqua would
10 have to go back through a 537 that we would have to
11 help them with and then they would have to expand
12 their service territory through the PUC after the

13 agreement is settled and we sell off the plan.
14 MR. KERRICK: And they were
15 okay with it?
16 MR. RICE: Yeah.
17 MR. McHALE: They're the ones
18 that put this together.
19 MR. RICE: Yeah, they -- they
20 recommended this, just to get the pur -- asset
21 purchase agreement finalized with the existing map.
22 MR. HOLAHAN: If we wanted to
23 extend that, we would have to go through the same
24 thing any way, correct?
25 MR. RICE: Correct, yeah.

119

1 MR. KERRICK: We'd have to do
2 the 537, we wouldn't have to go through PUC?
3 MS. PICKARD: But we're going
4 to do that.
5 MR. McHALE: Correct.
6 MR. RICE: But Aqua would be
7 doing that, John.
8 MR. KERRICK: Right. But I'm
9 worried about the residents, the property owners

10 that have it there that talked to us over the years
11 about sewer and expanding in the commercial area
12 and this will potentially close the door.

13 MS. LAMBERTON: No.

14 MR. KERRICK: It's gonna be them
15 going through the PUC then -- it's not closing the
16 door permanently but it's gonna be harder for them
17 to go through the PUC than it would be for us
18 through the 537 act.

19 MR. McHALE: Well, once we get
20 the 537 approved, then they could go to the PUC and
21 just say, the township wants to expand the service
22 area and we're willing to do it or something.

23 MR. KERRICK: Okay. I just
24 didn't want to close the door on the residents.

25 MR. RICE: If you have Aqua and

120

1 the township saying we want this area expanded,
2 they're gonna --

3 MR. KERRICK: Okay.

4 MR. JABLOWSKI: We're certainly
5 gonna work with them to make that happen.

6 MR. HOLAHAN: I make a motion
7 that we authorize the chair to sign the addendum to
8 the asset purchase agreement with Aqua.

9 MS. PICKARD: I'll second that
10 motion.

11 MS. LAMBERTON: I have a motion
12 and a second.

13 Any other questions or comments
14 from the board?

15 Questions or comments from the
16 public?

17 Seeing none. Call the vote.

18 John?

19 MR. KERRICK: In favor.

20 MS. LAMBERTON: Heidi?

21 MS. PICKARD: I vote in favor.

22 MS. LAMBERTON: John?

23 MR. HOLAHAN: Yes.

24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

121

1 I will entertain a motion to
2 appoint John Jablowski to serve as township

3 secretary, chief administrator of the township,
4 nonuniform pension plan, township emergency
5 management deputy, township safety coordinator,
6 assistant open records officer -- and we need a
7 motion about Pocono Mountain Regional, so I do not
8 need to include that; is that correct?

9 MR. KERRICK: That's correct.

10 MS. LAMBERTON: Okay. I'll
11 entertain a motion.

12 MS. PICKARD: So moved.

13 MS. LAMBERTON: I have a
14 motion. Do I have a second?

15 MR. KERRICK: Second.

16 MS. LAMBERTON: I have a motion
17 and a second.

18 Any questions or comments from
19 the board?

20 MR. HOLAHAN: Yeah, is there
21 anything else we can add to this?

22 MR. RICE: Do you get a badge
23 for each one of these?

24 MR. HOLAHAN: Be the mayor, the
25 postmaster and --

1 MS. LAMBERTON: Any questions or
2 comments from the public?

3 Seeing none. Call the vote.
4 John?

5 MR. KERRICK: In favor.

6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: I vote in favor.

8 MS. LAMBERTON: John?

9 MR. HOLAHAN: Yes.

10 MS. LAMBERTON: I vote in
11 favor. Motion carries.

12 MS. PICKARD: Official pie
13 eater.

14 MS. LAMBERTON: There you go.

15 MR. JABLOWSKI: I was a pie
16 eater.

17 MS. LAMBERTON: Alternate
18 engineer. What's the pleasure of the board? Would
19 we want to authorize request for proposals?

20 MS. PICKARD: Definitely need
21 them for next year, I guess. Do we have anything
22 to do now, Bob?

23 MR. KERRICK: What happened to

24 the two?

25 MR. HOLAHAN: Jim Hendricks

123

1 left and we were -- we had a relationship with him.

2 MR. KERRICK: We said this once
3 before, we said, we're staying with --

4 MR. HOLAHAN: With RETTEW?

5 MR. KERRICK: Yeah, we did.

6 MS. PICKARD: No, we said we
7 were gonna look into it, I just thought we --

8 MR. KERRICK: No.

9 MS. LAMBERTON: Well, we had
10 them for a year, right? So --

11 MS. PICKARD: Yeah, we can -- I
12 don't think we have anything going on, but that was
13 just --

14 MS. LAMBERTON: Well, let's look
15 at this for next -- for the beginning of next year.

16 MS. PICKARD: Do we have
17 anything we need to do right now?

18 MR. McHALE: I don't know what
19 you're looking --

20 MS. LAMBERTON: I don't know

21 either.

22 MR. KERRICK: Eddy, do you have
23 any projects?

24 MR. McHALE: John?

25 MR. ED TUTRONE: Nothing that

124

1 Bob hasn't been able to handle so far.

2 MS. LAMBERTON: Okay. Well,
3 then should we should table this for now? Because
4 I think, Bob, do we have it under control?

5 MS. PICKARD: Well, we'll need
6 them for the end of the year for the -- for the
7 reorg meeting, so --

8 MR. JABLOWSKI: I just am
9 referring to a -- I guess the board of supervisors
10 meeting on the 13th of June, Jim Hendricks
11 resigned, and I guess there was a discussion --

12 MS. LAMBERTON: I believe
13 (inaudible) long though.

14 MR. KERRICK: (Inaudible)
15 RETTEW long.

16 MS. LAMBERTON: Yeah.

17 MR. KERRICK: I didn't know we
18 changed.

19 MS. LAMBERTON: We still have
20 RETTEW Engineering. Yeah.

21 Okay. We are going to -- that
22 was just for an annual though so we'll look at that
23 for next year. Okay? Very good.

24 Coolbaugh Township Supervisors
25 questions on the number of members for Pocono

125

1 Mountain Regional Police Commission.

2 MR. KERRICK: No.

3 MR. HOLAHAN: No.

4 MS. LAMBERTON: All right.

5 I'll entertain a motion that we --

6 MR. KERRICK: I make that
7 motion.

8 MS. PICKARD: I'll second that
9 motion.

10 MS. LAMBERTON: Okay.

11 Apparently there are no more questions or comments
12 from the board.

13 Any questions or comments 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: John?

21 MR. HOLAHAN: Yes.

22 MS. LAMBERTON: I vote in

23 favor. Motion carries.

24 MS. JABLOWSKI: Shall I direct

25 a letter to them or --

126

1 MS. PICKARD: Yeah.

2 MS. LAMBERTON: If you would

3 kindly. That would be great. Thank you.

4 MS. LAMBERTON: That we will --

5 MR. HOLAHAN: Reject --

6 MS. LAMBERTON: Reject any

7 changes for the members.

8 MR. KERRICK: It's worked for

9 many years.

10 MS. LAMBERTON: Yeah. And I
11 agree.
12 MS. PICKARD: They didn't even
13 offer us a solution or an alternative.
14 MS. LAMBERTON: That's okay.
15 MR. KERRICK: We just asked a
16 question, we gave an answer.
17 MS. LAMBERTON: TEC PTO
18 Halloween parade, donation request. What's the
19 pleasure of the board?
20 MR. KERRICK: Same as last
21 year.
22 MR. HOLAHAN: That was \$250
23 last year.
24 MS. PICKARD: Is that your
25 motion?

127

1 MR. KERRICK: I'm just asking
2 -- I kind of was asking what it was. Yeah, that's
3 my motion.
4 MS. LAMBERTON: I have a
5 motion. Do I have a second?
6 MS. PICKARD: Second.

7 MS. LAMBERTON: Motion and a
8 second.
9 Any questions or comments from
10 the board?
11 Questions or comments from the
12 public?
13 Denise?
14 MS. DENISE DOREMUS: Do we know
15 what that is? 'Cause I don't --
16 MS. LAMBERTON: \$250.
17 MR. KERRICK: No, when.
18 MS. DENISE DOREMUS: No, when
19 --
20 MS. LAMBERTON: Parden?
21 MS. DENISE DOREMUS: -- is it?
22 MS. LAMBERTON: Oh, when is
23 there -- I'm sorry.
24 MS. DENISE DOREMUS: It's okay.
25 MS. LAMBERTON: I don't know.

128

1 Do you know when the Halloween parade is?
2 MR. KERRICK: I saw it

3 somewhere.

4 MS. DENISE DOREMUS: Because
5 we're usually not notified until like --

6 MS. LAMBERTON: Oh, oh.

7 MS. DENISE DOREMUS: -- one or
8 two days before --

9 MS. LAMBERTON: Okay.

10 MS. DENISE DOREMUS: -- and I
11 would like to know.

12 MR. KERRICK: I thought I saw
13 it somewhere.

14 MS. LAMBERTON: You know, can
15 we have John Jablowski find out and get it out to
16 you?

17 MS. DENISE DOREMUS: That's
18 perfect.

19 MS. LAMBERTON: Would that be
20 fair enough, John? That way you'll have some
21 notice.

22 MS. DENISE DOREMUS: Thank you.

23 MS. LAMBERTON: You're very
24 welcome. I'm sorry. I thought you were asking
25 about the amount.

1 Seeing no ques -- no additional
2 questions or comments from the public?

3 Call the vote.

4 John?

5 MR. KERRICK: In favor.

6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: I vote in favor.

8 MS. LAMBERTON: John?

9 MR. HOLAHAN: Yes.

10 MS. LAMBERTON: I vote in
11 favor. Motion carries.

12 Board of supervisor report or
13 comments. Any additional items we need to touch
14 upon that we haven't exasperated?

15 MS. PICKARD: John wants to
16 talk about signs.

17 MS. LAMBERTON: John wants to
18 talk about signs?

19 MR. KERRICK: That was a joke.

20 MS. LAMBERTON: Just state your
21 name, please.

22 MS. GLORIA FINCH: I'm Gloria
23 Finch, (inaudible) Long Pond Road in Long Pond.

24 I don't know the procedure, but

25 the problem that I wanted to put forward I did not

130

1 know about until the end of last week so I could
2 not have gotten to you prior to now. But if you
3 travel on Long Pond Road, the corner of West
4 Emerald Lakes Drive, there is a river that's
5 flowing across there from my neighbor's house. You
6 might be aware that a number of wells were joined
7 to one house that's at that corner. Ours I think
8 is the only one that's left and we must disconnect.
9 It's been advised by our plumber but we need a
10 waiver.

11 Now, we just got that to Ms.
12 Minnick today and I'm wondering if that means we
13 must wait until you meet again as a board before
14 that can be dealt with?

15 MS. LAMBERTON: We actually
16 have -- oh.

17 MR. JABLOWSKI: I did meet with
18 Maureen this afternoon.

19 MS. LAMBERTON: We have
20 meetings though for budgets.

21 MS. PICKARD: Yeah.

22 MS. LAMBERTON: We could -- we
23 could -- if this helps you, we could put that on an
24 agenda and see -- as long as Maureen takes a look
25 and --

131

1 Bob, do you have anything to do
2 with this or it's just a zoning issue?

3 MR. McHALE: I'm not aware of
4 it.

5 MR. RICE: Well isolation
6 distance waiver?

7 MR. McHALE: It might be the
8 sewage enforcement officer.

9 MS. LAMBERTON: Okay. We will
10 look to Maureen to take a look at this for you and
11 if it's okay with the board, we'll throw it on one
12 of our agendas and --

13 MS. GLORIA FINCH: Thank you.

14 MS. PICKARD: I'm good with
15 that.

16 MR. KERRICK: Which one? Our
17 budget? They're not advertised to the public,

18 though?

19 MS. LAMBERTON: Yeah, they are.

20 MR. KERRICK: Oh, they are?

21 MS. LAMBERTON: They're all
22 advertised, yes.

23 MR. KERRICK: Okay.

24 MR. JABLOWSKI: We did review
25 it this afternoon, we'll certainly address it for

132

1 you.

2 MS. LAMBERTON: Thank you.

3 Anything else?

4 MS. PICKARD: And just one
5 other thing, if we're putting ad in, are we going
6 to put that into the Journal as an ad or are we
7 just posting it on our website for a supervisor?

8 MS. LAMBERTON: Oh.

9 MS. PICKARD: And also just do
10 we -- can we have a tentative schedule on that when
11 they'll be back? I mean, we have 30 days, we don't
12 want to -- normally, we can -- I didn't know if we
13 could do interviews or anything; or since we have

14 to do them public, we can do that at our 7:30 --
15 you know, do it at one of our budget meetings
16 because we have the three of them advertised.

17 MR. JABLOWSKI: Was advertised
18 for general purposes.

19 MS. PICKARD: Yeah, so I just
20 want to say if we get an ad in and have things back
21 quickly, I mean, we need to act on it quickly, time
22 is of the essence.

23 MS. LAMBERTON: Why don't we
24 accept letters for the next ten days and then in
25 our last budget meeting --

133

1 MS. PICKARD: It would be
2 October 26.

3 MS. LAMBERTON: -- maybe have
4 some interviews while we're all together, we can
5 put in like 15, 20 minutes? Does that sound fair
6 enough?

7 MR. HOLAHAN: I'm thinking
8 maybe what we can do is get one of those big
9 billboards and have a digital sign that says help
10 wanted, does that work?

11 MS. LAMBERTON: That works. I
12 like it.

13 MR. JABLOWSKI: It'll be ten
14 days from the date of advertisement. It won't be
15 10 days from today, it will be 10 days from --

16 MS. LAMBERTON: Correct, yeah.
17 I think that's -- that's fair. You guys are okay
18 with that? Yeah. Okay?

19 MR. JABLOWSKI: So it would be
20 a drop dead date of ten days from, I guess,
21 Wednesday.

22 MS. PICKARD: Well, Margie
23 knows the schedule with what --

24 MS. LAMBERTON: I'd say by like
25 the 26th meeting we can have like interviews or

134

1 something set up?

2 MS. PICKARD: You can get
3 something in Wednesday or Thursday.

4 MR. HOLAHAN: Do we have to
5 state what --

6 MS. PICKARD: It would be

7 better in the Journal and that goes out Thursday.

8 Can we get it into the Thursday Journal?

9 MR. HOLAHAN: Do we have to
10 state the term?

11 MR. KERRICK: It's only until
12 the next municipal election.

13 MR. HOLAHAN: Next municipal
14 election.

15 MS. LAMBERTON: Yeah, it's my
16 understanding that it would go until the end of
17 next year --

18 MS. PICKARD: Yeah.

19 MS. LAMBERTON: -- and then if
20 that person chooses to run, they'd have to run in
21 next year's primary.

22 MR. HOLAHAN: Right.

23 MR. KERRICK: But it will only
24 be for a two year term.

25 MS. LAMBERTON: Is that right?

135

1 MR. KERRICK: That person would
2 run for a two year term.

3 MS. LAMBERTON: Okay.

4 MR. RICE: The remainder of
5 his.

6 MS. LAMBERTON: And I think
7 that should be part of your advertisement just so
8 they know all the fun --

9 MR. HOLAHAN: Right.

10 MS. LAMBERTON: -- all the fun
11 that's in store for them.

12 Any other --

13 MR. HOLAHAN: I do not.

14 MS. LAMBERTON: -- comments?
15 We're gonna go into executive, so -- yeah, welcome
16 to our world.

17 Thank you all for attending.

18 (Meeting concluded at 8:40
19 p.m.)

20 ---

21

22

23

24

25

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

COURTNEY L. ROGERS, C.R.

17

18

19

20

21

22

23

24

MINUTES

Tobyhanna Township

Date | time 10/12/2016 7:32 AM | Meeting called to order by Anne Lamberton

In Attendance:

Anne Lamberton, Chair
Heidi Pickard, Member
John Kerrick, Member
John Holahan, Member
John J. Jablowski, Jr., Township Manager

Also in attendance: Ed Tutrone, Superintendent of Public Works
Mike Christian, Sign Committee Chair

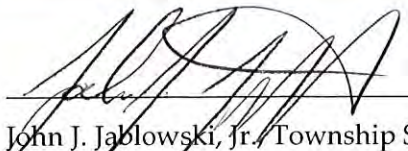
New Business:

The proposed 2017 budget [General Fund] was discussed. Budget discussion focused on the General Fund. A balanced budget with \$4,734,000 in revenue and expenditures was presented by Township Manager, John Jablowski. Mr. Jablowski reviewed specific areas of budget line items included an increase in funding for the PMRPD, health care, legal services and a 5% increase in Tax Collector Compensation. Major decreases in allocated amounts will be found in funds allocation for vehicle fuel, building fuel and equipment repair. No funds were allocated or used to balance the budget from the anticipated sale of the Blakeslee Sewer System.

Discussion related to the purchase of a 2016/2017 Vacuum Leaf Loader. Edward Tutrone provided pricing from ODB in the amount of \$33,300.00. John Jablowski was authorized to move forward with the purchase the Vacuum Leaf Loader.

The appointing of a Board of Supervisors Vice Chair was tabled until the appointment of a new Township Supervisor.

Adjourned at 9:12 AM


John J. Jablowski, Jr., Township Secretary

Date 12-12-16

MINUTES

Tobyhanna Township

Date | time 10/19/2016 7:35 AM | Meeting called to order by Anne Lamberton

In Attendance:

Anne Lamberton, Chair

Heidi Pickard, Member

John Kerrick, Member

John Holahan, Member

John J. Jablowski, Jr., Township Manager

Also in attendance: Mike Christian, Sign Committee Chair

New Business:

The proposed 2017 budget was discussed with focus on the Capital Reserve Fund, Capital Contingency Fund, Library Fund and Fire Fund.

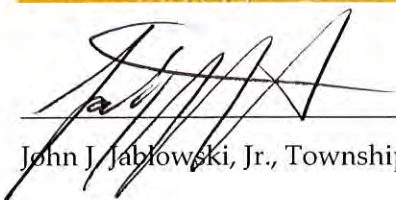
Township Manager, John Jablowski presented the Tobyhanna Township Public Improvement Planning Program. The Public Improvement Planning Program will allocate \$300,000 from funds balance and \$20,000 from the General Fund to concentrate on economic and community development planning.

Supervisors discussed updating the ACT 537 Plan as part of the Public Improvement Planning Program with an allocation of \$125,000 also included were Village Design and Development, Code and Planning Software updates, Township wide traffic planning and design and implementation of a township wide Hike/Bike program.

Supervisors reviewed and accepted a renewal of a lease agreement with State Representative Jack Rader. Heidi Pickard made motion, 2nd by John Holahan. Unanimous Vote.

Interviews of candidates seeking to fill the vacant seat of the Board of Supervisors were held with Mike Christian, Troy Counterman, Brendon Carroll, Stephen Glaesser, Robert Baechtold, David Carbone and William Van Gilder. A final interview with David Coates will be held on October 26, 2016.

Adjourned at 11:47 AM



John J. Jablowski, Jr., Township Secretary

Date 12-12-16

MINUTES

Tobyhanna Township Budget Meeting

Date | time 10/26/2016 7:35 AM | Meeting called to order by Anne Lamberton

In Attendance:

Anne Lamberton, Chair
Heidi Pickard, Member
John Kerrick, Member
John Holahan, Member
John J. Jablowski, Jr., Township Manager

Also in attendance: David Coates

New Business:

The proposed 2017 budget was discussed and approved for advertising.

A Final Interview with David Coates was held for the vacancy seat of the Board of Supervisors.

There was a tie vote for candidates Brendon Carroll and William Van Gilder. A Vacancy Board Meeting was scheduled for Wednesday, November 2 2016 at 8:00 am.

Adjourned at 8:45 AM



John J. Jablowski, Jr., Township Secretary

Date 12-12-16

MINUTES

Tobyhanna Township Board of Supervisors Special Meeting

Date | time 11/2/2016 8:05 AM | Meeting called to order by Anne Lamberton

In Attendance:

Anne Lamberton, Chair

Heidi Pickard, Member

John Kerrick, Member

John Holahan, Member

John J. Jablowski, Jr., Township Manager

Also in attendance: Mike Christian, Wendi Freeman, Robert Baechtold and Chad Knecht

New Business:

Pledge of allegiance was recited by those in attendance.

Motion by John Holahan and seconded by Anne Lamberton to approve the advertisement of the proposed 2017 budget. Vote was unanimous.

Motion by Anne Lamberton to appoint John Kerrick as Vice Chair. John Kerrick declined the nomination. John Holahan seconded nomination. A vote was called by Anne Lamberton with John Kerrick and Heidi Pickard voting no and Anne Lamberton and John Holahan voting affirmative. Being a tie vote, matter was tabled to a forthcoming meeting subsequent to Mr. Brendon Carroll taking office.

Discussion on the proposed 2017 meeting schedule. Work Session meetings were discussed to be held at 8:00am on the 1st Monday of each month with the exception of September which would be held on the 1st Tuesday.

Regular Business Meetings would be held the 2nd Monday at 7:00PM with the exception of Monday, May 8 which would be held at 9:30AM at Tobyhanna Elementary Center for the educational benefit of regional elementary students.

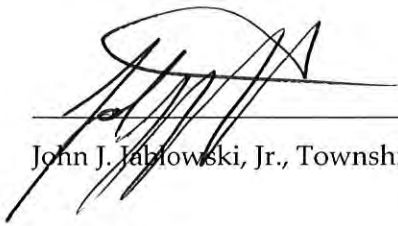
Since Mr. Brendon Carroll was recently appointed as member of the board, it was discussed to have Township Manager, John Jablowski reach out to confirm the work session time was available for him.

Should it be acceptable for Mr. Brendon Carroll, the board concurred with the presented meeting schedule. John Kerrick motioned with 2nd by John Holahan. Vote was 4-0 in favor.

Discussion on an amendment to the zoning ordinance for banner and sandwich board signs was tabled as a few concerns were raised that the proposed ordinance did not allow for special event signage for community and volunteer organizations.

Motion to adjourn was made by Anne Lamberton with all voting in favor.

Adjourned at 8:17 AM



John J. Jablowski, Jr., Township Secretary

Date 12-12-16

MINUTES

Tobyhanna Township Vacancy Board Meeting

Date | time 11/2/2016 8:00 AM | Meeting called to order by Mark Argot

In Attendance:

Mark Argot, Chairman

Anne Lamberton, Member

Heidi Pickard, Member

John Kerrick, Member

John Holahan, Member

John J. Jablowski, Jr., Township Manager

Also in attendance:

Mike Christian, Wendi Freeman, Robert Baechtold and Chad Knecht

New Business:

Pledge of Allegiance was recited by those in attendance.

This Vacancy Board Meeting was held to appoint a Supervisor to fill the vacancy on the Board. The Board accepted the resignation of Donald J. Moyer on October 3 2016. Donald's term was January 2014 to January 2020. The Board of Supervisors vote to appoint a new Supervisor was tied {2/2} at their October 26, 2016 Meeting and as a result today's Vacancy Board Meeting was scheduled and advertised.

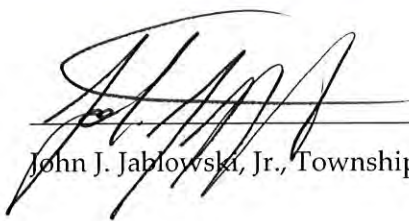
Chairman Argot made a motion to appoint Mr. Brendon J. E. Carroll. The motion was seconded by Anne Lamberton. Mark Argot, Anne Lamberton and John Kerrick voted in favor with John Holahan and Heidi Pickard voting against.

Motion passed 3/2

Mr. Carroll's term will be November 2016 to January 2018.

Chairman Argot asked for any public comment. Being none, the meeting was adjourned.

Adjourned at 8:04 AM



John J. Jablowski, Jr., Township Secretary

Date 12-12-16

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 14, 2016, beginning at 7:00 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO PRESENT: JOHN JABLOWSKI, 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. REISS: We don't have a
2 chair or a vice-chair to start the meeting. I
3 guess we should do the pledge of allegiance first.

4 (Pledge of allegiance was
5 recited.)

6 MR. KERRICK: I'd like to make a
7 motion that we appoint John Holahan as our
8 vice-chair and also, I would like to welcome
9 Brendon to the board.

10 MS. PICKARD: I second both of
11 those.

12 MR. KERRICK: Perfect.

13 MS. PICKARD: Welcome.

14 MR. CARROLL: Thank you.
15 Appreciate it.

16 MS. PICKARD: Well, we have a
17 motion and a second now.

18 MR. REISS: I'm sorry. I'll

19 call --

20 MR. KERRICK: Motion and

21 second.

22 MR. REISS: -- the vote.

23 I'll call the vote.

24 MR. KERRICK: I vote in favor.

25 MS. PICKARD: I vote in favor.

3

1 MR. CARROLL: I vote in favor.

2 MR. HOLAHAN: I vote in favor.

3 MR. REISS: 4-0.

4 MS. PICKARD: You're up.

5 MR. REISS: And I'll turn the

6 meeting over to the vice-chair.

7 MR. HOLAHAN: All right. Thank

8 you.

9 Let's -- do we have any of the

10 minutes to be able to approve here, John?

11 MR. JABLOWSKI: Yes, they were

12 -- they're right here and they're also on the

13 board's portal, I believe.

14 MR. HOLAHAN: Yeah, I didn't see

15 them on the portal.

16 So do I have a motion for the
17 minutes?
18 MS. PICKARD: I honestly didn't
19 get a chance to review them myself.
20 MR. JABLOWSKI: We could --
21 MR. HOLAHAN: Nor did I.
22 MR. JABLOWSKI: We could
23 postpone that till next meeting.
24 MR. HOLAHAN: Okay. Let's
25 postpone that. Let's go to --

4

1 MR. KERRICK: Do you need a --
2 MS. PICKARD: Do you want to
3 table that?
4 MR. KERRICK: -- motion to table
5 it?
6 MR. HOLAHAN: Yeah. Do I have
7 a motion?
8 MR. KERRICK: I make a motion
9 we table.
10 MS. PICKARD: I'll second.
11 MR. HOLAHAN: Tabled.

12 Consider treasurer's report.
13 Need a motion.
14 MS. PICKARD: I make a motion
15 that we approve the treasurer's report in the
16 amount of \$1,197,562.73.
17 MR. KERRICK: I'll second that
18 motion.
19 MR. HOLAHAN: Got a motion and
20 a second.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Did you all catch that number?
25 Hearing none.

5

1 MS. PICKARD: That included the
2 350 to --
3 MR. HOLAHAN: Three fifty to
4 Kalahari.
5 MS. PICKARD: No, 52,000 for
6 Kalahari and 350 to reduce the debt --
7 MR. HOLAHAN: Oh, that's right.
8 MS. PICKARD: -- in the sewer.

9 MR. HOLAHAN: Okay. Good.

10 MR. JABLOWSKI: Basically on

11 that we're earning about 40 basis points and our --

12 our loan was 3 percent, so we felt that fiduciarily

13 the best to save the taxpayers money and pay a

14 little down early.

15 MR. HOLAHAN: Perfect. Okay.

16 Call the vote.

17 John?

18 MR. KERRICK: In favor.

19 MR. HOLAHAN: Heidi?

20 MS. PICKARD: I vote in favor.

21 MR. HOLAHAN: Brendon?

22 MR. CARROLL: In favor.

23 MR. HOLAHAN: I vote in favor.

24 Motion carries.

25 Let's go to solicitor report.

6

1 MR. REISS: The first item on

2 the agenda is a public hearing on an amendment to

3 the zoning ordinance which would allow as a

4 permitted use churches and similar places of

5 worship in the commercial district, as well as in
6 your industrial zoning district. This came about
7 because over the summer a church had applied for a
8 -- I don't remember the exact address, but in your
9 commercial district, to have a church in one of the
10 strip malls, and it was discovered at that point
11 that it wasn't a permitted use.

12 There is both a federal and
13 state law -- laws that require some accommodations
14 for religious uses and this -- I believe this
15 amendment will bring your zoning ordinance into
16 compliance with both of those added statutes.

17 MR. HOLAHAN: Okay. So do I
18 have a motion to adopt Ordinance 528?

19 MS. PICKARD: So moved.

20 MR. HOLAHAN: I have a motion.
21 Do I have a second?

22 MR. CARROLL: I'll second.

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

25 Further discussion from the

2 Anything from the public?

3 MS. PICKARD: Is that a public
4 hearing?

5 MR. KERRICK: I have a
6 question. Do we have to have a public hearing on
7 that or --

8 MR. REISS: Well, your public
9 hearing would be after the motion taking any
10 comments or before the motion, actually, taking any
11 comments from the board or the public.

12 MR. KERRICK: So we can vote?

13 MR. HOLAHAN: Yeah, anybody
14 have any --

15 MS. PICKARD: Well, now we have
16 comments.

17 MR. HOLAHAN: -- comments? And
18 I don't. So hearing none. I'll call the vote.

19 John?

20 MR. KERRICK: I vote in favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Brendon?

24 MR. CARROLL: I vote in favor.

25 MR. HOLAHAN: And I vote in

1 favor. Motion carries.

2 MR. REISS: The next item on the
3 agenda is a proposed amendment to the zoning
4 ordinance that was started a few months ago
5 regarding sandwich boards and banners. This has
6 been advertised for a public hearing like the last
7 matter. And this went through a number of drafts
8 and has been reviewed by the county and the
9 township planning commission, as well as the ad hoc
10 committee that was put together for reviewing the
11 sign provisions.

12 You do, though, understand that
13 since this has been advertised, there were
14 discussions, I guess, that the sign committee or
15 maybe internally within the township staff, that
16 you may want to consider tabling this because this
17 doesn't address certain special events, I believe.
18 I'll let the zoning officer describe the changes
19 that you don't see in the draft in front of you.

20 MR. HOLAHAN: Okay.

21 MS. MINNICK: At the time when
22 we were preparing the proposed ordinance, we were

23 trying to accommodate business owners, to allow
24 them to advertise freely with banners. We came up
25 with, what we're calling, banners days. In -- at

9

1 that time, for some reason, the special events were
2 removed from the proposed ordinance, which would
3 put our fire -- volunteer fire companies and even
4 the township at a disadvantage to advertise for
5 special events like our Community Day; the
6 volunteer fire companies have monthly breakfasts,
7 the roast beef dinners. So we wanted to include
8 that back in, to the temporary signs and that's why
9 we're asking to table it tonight.

10 MR. JABLOWSKI: Any proposed
11 revisions would have to go back through the
12 advertising process and as well as the various
13 approval levels and the various governing bodies.
14 So one of the thoughts is that, as the sign
15 committee finishes up their hard work, in January
16 -- Mike's assured us that in January we're gonna
17 have a legislation to consider, that perhaps we
18 just incorporate this in, since we're 60 days or so
19 out from that, we just do it all in one package.

20 'Cause any revisions that we
21 will do to this, to include the small event signs,
22 as Maureen mentioned -- and for example, the
23 American Legion's monthly breakfast sign would not
24 -- is not addressed in this, our Community Day is
25 not addressed in this, the fire companies' various

10

1 activities are not addressed in this as well, so we
2 actually would be violation for our community days.

3 MR. HOLAHAN: Okay. So do I
4 have a motion to table?

5 MS. PICKARD: So moved.

6 MR. KERRICK: Second.

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

9 All in favor, aye?

10 MR. KERRICK: Aye.

11 MS. PICKARD: Aye.

12 MR. CARROLL: Aye.

13 MR. HOLAHAN: Aye. Tabled.

14 Thank you. Let's go on to
15 manager's report.

16 MR. JABLOWSKI: Good evening,
17 board of supervisors and our community. I just
18 wanted to let you know in the township news our
19 road department was featured as one of the road
20 departments in the -- the Commonwealth for upcoming
21 preparations for wintertime. Just a shout out to
22 Ed who's on a fire call, I believe, right now, just
23 wanted to let you know that.

24 Second is, as you see before
25 you, there's a sample sign material. We've been

11

1 discussing for a while entrance signs. And as we
2 -- as we embark upon our village concept in rolling
3 the villages out, we certainly want to welcome the
4 visitors and travelers and residents into the
5 community with aesthetically pleasing, rural rustic
6 charm signage to let the folks know that they're in
7 Tobyhanna Township and certainly what particular
8 village they might be in.

9 So we have before you tonight --
10 I'll send these down, but these are two -- and
11 certainly for the community. So as you would come
12 into the township, if you noticed the sign out

13 front here in the building, exactly the same, but
14 basically welcome to the Villages of Tobyhanna
15 Township, our website and our logo up on the top
16 and a specific village that you'd be entering into,
17 whether it be Pocono Summit, Pocono Lake, Pocono
18 Pines or Blakeslee. So this would be at the
19 entrances strategically placed.

20 We have two proposal -- two
21 phases we're going to do it, on the east side and
22 the west side. We have enough money allocated in
23 this year's budget to do the one side and we have
24 enough money allocated in next year's budget to do
25 the second side. So I wanted to put forth that

12

1 proposal to the board tonight. And then as we
2 begin to embark upon creating the village concepts
3 in each of the villages, when you're in the village
4 itself, as we roll that out next year in '17 and
5 '18, there'll be an actual sign that -- you know,
6 welcome to the village of that specific village.

7 So the first -- first two phases
8 will be the entrance signs and that -- that will be

9 completed by the spring of next year depending on
10 if we -- we used to get winter, I don't know if
11 it's gonna happen again this year, hopefully not,
12 but depending on the severity of the winter. The
13 total cost for each phase is \$7200 for each phase,
14 so the total of 14,000 would be the -- would be the
15 request and that'll be phased in again, one phase
16 this year and one phase next year.

17 MR. ARAM CALFAYAN: How many
18 signs are we talking about?

19 MR. JABLOWSKI: And I'll pass
20 these down. That is the material there that you
21 see. So I would seek a motion then for the
22 allocation for this year.

23 MR. HOLAHAN: Okay. So we're
24 looking for a motion for 72 --

25 MR. JABLOWSKI: Seventy-two 0

13

1 five sixty.

2 MR. HOLAHAN: Seventy-two 0 five
3 sixty?

4 MR. JABLOWSKI: And that
5 includes -- he's giving us a 15 percent discount as

6 well. And our road crew, the DPW, will be actually
7 doing the posts to save additional money and
8 hopefully the winter isn't too harsh on them and
9 they'll have the time to do that.

10 MS. PICKARD: I'll make that
11 motion that we do approve that and we did discuss
12 this and somewhat approve this previously.

13 MR. KERRICK: I thought we did
14 approve it.

15 MS. PICKARD: Yeah, so with
16 that, I'll make that motion anyway.

17 MR. HOLAHAN: We have a motion.

18 MS. PICKARD: I don't think we
19 had the 15 percent savings.

20 MR. HOLAHAN: I have a motion.
21 Do I have a second?

22 MR. JABLOWSKI: We didn't.

23 MR. KERRICK: Second.

24 MR. HOLAHAN: We got a motion
25 and a second.

2 board?

3 Anything from the public?

4 Hearing none. I'll call the
5 vote.

6 John?

7 MR. KERRICK: In favor.

8 MS. PICKARD: I vote in --

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. HOLAHAN: Brendon?

12 MR. CARROLL: I vote in favor.

13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.

15 MR. JABLOWSKI: Thank you.

16 Next item I wanted to put forth
17 for consideration for the board is, some changes to
18 our planning and zoning ordinances regarding the
19 subdivisions and our land development. Currently
20 we have, as the board knows, 200 square feet or
21 less -- or more, I'm sorry, would require action by
22 the planning commission and the board for any
23 developments that are above 200 square feet, which
24 is basically a little bit less than my office
25 currently.

1 Our proposal is to raise that to
2 a thousand square feet. And in addition to that,
3 any permits for construction or development from
4 1,000 to 3,000 square feet would be approved
5 internally here by the zoning officer in consult --
6 in consultation with the engineer and myself, if
7 those proposed improvements would conform to
8 architectural guidelines standards that we'll put
9 in place. Those architectural guideline standards
10 would include the rustic character, or the rural
11 charm, that we're putting forth in the village
12 concepts.

13 So in order for that to be
14 approved, they would have to meet our suggested
15 guidelines.

16 MS. PICKARD: Well, we need the
17 suggested guidelines prior to this change.

18 MR. JABLOWSKI: Correct. I
19 wanted to get the board's thoughts on doing that.
20 We could put together the suggested guidelines that
21 we would have for review and consideration in
22 consultation with our attorney and doing whatever
23 the legal --

24 MR. KERRICK: From zero to a
25 thousand is --

16

1 MS. PICKARD: Two hundred.

2 MR. KERRICK: Well --

3 MR. JABLOWSKI: Correct.

4 MS. PICKARD: Yeah, the
5 increase.

6 MR. KERRICK: You're gonna
7 raise it to a thousand?

8 MS. PICKARD: Yeah.

9 MR. JABLOWSKI: Correct.

10 MR. KERRICK: But from a
11 thousand to 3,000 it has to go through the
12 township, it doesn't have to go through land
13 development?

14 MR. JABLOWSKI: Correct.

15 MR. KERRICK: It just has to
16 pass -- yeah, I know the one time we talked about
17 -- well, we talked about this numerous times.

18 We were going to raise it to
19 3,000, correct, Mr. McHale?

20 MR. McHALE: Yes, sir.

21 MR. JABLOWSKI: Yes. So it
22 would still be 3,000, but they have to meet certain
23 architectural guidelines that we're gonna put
24 forth.

25 MR. KERRICK: Can we do that?

17

1 MS. PICKARD: Umm-hmm.

2 MR. JABLOWSKI: According to our
3 solicitor, yes. They're suggested, they're not
4 required. Now, if they -- they say no, we don't
5 want to, then it has to go through the process.
6 And part of that, though, I think that if you're
7 doing an addition and you have the rustic rural
8 charm of everywhere else and you're putting an
9 addition on, and you're going to adapt that
10 addition to the architectural guidelines, the
11 existing structure is gonna look like crap, you
12 know, so you're gonna want to really enhance your
13 entire property, is the theory.

14 MS. PICKARD: I'm in favor of
15 that.

16 MR. HOLAHAN: As am I.

17 MR. CARROLL: This is
18 commercial, correct?
19 MR. HOLAHAN: Yes.
20 MR. PICKARD: Yeah.
21 MR. JABLOWSKI: Commercial and
22 --
23 MR. CARROLL: Well, it will
24 certainly make it less onerous for someone to do --
25 move forward.

18

1 MS. PICKARD: And it's a way to
2 offer an incentive to get those standards met.
3 MR. JABLOWSKI: And we'll put
4 forth that for the next meeting, 'cause we'll need
5 to go through the advertising process and get the
6 specific guidelines and we'll put them together.
7 MR. HOLAHAN: Okay.
8 MR. JABLOWSKI: But our intent
9 was to bring that to the board for your
10 consideration and we'll put that together.
11 And the last item that I have
12 is, as part of our efforts to assist small

13 businesses and to brand ourselves with our village
14 concepts, I've worked in the past with several --
15 several communities whereby they had community
16 directories that were put together. Brenda Wilson
17 from Murray, Pennsylvania, she's done Penn Forest
18 Township, Towamensing, over in Carbon County.

19 I know several years ago, I
20 guess, a company came in here and I guess it didn't
21 work out too well and I'm not sure the details of
22 that. My personal experience, this company has
23 worked out very well. There's no cost to the
24 township whatsoever. They do the work and they
25 mail the brochures out to our community. So I have

19

1 here for your review and for any consideration the
2 information concerning that.

3 And you probably have seen these
4 in various communities, but there's a map of the
5 community itself that's laid out, which obviously
6 the Tobyhanna Township, listing our villages, the
7 various businesses that are in the community, some
8 information concerning the township, our history,
9 information about the community itself.

10 And we obviously come up with
11 the content and we control the content as well. So
12 I wanted to bring that for consideration to the
13 board if you like us to --

14 MR. HOLAHAN: I would like to
15 pursue that.

16 MS. PICKARD: Yeah, we'd like
17 to pursue that but --

18 MR. KERRICK: I hope it's
19 better than last time --

20 MR. KERRICK: I lost money on
21 that deal.

22 MS. PICKARD: -- we both lost
23 money on that, they absconded with our --

24 MR. JABLOWSKI: Yeah, I can't
25 speak for that, but I can speak for this.

20

1 MR. KERRICK: I can.

2 MR. JABLOWSKI: What I would
3 like to do then with the board's permission is, if
4 we're interested in doing this, I'll -- I'll get
5 the final information from Brenda and I would also

6 like her to come here to meet with the community to
7 explain the whole process and procedure. Our
8 target would be the spring, April/May, to have
9 these sent out. And at that time obviously our --
10 our progress will certainly be continued on the
11 village concepts as well in moving forward.

12 MR. HOLAHAN: Okay. Thanks.

13 MS. PICKARD: Just mention that
14 we went through this hardship last time so she's
15 aware when she goes to --

16 MR. JABLOWSKI: We have, and
17 she'll address that because she's obviously aware
18 of those unfortunate situations. I believe they
19 did Middle Smithfield Township in 2014.

20 MR. HOLAHAN: Let's go on to
21 reports.

22 John, you want to keep going
23 with the regional police commission? Anything
24 happening there?

25 MR. JABLOWSKI: No. The budget

21

1 is being considered in final draft. We have a
2 meeting on Wednesday, there'll be a meeting with

3 the regional police commission.

4 MR. HOLAHAN: Okay. Anything on
5 open space?

6 MR. JABLOWSKI: Heidi?

7 MS. PICKARD: Yeah.

8 MR. JABLOWSKI: I don't --

9 MR. HOLAHAN: Oh, cool.

10 MS. PICKARD: Maybe. We're
11 talking about the hike and bike trails so we're --
12 just so you know, we're setting up a meeting with
13 open space, the wildlands and the nature
14 conservancy hopefully early December to try and
15 work out some options for trails.

16 MR. JABLOWSKI: We've had some
17 very positive discussions and movement with some of
18 the concerned parties. We'll be approaching the
19 Pennsylvania Game Commission as well and some
20 property that they have. So as you know, we have
21 the land behind the -- the school, so we're
22 continuing to move forward on that to create a
23 hiking and biking program.

24 MR. HOLAHAN: Good.

25 Anything -- we had a meeting

1 recently, the overlay committee?

2 MS. PICKARD: We have meetings
3 coming up.

4 MR. HOLAHAN: Coming up. We'll
5 keep you informed after we have those meetings.

6 How about sign regulations
7 advisory committee?

8 MR. MIKE CHRISTIAN: Good
9 evening.

10 MR. HOLAHAN: Good evening.

11 MR. MIKE CHRISTIAN: Yes. We're
12 moving forward. We've completed the review of the
13 residential and the base commercial and commercial
14 industrial districts. This week we'll return to
15 the highway digital and hopefully the resort
16 overlay sign regulations. And if we don't get hung
17 up on those, I think we're -- as Jonathan said
18 earlier, we're on track for the end of the year,
19 keep fingers crossed. We are taking off the
20 Wednesday before Thanksgiving and aside from that,
21 we're gonna keep pressing forward.

22 Any questions?

23 I think you should be receiving

24 -- the minutes go out every week and you should be
25 receiving those and any updates.

23

1 MR. HOLAHAN: That's it?

2 MR. MIKE CHRISTIAN: That's it.

3 MR. HOLAHAN: Holy cow.

4 Pocono Mountain Regional EMS?

5 MS. DENISE DOREMUS: Hi, I'm

6 Denise from Pocono Mountain Regional EMS.

7 I have the reports this month.

8 We did a total of 510 calls; altogether in
9 Tobyhanna Township was a hundred and seven calls
10 this month. You're actually this month up 50
11 percent from last year and in total so far of 13.5
12 percent for the year in 2017 -- '16. So far we
13 have a total of four thousand eight -- nine hundred
14 and eighty-three calls; so just shy of 5,000 calls
15 this year so far.

16 Jeanine is also here if you're
17 interested in our newsletter, you can sign up for
18 it, there's a sign-up list. We do put one out
19 every month now. It has tips in it for like winter
20 weather and this one is carbon monoxide and there

21 -- there's a bunch of pretty neat things in there.
22 And if you don't get it, you also could go on
23 PMREMS.org, it's also on there along with our media
24 kit and all that and learn more about, you know,
25 your local EMS providers.

24

1 MS. JEANINE HOFBAUER: We kept
2 the sign-up form right up there, it's a free
3 publication and it does have preventative measures
4 and stuff. So it is a free resource to your
5 community.

6 MR. HOLAHAN: Great. Thanks.
7 Okay.

8 Laura from the library. Laura,
9 do you have anything?

10 MS. LAURA LASPEE: I do,
11 actually. I just wanted to --

12 THE REPORTER: May I just have
13 your name, please?

14 MS. LAURA LASPEE: I wanted to
15 let everyone know that we're having a book sale
16 starting on Monday and that'll go through the

17 Thanksgiving week. Our Christmas activities will
18 include the Pocono Mountain Show Choir, that's on
19 December 8, at 6 p.m. And Santa and Mrs. Clause is
20 coming to the library on Saturday, December 3, at 1
21 p.m. And we're having a Hanukkah celebration on
22 Saturday, December 17, at 3 p.m. So it's all in
23 our newsletters and you can see that on our
24 website.

25 MR. HOLAHAN: Great. Thank you.

25

1 Okay. Let's go on to old
2 business. LERTA, do anything with that yet?

3 MR. JABLOWSKI: On the LERTA
4 discussion, I wanted to see if the board would like
5 me to invigorate the discussions on that, on
6 certain LERTA districts in the township.
7 Obviously, that would include township
8 partnerships, obviously, with the school district
9 and the county; but I wanted to see the board's
10 appetite for looking at that in the village of
11 Blakeslee and Pocono Pines, certainly Pocono
12 Summit.

13 MS. PICKARD: I think we were

14 wanting to do it and I think we kind of got stuck a
15 couple times with the architectural standards and
16 what we were gonna do with the villages. So I
17 think that was kind of -- but it was held up.

18 MR. HOLAHAN: Well, as they're
19 coming up with the architectural standards now for
20 this --

21 MS. PICKARD: We need a map.

22 MR. HOLAHAN: -- waiver on the
23 land development. Not just a map, but, you know,
24 maybe an inventory of the properties where it's
25 gonna be. But certainly I think we should --

26

1 MS. PICKARD: Yes.

2 MR. HOLAHAN: -- pursue this.

3 MR. KERRICK: I thought we were
4 on hold waiting for the overlay.

5 MS. PICKARD: That's what I just
6 said.

7 MR. JABLOWSKI: Well, yes.
8 Well, we were, but at the same token, I'd like to
9 begin discussions with the school district and the

10 county, are gonna participate. Whatever the
11 district and whatever the overlay is going to be,
12 regardless if it's here or here or here, if it's
13 going to happen, it's going to happen --

14 MR. HOLAHAN: Right.

15 MR. JABLOWSKI: -- and I'll
16 begin those discussions with the various other
17 taxing bodies and how we want to put forward the
18 architectural guidelines. And that is also part of
19 the other initiative of moving the thousand to
20 3,000 and so forth.

21 MR. HOLAHAN: So you just wanna
22 take their temperature at this point?

23 MR. JABLOWSKI: Correct,
24 correct.

25 MR. HOLAHAN: Yeah, I'm okay

27

1 with that.

2 MS. PICKARD: And I ordered
3 those red Sharpies so you can take your map and
4 your Sharpies on the road.

5 MR. HOLAHAN: All right. Let's
6 go on to new business. Kalahari Resorts sixth

7 addendum to the development agreement.

8 We were gonna do this earlier,
9 Harry, so that you could get out sooner, but you're
10 almost out of here.

11 MR. REISS: This is -- this was
12 brought about for the ropes course and basically
13 the financial security that's remaining for the
14 Phase 2, Stage B improvements, will remain in place
15 to cover the ropes course public improvements. So
16 Bob's -- Bob's actually proposed and approved the
17 amount and it's already signed by Kalahari.

18 MR. HOLAHAN: Okay. Do I have a
19 motion to go ahead and approve that?

20 MR. KERRICK: I'll make that
21 motion. That's B, Item B, correct?

22 MR. HOLAHAN: It is, yep.

23 MR. REISS: Yes.

24 MR. HOLAHAN: Got a motion.

25 Do I have a second?

28

1 MS. PICKARD: I second the
2 motion.

3 MR. HOLAHAN: Got a motion and a
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: Brendon?

15 MR. CARROLL: I vote in favor.

16 MR. HOLAHAN: I vote in favor.

17 Motion carries.

18 Then we've got the Kalahari
19 Resorts Supplement 2 to the escrow agreement.

20 MR. REISS: Right. So this
21 supplements what you just approved and this is also
22 signed by the escrow agent. And it basically tells
23 them not to release that money until the ropes
24 course improvements have been approved by the
25 township.

1 MR. KERRICK: Motion to approve?

2 MR. REISS: You have to app --
3 yes, this is an agreement between -- a three-party
4 agreement between the escrow agent, Kalahari and
5 the township, so you need a motion to approve.

6 MR. HOLAHAN: I've got a motion.
7 Do I have second?

8 MR. CARROLL: I'll second.

9 MR. HOLAHAN: Motion and second.
10 Further discussion from the
11 board?

12 MS. PICKARD: Who's signing
13 these agreements?

14 MR. REISS: The first agreement
15 would be signed by Mr. Holahan as vice-chair.

16 MS. PICKARD: Okay.

17 MR. REISS: And the second
18 agreement would be signed by everyone who's present
19 tonight unless they feel they have a conflict of
20 interest.

21 MS. PICKARD: We don't need to
22 authorize John to sign anything on the last one?

23 MR. REISS: Well, by approving
24 you're authorizing.

25

MS. PICKARD: All right.

30

1

MR. HOLAHAN: So got a motion

2

and a second.

3

Further discussion?

4

Call the vote.

5

John?

6

MR. KERRICK: In favor.

7

MR. HOLAHAN: Heidi?

8

MS. PICKARD: I vote in favor.

9

MR. HOLAHAN: Brendon?

10

MR. CARROLL: I vote in favor.

11

MR. HOLAHAN: I vote in favor.

12

Motion carries.

13

Item B, Keswick Pointe, they got

14

a request for a letter of credit reduction. Did

15

everybody get a chance to read that?

16

I'll entertain a motion to

17

approve the letter of credit.

18

Did you go over that, Bob?

19

MR. McHALE: Yes, I did.

20

There's only one issue that I have -- it's not with

21 the number for the Phase 2 or the 1B items to be
22 improved but rather, we did not go back to the
23 original -- since it was five years ago that we
24 were working on the project, we did not go back and
25 the engineer did not update that cost estimate.

31

1 So I wanted to kind of propose
2 to -- a question to our township solicitor is, can
3 we incorporate some language in the addendum? One
4 is going to be the voluntary moratorium on those
5 two phases that until establishing financial
6 securities, they will not be able to sell or build
7 those lots.

8 But is there something we can do
9 to protect the township should the 938,000 and some
10 change be within a few percent of what it takes to
11 complete it? We don't have a hard number on that,
12 'cause it hasn't been updated in five years, so it
13 was just a question --

14 MR. REISS: So most -- and I
15 haven't seen this one, but most improvements or
16 development agreements contain a provision that
17 mirrors what the Municipalities' Planning Code

18 says, which says the township can update it --
19 increase it by 10 percent each year, I believe it
20 is, the amount of security if they're not finished.
21 Every 12 months you can increase the financial
22 security.

23 MR. McHALE: Well, at this point
24 unless we ask them to go back and have their
25 engineers do another update to the cost estimate,

32

1 we don't know exactly where we stand; but we
2 shouldn't be too far off, because the -- the
3 asphalt cement indexes would've been much higher at
4 that point time and assuming some inflation, you
5 know, we're probably in the ball park, but I don't
6 wanna end up in a situation where we're shy and
7 something catastrophic happens and we end up having
8 to take over the improvements, so --

9 MR. REISS: Well, are you
10 proposing an amendment to the development agreement
11 anyway?

12 MR. McHALE: Yes.

13 MR. REISS: So that could be

14 addressed in the development agreement.

15 MR. McHALE: Okay.

16 MR. REISS: That if they're
17 going to do any further work they have to -- at
18 that time, they have to submit a new cost estimate.

19 MR. McHALE: Okay.

20 MR. HOLAHAN: But you're
21 concerned about the number right now --

22 MS. PICKARD: Yeah.

23 MR. HOLAHAN: -- not new work
24 going forward?

25 MR. McHALE: Correct.

33

1 MR. JABLOWSKI: But we have the
2 ability legislatively to increase that 10 percent
3 annually.

4 MR. REISS: Well --

5 MR. JABLOWSKI: If we felt
6 that --

7 MR. REISS: Right. It should be
8 -- hopefully it's in the development agreement, but
9 --

10 MR. HOLAHAN: Can we place that

11 in there? Could we put that 10 percent in there as
12 part of this?

13 MR. KERRICK: I wouldn't be in
14 favor of just raising it 10 percent if it's not
15 needed.

16 MS. PICKARD: I know --

17 MR. JABLOWSKI: No, we would
18 have the ability to.

19 MS. PICKARD: -- that's what I'm
20 saying.

21 MR. KERRICK: They have a hard
22 enough time trying --

23 MS. PICKARD: Oh, I know.

24 MR. KERRICK: -- to exist now.

25 MR. HOLAHAN: And, uhm --

34

1 MR. McHALE: That number that
2 you see in front of you is -- like I said, was the
3 2011 number. So it's either the developer could
4 have his engineer do a cost estimate to update all
5 those numbers or if there's another provision,
6 Jonathan, that they could put into it, to somehow

7 protect us so that we could go back on any unsold
8 parcels or something to that effect to recoup?

9 MR. JABLOWSKI: Well, can we
10 say something to the effect that should the
11 township deem it necessary --

12 MR. McHALE: There you go.

13 MR. JABLOWSKI: -- we have the
14 ability to? Not that it's going to happen --

15 MR. HOLAHAN: Right.

16 MR. JABLOWSKI: -- but should it
17 be deemed necessary that we have the ability to.

18 MR. McHALE: The MPC Section 511
19 does allow us, if the funds are short and we had to
20 step in to make those improvements, it does allow
21 the township the right to go back to the developer,
22 in a legal manner, to reoperate -- you know, to
23 recoup those costs, but if the developer is, you
24 know, defaulted totally, then you either have to go
25 to the lot owners or, you know, fund it yourself.

35

1 MR. REISS: Well, let me -- I
2 guess I'm not clearly understand -- I understand
3 your concern, but the remaining security, is it

4 their intent to continue doing work or are they
5 gonna just sit tight for a while?

6 MR. HOLAHAN: Only on the Phases
7 1A and 3.

8 MR. McHALE: Correct. As far as
9 when he's gonna move forward with the construction,
10 the remaining improvements, I don't know when that
11 date is.

12 MR. REISS: The time frame.

13 MR. McHALE: Correct.

14 MR. REISS: Okay. 'Cause maybe
15 in this amendment to the development agreement, we
16 put something in there that before he moves forward
17 on the phases that are secured, he has -- they have
18 to submit a revised cost estimate.

19 MR. McHALE: We could propose
20 that, that would be fine.

21 MR. REISS: And fund any
22 difference or --

23 MR. JABLOWSKI: But then, no,
24 that -- that would be a cost on his part obviously?

25 MR. McHALE: Pardon?

1 MR. JABLOWSKI: What's the
2 estimated cost do we think on his part?

3 MR. McHALE: I don't know that
4 number right now. It's just a matter of updating
5 where they left off in 2011 to bring it up to 2016
6 or 2017 or whenever he begins.

7 But I'm sure you could develop
8 some kind of language, Jonathan, that would, you
9 know, insure that, you know, the township is
10 protected on that.

11 MR. JABLOWSKI: Yeah, we
12 certainly want to help them out.

13 MS. PICKARD: Umm-hmm.

14 MR. HOLAHAN: So can we --

15 MR. KERRICK: Are we -- are we
16 obligated to finish if they would default --

17 MR. JABLOWSKI: I believe so.

18 MR. KERRICK: -- as a township?
19 It's not public, it's a private community. I had
20 this discussion a million times and I still am not
21 straight in my head.

22 MS. PICKARD: There was the one
23 in Tunkhannock had to finish.

24 MR. KERRICK: Understood. I

25 don't know what their deal was over there. I want

37

1 to know what the MPC says here.

2 MR. REISS: Typically you would
3 finish any roads, for instance, that were started,
4 but you wouldn't open up new roads and that sort of
5 thing. You would just finish the work to -- so
6 that the people that live -- that bought houses or
7 lots can access them; but you wouldn't be -- and
8 normally that road's required before they can sell
9 the lots, so it would just be possibly putting the
10 final paving down.

11 MR. KERRICK: I was -- I thought
12 we were only responsible as a township for E&S.

13 MR. REISS: Well --

14 MR. KERRICK: A public project

15 --

16 MR. REISS: -- it depends if
17 you --

18 MR. KERRICK: -- would be a
19 little different.

20 MR. REISS: -- if you cost --

21 MR. KERRICK: -- this is not a

22 public --

23 MR. REISS: Right.

24 MR. KERRICK: -- this is a

25 private community.

38

1 MR. REISS: If you find them in
2 default and you take the money --

3 MR. KERRICK: That's a different
4 story.

5 MR. REISS: Right.

6 MS. PICKARD: But that's what
7 the letter of credit's for.

8 MR. REISS: If you just don't do
9 anything --

10 MR. KERRICK: Understood.

11 MR. REISS: -- you wouldn't have
12 to -- if you say, well, we're just not gonna find
13 them in default, we just won't do anything, that's
14 -- that's up to you as well.

15 MR. KERRICK: I just don't --

16 MR. REISS: Many times I've seen
17 in the -- in other situations with private

18 communities and other townships that the community
19 association will approach the township and say, you
20 know, we know you're holding these monies, if we
21 finish this work, would we be able to access those
22 monies. And we've worked out contracts between the
23 associations and the township so that the
24 association on their own could finish what they
25 need to finish so that their community members

39

1 could access the roads and have stormwater and
2 facilities and that sort of thing.

3 MR. HOLAHAN: They're a long way
4 from that kind of issue.

5 MR. CARROLL: The financial
6 security though is -- is -- is part of the
7 Municipal Planning Code and a condition of approval
8 for a P -- the Keswick Pointe's PRD, correct?

9 MR. McHALE: Correct.

10 MR. KERRICK: Understood.

11 MR. CARROLL: So -- so it's --
12 and we've been involved in this if -- if the
13 developer happens to default, the Municipal
14 Planning Code provides for the relief for the

15 completion of whether it's a bond or the letter --

16 MR. KERRICK: The reason --

17 MR. CARROLL: -- of credit or --

18 MR. KERRICK: The reason I went

19 down that path -- and it's important that we have

20 accurate numbers, and I don't think we can take any

21 action on it. I kind went a roundabout way.

22 MR. CARROLL: Well, I agree.

23 MR. KERRICK: How can we act on

24 this if we don't -- we really don't know what we're

25 acting on. I know what he's asking and what he's

40

1 requesting, but --

2 MR. CARROLL: And I certainly

3 understand in this climate why he's asking that.

4 I'm not familiar with the proj -- I did see the

5 request, I did not -- I wasn't familiar with the --

6 with the phasing of the project.

7 So does the phasing affect, Bob,

8 does it affect --

9 MR. McHALE: Well, he's gonna

10 put two of the phases under kind of a voluntary

11 moratorium --

12 MR. CARROLL: Moratorium, so is
13 there --

14 MR. McHALE: He won't sell any
15 of those --

16 MR. CARROLL: -- any work done
17 there, I guess, that we would need to bond for?

18 MR. McHALE: No, but what he's
19 asking for is, I think it's about a \$1.1 million
20 reduction. That's to take those two phases and put
21 them in the moratorium. What's remaining in the
22 active, if you will, Phase 1A and Phase 3 would be
23 \$938,000 and some change that's what he's proposing
24 to leave in -- in a letter or credit or a financial
25 security. But the question is from 2011 to 2016 or

41

1 2017, is that quite enough or does that got to be
2 adjusted or modified.

3 And that's why if the board, you
4 know, did want to act and say yes, they would
5 approve the moratorium and a reduction to those
6 other two phases, subject to either, one, the
7 updates, the proposal from 2011 to 2017 and

8 provides additional securities, whatever that may
9 be; or if Jonathan can come up with something
10 creative to put in the development agreement that
11 would insure that the township could go back either
12 to the remaining lot owners, the homeowners
13 association or somebody else that the township
14 would be on the hook for, then that would be
15 something to consider.

16 MR. REISS: Yeah, I don't think
17 that last option is something you all want to
18 consider.

19 MS. PICKARD: Can't we just
20 make it contingent upon him providing a revised
21 estimate and conditioned upon the approval of our
22 legal and engineer?

23 MR. REISS: Posting any
24 difference that is required, yeah.

25 MS. PICKARD: Or reducing it

42

1 any less.

2 MR. McHALE: We just reduce --

3 MR. REISS: Right.

4 MR. McHALE: Exactly. You just
5 wouldn't release as much, that would be fine.

6 MR. REISS: Yeah.

7 MS. PICKARD: So can we make --
8 can I make that motion?

9 MR. REISS: I was gonna, based
10 on the discussion, include that in the draft
11 amendment.

12 MS. PICKARD: Okay.

13 MR. REISS: And you'll have to
14 vote on all that.

15 MS. PICKARD: But can we do it
16 contingent, so we don't hold him up another month?

17 MR. REISS: Well, I wouldn't
18 release the money till we get this amendment done.

19 MS. PICKARD: Exactly, but --

20 MR. REISS: Right.

21 MS. PICKARD: -- that the board
22 doesn't have to act if you --

23 MR. REISS: Sure. I mean, you
24 can say --

25 MR. JABLOWSKI: Contingent on

1 your approval and the engineer's approval?

2 MS. PICKARD: Yes.

3 MR. REISS: The motion would be
4 subject to my approval, Bob's approval of an
5 amendment to the development agreement which would
6 require posting -- reposting of new financial
7 security for the phases that he's putting into
8 escrow, so to speak, and the -- any remaining
9 active phases before he would do the additional
10 work. He'd have to submit a engineer's cost
11 estimate for Bob's approval and then fund any
12 difference between what's currently being held and
13 what is then required.

14 MR. HOLAHAN: Is that your
15 motion, Heidi?

16 MR. KERRICK: Is that your
17 motion, Heidi?

18 MS. PICKARD: I don't know. I
19 thought it was.

20 MR. CARROLL: He's certainly
21 not gonna -- he's not in a position right now to
22 want to post more money.

23 MS. PICKARD: No, exactly.

24 MR. CARROLL: So if we --

25 MS. PICKARD: That's what I'm

1 saying, 11 it would be the reduction --

2 MR. CARROLL: -- would relea --

3 MS. PICKARD: Yeah.

4 MR. CARROLL: I'm sure he's got
5 his hands tied there.

6 MR. McHALE: Instead of a \$1.1
7 million reduction maybe it's only gonna be one or
8 950,000 or something.

9 MR. CARROLL: Not what he
10 proposes, but --

11 MR. REISS: So that's what --
12 I'm sorry, I wasn't understanding the conversation.

13 MR. JABLOWSKI: Well, right now
14 there's a letter of credit. He's paying interest
15 on this letter of credit.

16 MR. REISS: So instead of
17 releasing the full amount he's requesting, you want
18 a new cost estimate --

19 MS. PICKARD: Yeah.

20 MR. REISS: -- and -- okay.

21 MS. PICKARD: We'll revi --

22 we'll release the difference for those fees.
23 MR. HOLAHAN: We're just not
24 gonna put in the amount. He'll submit that and Bob
25 will approve that with the attorney as well, okay.

45

1 Is that your motion?
2 MS. PICKARD: I think so.
3 MR. HOLAHAN: Okay. I have a
4 motion.
5 Do I have a second?
6 MR. KERRICK: I'll second it.
7 MR. HOLAHAN: I've 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: Brendon?

19 MR. CARROLL: I vote in favor.

20 MR. HOLAHAN: I vote in favor.

21 Motion carries.

22 That was easy. Let's go on to
23 the Pocono Mountain Athletic Field, stormwater
24 maintenance agreement.

25 MR. REISS: This is -- I

46

1 actually prepared this a number of months ago, but
2 it was finally signed and returned to me by the
3 school district. So I have three agreements for
4 you to sign -- to approve and then the vice-chair
5 will sign the agreements. And this was for the
6 sports fields?

7 MR. HOLAHAN: Yes.

8 Do I have motion to authorize
9 the vice-chair to sign this agreement?

10 MR. CARROLL: I make a motion.

11 MR. KERRICK: Second.

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

14 Further discussion from the

15 board?

16 Anything from the public?

17 Hearing none. I'll call the

18 vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Brendon?

24 MR. CARROLL: I vote in favor.

25 MR. HOLAHAN: I vote in favor.

47

1 Motion carries.

2 MR. REISS: May I bring up one
3 thing about that?

4 MR. HOLAHAN: It's too late.

5 MR. REISS: I would like -- not
6 about that specific agreement, but about these
7 agreements in general. I'd recommend that you
8 consider adopting a resolution authorizing the
9 manager to sign these agreements.

10 MR. HOLAHAN: Perfect.

11 MR. REISS: I'll prepare it for

12 your next meeting so you don't have to hold people
13 up in between meetings.

14 MS. PICKARD: That works.

15 MR. KERRICK: Perfect.

16 MR. HOLAHAN: All right. So
17 that was with worth hearing. Thank you, John.

18 Consider Resolution 2016 dash
19 019 for disposition of records. Do I have a
20 motion?

21 MR. KERRICK: So moved.

22 MS. PICKARD: Second.

23 MR. HOLAHAN: Motion and
24 second.

25 Further discussion?

48

1 Anything from the public?

2 MR. MIKE CHRISTIAN: Yes. What
3 is that, please?

4 MR. HOLAHAN: We're going to
5 throw a bunch of stuff out.

6 MR. MIKE CHRISTIAN: How far
7 back do you go?

8 MR. JABLOWSKI: I have the
9 dates here for you, there's a whole litany.
10 Basically from 1992, there's tax record files from
11 2008; 2006 proofs of publication, the public
12 notices. So I have a list here, if you'd like to
13 look at it. These are basically old records, a lot
14 of them are (inaudible) but nothing current.

15 MR. MIKE CHRISTIAN: Okay.
16 Thank you.

17 MR. HOLAHAN: Probably the most
18 current is like 2012 it looks like. Okay.

19 MR. JABLOWSKI: Yeah.

20 MR. HOLAHAN: So --

21 MR. JABLOWSKI: Water testing
22 results for the --

23 MR. HOLAHAN: Yep.

24 MR. CARROLL: The pool.

25 MR. JABLOWSKI: For the pool

49

1 from 2007 to 2012.

2 MR. HOLAHAN: Further
3 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: Brendon?

10 MR. CARROLL: I vote in favor.

11 MR. HOLAHAN: I vote in favor.

12 Motion carries.

13 Well, here's an interesting one,

14 consider the release of financial security for

15 Pinecrest Lake, the PRD Phases 5 and 6.

16 MR. REISS: Brendon, under the

17 State Ethics Law, when you have conflict of

18 interest, you have to announce it and say you're

19 going to recuse yourself. And then after the

20 meeting, you need to submit something in writing

21 that could -- it does the same thing, that then

22 gets appended to the minutes.

23 MR. HOLAHAN: So we're in

24 receipt from a letter from Pinecrest with a lot of

25 supporting documents.

1 Mr. McHale, we good with all of
2 this?

3 MR. McHALE: Yes, sir, we are.

4 MR. HOLAHAN: Thank you.

5 Do I have a motion?

6 MR. KERRICK: I'll make a
7 motion.

8 MR. CARROLL: Well, I have to
9 recuse myself first, correct?

10 MR. HOLAHAN: You do, before any
11 discussion.

12 MR. CARROLL: Well, I have a
13 financial interest in Pinecrest Lake, I have to
14 recuse myself for that conflict.

15 MR. HOLAHAN: Just a financial
16 interest, that's it?

17 MR. CARROLL: Financial
18 interest. Like interest, but that doesn't count.

19 MR. HOLAHAN: Okay. We've been
20 notified.

21 So I've got a motion.

22 Do I have a second?

23 MS. PICKARD: Second.

24 MR. HOLAHAN: Got a motion and
25 a second?

1 Further discussion from the
2 board?

3 Anything from the public?

4 Hearing none. John?

5 MR. KERRICK: In favor.

6 MR. HOLAHAN: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: I vote in favor.
9 Brendon?

10 MR. CARROLL: I abstain.

11 MR. HOLAHAN: Motion carries.

12 Consider the Pennoni proposal
13 for the long range transportation feasibility study
14 and point of access study.

15 MR. JABLOWSKI: We've been in
16 consultation with Pennoni Associates on a 17 point
17 access study in the township, primarily in the
18 Pocono Summit area for the developments of Kalahari
19 and 340 Long Pond Interchange, along with 16 other
20 points of access. That study is -- will be two
21 phases. Total cost of it was about \$250,000.
22 We've been in contact with all the affected

23 property owners and we're going to present to them
24 a proposal to help fund the study.

25 But at this point we want the

52

1 board to be updated on it and the study's in our
2 name, so we are -- we are leading the charge. So
3 when we go to the PennDOT, it won't be a developer
4 study, it'll be a township study. So at this
5 point, we are -- I'm seeking permission to move --
6 move forward with the study.

7 Bob, if you want to --

8 MR. McHALE: I just wanted to
9 interject one thing on both proposals. The point
10 of access study proposal and the next one, which is
11 the Act 537 proposal, is to just request that our
12 township solicitor look through the terms and
13 conditions of both proposals and provide any review
14 comment that he may have.

15 MR. HOLAHAN: So is that all
16 we're looking to do now is just forward this on to
17 our counsel or do we -- the board to authorize
18 passing this on to counsel, moving forward?

19 MR. REISS: I think --
20 MR. CARROLL: Contingent upon is
21 how I understood it.
22 MR. REISS: Right, I think --
23 MR. JABLOWSKI: Contingent upon
24 your final --
25 MR. REISS: Request --

53

1 MR. McHALE: Conditioned upon --
2 MR. REISS: -- was for action
3 by the board conditioned on my review and approval.
4 MR. HOLAHAN: Okay. So do I
5 have a motion?
6 MR. CARROLL: I'll make a motion
7 to move forward.
8 MR. HOLAHAN: Okay. Do I have
9 a second?
10 MR. KERRICK: I'll second.
11 MR. HOLAHAN: Got a motion and
12 a second.
13 Further discussion from the
14 board?
15 Anything from the public?

16 Sheila, you need to identify
17 yourself.

18 MS. SHEILA CALFAYAN: Sheila
19 Calfayan.

20 What does the long range
21 transportation feasibility study mean in terms of
22 what kind of transportation are we talking about.

23 MR. HOLAHAN: We're looking at
24 some road improvements at the 940/380 section
25 there, substantial --

54

1 MS. PICKARD: There's a map on
2 the wall.

3 MR. McHALE: It would be 19
4 intersections from --

5 MR. CARROLL: 314.

6 MR. McHALE: -- FedEx Drive on
7 the west side of I-380 to 314 and it also includes
8 a couple intersections down 314. And that'll be
9 the basis for requesting the point of access cut or
10 breaks in 940 on the east side, which the township
11 has been wanting to do for about 10 years, but that

12 point of access study needs to be done to submit it
13 to PennDOT and the Federal Highway Administration.
14 So this long range feasibility study is kind of the
15 framework to build on, to do the point of access
16 study.

17 MR. JABLOWSKI: And what we
18 comprehensively, wanted to look at all the
19 intersections, not really just how one impacted,
20 but really the impact of the growth that's going to
21 happen there, how it's gonna impact the whole area.

22 MR. McHALE: Pennoni Associates
23 is also working on, if you look in the hallway, we
24 have proposed transportation improvements from
25 I-380 going west to FedEx Drive and a little

55

1 beyond. They're gonna put together a concept, that
2 we'll also hang up somewhere in the township, that
3 will go from I-380 to 314. So it'll be a
4 comprehensive transportation improvement, that
5 whole corridor.

6 MR. HOLAHAN: Very good.

7 MR. JABLOWSKI: And we're
8 looking at contributions from those affected

9 businesses as well to help support this as well.

10 MR. HOLAHAN: Okay. We've got

11 a motion and second.

12 Further discussion?

13 Call the vote.

14 John?

15 MR. KERRICK: In favor.

16 MR. HOLAHAN: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. HOLAHAN: Brendon?

19 MR. CARROLL: In favor.

20 MR. HOLAHAN: I vote in favor.

21 Motion carries.

22 Now, let's look at the Act 537

23 village center commercial corridor update.

24 MR. JABLOWSKI: As well we're

25 seeking approval from the board this evening to

56

1 move forward with our Act 537 sewer update. And

2 this'll be for the commercial corridor along the

3 villages within the township. That's gonna update

4 our sewer plant to more effectively utilize the

5 sewer resources and to bring sewer to commercial
6 properties. We're specifically just looking at
7 commercial properties that are within the township
8 and how to update them.

9 Before we have approval from the
10 State Department of Environmental Protection, we
11 need to produce a plan, outlying our goal and our
12 methods to achieve that goal. This plan gives us
13 that. As you know, we're currently in process of
14 selling our sewer system in Blakeslee, so that
15 whole impact that we're going to have in the
16 township. So in order to stimulate commercial and
17 economic development growth, we need to have this
18 plan in place. And that's what this plan is
19 putting forward.

20 We do -- we did have some
21 preliminary estimates; it actually came in a little
22 bit lower. Our estimates we're about 125,000; it
23 came in about 115,000, I believe, to do that. So
24 the township is spearheading that study.
25 Traditionally developers would spearhead a study

1 like that and go to the state, but we're taking

2 that role on because we wanna look at it
3 township-wide and how we're going to impact the
4 growth within the township and not just in specific
5 isolated areas.

6 MR. McHALE: The initial draft,
7 as John indicated, was 115,000. RKR Hess had gone
8 to Monroe County Planning and asked them if they
9 could produce the maps that were gonna be necessary
10 for the Act 537. In that they were in the
11 situation with the new MS4s coming out and the
12 requirements to assist other municipalities.
13 They're not able to do that, so they did additional
14 monies and I think now the current proposal is
15 right around 147. And that's what should be in
16 front you right now as far as the draft that came
17 in late last week from RKR Hess.

18 MR. HOLAHAN: Yeah, I don't --

19 MS. PICKARD: It's not on the
20 portal, it was on an email.

21 MR. HOLAHAN: Okay. What kind
22 of --

23 MR. McHALE: I think that was
24 forwarded as an email to everyone.

25 MR. HOLAHAN: Gotcha.

1 MR. JABLOWSKI: We're also gonna
2 seek funding from Aqua in this regard to help us --
3 for the cost of it.

4 MR. HOLAHAN: So, uhm --

5 MR. JABLOWSKI: But right now
6 we're looking to approve -- approve that amount of
7 the township to begin the study.

8 MR. McHALE: And that again is
9 to -- just to reiterate, is for commercial --

10 MR. HOLAHAN: Right.

11 MR. McHALE: -- corridor and
12 we're not looking to do a comprehensive update to
13 the entire township including residential. It's
14 just gonna be a focus on the corridor of 940
15 primarily and some of 115.

16 MR. HOLAHAN: That's --

17 MS. PICKARD: Will any of
18 Blakeslee and the Village --

19 MR. McHALE: Yes.

20 MS. PICKARD: -- of Blakeslee be
21 involved in that corridor --

22 MR. McHALE: And that's -- one

23 of the reasons for the update is to provide and be
24 able to have a way to plan for sewage facilities
25 into these villages which would then enhance the

59

1 opportunities of creating that concept that we're
2 looking to do.

3 MR. HOLAHAN: What's the amount
4 again, please?

5 MR. McHALE: I believe it was
6 one -- a hundred and forty-seven thousand, of
7 course, plus reimbursables or anything else and
8 they usually indicate adding another 68 percent to
9 that.

10 MR. HOLAHAN: Okay. So do I
11 have a motion to authorize the expenditure of --

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

14 MR. HOLAHAN: -- 147,000
15 something?

16 I've got a motion.

17 Do I have a second?

18 MR. CARROLL: I'll second.

19 MR. HOLAHAN: Got a motion and a

20 second.

21 Further discussion from the
22 board?

23 Anything from the public?

24 Hearing none. I'll call the
25 vote.

60

1 John?

2 MR. KERRICK: In favor.

3 MR. HOLAHAN: Heidi?

4 MS. PICKARD: Vote in favor.

5 MR. HOLAHAN: Brendon?

6 MR. CARROLL: I vote in favor.

7 MR. HOLAHAN: I vote in favor.

8 Motion carries.

9 Now we've got updates to the
10 commercial and commercial/industrial zoning.

11 Anything on that?

12 MS. PICKARD: That's what we
13 did before, didn't we?

14 MR. JABLOWSKI: That's -- yeah.

15 MR. CARROLL: We did that

16 before.

17 MR. JABLOWSKI: Correct. That's
18 -- that was the land development.

19 MR. HOLAHAN: Oh, yes. Okay.

20 MR. JABLOWSKI: Under my report.
21 Thank you.

22 MR. McHALE: Excuse me, but I
23 just wanted to verify that, Jonathan, you're gonna
24 be looking at the 537 proposal as well, correct?

25 MR. REISS: Yes.

61

1 MR. JABLOWSKI: I do have one
2 other item. We have the lease for Representative
3 Rader's office that the board will need to execute
4 that we passed last month.

5 MR. HOLAHAN: How's Jack doing,
6 okay? I mean Representative Rader.

7 MS. JENNIFER DeLEO: He's doing
8 very good. He won his -- he won the election.

9 MR. HOLAHAN: Yes.
10 Do I have any comments, reports
11 from supervisors?

12 MR. KERRICK: Do we need to

13 approve that lease or we did already?
14 MR. HOLAHAN: Oh, yeah, do we
15 have to approve the lease?
16 MR. JABLOWSKI: We did last
17 time.
18 MR. KERRICK: We did already?
19 I'm sorry.
20 MR. JABLOWSKI: I believe we did
21 it last month.
22 MR. HOLAHAN: That's right. I
23 think we raised his rent.
24 Okay. Public questions or
25 comment?

62

1 Sheila?
2 MS. SHEILA CALFAYAN: Sheila
3 Calfayan.
4 Do we have an update on
5 PennDOT's building the bridge on Locust Lake --
6 Locust Ridge Road? Do we know, is there -- in the
7 future sometime, somewhere?
8 MR. KERRICK: Next summer.

9 MR. CARROLL: They got --
10 MR. ARAM CALFAYAN: What does
11 that have to do with this?
12 MS. SHEILA CALFAYAN: It's not
13 that, it's this.
14 MR. ARAM CALFAYAN: Oh, we're
15 down to public question?
16 MR. HOLAHAN: Yeah, we think it
17 got pushed till next summer, but --
18 MS. DENISE DOREMUS: Yeah, 2017.
19 MR. KERRICK: That's what Ed
20 reported to us last month.
21 MR. HOLAHAN: All right?
22 MS. SHEILA CALFAYAN: 2017?
23 MR. HOLAHAN: Yes.
24 MS. SHEILA CALFAYAN: Take a
25 dart and put it into a month, do we have a month,

63

1 any time?
2 MR. JABLOWSKI: May.
3 MR. HOLAHAN: June.
4 MS. SHEILA CALFAYAN: Oh, that's
5 good right in the middle of season.

6 MR. HOLAHAN: May. What do you
7 want to hear, Sheila, I'll tell ya?

8 MS. SHEILA CALFAYAN: I want
9 September of 2017.

10 MR. HOLAHAN: September.
11 John?

12 MR. JOHN McELROY: Yeah, I'd
13 like to take a moment of your time to discuss your
14 meeting of October 3 --

15 John McElroy.

16 -- and that was a discussion
17 about the intermunicipal transfer of liquor
18 licenses within the township, county and the state,
19 State Liquor Code, in which I was told that I did
20 not know what I was talking about. But I brought a
21 copy of the Liquor Code so you would know what that
22 is in the future.

23 John, you already have that? Do
24 you have that?

25 John, would you like to see one

1 of these?

2 MR. KERRICK: Yeah.

3 MR. JOHN McELROY: So for
4 further, 'cause remember -- it wasn't you, but the
5 last guy told me he was a lawyer, he knew the law.
6 There is the law. Also I wanted to present to you
7 the letters that you guys did not have from other
8 licensees in the township which asked you not to
9 approve that license, which, by the way, was not
10 something that was just no big deal, they're gonna
11 pass it no matter what you guys say. There is no
12 way to appeal your decision, it will explain it in
13 the law.

14 Of course, you know the law.

15 But this is -- now you all have
16 a copy for future references, okay?

17 Why am I doing this? Well,
18 first off, to protect the other licensees in this
19 township, which they have a vested interest. You
20 have way too many licenses in this township, okay.

21 Do you see it there on Page 2,
22 John? Okay.

23 MR. KERRICK: You talking to me?

24 MR. JOHN McELROY: The other
25 problem is, one that's come up -- and they're

1 actually discussing it in Harrisburg right now,
2 they have a little bit of a problem. The governor
3 has allowed gas stations to start selling beer for
4 the convenience of the people. Well, I don't know
5 if anybody's familiar in here with the new slushie
6 that's happening in all these gas stations. When
7 you go to a Wawa -- well, not a Wawa, or 711 or
8 something, you can buy a slushie.

9 Well, the new deal now is to buy
10 a slushie that's eight percent alcohol and that's
11 supposed to be to go home and drink. Now,
12 everybody on this board knows that no way you're
13 gonna buy a slushie and drive home for a mile.
14 You're gonna take it outside, you're gonna put a
15 straw in and you're gonna drink it.

16 So the problem in Harrisburg
17 right now is they're saying uh-oh, we're permitting
18 drinking and driving. Maybe they should've thought
19 about that, but anyway, there's the law. You ever
20 have any questions about Liquor Law in the State of
21 Pennsylvania, give me a call.

22 Thanks for your time.

23 MR. HOLAHAN: Thanks, John.

24 MS. PICKARD: Thanks, John.

25 MR. HOLAHAN: Anybody else?

66

1 Are we going into executive?

2 MR. JABLOWSKI: Yes, please.

3 MS. PICKARD: We don't need to
4 come back out.

5 MR. HOLAHAN: We don't need to
6 come back out, so we'll adjourn the meeting.

7 Motion to adjourn?

8 MS. PICKARD: So moved.

9 MR. CARROLL: Make a motion.

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

12 MR. JABLOWSKI: We're going into
13 executive for personnel.

14 MR. HOLAHAN: Okay. Got a
15 motion and second.

16 All in favor?

17 MS. PICKARD: Aye.

18 MR. CARROLL: Aye.

19 MR. HOLAHAN: We're adjourned.

20 (Meeting concluded at 7:52 p.m.)

21 ---

22

23

24

25

67

1

2

3

4

5

6

7

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

13

14

15

16

TARA WILSON, C.R.

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, April 4, 2016, beginning at 5:00 p.m.

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

JONATHAN J. REISS, 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 MS. LAMBERTON: Okay. I have
2 five o'clock. Good afternoon, everyone.

3 MR. HOLAHAN: Howdy.

4 MS. LAMBERTON: I would like to
5 call the board of supervisors work session of
6 Monday, April 4, 2016 to order. We'll start with
7 the pledge of allegiance, please.

8 (Pledge of allegiance was
9 recited.)

10 MS. LAMBERTON: I see Heidi
11 just pulled in, so we'll just give her a minute.
12 Well, I guess we can get started. Chuck likes to
13 talk, so we'll start with you. We'll start with --

14 MR. HOLAHAN: We'll send
15 somebody out for dinner.

16 MS. LAMBERTON: We'll start --

17 MR. CHARLES LEONARD: We don't
18 have a presentation, we -- we're here to answer
19 questions --

20 MS. LAMBERTON: No, I --

21 MR. CHARLES LEONARD: -- to
22 clarify the confusion that might have existed as a
23 result of the last one.

24 MS. LAMBERTON: And I
25 appreciate that and thank you both for coming. I

3

1 guess our question was how the K0Z actually affects
2 Mark currently with his property. Technically he
3 is -- and correct me if I'm wrong -- technically he
4 is able to -- or he's not supposed to pay a tax
5 because the K0Z has been issued on that property.

6 MR. CHARLES LEONARD: Yeah,
7 the -- the law doesn't allow a PILOT to be a quid
8 pro quo, but it's something that can be negotiated
9 separately from the discussion in regard to the
10 approval of the K0Z.

11 And of course that's the
12 circumstances under which the original agreement
13 was negotiated and I think it was out of respect
14 for Mark and just longevity and this -- the
15 difficulties that we've had in developing and
16 growing that site and, of course, he has a PILOT
17 also with the school district and I think that the

18 -- presently the current agreement goes to the
19 taxing year of --
20 MR. DENNIS NOONAN: 2019.
21 MR. CHARLES LEONARD: -- 2019.
22 Under the current agreement and
23 of course what we would recommend is that the PILOT
24 be extended, but of course that's subject to action
25 by the board of supervisors.

4

1 MS. LAMBERTON: And then do I
2 understand correctly that when a new user comes in,
3 develops a property, they then benefit for the
4 remainder of the KOZ or is it a set amount of
5 years, I guess that's --
6 MR. CHARLES LEONARD: To avoid
7 confusion, I'll let Dennis --
8 MS. LAMBERTON: Okay. Yeah,
9 that's fine.
10 MR. DENNIS NOONAN: Well --
11 well, currently --
12 THE REPORTER: Can you just
13 state your name, please?

14 MR. DENNIS NOONAN: -- under
15 the current --
16 THE REPORTER: Can you state
17 your name, please?
18 MR. DENNIS NOONAN: Oh, sure.
19 Dennis Noonan, N-O-O-N-A-N.
20 Under the current agreement,
21 which it goes to 2019 -- through 2019, anyone who
22 comes to the site and develops a site and as a --
23 you know, a (inaudible) tenant, there are tax
24 benefits to that -- that person, the developer, the
25 tenant, the landowner to that 2019 end date.

5

1 And so if there was an extension
2 granted from this point to the 2019 termination
3 date when the C0 is issued, between now and that
4 date, they would have six years, so it could
5 potentially go -- if they had a C0
6 --hypothetically had a C0 issued December 31, 2019,
7 they will get six years --
8 MS. LAMBERTON: Oh.
9 MR. DENNIS NOONAN: -- beyond
10 that point. So that's basically what the extension

11 does.

12 Now, if there's -- nobody comes
13 to the site by the current termination date of
14 2019, it automatically will go -- the K0Z will
15 extend another six years and then it will end 2026
16 -- or, you know, the 2000 -- it won't go beyond
17 that point. And then it's just gone. It's done.

18 MS. LAMBERTON: So whether we
19 do an extension or not, it extends to 2026, is that
20 what you're saying?

21 MR. DENNIS NOONAN: No, no,
22 no. You'd have to approve the extension. If you
23 approve an extension, as I said --

24 MS. LAMBERTON: That's where
25 they'll gain the additions?

6

1 MR. DENNIS NOONAN: -- from --
2 from -- from the point of the issuance of the C0,
3 anytime between now and 2019, then from that point,
4 the K0Z is six years out. If nothing came to the
5 site and it was December of 2019, December 31,
6 2019, the K0Z then automatically just goes another

7 six years. So anybody who comes to the site beyond
8 that gets six years, five years, four years, three
9 years, whenever they come to the site. But in 2026
10 it's done, it's over.

11 MR. CHARLES LEONARD: So if you
12 don't --

13 MS. LAMBERTON: Okay.

14 MR. CHARLES LEONARD: -- you
15 don't grant the extension and we get a CO on 2017,
16 then the benefits would expire in 2019.

17 MR. DENNIS NOONAN: Right.

18 MS. LAMBERTON: No, I think
19 it's a wonderful advantage for a user to come in
20 and have that tax advantage given to them, to
21 encourage them to develop in our township, I -- I
22 -- I do not disagree with that at all. But that's
23 just my opinion.

24 So I didn't know if anyone else
25 had any other questions?

7

1 MR. HOLAHAN: Well, where was
2 the confusion because -- was it because of the
3 PILOT? It was the payment in lieu of, it was the

4 issue --

5 MR. CHARLES LEONARD: Right.

6 MR. HOLAHAN: -- not the KOZ
7 itself?

8 MR. CHARLES LEONARD: That's
9 right.

10 MR. HOLAHAN: And my
11 understanding is, a little bit of history of it --
12 but you're right, I wasn't around then, but that
13 was decided because the taxing authorities were
14 kind of selectively reassessing and Mark's property
15 was kind of getting hammered on the increased
16 prices, so the board of dir -- the board of
17 supervisors sometime said, what we're gonna do is
18 we're gonna go ahead and do the PILOT, but -- but
19 the payment in lieu of, are you allowed to do that
20 --

21 MR. CHARLES LEONARD: Yes.

22 MR. HOLAHAN: -- as a --

23 MR. CHARLES LEONARD: You're
24 allowed to do it separate from the process. A --
25 an applicant can't come in and say we'll set up

1 this payment in lieu of taxes if, at the public
2 meeting.

3 MR. HOLAHAN: Got you. Okay.

4 I'm -- but I'm okay with it,
5 Anne. I'm -- I'm -- I'm all right with the setup.

6 MS. PICKARD: Yeah, I am too.

7 MR. HOLAHAN: Okay.

8 MS. LAMBERTON: Anyone else
9 have any other questions?

10 John?

11 Donny?

12 MR. KERRICK: We have -- with
13 the payment in lieu of, that's just the township,
14 correct?

15 MS. LAMBERTON: Yes.

16 MR. KERRICK: Not the school
17 district, the county --

18 MS. LAMBERTON: No, they're
19 separate.

20 MR. KERRICK: -- just us?

21 MS. LAMBERTON: That's just us.

22 MR. KERRICK: And we -- and we
23 decided the 25 percent, did I read that correctly?

24 MS. HAASE: That is correct.

25

MS. LAMBERTON: That's my

9

1 understanding.

2 MR. KERRICK: 25 percent of --

3 MS. PICKARD: The county redid

4 it entirely -- they didn't take a payment so they

5 were getting nothing --

6 MR. KERRICK: County's getting

7 nothing and the school district --

8 MS. PICKARD: And the school

9 district was getting a hundred percent.

10 MR. KERRICK: -- a hundred

11 percent, but I do remember now that you refresh my

12 memory on the --

13 MR. HOLAHAN: Right.

14 MR. KERRICK: -- that

15 assessment. And we were here. Jaime --

16 MS. PICKARD: Yeah. And Jaime

17 was the one who did the calculation.

18 MR. HOLAHAN: Of course that

19 discussion went on much longer than this one is.

20 MR. CHARLES LEONARD: I wasn't

21 involved, was I?

22 MR. HOLAHAN: Oh, it could have
23 been worse.

24 MR. KERRICK: Do we need to do
25 any action?

10

1 MS. LAMBERTON: I don't think
2 -- do we have to redo a motion to --

3 MR. REISS: If you're going to
4 -- if you're going to confirm what you did at your
5 last --

6 MS. LAMBERTON: Last meeting.

7 MR. REISS: -- meeting, you
8 don't have to do anything because you adopted a
9 resolution.

10 MS. LAMBERTON: Yes.

11 MR. HOLAHAN: Cool.

12 MR. REISS: I prepared it and
13 sent it to Phyllis. I said hold off on signing it
14 until you had this discussion --

15 MS. LAMBERTON: Right.

16 MR. REISS: -- tonight because
17 it continued everything that was in place.

18 MS. LAMBERTON: Okay.
19 MR. REISS: So you can sign
20 that now.
21 MS. LAMBERTON: Okay. So the
22 general consensus is, we're fine with our decision
23 that we made at our last meeting?
24 MR. HOLAHAN: Yes.
25 MS. LAMBERTON: Okay. Good

11

1 luck.
2 MR. CHARLES LEONARD: Okay.
3 Very good.
4 MS. LAMBERTON: Bring -- bring
5 us a developer.
6 MR. CHARLES LEONARD: That's me
7 and he's at the same address.
8 THE REPORTER: Okay.
9 MS. LAMBERTON: Thank you for
10 explaining that to us. It was such a lovely night
11 out. We --
12 MR. DENNIS NOONAN: It was as
13 clear as mud, right? Thank you everybody.
14 MS. LAMBERTON: Thank you.

15 MR. CHARLES LEONARD: Clearly,
16 I didn't understand it like I should've --
17 MS. LAMBERTON: That's okay.
18 MR. CHARLES LEONARD: -- at the
19 last meeting.
20 MS. LAMBERTON: But now we
21 understand.
22 MS. PICKARD: You were filling
23 in, so --
24 MR. CHARLES LEONARD: Yeah,
25 thank you so much.

12

1 MS. LAMBERTON: Thanks.
2 MR. HOLAHAN: Never send the
3 boss to what somebody else can do.
4 MS. LAMBERTON: Okay. We're
5 moving on to new business. Consider approving
6 certificate of developer request for Payment No. 13
7 for Kalahari Resort's sewer account in the amount
8 of \$16,152.57.
9 MR. HOLAHAN: I'll make that
10 motion to approve the developer request for Payment

11 13.

12 MS. PICKARD: I'll second

13 that.

14 MS. LAMBERTON: I have a motion

15 and a second.

16 Any questions or comments from

17 the board?

18 Questions or comments from the

19 public?

20 Seeing none. Call the vote.

21 John?

22 MR. KERRICK: I vote in favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: I vote in favor.

25 MS. LAMBERTON: John?

13

1 MR. HOLAHAN: Yes.

2 MS. LAMBERTON: Donny?

3 MR. MOYER: I vote in favor.

4 MS. LAMBERTON: And I'll

5 abstain due to a conflict. Motion carries.

6 MS. LAMBERTON: Item No. D,

7 consider approving certificate of developer in

8 request for Payment No. 14 for Kalahari Resorts
9 sewer account in the amount of \$142,478.
10 I'll entertain a motion.
11 MS. PICKARD: Everybody signed
12 off of that one. I know the other one was --
13 MR. MOYER: So moved.
14 MS. PICKARD: I'll second
15 that.
16 MS. LAMBERTON: Motion and
17 second.
18 Questions or comments from the
19 board?
20 Questions or comments from the
21 public?
22 Seeing none. Call the vote.
23 John?
24 MR. KERICK: I vote in favor.
25 MS. LAMBERTON: Heidi?

14

1 MS. PICKARD: I vote in favor.
2 MS. LAMBERTON: John?
3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: Donny?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: And I'll

7 abstain.

8 Moving on to our proposed sign
9 ordinance.

10 MS. HAASE: Yes, ma'am. Bob
11 McHale, Maureen Minnick and I, as requested by the
12 board, we sat down and we looked at the three types
13 of signage that the board wanted us to review.

14 So the first one that we
15 approached was, there was a discussion that they
16 would like addition -- you would like additional
17 signage on holiday weekends. So the proposed
18 ordinance we have submitted to you and this would
19 allow, for federal holidays, a business owner to
20 put a sign up the Thursday prior to the holiday and
21 remove it within 48 hours after the holiday. It's
22 pretty straightforward.

23 We currently -- business owners
24 now can put up signage for special events three
25 times per year, so this just extends it into the

1 federal holidays as you had requested.

2 MS. LAMBERTON: What about like
3 for grand openings or a new business into the
4 township?

5 MS. HAASE: That is in our
6 ordinance already.

7 MS. LAMBERTON: So they can
8 leave that up for how long?

9 MS. HAASE: 14 days. In front
10 of you, I also had placed a packet. The packet
11 that you have, these are the current signs that a
12 business owner currently would -- allowed to be put
13 up. So they are allowed to have a free-standing
14 sign, a wall sign, canopy sign or a roof sign. So
15 --

16 MS. LAMBERTON: Or one of them?

17 MS. HAASE: No, no. They're
18 allowed to have a free-standing sign and either a
19 wall sign, canopy or roof sign. So they're allowed
20 two signs there. Then they're allowed to put in as
21 many signs as they'd like in the windows as long as
22 50 percent of the window is shown, that's on the
23 third page.

24 Then you have an example of a
25 directory sign. They're allowed to have one of

1 these signs or depending on how large the lot is,
2 they could have two.

3 On the next page, you will find
4 race weekend banners. I'm sorry.

5 MS. LAMBERTON: I'm sorry.
6 Going back to that directory sign, what is the
7 difference on the lot sizes where it triggers one
8 or two?

9 MS. HAASE: I want to say it's
10 a separation of 300 feet for the entrances. Is it
11 300 feet?

12 MS. MINNICK: And I believe
13 it's two entrances. I don't think more than two
14 entrances like Ahart's, it would be allowed.

15 MS. HAASE: Ahart's, Blakeslee
16 Village Plaza.

17 MS. LAMBERTON: And you need
18 300 foot distance between those two driveways?

19 MS. MINNICK: I don't know
20 offhand, but I believe so.

21 MS. HAASE: I believe it's 300.

22 MS. PICKARD: We can look it
23 up on our website.

24 MS. LAMBERTON: Okay. Just a
25 question.

17

1 MS. HAASE: Okay. Then you'll
2 find twice a year the business owner would be able
3 to put up a banner for the race weekend. Following
4 that, three times per year for a 14 day span,
5 they're allowed to put up a sign for a special
6 event.

7 Then for a new business, on the
8 next page, they're allowed to put up a banner.
9 They're also allowed three times per year for two
10 weeks each time to put up a sale sign. And then
11 the going out of business, that's regulated by the
12 state, and that's 30 days.

13 So currently this is the signage
14 that would be allowed. So there's -- there's
15 actually quite a bit of signage that's allowed.
16 The problem that businesses are having, when
17 they're in the strip mall, those are the businesses
18 that have some obstacles to overcome. If it's one

19 -- if it's a one business on one parcel of land,
20 there's a lot of signage that they could put up.
21 It's the individual that's in a strip mall with,
22 say, 10, 15 businesses, that's where it becomes a
23 little limited on the marquee because it's not just
24 their business being advertised. It -- they would
25 have to share that and of course that's between the

18

1 landlord and the tenant.

2 But I just wanted to show to you
3 what currently a business was able to put up.

4 MR. HOLAHAN: Phyllis, did you
5 say on the race weekends too?

6 MS. HAASE: Um-hum.

7 MR. HOLAHAN: So how about if
8 we have three races or four races, it doesn't
9 matter, right?

10 MS. HAASE: Well, our current
11 ordinance speaks to NASCAR, so now they have an
12 Indy race, so in the proposed ordinance, we have
13 included the Indy races, but certainly if they put
14 up a banner for the Indy race, the township allows

15 that.

16 MR. HOLAHAN: Okay. Good. And
17 then special events as well, special events in the
18 township?

19 MS. HAASE: Um-hum.

20 MR. HOLAHAN: Pocono Raceway is
21 having -- is hosting the air show this August, so
22 that would be something that the businesses may be
23 able to post about?

24 MS. HAASE: If there's some
25 way they can work it into their business, yes.

19

1 MR. HOLAHAN: Okay. Welcome
2 air show attendants --

3 MS. PICKARD: What do you mean
4 if they can work it in?

5 MS. HAASE: Well, they can't
6 advertise that air show because that's in another
7 municipality. If they wanted to have some event
8 for the air show and say they're displaying some
9 type of souvenirs or something related to that,
10 then, yes. It needs to be something related to the
11 community as the way the ordinance is written out.

12 MS. PICKARD: So Donny can't
13 make airplane shaped pancakes?

14 MR. HOLAHAN: Well, it's not
15 -- it's got to be a building, he's not allowed
16 there.

17 MS. PICKARD: Like for the
18 race, all the places -- I'm not sure what the
19 connection is, that they sell beer or something.

20 MS. HAASE: Well, say they
21 wanted --

22 MS. PICKARD: All the
23 restaurants, they welcome race fans.

24 MS. HAASE: -- they wanted to
25 have a -- some type of a festival at their business

20

1 or put some of the wares outside of their business,
2 that would be allowed and that's for a two week
3 span.

4 MS. PICKARD: That's a special
5 event --

6 MS. HAASE: Correct.

7 MS. PICKARD: -- not a NASCAR

8 thing?

9 MS. HAASE: Correct.

10 MR. HOLAHAN: Right.

11 MS. LAMBERTON: But it has to

12 be a special event that they're hosting?

13 MS. HAASE: Yes, ma'am.

14 MS. PICKARD: Yeah, that's the

15 difference.

16 MS. HAASE: The difference of

17 the NASCAR, that would be for the entire community

18 to welcome and support the fans that are coming in.

19 MR. REISS: Couldn't they have

20 one of these special sale signs and say --

21 MR. HOLAHAN: Air show sale.

22 MR. REISS: Right.

23 MS. HAASE: Oh, they could.

24 But I don't know if they want to use -- they

25 certainly could do that.

21

1 MR. HOLAHAN: Somebody could

2 read it like Mock 1.

3 MS. HAASE: Yeah. So there's

4 -- there's many ways and when a business comes in,

5 that's something the zoning officer or if they --
6 or if they meet with me, we always tell them, these
7 are the types of signage that you're allowed and
8 you're allowed to put it up race weekends, you're
9 allowed to have sale banner -- or signs, so they're
10 informed when they come in. Again, the obstacle
11 would be for the businesses that are in a plaza.

12 MS. LAMBERTON: So that
13 apparently has to be addressed.

14 What are the biggest complaints
15 you hear from folks that want signage for their
16 businesses? And it's got to come to you, right?

17 MS. MINNICK: It comes to
18 pretty much all of us, but the biggest complaint is
19 that they can't see, you know, their sign or the
20 traffic -- the speed limit's too high for anybody
21 to see what's in the plazas.

22 MS. LAMBERTON: Well, I know
23 that was a concern with the digital sign, I mean,
24 with the traffic. It's like, you know, how -- how
25 do you time that, somebody doing 70 miles an hour

1 on 380; you're seeing, you know, 45, 50 miles an
2 hour on certain sections of 940, so what do we do
3 -- any suggestions on how we can work with these
4 folks so we can --

5 MS. MINNICK: I don't know if
6 there is a way to address it without overpopulating
7 the area with the signage.

8 MR. HOLAHAN: Well, I certainly
9 understand, what happens is, as businesses, we're
10 fighting for the attention of -- most everybody
11 that's going by us and therein lies where the
12 problem is, because now everybody is putting out as
13 much as -- so they can get noticed over somebody
14 else. And then that's when you start seeing the --
15 those flag banners and the big dancing air filled
16 -- you know what I'm talking about, right? Those
17 --

18 MS. MINNICK: Inflatables.

19 MS. PICKARD: I was in
20 Philadelphia yesterday -- I was in Philadelphia,
21 and we're trying to find a restaurant. So we were
22 like going by (inaudible) and trying to find things
23 and we were driving in the plazas going down and
24 looking what the businesses were. I certainly
25 couldn't see the sign there, so the only way for me

1 to know what was there was to pull in the plaza and
2 drive down the corridor.

3 I mean, I think that is wherever
4 I go, if there's no electronic flashing signs
5 weren't going to, you know, just a matter of
6 whether we have the traffic, whether is a good
7 location, whether you can see it. I know Liberty
8 Plaza seems to be in a little bit of a hole there
9 and it's very difficult and that's something, I
10 don't see, that we're going to fix and that seems
11 to be the major problem.

12 I don't know if electronic signs
13 at -- with some rotation or something would make
14 sense at strip plazas that have multiple uses or
15 not, but, you know, I don't see how we can fix it
16 by the size of the sign. We already -- they can
17 put it on the roof or on the face there. I don't
18 know, depending on the landlord, whether they can
19 have a canopy sign, but those A-frame signs are
20 just worthless. That's for when you're walking
21 down the plaza and you want to see what the daily
22 specials are. That's a walkable thing. I don't

23 think those A-frame signs at 45 miles an hour on a
24 highway is not gonna do anything except pose a
25 danger if they move around.

24

1 MS. HAASE: I -- we did
2 address the A-frame signs as well.

3 MR. HOLAHAN: Yeah.

4 MS. HAASE: That was -- that
5 was in there.

6 MS. PICKARD: But I think we
7 need to see what the problem is. What I was
8 thinking initially, until you brought up the plaza,
9 is maybe we need to have some workshops, you know,
10 once a month, like she -- we have the manager
11 meetings, for businesses to talk to Maureen and ask
12 the zoning officer and have some things on signage
13 so that we can educate the business owners and --
14 and some of those people to see what -- what
15 options they have for their particular
16 circumstances to improve their visibility.

17 But I think it really -- they
18 need to advertise in -- in publications and, you

19 know, like everybody else trying to get business,
20 you know. I mean, I don't think, especially in the
21 middle of the township, you're just gonna have
22 enough traffic driving by, to warrant that as a
23 change.

24 MS. LAMBERTON: Maybe we can
25 look at an ordinance with their distance from the

25

1 road.

2 MS. HAASE: That's what our
3 ordinance speaks to now.

4 MS. LAMBERTON: So no matter
5 whether you're on the -- right up against the road
6 or you're 150 feet back, they have the same sign
7 ordinance?

8 MS. HAASE: No.

9 MS. PICKARD: No.

10 MS. HAASE: Depends how far
11 back you are, is how large your sign becomes.

12 MS. PICKARD: Could you give
13 an example so maybe we could understand that a
14 little bit better? Like a building like a hundred
15 foot back from the cartway?

16 MS. MINNICK: So any building
17 that's a distance of 10 to 50 feet from street
18 cartway, they're allowed 5 percent of wall area
19 exposed to the street; 50 to 150 feet they're
20 allowed 10 percent of wall area; and then it goes
21 151 or greater, they're allowed 15 percent.

22 MS. HAASE: So that would be
23 for their wall sign.

24 MS. PICKARD: Okay.

25 MS. HAASE: Or if they painted

26

1 it on the building. If it's a roof sign, it's
2 different. If you take the whole length of the
3 building and you divide it by half, and it can be
4 two and a half foot in height. So there's
5 different regulations for different types of signs.

6 MS. LAMBERTON: So the height
7 of that roof sign doesn't vary depending on the
8 distance?

9 MS. HAASE: No.

10 MS. LAMBERTON: You're saying
11 to me that's two feet --

12 MS. HAASE: Two and a half
13 feet, correct.

14 MS. LAMBERTON: Two and a half
15 feet, no matter how far -- I mean, it would make
16 sense to me the further they are away, the more
17 height we would allow for visibility for those
18 folks.

19 MS. MINNICK: Right. Kalahari
20 --

21 MS. LAMBERTON: Well, maybe --

22 MS. MINNICK: -- Kalahari was a
23 perfect example. They have --

24 MS. LAMBERTON: It was a prime
25 example.

27

1 MS. HAASE: It was the size of
2 the building, right?

3 MS. MINNICK: -- it was the
4 size of the building.

5 MR. HARRY FORBES: A few times.

6 MS. LAMBERTON: Yeah.

7 MS. PICKARD: Well, for that
8 it was nothing --

9 MS. LAMBERTON: You know, maybe
10 we can look at that. And is that 5 percent for
11 zero to 50 feet, is that large enough, is that
12 visible for people 50 feet away?

13 MS. PICKARD: I don't know
14 what would reach. Is there other --

15 MR. JOHN HOLAHAN: There's no
16 big buildings.

17 MS. PICKARD: -- comparisons we
18 can look at for that, what Manor Township and some
19 of the other ordinances or local ordinances have.

20 MS. HAASE: Again, it depends
21 the size of the building.

22 MS. PICKARD: I know --

23 MS. HAASE: Of the facade of
24 the building.

25 MS. PICKARD: -- but if others

28

1 have different size of percentages --

2 MS. LAMBERTON: Well, maybe it
3 shouldn't be the size of the building, maybe it
4 should be a distance. Let's say someone can afford

5 to --

6 MS. MINNICK: Well, it does go
7 from the distance from the street, but it's also --
8 that's what they're allowed, five percent --

9 MS. PICKARD: Five percent of
10 what? The --

11 MS. HAASE: The --

12 MS. LAMBERTON: The front of
13 the build -- the building that faces 940 or 115.

14 MS. MINNICK: The building --

15 MS. PICKARD: The area of the
16 --

17 MS. LAMBERTON: Do you know
18 what I'm saying?

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: Maybe the
21 building isn't big enough to warrant --

22 MR. MOYER: Or maybe --

23 MS. LAMBERTON: -- maybe we
24 need to take that into consideration for folks that
25 are far back and they have a small building --

1 MR. MOYER: Five percent ---

2 MS. LAMBERTON: -- that doesn't
3 really help them at all.

4 MR. MOYER: Right. But like
5 when you go in a strip mall, the five percent of
6 the building is only -- a certain part is your part
7 of the building.

8 MS. PICKARD: Yeah, if you
9 have little small --

10 MR. MOYER: You have ten stores
11 in there, so --

12 MS. LAMBERTON: Well, you know,
13 I mean, that's where the canopy comes into play and
14 things like that, that would, A, attractive, you
15 know; B, it would be additional signage.

16 MS. HAASE: And the cabinet --
17 once the cabinet's install, they -- when a new
18 tenant comes in, they don't replace everything,
19 they just do the sign face. The landlord generally
20 will put up the cabinet and when a new tenant comes
21 in, they just do the sign face. So they don't
22 change that. That doesn't get -- I don't think, to
23 be honest with you, in ten years of being here that
24 I ever recall one of them being changed.

25 MS. PICKARD: But it is

1 something a landlord may have put in because of our
2 restrictions and they opt to make bigger.

3 MS. LAMBERTON: Yeah, leave it
4 alone before -- yeah, because then it's
5 grandfathered in.

6 And are we giving the multiple
7 stores in a strip, or whatever, enough size so
8 they're legible? 'Cause you hit the nail on the
9 head, Maureen, when you're going 45 miles an hour,
10 it's very hard to see multiple names and maybe we
11 should, I don't know, border or a distance between
12 names or something, I don't know. I don't know,
13 something -- we need to -- we need to --

14 MS. PICKARD: They're supposed
15 to be marked through.

16 MR. HOLAHAN: Well, I was just
17 gonna say that, you know --

18 MS. LAMBERTON: But if you're
19 looking for something. If you're looking for
20 something.

21 MS. PICKARD: Like I said, I
22 have to pull in.

23 MR. HOLAHAN: -- become

24 distracting me.

25 MS. PICKARD: Yeah. I mean,

31

1 we had this conversation when we were doing the
2 revised ordinance with one of the folks that had a
3 small building and I think the square footage had
4 something to do with the size of -- whether it was
5 a roof or the main side and they have a tiny little
6 building down here and they have six businesses in
7 there and they can't fit six legible signs.

8 MS. LAMBERTON: Maybe we could
9 have a minimum -- maybe have a minimum, not like
10 five percent of the building front, have a minimum
11 square footage, so if that is a small building,
12 they at least get a sign that is visible, that is
13 not based on a percentage of a smaller structure 50
14 feet off the road that you can't see.

15 MR. HOLAHAN: Well, I wouldn't
16 mind working on a --

17 MS. PICKARD: Yeah.

18 MR. HOLAHAN: -- a formula for
19 that so that we can quantify what is a small

20 building.

21 MS. LAMBERTON: Right. Right.

22 That's what I mean. You should have like a -- a
23 size minimum that at least they'd be able to
24 benefit from.

25 And -- and what -- what are our

32

1 thoughts on -- like while they're open, like open
2 signs and things like that? I mean, I think that's
3 an attraction getter for businesses.

4 MS. HAASE: In the proposed
5 ordinance the board was allowing open signs.

6 MS. PICKARD: But they were
7 flags, they were pretty much rectangular flags,
8 weren't they not --

9 MR. HOLAHAN: Yeah, but then --
10 yeah, you just put them up and bring them in at
11 night.

12 MS. PICKARD: And you put them
13 out and --

14 MS. MINNICK: They were
15 attached to the building.

16 MR. HOLAHAN: They have to be
17 attached to the building, yeah.

18 MS. LAMBERTON: Harry?

19 MR. HARRY FORBES: A lot of
20 businesses are now going to the electronic neon
21 signs for open, so I don't know if you cover that
22 in your ordinance.

23 MS. LAMBERTON: Yeah, I think
24 that's allowed --

25 MS. HAASE: Yeah, that's

33

1 currently allowed.

2 MS. LAMBERTON: Yeah, yeah.

3 MR. HARRY FORBES: A lot of
4 them are going to those --

5 MS. HAASE: Yeah, that's
6 currently allowed.

7 MR. HARRY FORBES: -- those
8 types of purses, the little plaque sign.

9 MS. LAMBERTON: Right. I'm not
10 opposed to seeing --

11 MS. PICKARD: If they had them
12 at the window, they could -- that's what I see when

13 I -- I pull into Amadeo's, the -- the neon open
14 sign is what catches my eye, that I know they're
15 open, but I know the business is there already, you
16 know?

17 MR. HOLAHAN: Yep.

18 MS. LAMBERTON: Right.

19 MR. MOYER: But it has to be
20 attached to the building. This is the problem with
21 something that's 300 feet off the road, to be able
22 to take a sign out in the morning and put it out
23 there.

24 MS. LAMBERTON: During business
25 hours.

34

1 MR. MOYER: Right. And bring
2 it back. But I know the guy at the gun shop takes
3 his thing because it has to be to a vehicle or
4 staked in and whatever, so he parks out there and
5 he puts it on.

6 MS. LAMBERTON: And that
7 building is hidden --

8 MR. MOYER: It's set back,

6 sense with an A-frame sign.

7 MS. HAASE: -- that's what we

8 put out --

9 MS. LAMBERTON: Right.

10 MS. HAASE: -- I presented to

11 you.

12 MS. LAMBERTON: Right.

13 MS. HAASE: Is the board happy

14 with the proposal for the special event, federal

15 holidays?

16 MR. HOLAHAN: I am.

17 MS. PICKARD: I -- I am. I

18 think that's a happy medium, you know.

19 MS. HAASE: Is that what you

20 were looking for, Donny, something like that for

21 the holidays?

22 MR. MOYER: Yeah, I mean, I

23 think for people that have businesses that -- that

24 rely on that weekend and holidays, that's --

25 MS. PICKARD: But Donny's

1 saying that if he puts those banners up, you're not

2 gonna see them 300 feet off the road.

3 MR. MOYER: Yeah, you have to
4 have them connected to the building, it makes no
5 sense.

6 MS. HAASE: No, no, no, no.
7 This -- the special event signs are not connected
8 to the building.

9 MS. PICKARD: Okay. But where
10 are they?

11 MS. HAASE: It's a -- it's
12 what we currently have now, we've just added
13 special -- the federal holidays. So an individual
14 can put up a 20 square foot sign as long as it's
15 not in the right of way. They can -- they can
16 currently do that now for a special event. We just
17 added two at the board's request to include the
18 holidays.

19 MS. LAMBERTON: So that's five
20 by four sign.

21 MR. MOYER: Yeah. Well,
22 that's -- at least the holidays help for a lot of
23 the places.

24 MS. PICKARD: I think you have
25 the holiday, that's when the people are that don't

1 know where anything is. They're up here on the
2 holidays and during the summer and during the race
3 weekend --

4 MR. MOYER: Yeah, anything.
5 The antique store, any -- any place. If you can
6 get it out there and say --

7 MS. PICKARD: -- so you'd have
8 Memorial Day, Labor Day and --

9 MR. HAASE: There's ten federal
10 holidays.

11 MS. PICKARD: -- you have a
12 special event during July or August and they -- and
13 they can piggyback off the races.

14 MS. HAASE: So it would be ten
15 spec -- it's ten federal holidays, plus the race
16 weekends, plus the sale weekends, plus the special
17 event weekends. So if they really timed this, they
18 could --

19 MS. LAMBERTON: They can have a
20 special event every weekend.

21 MS. HAASE: It's limited --
22 it's limited to three per year.

23 MR. REISS: But they need a

24 permit each and every time?

25 MS. HAASE: There's not a

38

1 charge for that, it just triggers when they're
2 going up versus when they're coming down. So
3 there's not a charge. We do not charge anyone.

4 MR. MOYER: You just have to
5 check in and let you know.

6 MR. HOLAHAN: Could we do that
7 online? Can we get that --

8 MS. HAASE: Permits? We can
9 now.

10 MR. HOLAHAN: Cool.

11 MS. LAMBERTON: Okay. Anything
12 -- anybody else have any --

13 MR. KERRICK: Could they put it
14 in for the whole year?

15 MS. LAMBERTON: Oh, like make a
16 list of --

17 MR. KERRICK: Make a list --

18 MS. LAMBERTON: Yeah.

19 MR. KERRICK: -- or no?

20 MS. PICKARD: Well, I think
21 they want to go out and monitor it, whether --
22 MR. REISS: Now, the -- the --
23 it sounds like what you're saying is --
24 MS. PICKARD: Aren't you going
25 to make --

39

1 MR. REISS: -- fill out --
2 MS. PICKARD: -- sure they take
3 them down.
4 MR. MOYER: Yeah.
5 MR. REISS: -- fill out the
6 permit once --
7 MS. LAMBERTON: Yeah.
8 MS. PICKARD: Make sure they're
9 correct.
10 MR. REISS: -- and then the
11 township has it and can go out and check it.
12 MS. LAMBERTON: Yeah.
13 MR. REISS: As opposed to
14 having to do it each and every time.
15 MS. PICKARD: I think we can
16 make easy enough for them to e-mail --

17 MS. LAMBERTON: It makes sense.

18 MS. PICKARD: -- the form to
19 Maureen or something.

20 MR. HOLAHAN: I think that it
21 is more than -- it's not to trigger Maureen to jump
22 in a car and go take a look, I think it's to define
23 and clarify what the rules and regs are so that
24 people understand that.

25 MS. PICKARD: That is true

40

1 too.

2 MR. HOLAHAN: We want -- we
3 don't need a sign police.

4 MS. LAMBERTON: Maybe we should
5 take their special events --

6 MS. MINNICK: We got lots of
7 them.

8 MS. HAASE: We have them
9 already.

10 MS. PICKARD: Yeah, we have
11 about 4 or 5,000 of those.

12 MR. HOLAHAN: Got you.

13 MS. LAMBERTON: Maybe we could
14 take special events from maybe three to five.

15 MS. PICKARD: I don't know. I
16 don't think you need it if you have the races and
17 all the ten holidays and special events.

18 MS. HAASE: Right. The
19 special events and the sales, those are separate.

20 MS. PICKARD: They're
21 separate, so you have special events and sales to
22 cover the other ones. I think that --

23 MS. LAMBERTON: And there's
24 three of each?

25 MS. HAASE: Yes.

41

1 MS. LAMBERTON: Three special
2 events and the three sales?

3 MS. HAASE: Um-hum.

4 MS. PICKARD: Yeah.

5 MS. HAASE: And ten holidays,
6 three races.

7 MR. MOYER: They have the truck
8 race this year too.

9 MR. HARRY FORBES: Yeah, we

10 have the trucks here this time too.

11 MR. MOYER: And that's NASCAR.

12 MS. PICKARD: I think we need

13 to clarify the NASCAR versus the --

14 MS. MINNICK: Is that on a

15 separate weekend or is it --

16 MR. MOYER: It's sep --

17 MS. MINNICK: It is a separate

18 weekend --

19 MR. MOYER: I don't know. I'm

20 not sure.

21 MS. MINNICK: -- or is it the

22 same weekend --

23 MR. MOYER: No, it's probably

24 the same weekend, now that you say that.

25 MS. PICKARD: But if we have

42

1 an Indy, do we need to correct anything to put --

2 MS. HAASE: In the proposed

3 ordinance, we are correcting that.

4 MR. HOLAHAN: I say we run with

5 it and then --

6 MS. PICKARD: Yeah, I --
7 MR. HOLAHAN: -- we fix it as
8 we need to.
9 MS. PICKARD: Everything's a
10 living document so --
11 MR. HOLAHAN: Yeah. We got to
12 start somewhere here, so I think that --
13 MS. PICKARD: Yeah.
14 MR. HOLAHAN: I like what was
15 put forward here.
16 MS. PICKARD: And I think if
17 we do it soon and do it quickly instead of, you
18 know, mentally --
19 MR. HOLAHAN: Instead of not.
20 MS. PICKARD: -- massaging it,
21 it will get done before -- it will get done before
22 the holidays start.
23 MR. MOYER: Yeah, move them
24 forward and then --
25 MS. PICKARD: Get it done --

43

1 MR. MOYER: It's better than
2 not doing it.

3 MS. PICKARD: -- before

4 Memorial Day so they can get going on it.

5 MR. REISS: Whatever you --

6 MS. PICKARD: The only thing --

7 MR. REISS: -- whatever you

8 decide tonight, you can authorize to go to the

9 township and the county planning commission, you

10 have to let it sit with them for at least 30 days

11 from when you send it, but you could decide tonight

12 when you want to have your public hearing on

13 adopting the ordinance so that when you send it out

14 to those planning commissions, in that cover

15 letter, you -- it can -- they know when their

16 comments need to come back by.

17 MS. PICKARD: Could we do it

18 for May? The only thing we need to work on is that

19 percentage thing, if you think we could try upping

20 that a bit.

21 MS. HAASE: Well, if -- if the

22 board wants to move that quickly with our proposed

23 ordinances, when we sat down and started reviewing

24 them, we did find areas that there was conflicts

25 and we found some that needs to be addressed by the

1 board. So if that is your intent, then perhaps
2 maybe another work session soon so we can just go
3 through page by page through this ordinance --

4 MS. LAMBERTON: The sign
5 ordinance has conflicts?

6 MS. HAASE: Yes, ma'am.

7 MS. LAMBERTON: Let's have
8 them.

9 MS. PICKARD: Can we just
10 highlight those --

11 MS. LAMBERTON: Let's do it.
12 We're here.

13 MS. PICKARD: --- and have them
14 for next week? We're meeting next week.

15 MS. HAASE: I can circulate
16 that, sure, if you'd want and then --

17 MS. PICKARD: Can you
18 highlight and write on what the conflicts are and
19 how you're proposing --

20 MS. LAMBERTON: Give me a for
21 instance of a conflict?

22 MS. HAASE: One would be, say,
23 the definition of special events. What's in the

24 ordinance, what the definition of a special event
25 is different than what's in the sign section of a

45

1 special event, so that would need to be --

2 MS. LAMBERTON: It's like
3 housekeeping basically?

4 MS. HAASE: Some of them, yep,
5 some of it is. So we could --

6 MS. LAMBERTON: It's not earth
7 shattering.

8 MS. HAASE: No.

9 MS. LAMBERTON: Okay. Everyone
10 okay --

11 MS. HAASE: Yeah.

12 MS. LAMBERTON: -- with an
13 e-mail coming out with --

14 MS. PICKARD: You can highlight
15 --

16 MS. LAMBERTON: -- highlights
17 of --

18 MS. PICKARD: -- in yellow or
19 --

20 MS. HAASE: Absolutely.

21 MS. PICKARD: -- italicize the
22 proposed and what's wrong and --
23 MR. MOYER: Yeah.
24 MS. HAASE: Um-hum.
25 MS. PICKARD: Okay. And then

46

1 you'll get that out, if that could be done the end
2 of the week --
3 MS. HAASE: Yep. Absolutely.
4 MS. PICKARD: -- board a packet
5 and we can discuss it and see if we can authorize
6 it for advertising for Monday? The only thing that
7 I'm concerned about is that 5, 10, 15 percent.
8 MS. HAASE: Are you gonna be
9 able to -- like it has to be reviewed by you and
10 also renumbered then and --
11 MR. REISS: And we'd have to
12 prepare the legal advertisement. I don't think
13 you're gonna have a hearing in May unless tonight
14 they authorize it and even then it's close.
15 MS. HAASE: It's gonna be
16 difficult.

17 MR. REISS: Right.
18 MS. HAASE: We can have a
19 special meeting in May if that works for the board.
20 MR. REISS: It would have to be
21 later in the month though 'cause even if you say at
22 your April meeting next week that -- to send it,
23 your planning commissions have to -- the two
24 planning commissions have to have it for at least
25 30 days.

47

1 MR. MOYER: Right.
2 MR. REISS: And before it can
3 go out to them, it needs to be reformatted, I
4 guess, it sounds like.
5 MS. HAASE: So we'd almost
6 have to ask the Tobyhanna Township Planning
7 Commission also perhaps to have a special meeting
8 in order to -- if you want to look at the end of
9 May. If not, it would be the June meeting.
10 MS. PICKARD: Are they meeting
11 this Thursday?
12 MS. HAASE: We won't have it
13 for this Thursday. I don't think --

14 MS. LAMBERTON: How about --
15 MS. HAASE: -- Jonathan will --
16 MS. PICKARD: Yeah, but you
17 wanted to have the changes to get to us, the board
18 packet by Thursday.
19 MS. HAASE: You will have it
20 by the end of the week, but I don't think we're
21 gonna be able to accomplish this by Wednesday, the
22 board -- the planning commission meets Thursday.
23 MS. LAMBERTON: What about
24 digital signs, what are people's thoughts on that?
25 MR. KERRICK: Before we go on

48

1 to the digital --
2 MS. LAMBERTON: I'm sorry.
3 MR. KERRICK: -- John, you had
4 mentioned a formula, do you have any ideas for that
5 so we can finalize that while we're right here?
6 MR. HOLAHAN: No, I have none.
7 Only in the -- Anne was saying the -- that the --
8 it's a small building set way back, even 15 percent
9 of a small area is not gonna be enough, so you get

10 very convoluted as we start going through that.

11 MR. KERRICK: Yeah, and --

12 MS. MINNICK: Let me just --

13 let me just go back. Even if it's a small building

14 that sits 300 feet back, they still have that

15 free-standing sign that they have the ability to

16 use.

17 MR. HOLAHAN: And that's -- and

18 what's the limit on that sign now?

19 MS. MINNICK: That's based on

20 the heated square footage of the building, so if

21 it's --

22 MS. HAASE: The minimum would

23 be 80 -- 80 square feet. It would be the minimum.

24 MR. HOLAHAN: Is that 40 each

25 side?

49

1 MS. MINNICK: Um-hum. Yeah,

2 and as -- and bigger the building goes, of course,

3 the bigger the sign it is.

4 MR. HOLAHAN: Right.

5 MS. HAASE: Again, it's not

6 that building, it's the plazas. That's the

7 problem.

8 MR. HOLAHAN: Yeah.

9 MS. HAASE: So perhaps a way
10 to resolve this is, we look at the size of the
11 directory sign that's allowed and the board
12 considers increasing that because right now they're
13 allowed to have -- I think it's 15 -- is it 15 feet
14 or 15 square feet per occupant? So perhaps that's
15 something the board can look at, for the directory
16 signs, to increase that and then it's going to be
17 up to the property owner whether they so choose to
18 replace their sign or not.

19 MR. HOLAHAN: So now you say
20 per occupant --

21 Excuse me a second, Heidi.

22 -- say per occupant, could it be
23 the percentage of the building the occupant has?

24 MS. HAASE: Well, that will
25 fluctuate because you may have an individual that

50

1 takes three suites.

2 MR. HOLAHAN: Right. So they

3 might get three of the slot -- three -- they might
4 get 45 feet.

5 MS. HAASE: Correct. And
6 that's up -- between the landlord --

7 MR. HOLAHAN: Okay.

8 MS. HAASE: -- and the tenant.

9 MR. HOLAHAN: All right.
10 That's -- that's all I was thinking.

11 MS. PICKARD: No, what I was
12 just gonna say is, can we just fix the special
13 events and those simple things now and then come
14 back and look at the --

15 MR. HOLAHAN: Percentage.

16 MS. PICKARD: -- the
17 percentages to do Phase 2? And so we can get one
18 done that's simpler and then wait and come back and
19 do the other?

20 MS. HAASE: It may be easier
21 and quicker --

22 MS. PICKARD: That's what I'm
23 saying.

24 MS. HAASE: -- is if we take
25 our current ordinance and drop this --

1 MS. PICKARD: Yeah.

2 MS. HAASE: -- in there, than
3 to go through the entire proposed ordinance again,
4 we may very well be able to get that to the
5 planning commission by Thursday.

6 MS. PICKARD: Can we do that?

7 MS. HAASE: If the --

8 MS. PICKARD: And then at least
9 that would have the summer season. The businesses,
10 by Memorial Day, could have some clarification and
11 make it a little bit easier for them and then we
12 can look at the sign. Because the things on the
13 plazas, they already have the slot, they're not
14 gonna be fixing that next week.

15 MR. HOLAHAN: I like that, what
16 can we do right now --

17 MS. PICKARD: Yeah, I mean, I
18 want to get something done now.

19 MR. HOLAHAN: -- without
20 pushing the rest of the stuff off the ladder?

21 MS. PICKARD: Yeah, 'cause we
22 need to look at the electronics a little bit, more
23 in depth, about how we want to address those and
24 have that percentage thing, so we can fix that.

25

MS. HAASE: So I --

52

1 MS. PICKARD: And have a
2 second workshop to look at that.

3 MS. MINNICK: And -- and again,
4 I just want to say, the new businesses that have
5 been coming in, like our Dollar Generals, they
6 haven't complained about our sign ordinance. They
7 were more than happy with what they got on their
8 buildings and free-standing sign. There was not
9 one complaint from that.

10 MR. HOLAHAN: Well, they've got
11 a good brand -- they got a good branding thing as
12 well --

13 MS. PICKARD: Yeah, exactly.

14 MR. HOLAHAN: -- so all they
15 had to do is come out with font and color and --
16 (inaudible) color for them, right?

17 MS. MINNICK: But I think --
18 the majority of our complaints are coming from the
19 multitenant --

20 MS. PICKARD: Yeah.

21 MS. MINNICK: -- businesses and
22 maybe you're right, Phyllis, maybe something --
23 that's something that we should look at instead of
24 revamping our whole commercial sign ordinance
25 because that seems to work for the single use

53

1 occupants.

2 MR. HOLAHAN: Okay. So is that
3 what you were saying to Phyllis, is just kind of
4 drop it into the existing ordinance?

5 MS. MINNICK: Yeah.

6 MR. HOLAHAN: Yeah. I like
7 that.

8 MS. HAASE: I think we're
9 going to be able to move this along quicker as long
10 as we have specific direction from the board as --
11 is what you want to see. I don't know. We didn't
12 look at the digital signs or the A-frame signs. I
13 don't know what your thoughts are on that.

14 MR. HOLAHAN: I was fine with
15 the A-frames rather than the (inaudible).

16 MR. MOYER: How did Palffy's
17 make out? Did the bakery make it through the

18 winter? Does anybody know?
19 MS. HAASE: They're still
20 there.
21 MR. MOYER: They are? Yeah.
22 Good.
23 MS. HAASE: As far as -- as
24 far as I know they're still there.
25 MS. PICKARD: I mean, that's

54

1 the issue that we all have. Well, we don't have
2 bakeries up here. It's just been that long dead
3 season that --
4 MR. MOYER: Yeah.
5 MS. LAMBERTON: So what's the
6 pleasure --
7 MR. KERRICK: What was the
8 final on the A-frame signs?
9 MS. LAMBERTON: I guess we
10 allow it.
11 MR. KERRICK: (Inaudible) or
12 just on a roof?
13 MR. HOLAHAN: On a sidewalk --

14 MR. KERRICK: Sidewalk.

15 MR. HOLAHAN: -- three feet
16 away from the curb.

17 MS. HAASE: The one item I do
18 want to point out to the board, when we were
19 researching this ordinance, and we just didn't look
20 at Pennsylvania, we looked at other states, many of
21 them speak to -- even as they go as far as
22 indemnification and they have insurance on that.
23 Now, I included the insurance. I don't know if
24 this is something you want or you don't. The
25 concern is, of course, damage to vehicles or

55

1 pedestrians, et cetera.

2 I did speak to Jonathan about
3 that and -- and I think we're on the same mind
4 frame that maybe indemnification, we don't
5 necessarily have to go that route. We do have
6 insurance, but it's just another way to protect the
7 township. So I don't know if you want to keep that
8 in the proposed ordinance or not.

9 MR. HOLAHAN: Are we -- are we
10 listed as additionally insured when the businesses

11 opens up?

12 MS. HAASE: No.

13 MR. HOLAHAN: It's simple

14 enough to do though, isn't it?

15 MR. REISS: For every town --

16 for every munic --

17 MS. PICKARD: -- monitoring

18 that?

19 MR. REISS: Insurance, just

20 because they -- you gave -- you gave them a license

21 to open up in the township?

22 MS. PICKARD: We don't give

23 them the license.

24 MR. REISS: I don't know of any

25 township that requires --

56

1 MS. LAMBERTON: No, it would

2 just be the property owner.

3 MR. HOLAHAN: Yeah, property

4 owner.

5 MS. PICKARD: Unless something

6 was in the right of way or something, I don't see

7 where we --

8 MR. HOLAHAN: Yeah.

9 MR. MOYER: We don't want to
10 make it harder.

11 MS. LAMBERTON: True.

12 MS. HAASE: So this ordinance
13 that was presented to the board, this speaks to --
14 it addresses your concern about placing an A-frame
15 sign on the sidewalk. We also addressed the fact
16 that regardless, it still has to meet ADA
17 requirements, so you still have to, in essence,
18 have a sidewalk that's 5 foot wide because there
19 has to be 36 --

20 MS. PICKARD: Wheelchair.

21 MS. HAASE: Correct. There
22 has to be 36 inches for passageway.

23 MS. LAMBERTON: Was that always
24 a standard though? So I'm sure there's some old
25 properties that don't have that.

57

1 MS. HAASE: This is something I
2 spoke to the building code -- we don't enforce
3 that, the building code official enforces that.

4 MS. LAMBERTON: But my question
5 is, I'm sure there is some old buildings that don't
6 have that, so how do we treat them with --

7 MS. PICKARD: I don't think
8 they have room for an A-frame sign 'cause people
9 are just gonna be tripping over it.

10 MS. HAASE: I can't speak to
11 that.

12 MS. PICKARD: There's no room.

13 MS. HAASE: I could find out
14 for you --

15 MS. LAMBERTON: Yeah.

16 MS. HAASE: -- but we don't
17 enforce that.

18 MS. LAMBERTON: 'Cause I think
19 we should have another option for those folks.

20 MS. HAASE: Well, the only
21 other option --

22 MS. PICKARD: We have shingle
23 signs we have in the new --

24 MS. HAASE: Correct.

25 MS. PICKARD: I think shingle

1 signs is another option for the --

2 MS. HAASE: Now, just to
3 refresh your memory, what Heidi's mentioned in the
4 proposed ordinance, going down a sidewalk in a
5 strip mall, overhead, in front of each door, will
6 have a sign that the app -- the tenant or the
7 landlord is able to place that will also direct
8 someone into their establishment. So that would be
9 another option. I didn't include that in the
10 samples because we currently don't allow it.

11 MS. PICKARD: That I'd like to
12 see added if we don't have it. I know it was in
13 the new ordinance.

14 MR. HOLAHAN: Yeah, can we have
15 a height restriction on the -- can Kerrick walk
16 underneath that thing without --

17 MS. MINNICK: I'm sure that
18 there is.

19 MS. PICKARD: With a helmet.

20 MR. KERRICK: Thanks for
21 thinking of me, John.

22 MR. HOLAHAN: You're welcome.

23 MS. PICKARD: I don't know
24 what the height of it is now on the -- there's a

25 clear -- it was in the ordinance and it has a

59

1 clearance --

2 MS. HAASE: Well, that would
3 also be the -- governed by the IBC.

4 MS. PICKARD: Yeah. But we
5 have official clearance when we --

6 MS. HAASE: The building code
7 official would be looking at that.

8 MS. PICKARD: -- when we work
9 on that.

10 MS. LAMBERTON: Okay. So let
11 me -- let me wrap this up here. We're going to
12 allow A-frame signs if the sidewalk is six foot in
13 width --

14 MS. PICKARD: Five.

15 MS. HAASE: Five.

16 MS. LAMBERTON: -- five, we
17 need three for the wheelchair access. Okay. So if
18 not, then we're saying that -- we can have like a
19 shingle sign that would be maybe another option for
20 those folks that don't have that.

21 MS. HAASE: And they certainly

18 MS. LAMBERTON: Yeah, we don't
19 need it, so let's not make things worse.

20 MR. HOLAHAN: The shingle signs
21 is a eight foot minimum off the walkway, so you're
22 --

23 MS. LAMBERTON: What about the
24 -- what about when people are open, is there
25 anything we want to do so they can attract things

61

1 that aren't that close to their building if they
2 happen to be a distance away?

3 MS. PICKARD: Well, I thought
4 like John Holahan always had that open sign on his.

5 MR. HOLAHAN: I used to put out
6 on my --

7 MS. PICKARD: On his sign --

8 MR. HOLAHAN: -- on my sign.

9 MS. PICKARD: The flag open
10 sign. I could -- I think that's fine. I -- I like
11 that but now when we go back to the strip mall --

12 MR. HOLAHAN: You can't do
13 that.

14 MS. PICKARD: -- you can't do

15 that.

16 MR. HOLAHAN: Because you have
17 eight people putting signs out there.

18 MS. PICKARD: And how would
19 you know which businesses are there?

20 MR. HOLAHAN: It would look
21 like the UN.

22 MS. PICKARD: Yeah.

23 MS. LAMBERTON: Well, then we
24 give them something like the shingle sign that the
25 other folks -- I don't know, let's -- let's give

62

1 them something special.

2 MS. PICKARD: Like they can
3 have the neon option in the window or some -- I
4 mean, I don't know. Then you back off so you have
5 the guy over by Donny, you can put an open sign on
6 his -- by his front door and I don't know that
7 you'd see that or not. I mean, the gun guy.

8 MR. HOLAHAN: Yeah, but you
9 don't -- 'cause you don't want everybody parking
10 their vehicle out front there with a sign on it to

11 circumvent --

12 MS. PICKARD: I don't know how
13 to -- how to do -- because you're not gonna be able
14 to see it. Like I keep going to these odd, you
15 know -- what the problem is those oddities, that
16 Donny's buildings -- or that building's 300 foot
17 off. Liberty's in a hole, so I don't know the
18 answer is for those.

19 MR. MOYER: Yeah, I don't know
20 --

21 MR. KERRICK: (Inaudible
22 comment.)

23 MS. PICKARD: No, exactly.

24 MS. LAMBERTON: Well, that's
25 why they need options.

63

1 MR. MOYER: He puts the -- the
2 banner thing up or whatever.

3 MS. PICKARD: I think we say
4 -- can we just say leave them open -- put an open
5 sign out and not put signs --

6 MR. MOYER: I mean, they still
7 come in to --

8 MS. LAMBERTON: Say that again?
9 MS. PICKARD: Just say we
10 allow an open sign for business and not define --
11 MS. LAMBERTON: Where it is.
12 MS. PICKARD: -- where it is?
13 MR. HOLAHAN: All right. So
14 what's the --
15 MS. PICKARD: And wait until we
16 have a problem and trusting --
17 MS. LAMBERTON: Well, I mean,
18 that's not fair. We're letting somebody do
19 something and then we want to reprimand them for
20 it, that's not a way to do an ordinance.
21 MR. HOLAHAN: (Inaudible
22 comment.)
23 MS. PICKARD: Yeah, one open
24 sign not to exceed something.
25 MR. REISS: Why wouldn't these

64

1 A-frame signs serve that purpose? Why couldn't
2 they put open?
3 MS. PICKARD: Because they're

4 -- for 300 foot back, they're on the sidewalk and
5 they're yea high, so nobody's gonna see that
6 driving by.

7 MR. MOYER: Are you talking
8 about out further by the road?

9 MR. REISS: No, I was actually
10 thinking more on the sidewalk --

11 MS. LAMBERTON: Sidewalk, yeah.

12 MR. REISS: -- because quite
13 frankly, if they're 300 feet back, no matter what
14 you put --

15 MS. LAMBERTON: They're not
16 gonna see it.

17 MR. REISS: -- they're not
18 gonna -- it's not gonna be seen.

19 MS. LAMBERTON: Here's -- the
20 problem is, this is 940 up here and then it drops
21 down, I'd say, at least a slope of like 15 feet, so
22 you have these businesses that are sitting down low
23 and we're trying to get away --

24 MS. PICKARD: Well, they need
25 to just move their businesses from a place that has

1 more visibility.

2 MS. LAMBERTON: I don't think
3 the owner of that property would be happy to hear
4 you say that.

5 MR. MOYER: We have to --

6 MS. LAMBERTON: You know, no,
7 we have to -- I mean, we have unique properties, so
8 we need to figure out a way to help each and every
9 one of them and, you know, do we want to list it as
10 a nonvisible front?

11 MR. HARRY FORBES: You're not
12 gonna satisfy everyone.

13 MS. LAMBERTON: No, you're not
14 going to, but we can certainly maybe customize some
15 things for those groups of --

16 MR. HARRY FORBES: You're
17 talking about the shingles, that's gonna be up to
18 -- especially in a mall environment, up to the
19 landlord.

20 MS. HAASE: A lot of --

21 MR. HARRY FORBES: They might
22 not want them to.

23 MS. HAASE: We have some
24 buildings that the landlords will not allow them to
25 put roof signs up. So like I said, many of this is

1 between the landlord and the tenant.

2 MS. LAMBERTON: Sure. And they
3 will know that too when they're dealing with their
4 landlord, so --

5 Okay. Anything else? We're
6 gonna direct the staff to move forward with
7 inserting these items that we discussed and then
8 Phyllis is gonna highlight some of the conflicts
9 and get them out to us for our Monday regular board
10 meeting.

11 MR. KERRICK: Do we have clear
12 direction on the open flag then or no?

13 MS. HAASE: I do not.

14 MS. LAMBERTON: Not really. I
15 don't.

16 MR. KERRICK: That's what I
17 thought.

18 MS. LAMBERTON: Yeah, I'm --
19 are we going to allow somebody to put something out
20 during --

21 MS. PICKARD: We make it

19 does 12 feet off the edge of cartway and then you
20 got certain set site distances that are required.
21 And we also have in our ordinance that there's a
22 triangle that they're not supposed to putting
23 structures within as well.

24 MS. LAMBERTON: Can we do
25 something along those lines?

68

1 MR. McHALE: Right. And not --

2 MS. PICKARD: But it's not
3 within the site triangle or the right of way.

4 MS. LAMBERTON: And give them a
5 certain amount of footage, you know, so it's safe
6 for other folks too that are pulling out or, you
7 know, traveling up and down.

8 MR. MOYER: So --

9 MS. LAMBERTON: Is that any
10 better direction?

11 MS. HAASE: No, ma' am.

12 MR. MOYER: The guy at the gun
13 shop putting his vehicle --

14 MS. LAMBERTON: I'm trying.

15 MR. McHALE: You may want to
16 also speak to the electronic digital signs because
17 they're gonna apply to some extent, you know, for
18 distractions and how you approach avoiding
19 distractions to motorists, so I don't know if you
20 want to talk about that before --

21 MS. HAASE: Well, maybe --

22 MS. LAMBERTON: We got a couple
23 people going here.

24 MR. MOYER: -- so he's out of
25 the right of way.

69

1 MR. HOLAHAN: I don't -- I
2 don't like people pulling their vehicles up into
3 the front there --

4 MR. MOYER: I agree. I'm
5 asking if it's legal or not legal. I'm not -- it's
6 not up to what you like or not like --

7 MR. HOLAHAN: I don't think it
8 is.

9 MR. MOYER: -- I'm asking if
10 he's allowed to do it because it's happening, you
11 know, different places and one guy saying, well,

12 it's okay for him to do it, why can't I do it.
13 MR. HOLAHAN: Right.
14 MS. HAASE: I know. That's
15 what happened --
16 MR. MOYER: That's the problem.
17 Whether you like it or I like it don't matter.
18 It's --
19 MS. LAMBERTON: Isn't it like a
20 registered vehicle?
21 MR. MOYER: -- whether it's
22 legal, is what I'm asking.
23 MS. PICKARD: If it's moved, I
24 mean, it's not supposed to be moved.
25 MS. LAMBERTON: How is it

70

1 written, a registered vehicle?
2 MS. PICKARD: It can't be a --
3 MS. MINNICK: It's -- vehicle
4 signs, it says in the ordinance, are strictly
5 prohibited in our ordinance now.
6 MS. HAASE: To -- to use the
7 vehicle solely as a sign. Now, if somebody could

8 put their name, Kerrick Trucking on your truck,
9 okay, that's --

10 MR. KERRICK: There's six
11 people here, you got to pick me.

12 MS. HAASE: Well, nobody else
13 has a business here. Donny --

14 MS. LAMBERTON: You have a
15 truck.

16 MS. HAASE: You can have
17 Moyer's Country Kitchen on the vehicle and move --
18 and use a vehicle for transportation, that's
19 allowed. You can't take a vehicle and place it
20 somewhere and now that becomes a stationary
21 structure and put a sign on it, so that's -- that's
22 the difference. You can have a vehicle with your
23 name on it, but not just --

24 MR. MOYER: That was changed or
25 was that always that way?

71

1 MS. HAASE: It's always been
2 like that. The -- the problem is, is when somebody
3 takes a vehicle, parks it there, never moves it.
4 We've had a restaurant, we had a firework store and

5 parked it there for a year on end and never moved
6 that.

7 MR. MOYER: Yeah, yeah. I get
8 it. I'm just trying to find out what -- what's
9 allowed and what isn't.

10 MR. HOLAHAN: But can he --
11 yes, so to that Donny, can he park -- he says, I
12 get to work in the morning and I park my vehicle
13 just off of the cartway, my sign's on it, flags on
14 it, and I'm just parking there --

15 MS. LAMBERTON: Technically,
16 yes.

17 MR. HOLAHAN: He is but --

18 MS. HAASE: If the sign was on
19 the vehicle and he parked it there, there's nothing
20 that would prohibit him from doing that. If you're
21 saying, is he going to put his vehicle there and
22 then attach all signs, fliers and banners and et
23 cetera, that's a little different.

24 MR. MOYER: But is it stated
25 that he cannot do that --

1 MR. HAASE: Yes.

2 MR. MOYER: Is what I'm asking.

3 MS. HAASE: It's prohibited.

4 MR. MOYER: Okay.

5 MS. HAASE: So now, am I to

6 understand then that we're going to then allow the

7 flags not within the right of way or site triangle,

8 what is the size that the board is looking at?

9 MS. PICKARD: 15 square feet.

10 MR. HOLAHAN: And does that

11 allow those feather banners?

12 MS. PICKARD: I don't like the

13 feath -- the feather banners. I'm opposed to them.

14 MR. MOYER: Well, Donny, tell

15 her, it doesn't matter if you like it or not, it's

16 --

17 MS. PICKARD: I think they're

18 distracting and they're ugly and they're tacky.

19 MR. HOLAHAN: Agreed.

20 MS. PICKARD: It reminds me of

21 used car lots. And that was when we did this --

22 MR. MOYER: We're not that

23 (inaudible) too.

24 MS. PICKARD: No -- no offense

25 to any used car lots.

1 MR. MOYER: I'm sure you've had
2 complaints on them, right?

3 MR. HOLAHAN: Yeah.

4 MS. PICKARD: So we said we
5 wanted the rectangular three by five signs is what
6 we were saying with -- for the open sign, that was
7 what was in the proposed ordinance. There's a lot
8 of discussion --

9 MR. HOLAHAN: Brooklyn Bridge
10 Pizza --

11 MS. LAMBERTON: Annie was there
12 --

13 MR. HOLAHAN: -- used to have
14 the feather signs out, right? I mean, and -- and
15 you couldn't really see them, so it was out by the
16 entrances. We just got twisted about it, but they
17 left them there, you know, if -- if --

18 MS. LAMBERTON: I'd like to
19 think about that. I'd like to think what we could
20 let businesses put out to draw attention to --

21 We'll give you that homework,
22 Maureen. Can you bring us a couple of ideas.

23 MS. MINNICK: For?
24 MS. LAMBERTON: For like their
25 business hours, what -- what are some options that

74

1 folks can purchase to let people know that they're
2 open for business or -- or do we want to like say
3 open and, you know --

4 MS. PICKARD: They have open
5 plaza and that was the only language was on it and
6 we had discussions on whether it could be in
7 Spanish. Remember that?

8 MS. HAASE: If you recall --

9 MS. LAMBERTON: No, I don't
10 remember that.

11 MS. HAASE: -- this is what was
12 presented to the board when we had our town hall
13 meeting.

14 MR. HOLAHAN: Right.

15 MR. KERRICK: Yes.

16 MS. HAASE: And it was the
17 fliers, the banners, so this just helps -- helps so
18 you have a vision of what was presented at that

19 time.

20 MR. HOLAHAN: Yeah, we don't
21 like the top two.

22 MS. PICKARD: I don't like the
23 top two. I don't know, what is that on the bottom?
24 Is that an A-frame sign?

25 MS. HAASE: It's a picture of

75

1 a -- it just says shop local.

2 MS. LAMBERTON: It just says
3 shop local.

4 MS. HAASE: So the -- what I'm
5 hearing some say is, you're not happy with the
6 feather banners, but the -- as far as the flags,
7 the board is okay with that?

8 MS. PICKARD: I think that's a
9 universal open sign to let people know they're
10 open.

11 MS. HAASE: And the -- so
12 you're allowing flags and it doesn't make a
13 difference if it says the type of business or open
14 or you --

15 MS. PICKARD: Well, we had it

16 before, I'm saying, we said it had to say open, but
17 I'm not saying I'm opposed to that. If it looks
18 decent and consistent, I don't know if it says
19 open, guns, I don't -- what do you think?

20 MR. REISS: You're gonna be
21 restrained somewhat by -- by the recent Supreme
22 Court case.

23 MS. PICKARD: So we can't --
24 okay --

25 MR. REISS: You can't make that

76

1 distinction --

2 MS. PICKARD: -- but can we say
3 open? Is open --

4 MR. REISS: No, no, no.

5 MS. PICKARD: You can't?

6 MR. REISS: -- you can't make
7 it -- you can't say it's okay to say open, but it's
8 not okay to not say antiques.

9 MS. HAASE: It has to be
10 neutral language.

11 MS. PICKARD: Okay.

12 MR. HOLAHAN: Or vote for
13 trump.
14 MS. LAMBERTON: So we can put
15 -- we can -- they're allowed to put a sign out
16 during their regular business hours and it can say
17 what they may sell or that they're open or what --
18 MR. REISS: Their name.
19 MS. LAMBERTON: -- their name
20 or --
21 MS. HAASE: Okay. But you're
22 saying a sign, are you talking about a flag?
23 MS. LAMBERTON: Well, I guess
24 that's to be determined on what everybody likes or
25 doesn't like.

77

1 MS. PICKARD: Well, say what
2 you like because John and I have made it clear that
3 we don't like those feather signs.
4 MR. HOLAHAN: But I -- I think
5 this is -- this is really -- I'm concerned about
6 our being able to limit what we can -- what they
7 can say on there.
8 MS. LAMBERTON: Well, Jonathan

5 that's for the specific purpose of saying you're
6 open.

7 MS. LAMBERTON: Can we say open
8 or relative to your type of business?

9 MS. PICKARD: Yeah. I don't
10 know if I like it with anything on it.

11 MS. LAMBERTON: I mean, is that
12 -- that's not being specific and it's not being
13 limiting and why would they want to say anything
14 else of what their business is or they're open.

15 MR. REISS: That's -- that's
16 why this case is difficult for township officials
17 to not only understand what to follow because it
18 draws -- draws lines that previously weren't there.

19 MS. PICKARD: Yeah, I don't --
20 I don't want it to say anything.

21 MR. REISS: You -- you can't
22 make those distinctions so, I mean, this particular
23 case was a church putting out signs about --

24 MS. LAMBERTON: Bingo.

25 MR. HOLAHAN: -- their service

1 or some of that and --

2 MS. HAASE: A fundraiser.

3 MR. REISS: -- that wasn't

4 allowed but other types of temporary signs were

5 allowed.

6 MS. PICKARD: What about the

7 realtor signs now?

8 MR. REISS: So that was -- that

9 distinction you can't make and that's why I'm

10 saying --

11 MR. MOYER: Right.

12 MR. REISS: -- if you allow

13 flags, you have to allow flags with anything on it

14 basically.

15 MS. PICKARD: I really don't

16 want any --

17 MR. HOLAHAN: I would say not

18 allow flags then. I think -- I think that's -- I

19 think not allow flags.

20 MS. PICKARD: Shingle signs

21 and --

22 MR. HOLAHAN: Yeah.

23 MS. PICKARD: -- A-frames on

24 the sidewalk.

25 MR. HOLAHAN: (Inaudible.)

1 MS. LAMBERTON: Well, we know
2 what John and Heidi want.

3 John Kerrick, what do you think?

4 MR. MOYER: I'm gonna excuse
5 myself.

6 MS. LAMBERTON: Go right ahead.

7 MR. MOYER: I got to take this.

8 MR. KERRICK: I want to think
9 about it a little bit. I'm not too keen on a
10 hundred flags on 940.

11 MS. LAMBERTON: Right. No, I
12 think we all agree with that.

13 MR. KERRICK: I'd like to see
14 if there's another way we could help the
15 businesses.

16 MS. LAMBERTON: Right.

17 MR. KERRICK: If it -- if it
18 could just say open, I understand what you're
19 saying, Jonathan, but that could really turn into a
20 community you're not gonna like.

21 MS. PICKARD: Yeah, I agree.

22 MR. REISS: Well, and that's

23 the real problem with this case because every
24 township zoning ordinance, the sign regulations do
25 make exceptions and distinctions even in your

81

1 proposed ordinance, which I reviewed, there's
2 exceptions that you can't make, and I've passed
3 those on to you and the township manager, but
4 they're -- when you read -- see them, I mean, I
5 understand why you have them, and it makes a lot of
6 sense. But when you read that case, you can't do
7 that and it's not enforceable.

8 MR. KERRICK: Understood.

9 MS. LAMBERTON: Okay. That
10 might dictate too what we'll be allowed to do and
11 then that could maybe make our decision --

12 MS. PICKARD: Yeah.

13 MS. LAMBERTON: -- based on
14 that.

15 MR. REISS: I mean, you can
16 regulate different types of signs. You can say
17 no electronic signs, you can say no moving signs,
18 you can -- those things are fine. The problem is,
19 you can't say you can have electronic signs for

16 if he likes them or not.
17 MS. LAMBERTON: I'm just trying
18 to bring brevity --
19 MR. MOYER: Yeah.
20 MS. LAMBERTON: -- into this a
21 little bit.
22 MR. MOYER: I don't want to get
23 John riled up over there.
24 MS. LAMBERTON: Yeah, he
25 doesn't like them.

83

1 MR. MOYER: Yeah.
2 MS. PICKARD: Which John?
3 MS. LAMBERTON: Did you know
4 that he didn't like them?
5 MR. MOYER: This John and you
6 don't like the feathers, so I guess I don't like --
7 MS. PICKARD: No, but this John
8 --
9 MR. MOYER: -- I don't like the
10 flags.
11 MS. PICKARD: -- doesn't flags
12 period. He doesn't like the flags.

13 MR. MOYER: Yeah, I know, not
14 300 of them.

15 MS. LAMBERTON: Right.

16 MR. MOYER: How about we just
17 allow them where I want them?

18 MR. HOLAHAN: I vote in favor.

19 MS. LAMBERTON: All right. So
20 we're just trying to give Phyllis direction. So
21 we're gonna leave the feather open, whatever, to
22 have another discussion at another time.

23 Maybe in the meanwhile, Maureen,
24 just do like some maybe some areas that might have
25 some different signage than what we allow and then

84

1 we can at least have some options if we choose to
2 look at it again.

3 MS. PICKARD: But that was
4 still --

5 MS. LAMBERTON: Fair enough?

6 MS. PICKARD: They're not
7 gonna be updated properly to the new court
8 decision.

9 MS. HAASE: Right. And I
10 think we've already looked at that and, I mean,
11 you're pretty limited. Either you're gonna have
12 flags, feather signs, A-frame signs or your
13 free-standing on your wall.

14 MS. LAMBERTON: Somebody could
15 come out tomorrow with a --

16 MS. HAASE: Or banners.

17 MS. LAMBERTON: -- a brand new
18 sign. Or banners. Okay.

19 MS. HAASE: So those are
20 really the options. The board has said that you're
21 not comfortable with the banners, I'm hearing now
22 you're not comfortable with the feather or the flag
23 signs, so --

24 MS. PICKARD: Well, not since
25 Jonathan --

85

1 MS. HAASE: We will write
2 whatever you want, but we just need to know what
3 direction you'd like us to go.

4 MS. LAMBERTON: Well, I think
5 the Supreme Court has saved our anks (phonetic) so

6 --

7 MS. HAASE: Okay. So I'm

8 clear on the federal holidays.

9 MS. LAMBERTON: Yes.

10 MS. HAASE: And I believe I'm

11 clear on the A-frame signs?

12 MS. LAMBERTON: Yes.

13 MS. HAASE: We're going to

14 remove the insurance?

15 MS. LAMBERTON: Yes.

16 MS. HAASE: And we are also

17 going to add the shingle signs?

18 MS. LAMBERTON: Yes.

19 MS. HAASE: So those three

20 types of --

21 MS. LAMBERTON: Now, do we want

22 to be specific with that in a plaza, the shingle,

23 or with anybody?

24 MS. PICKARD: With the

25 sidewalk, you have to have --

1 MS. LAMBERTON: Oh, with a

2 sidewalk. That's okay. I'm happy.

3 MS. HAASE: You really have to

4 --

5 MS. PICKARD: You have to meet
6 the requirements.

7 MS. HAASE: -- have an overhang
8 anyway for the shingle signs almost.

9 MS. LAMBERTON: Well, you can
10 kind of do an L bracket and do it off the --

11 MS. HAASE: You could.

12 MS. LAMBERTON: Well, that's
13 why I'm like --

14 MS. HAASE: Yeah, you could.

15 MS. PICKARD: Okay.

16 MS. HAASE: Okay. So we can
17 include that with anyone. Now, as far as the
18 digital and the LED signs, does the board wish to
19 look at this?

20 MS. PICKARD: We want to look
21 at that further.

22 MS. HAASE: Okay. So you don't
23 want me to do anything with this right now?

24 MS. LAMBERTON: Well, we're
25 here to talk about signs.

1 MS. HAASE: I can make
2 whatever changes you would like and then present it
3 again.

4 MR. MOYER: Didn't we say in
5 like certain places it would be --

6 MS. PICKARD: Well, we were
7 talking --

8 MR. MOYER: We were talking
9 like Blakeslee where they had -- I mean, there are
10 some already but --

11 MS. PICKARD: We were talking
12 about the visioning and we're not there yet with
13 the visioning yet.

14 MR. MOYER: But don't we have
15 those signs in Blakeslee already?

16 MS. PICKARD: No.

17 MS. HAASE: Digital signs?
18 No, we don't.

19 MR. MOYER: No?

20 MS. HAASE: The only --

21 MS. LAMBERTON: What about your
22 banks and your CVSs and --

23 MS. HAASE: Well, CVS doesn't

24 have one.

25 MS. PICKARD: The bank time and

88

1 temperature --

2 MS. HAASE: Ours -- ours does
3 not have a digital sign.

4 MS. PICKARD: -- is the only
5 thing that we could allow in that.

6 MR. HOLAHAN: And gas station.

7 MR. MOYER: Yeah, the gas
8 stations.

9 MS. HAASE: The -- the banks
10 are allowed time and temperature.

11 MS. LAMBERTON: Yeah, what are
12 they considered? What are -- what are the gas
13 station ones considered?

14 MS. HAASE: There was nothing
15 in our ordinance that speaks to that. At the time
16 when that was being done, it was a decision of the
17 board, it was a safety issue, and we didn't do
18 anything with that because they would manually go
19 out in the wintertime and change the numbers, so we

20 never moved forward with an enforcement of that.
21 But the only thing we have right now would be the
22 banks, and they're allowed time and temperature.
23 MR. HOLAHAN: Plus the price is
24 changing so often, that they couldn't keep up with
25 it. It's easier to program.

89

1 MS. LAMBERTON: No, I'm not
2 opposed to that at all. I -- I think it's very
3 helpful for someone to be able to see from a
4 distance, but then you have to -- maybe is that an
5 incentive for businesses too? I don't know.
6 MS. PICKARD: What'd you say?
7 MS. LAMBERTON: Are we going to
8 research or do we want to talk any more about
9 digital?
10 MS. PICKARD: We want to
11 consider -- John and I were saying --
12 MR. KERRICK: Well, we were
13 just talking here about the --
14 MS. PICKARD: Like this Papa
15 Gino's, like I am okay with like that much of the
16 sign being digital. Like I don't know how that

17 would be, like 20, 25 percent of that type of a
18 sign? I don't know. I'm like okay with like a
19 style in the Blakeslee, which is specific to
20 whatever design standards we might theoretically
21 have one day, which we -- on there or like a small
22 portion of a large sign, but I don't know then, you
23 know -- I don't like what he said before, that you
24 can have it on a resort and not a diner --

25 MS. HAASE: Well, out of this

90

1 court case --

2 MS. PICKARD: -- because I
3 think the resorts are different --

4 MS. HAASE: -- out of the
5 court case things have changed.

6 MS. PICKARD: I think that's
7 the difference, what's allowed in a zoning district
8 and a resort --

9 MR. REISS: No, no, no. You
10 can -- in a zoning district, you -- as long as it's
11 uniformed across the zoning district, you're okay.
12 So if you allow one type of temporary sign in that

13 zoning district, let's say for church events only,
14 you have to allow any type of temporary sign in
15 that district.

16 MS. HAASE: So that's where
17 the digital sign is in a commercial district in the
18 resort ordinance but it's still a commercial
19 district so it would have to be in compliance
20 throughout.

21 MR. McHALE: The major
22 components of what's being proposed now for digital
23 electronic is to parallel pretty much what's
24 already in the ordinance for regular sign.

25 MS. MINNICK: Correct.

91

1 MR. McHALE: For many of those.
2 Now, in some ordinances, they're allowed the
3 hundred percent as stated here. In other
4 ordinances they factor down the electronic portion,
5 as Heidi's saying, to 50 percent of what the main
6 board would be; so that's really a board decision,
7 as to whether you want to just allow -- 'cause, I
8 mean, as the technology changes, people are gonna
9 be replacing these old painted signs --

10 MS. HAASE: Yep.
11 MR. McHALE: -- with electronic
12 signs.
13 MS. LAMBERTON: And they're --
14 they're nicer, maintained --
15 MR. McHALE: And that's one of
16 the reasons to parallel --
17 MS. LAMBERTON: -- they're
18 crisper.
19 MR. McHALE: -- the current
20 ordinance because if you like the size of what
21 you're seeing now, you're just gonna convert them
22 basically to --
23 MS. LAMBERTON: So what you're
24 saying is, whatever exists now, they can go and put
25 a digital sign up that size?

92

1 MS. HAASE: That's what we're
2 proposing.
3 MR. McHALE: Pretty much.
4 MS. PICKARD: I don't agree
5 with that.

6 MR. McHALE: Unless --
7 MS. LAMBERTON: I'm okay with
8 that.
9 MR. McHALE: -- you want to
10 scale it down to a percentage of the --
11 MS. PICKARD: I'd -- I'd like
12 to see it scaled down to percentage because I think
13 it's too bright and something --
14 MS. LAMBERTON: Well, they can
15 adjust the lumination.
16 MS. MINNICK: Well, let me --
17 can I just --
18 MS. PICKARD: But you're
19 talking area.
20 MS. LAMBERTON: Go ahead. Go
21 ahead.
22 MS. MINNICK: A lot of what was
23 proposed, we -- I did some research and I combined
24 a bunch of them and I took what we already
25 previously adopted for the electronic digital sign,

1 for the billboard sign, and I copied a lot of that
2 and dumped it right in here.

3 The only other thing that we're
4 proposing -- proposing is the electronic sign shall
5 not be located a hundred feet of a residential use
6 that's on the same road, if the sign is greater
7 than 65 feet. They'd have to go in front of the
8 zoning hearing board for that.

9 MS. LAMBERTON: So they're
10 allowed it, but it has to be a smaller size --

11 MS. MINNICK: Size.

12 MS. LAMBERTON: -- if it's next
13 to residence?

14 MS. MINNICK: Correct.

15 MR. McHALE: And some of these
16 ordinances were like 500 feet from residential, but
17 we were trying to think from a practical
18 standpoint. You know, if you're over 100 feet away
19 or 150 feet, that's -- a lot frontage width -- you
20 can still drop one in at the corner of your lot if
21 you have residential immediately adjacent to --

22 MR. MOYER: Right.

23 MS. LAMBERTON: To find a spot
24 where it would fit.

25 MR. MOYER: Makes sense, yeah.

1 MR. McHALE: Yes.

2 MS. LAMBERTON: And you can
3 adjust the illumination too so it doesn't affect
4 that property owner either.

5 MS. MINNICK: The other item
6 that we addressed was the maximum number on
7 property. We put in here that no more than one LED
8 free-standing sign shall be permitted on the
9 property and one LED digital wall sign shall be
10 permitted per occupant per property. So if you
11 have a multitenant building and they want to put
12 open on, they can.

13 MS. LAMBERTON: They can.

14 MS. MINNICK: They can put
15 whatever they feel like it as long as it pertains
16 to that use.

17 MS. HAASE: So we kept what we
18 have right now and just said that --

19 MS. LAMBERTON: We can make
20 them digital.

21 MS. HAASE: -- the board --
22 the board allowed this, so now it's digital.

23 MS. LAMBERTON: I like it.

24 MS. HAASE: The board can allow
25 that as well.

95

1 Now, years ago the cost was so
2 astronomical for these and Annie and I had the
3 opportunity to have a conversation a few weeks ago
4 and I did some research, the cost has come down
5 drastically. So for a sign face, say a two by
6 eight sign face, you're looking at \$4400. Now, you
7 still have to do the components, like you'll have
8 to get the hardware and the players, so that's
9 another couple thousand dollars. But once you have
10 that, of course, things can integrate and change;
11 so they're nowhere where they used to be 40 and
12 \$50,000.

13 MS. LAMBERTON: Right.

14 MS. HAASE: They have really
15 reduced in cost, so I think you'll start seeing
16 more and more of individuals because of the
17 reduction of the cost of this.

18 MS. LAMBERTON: I just think
19 they'll be maintained better --

20 MS. MINNICK: Well --

21 MS. LAMBERTON: -- you know?
22 You won't have a wooden fallen down structure.
23 MS. PICKARD: I don't like the
24 big signs like we have on these properties being
25 fully digitized. I think that's just too big.

96

1 MS. MINNICK: The other item
2 that we did put in here, if the board is going
3 digital, they won't be able to use any banners or
4 any temporary signage. They'll have that ability
5 to use their own sign.
6 MS. LAMBERTON: Yeah,
7 absolutely.
8 MS. PICKARD: -- they're on a
9 plaza --
10 MS. HAASE: Now, I don't know
11 if we are going to be able to do that now though.
12 MS. LAMBERTON: Because if we
13 don't allow it for one, we can't allow it for --
14 MS. HAASE: I don't know if
15 that is a caveat to that. But if you have digital,
16 then you're excluded from these types of signage.

17 MR. HOLAHAN: Yeah, why not.
18 MS. HAASE: So that's
19 something Jonathan would have to look into for us.
20 MR. HOLAHAN: I --
21 MS. LAMBERTON: Are we allowed
22 to limit that because of a digital --
23 MR. HOLAHAN: I don't see how
24 you can get -- where they can actually take the
25 marquee like this and then make each one

97

1 individual?
2 MS. HAASE: They're cabinets.
3 MR. HOLAHAN: Right. So --
4 right, it's a cabinet. So typically you're --
5 you're --
6 MS. LAMBERTON: Oh, you're
7 saying there's --
8 MR. HOLAHAN: -- sliding out
9 one fiberglass --
10 MS. LAMBERTON: -- there's ten
11 digital panels?
12 MR. HOLAHAN: -- lettered up
13 and you're putting a digital instead, aren't they

10 each individual business, like you say --

11 MR. MOYER: Yeah.

12 MS. LAMBERTON: -- has their
13 opportunity or a certain time limit that --

14 MS. PICKARD: I think that's
15 way too big.

16 MS. HAASE: But if I can just
17 clarify to John's question.

18 Currently, John, what you're
19 looking at there, they would slide out those panels
20 --

21 MR. HOLAHAN: Right.

22 MS. HAASE: -- you're correct.
23 If you turned it into digital, then you either
24 would have -- I'll give an example, say Mount Airy
25 sign on 611, that's made into four quadrants.

99

1 MR. HOLAHAN: Right.

2 MS. HAASE: So there's four
3 different advertisements going on at the same time
4 that they're able to control.

5 MS. PICKARD: Get some -- some
6 pictures of this? 'Cause I'm having a hard time.

7 MS. HAASE: Well, it's
8 actually the one screen and it's divided into four.
9 It could be used as one. Again, that's gonna be up
10 to the owner of that establishment of how much they
11 want to put into that.

12 MS. PICKARD: Even that one in
13 Bartonsville that -- whatever, it has the separate
14 static sign and then one square piece that was
15 electronic. Like I just can't see that whole thing
16 being electronic. I think that's just --

17 MR. HOLAHAN: I want to see all
18 the options --

19 MS. PICKARD: You see what I'm
20 saying? Yeah.

21 MR. HOLAHAN: -- before I vote
22 no.

23 MS. PICKARD: Yeah.

24 MR. HOLAHAN: Because I don't
25 like the digital. Right. But --

100

1 MS. PICKARD: Well, I think if
2 it was minimized, you know, if it -- I don't agree

3 the whole thing, I won't -- I, you know --

4 MS. HAASE: John, you're very
5 quiet down there.

6 MR. KERRICK: Well, it's kind
7 of hard, I got two guys that are pretty boisterous
8 here, but this -- this large sign, I kind of agree
9 with John and Heidi saying that might be too much.

10 MS. PICKARD: I think that's
11 too much.

12 MR. KERRICK: So they would
13 have -- maybe they can have that choice or if
14 you're gonna do digital, maybe smaller for that
15 complex. Just throwing it out there.

16 MS. LAMBERTON: Or just one
17 screen.

18 MR. KERRICK: What if it's --
19 if it's -- if it's a stand-alone business with a --
20 with a 40 -- an eight --

21 MS. PICKARD: That I might
22 not agree with --

23 MR. KERRICK: -- 40 square
24 foot, I have no problem with the whole thing being
25 digital.

1 MS. PICKARD: This just seems

2 --

3 MR. KERRICK: Tastefully done.

4 MS. PICKARD: -- way too -- too

5 -- too much --

6 MR. KERRICK: That's large.

7 MS. PICKARD: -- and having

8 either ten separate panels all saying different

9 things.

10 MS. LAMBERTON: Oh, I don't

11 think it --

12 MS. HAASE: I don't think

13 you'd -- that would happen.

14 MS. PICKARD: I don't know.

15 MS. HAASE: I -- I think --

16 MR. KERRICK: That's what I

17 thought you did.

18 (Inaudible comments.)

19 MS. PICKARD: -- I need to get

20 some more information.

21 MR. MOYER: Like at your place

22 -- or Liberty Plaza might have that many.

23 MR. HOLAHAN: And Ahart's.

24 MR. MOYER: And --

25

MR. HOLAHAN: And the old

102

1 Thriftway, CVS.

2 MS. PICKARD: Do we have that
3 one that -- that plaza that I have, do you have
4 that there?

5 MR. HOLAHAN: You know what I
6 didn't like that about these --

7 MS. HAASE: Yeah, that's all
8 -- that's digital, correct?

9 MS. PICKARD: Yeah.

10 MS. HAASE: So that -- think of
11 that, that's a perfect example of Mount Airy sign,
12 they take the digital portion, they divide it into
13 quadrants --

14 MR. MOYER: Exactly.

15 MS. HAASE: -- and then they
16 have abil --

17 MS. LAMBERTON: I have no
18 problem with that.

19 MR. MOYER: But those signs
20 look almost like a wooden sign --

21 MS. LAMBERTON: That looks so
22 nice.
23 MR. MOYER: -- when they're
24 done right.
25 MS. LAMBERTON: Yes.

103

1 MR. MOYER: You know what I
2 mean? It's --
3 MS. LAMBERTON: I have no
4 problem with that at all.
5 MR. MOYER: It's just cleaner,
6 crisper but --
7 MS. LAMBERTON: Right.
8 MR. McHALE: But this ordinance
9 only allows --
10 MS. PICKARD: But again, it's
11 stylish also, so we --
12 MR. McHALE: -- one
13 free-standing sign for property.
14 MS. LAMBERTON: Hang on one
15 second.
16 Say that again, Bob, I'm sorry?
17 MR. McHALE: The -- what's

18 being proposed only allows -- it says no more than
19 one LED digital free-standing sign shall be
20 permitted per property.

21 MS. HAASE: Now, Bob and I
22 spoke about that today. Earlier I think, Annie,
23 you had mentioned about if they're different
24 entrances, a separation, so that's something that
25 we can even amend if the board so chooses. Say

104

1 Blakeslee Village Plaza, they have an entrance on
2 940 and further down they have an entrance on 9 --

3 MS. LAMBERTON: Sure.

4 MS. HAASE: -- on 115 --

5 MS. LAMBERTON: And that's such
6 a large parcel.

7 MS. HAASE: -- so they would
8 have the option to be putting two on that if the
9 board so chose to change that.

10 MS. PICKARD: Can we make --

11 MS. LAMBERTON: And that's
12 where your distances will work.

13 MS. HAASE: Correct.

14 MS. PICKARD: Can we make some
15 sort of design standards because there's no
16 accounting for taste.

17 MS. HAASE: I don't think you
18 can. I think you can speak to -- I don't think you
19 can say it has to be an English style, it has to be
20 a Victorian style. You can allow them that type of
21 sign, but I don't think we can go with style and
22 color.

23 MS. LAMBERTON: Well, the good
24 thing about it is they're new, you know, you have
25 --

105

1 MR. McHALE: Living document.
2 You can change it in the future if you'd like.

3 MS. LAMBERTON: Well, you don't
4 want somebody going and spending thousands of
5 dollars and then say, you know what, oops, we don't
6 like that so -- and then --

7 MR. McHALE: Well, if they can
8 get a permit --

9 MS. LAMBERTON: No, I
10 understand that, but then somebody drives by it and

11 then they see it, and they're like, well, he has
12 it, you know, we're --

13 MS. PICKARD: Can we make the
14 -- this --

15 MS. LAMBERTON: It's better to
16 get it right out of the gate. I respect those.

17 MR. McHALE: It's gonna change,
18 the technology over time.

19 MS. HAASE: -- electronic signs
20 include the planning commission?

21 MS. LAMBERTON: I'm sorry, what
22 was that?

23 MS. HAASE: Well, you have to
24 have an ordinance in place, so the board has to --
25 you mean as a special exception, is that what

106

1 you're talking about?

2 MS. PICKARD: No, no, just to
3 go through like a review through the planning
4 commission.

5 MS. HAASE: No, I think the
6 board needs to decide what they want and you have

7 an ordinance and it's handled by the zoning
8 officer.

9 MS. PICKARD: But I meant for
10 stylewise or --

11 MS. HAASE: You -- you cannot
12 choose the style of it. You can't do that.

13 MS. PICKARD: I'm not liking
14 that so -- if it's severely limited on or
15 minimized, I don't have a problem with it, but I --
16 I don't like pole signs. I don't like --

17 MS. LAMBERTON: And that's
18 fine. That's her opinion.

19 MS. PICKARD: Yeah.

20 MS. LAMBERTON: Let's --

21 MS. PICKARD: No, it's my
22 opinion.

23 MS. LAMBERTON: I -- I think it
24 is a new up and coming way to advertise --

25 MR. MOYER: Yeah, I mean if you

107

1 don't have a business --

2 MS. LAMBERTON: -- and I think
3 you're absolutely right that --

4 MR. MOYER: It makes a
5 difference too. I mean, when you're a business
6 owner or you --

7 MS. LAMBERTON: You look at it
8 different.

9 MR. MOYER: -- have a different
10 outlook on it so --

11 MS. LAMBERTON: Yeah.

12 MS. PICKARD: No, but I'm --

13 MR. MOYER: So --

14 MS. PICKARD: -- still stuck
15 on, this thing is too huge to have one big huge
16 digital sign. The one like he's saying, I don't
17 have a problem.

18 MR. MOYER: I'm not even
19 disagreeing with you --

20 MS. PICKARD: Yeah.

21 MR. MOYER: It's your opinion.

22 MS. PICKARD: I'm just
23 thinking if there's like a square footage maximum
24 of -- of area, I don't know.

25 MS. HAASE: Well, the board

1 can decide, do you want -- say they're allowed a 80
2 square foot sign, 40 side per face, you certainly
3 -- you can limit that to whatever. The only thing
4 I would caution the board is, you do not want a
5 business to have to custom make a cabinet. It's
6 gonna be extremely costly --

7 MS. LAMBERTON: Right.

8 MS. HAASE: -- for them, so you
9 want to --

10 MS. LAMBERTON: I don't
11 understand, what is the difference between an 80 --
12 that 80 square foot sign and an 80 square foot
13 digital sign? You're looking at a stopped image.

14 MR. McHALE: And it only
15 changes once every 15 seconds.

16 MS. LAMBERTON: Exactly. So
17 it's just a different picture that's -- it's not
18 moving. There's not animation. There are things
19 that you can avoid having them do.

20 MR. McHALE: That's written
21 into this, as far as fading, blinking, flashing.

22 MS. LAMBERTON: That's my
23 point.

24 MR. McHALE: All those things

25 --

109

1 MS. LAMBERTON: So there's no
2 difference -- if you look at a digital sign that
3 has a digital picture up there, then if you have a
4 sign here, there's no difference.

5 MR. MOYER: It's cleaner
6 looking.

7 MS. PICKARD: But, yeah --
8 well, I know you're saying that, but we live in the
9 Poconos, we don't live in Stroudsburg; so as far as
10 to visualize how that changes the character, you
11 know --

12 MS. HAASE: I'll just give you
13 some examples --

14 MS. LAMBERTON: It's a -- a
15 sign is a sign.

16 MS. PICKARD: Well, I don't
17 agree.

18 MS. HAASE: -- if I may, for
19 this specific company, a two by eight sign is 4400;
20 a four by eight sign, four foot by eight foot, is
21 7800 per sign face; a 40 by 90 inch is 8600; and a

22 14 foot by 48 foot is 154,000 per face. So there's
23 definitely specific cus -- or cabinets that I think
24 we --

25 MS. PICKARD: Well, we should

110

1 consider that --

2 MS. HAASE: -- need to be
3 cognitive of and not make it custom.

4 MS. PICKARD: -- and take that
5 into consideration. I completely agree with that.

6 MS. LAMBERTON: I think it
7 would be nice to go up and down 940 and 115 and not
8 have wooden signs falling down.

9 MR. HOLAHAN: We're -- we're
10 just talking about the C and the CI districts here
11 as well, so it wouldn't be going up and down 940,
12 it would just be in some particular areas.

13 I -- I mean, I kind of get that
14 but I'm -- I'm not converted yet, but I know what
15 it looks like when you got these and you got a
16 business or two to three to go out, what they do is
17 pull the sign out and they flip it around and say

18 backwards and they stick it back in again and so
19 now you're seeing it backwards and backlit and a
20 bunch of dead moths and things like that in there,
21 it's just -- you know, to add to it type of thing.
22 So certainly that looks better than, you know --

23 MS. MINNICK: The other -- the
24 other thing that I did see, there was one township
25 that they limited the hours of operation on their

111

1 general sign at night. If a store closed at ten,
2 they had to shut the -- the sign down at twelve. I
3 don't know, maybe that's something else --

4 MS. PICKARD: -- see when I'm
5 driving at night what the businesses there that I
6 want to go check out tomorrow so I don't like that.
7 But then you have --

8 MS. HAASE: So, Ms. Annie, am
9 I to understand at this particular point we're
10 holding off on the digital?

11 MS. LAMBERTON: No, we're gonna
12 -- no, I think we should --

13 MS. HAASE: Okay.

14 MS. LAMBERTON: -- right? Am I

15 -- what's the consensus of the board? I think we
16 need to address this. I like -- I like them.
17 MR. REISS: I don't think you
18 have a -- I think you have to better define what
19 your consensus is.
20 MS. PICKARD: Yeah, I want to
21 get more information --
22 MS. LAMBERTON: Are we
23 interested in moving forward --
24 MS. PICKARD: -- on making this
25 --

112

1 MS. LAMBERTON: I'm sorry?
2 MS. PICKARD: Can we look at
3 this with more information on the next work
4 session?
5 MS. LAMBERTON: Yeah, Phyll --
6 Phyllis is looking for direction on --
7 MS. PICKARD: Yeah, I want to
8 --
9 MS. LAMBERTON: -- we -- I
10 would like her to get some more --

11 MS. PICKARD: -- see some more
12 specific samples to get -- to visualize what we're
13 looking at before and make --

14 MS. HAASE: Well, I can pass
15 around what we presented at the town hall meeting,
16 if that would help the board now.

17 MR. McHALE: Does -- does the
18 baseline of what's being proposed though, as far as
19 same height restrictions, the number per
20 property --

21 MS. LAMBERTON: You're doing
22 the same as the sign you already have.

23 MS. HAASE: Right.

24 MR. McHALE: I know, but is
25 this okay with --

113

1 MS. LAMBERTON: Yeah, I --
2 we've already --

3 MR. McHALE: -- other than --

4 MS. LAMBERTON: It's already in
5 our ordinance.

6 MR. McHALE: -- other than the
7 possibility of just reducing to a certain

8 percentage of what's allowed?

9 MR. MOYER: Right.

10 MS. PICKARD: Yeah.

11 MR. McHALE: But like here --
12 when you look through here, you know, the display
13 cycles, if you're good with 15 seconds, that's
14 what's existing --

15 MS. PICKARD: I'm -- I'm good
16 with all of that, I just don't just like --

17 MR. McHALE: -- at resorts and
18 that's where --

19 MS. LAMBERTON: And is that --

20 MR. McHALE: -- all the
21 criteria for animation is pretty much what Maureen
22 pulled out of the -- so if we're saying the core
23 then of all of this okay, you're really down to, do
24 you want to allow the full size of what's allowed
25 or do you want to scale it back to 75 percent or 50

114

1 percent?

2 MS. LAMBERTON: And then what
3 is this industry standard? I mean, what are the

4 standard sizes for -- like Phyllis just read three,
5 you know, price structures with three sizes; so, I
6 mean, they're not gonna make all different type
7 sizes too. Maybe we need to look at what's
8 offered.

9 MR. McHALE: But --

10 MS. PICKARD: But then you'd
11 have to look at --

12 MS. LAMBERTON: And look at
13 that too.

14 MR. McHALE: But in the years
15 --

16 MS. PICKARD: -- it depends on
17 the size --

18 MR. McHALE: -- in the few
19 years ahead --

20 MS. PICKARD: -- of the
21 building, what is allowed.

22 MS. LAMBERTON: Hang on one
23 second.

24 MR. McHALE: -- what if the
25 dimensions of those things change? I mean, you

1 think about big screen TVs and all those kind of
2 things now --

3 MS. LAMBERTON: And I respect
4 that.

5 MR. McHALE: -- how they have
6 varied so much, you can see in two years, maybe
7 those won't be the standard cam dimensions.

8 MS. HAASE: So am I to
9 understand, really, the bone of contention is the
10 size of the sign or do we have some board members
11 that just -- they don't like digital signs? I
12 think that would be helpful for me.

13 MS. LAMBERTON: I --

14 MS. HAASE: Do you know what
15 I'm saying?

16 MR. MOYER: I don't --

17 MS. PICKARD: You know what I
18 mean?

19 MR. MOYER: I don't mind. I
20 don't mind them --

21 MS. LAMBERTON: I actually
22 prefer a digital sign. I think the --

23 MR. McHALE: They're cleaner,
24 they're an investment and people take care of them.

25 MS. LAMBERTON: Thank you.

1 Yes.

2 MR. McHALE: You're not gonna
3 see the faded paint, you can't hardly read it
4 anyway.

5 MS. LAMBERTON: Heidi, Heidi,
6 hang on one second, please.

7 MR. McHALE: It's just --
8 that's more distracting, I think, than a clean
9 crisp sign because when you drive by and you have
10 this junky looking wooden thing that's faded --

11 MS. LAMBERTON: Agreed.

12 MR. McHALE: -- you know, so
13 -- but, you know, you have to take into account
14 everything. And the brightness, if you're
15 satisfied with what you're seeing out there at the
16 resort now --

17 MS. LAMBERTON: And that took
18 some adjustment and they --

19 MR. McHALE: -- or -- or if you
20 want to scale that back, you know, that's --

21 MS. LAMBERTON: Right. Right.

22 No, I think it would clean up --

23 MS. MINNICK: That's a huge
24 sign. That's a huge sign.

25 MS. LAMBERTON: That's a huge

117

1 building.

2 MS. MINNICK: But what I'm
3 saying, with comparison to something that's 40
4 square feet --

5 MR. MOYER: Yeah.

6 MS. LAMBERTON: Right.

7 MS. MINNICK: -- that is --

8 MS. LAMBERTON: I agree. And
9 it's relative. I -- I understand what you're
10 saying. Yeah.

11 MR. HOLAHAN: But the other --
12 but the other thing is, when you've got a static
13 sign, the message goes up and pretty much stays
14 there. With us not being able to have anything to
15 say about what the content is, that message could
16 change as -- every 15 seconds it could be something
17 different.

18 MR. McHALE: Well, maybe on the

19 multi --

20 MR. HOLAHAN: It could be
21 verses from the Bible or the Quran or somebody just
22 -- you know, political statements or something like
23 that.

24 MS. MINNICK: Also, in this
25 ordinance it does speak to no --

118

1 MS. HAASE: Off-premise.

2 MS. MINNICK: -- off-premise
3 advertising.

4 MS. PICKARD: Yeah, so it has
5 to be --

6 MR. HOLAHAN: Well, it's
7 everywhere (inaudible).

8 MR. McHALE: One thing you
9 might consider too, is in these multican -- or
10 where you have a shopping center with those panels,
11 that are maybe ten or twelve of them, that they
12 would have to change at the same time so that they
13 would all change.

14 MS. LAMBERTON: And I think

15 that's what Mount --
16 MR. McHALE: And then you --
17 then you only see --
18 MS. LAMBERTON: -- Airy's does
19 too, yeah.
20 MR. McHALE: -- so that they're
21 not like over 15 seconds, you're seeing one or two
22 change --
23 MS. LAMBERTON: Right.
24 MR. McHALE: -- the whole time.
25 MS. HAASE: No.

119

1 MR. McHALE: They all change at
2 one time.
3 MS. LAMBERTON: Right. And I
4 believe the one that Phyllis referred to at Mount
5 Airy does.
6 MS. HAASE: Yes.
7 MS. LAMBERTON: You can see all
8 four panels go at the same time.
9 MR. McHALE: There you go.
10 MS. LAMBERTON: And it's
11 attractive.

12 MR. McHALE: And then you only
13 see that -- I mean, by the time you drive by it,
14 you can only see that one image unless you catch it
15 in the middle of its change.

16 MS. LAMBERTON: Correct.

17 MS. PICKARD: But that's a big
18 sign that we're not gonna have on the majority of
19 our buildings.

20 MS. LAMBERTON: Well, I think
21 we have to put it in perspective of what we do
22 have.

23 MS. PICKARD: Yeah.

24 MS. LAMBERTON: And I -- I -- I
25 like them. I think it -- it kind of modernizes our

120

1 area. We need -- we need to do something to dress
2 up our corridor.

3 MR. HOLAHAN: And -- and -- and
4 I think you pretty much hit that right on, because
5 as much as we want to help the businesses with the
6 visibility of their establishments, we also owe to
7 our residents, that have to drive by these places,

8 what they'll be looking at as well. So we've got
9 to take into account both business owners and the
10 residents and the visitors.

11 MS. LAMBERTON: And I think
12 with distances and the way we can adjust the
13 lighting and the motion and all of those other
14 items you guys already thought of, I think that
15 protects the resident as well.

16 MR. MOYER: I think right now
17 it couldn't hurt. You take a ride from 380 into
18 Blakeslee right now, it's pretty -- pretty drab.

19 MR. HOLAHAN: Take a ride from
20 Mount Pocono down to Stroudsburg and take a look at
21 that.

22 MR. MOYER: I'm -- I'm not
23 saying that we're Mount Pocono or Stroudsburg.

24 MR. HOLAHAN: Right.

25 MS. LAMBERTON: Okay.

121

1 MR. MOYER: We don't have as
2 nearly that much buildings. I'm talking about
3 buildings that are here, businesses that are closed
4 and signs that are just deteriorating and nobody's

5 ever gonna probably move into them and it's --

6 MS. LAMBERTON: And those --

7 and those signs could say anything forever because

8 once a sign's up, a sign's up.

9 MS. PICKARD: Well, what do we

10 have for maintenance though on something? Can we

11 make it that we can remove the sign if it's not

12 maintained? I mean, if it gets that --

13 MS. HAASE: In the ordinance I

14 believe it was spoke to main -- malfunctions. We

15 did speak to that in the ordinance.

16 MS. MINNICK: Yeah.

17 MS. PICKARD: I'm just saying,

18 that should be regardless of whether it's a regular

19 sign 'cause that doesn't mean they're gonna change

20 it, so we still should have a way --

21 MS. HAASE: Well, if it's --

22 MS. PICKARD: -- to remove the

23 signs --

24 MS. HAASE: If it's an existing

25 --

1 MS. PICKARD: -- that are there
2 and not maintained.

3 MS. HAASE: -- sign -- if it's
4 existing sign, we just can't go on somebody's
5 property and do something with it. I mean, we --
6 we couldn't do that now, whether it's a digital or
7 it's a free-standing.

8 MS. PICKARD: I know. But
9 those people aren't gonna get a digital sign so
10 we're still gonna be looking at it 'cause they
11 can't afford to maintain the sign that they have.
12 So that doesn't address that problem.

13 MR. HOLAHAN: This is gonna
14 affect a few businesses and maybe some new ones.
15 And I'd like to go down -- in fact, I'll do that,
16 I'll drive from 380 down, to see the number of
17 vacant buildings that might be helped by a sign
18 ordinance.

19 MS. PICKARD: Now, when you
20 pass this paper around, I have a question for
21 static electronics for the -- the roof sign or the
22 wall sign, whatever that is on the plazas, would
23 that help?

24 MS. HAASE: That would be on
25 the side of the building, that top one.

1 MS. PICKARD: Like this --

2 MS. HAASE: That's a digital
3 sign.

4 MS. PICKARD: But like where
5 they have their thing now, that's a 10, 15 or
6 whatever percent, if that could be digital, would
7 that be helping to light up the gun shop or the
8 whatever or your --

9 MR. MOYER: I -- I was only
10 asking about the gun shop 'cause he thought he was
11 --

12 MS. PICKARD: Yeah, I know --

13 MR. MOYER: -- legally --
14 legally --

15 MS. PICKARD: But that's now on
16 my mind.

17 MR. MOYER: -- putting his car
18 out there with that banner on it.

19 MS. PICKARD: But if you had --

20 MR. MOYER: I told him, I said,
21 I don't think you are --

22 MS. PICKARD: -- you know what

23 I'm saying, for Palffy's Bakery and those shops in
24 there, would that be of help?

25 MR. HAASE: We're proposing

124

1 that.

2 MS. LAMBERTON: You're getting
3 all this?

4 MS. HAASE: That's -- that's
5 -- ladies and gentlemen, that's what we're
6 proposing. That -- we're proposing --

7 MS. LAMBERTON: That's part of
8 it.

9 MS. HAASE: -- that if you have
10 a wall sign --

11 MS. PICKARD: Okay.

12 MS. HAASE: -- that you are
13 allowed to have a digital wall sign.

14 MS. LAMBERTON: It could be
15 either digital or fixed.

16 MS. HAASE: Right. It's --

17 MS. PICKARD: But you can't
18 have the free-standing --

19 MS. HAASE: Yes.
20 MS. PICKARD: -- and the wall
21 digital?
22 MS. HAASE: Yeah.
23 MS. LAMBERTON: Yeah, you
24 currently can do.
25 MS. HAASE: That's what it --

125

1 that's what the proposed ordinance that we
2 circulated on Friday --
3 MS. PICKARD: As long as that
4 --
5 MS. HAASE: -- that's what this
6 states.
7 MS. PICKARD: -- is minimized,
8 I don't mind that. I just don't like a whole big
9 huge thing that's 80 square feet digital on both
10 sides or whatever --
11 MS. LAMBERTON: Okay. So what
12 we need to do, I think, is digest the digital for
13 right now. I know I'm --
14 MS. HAASE: Okay.
15 MS. LAMBERTON: I would like to

16 see something move forward with it because I think
17 maintenance-wise, and you want to talk
18 attractiveness, at least it would be maintained
19 because it's new.

20 MS. PICKARD: It's still the
21 people that are gonna not maintain things are gonna
22 continue to not maintain them and they're not gonna
23 put a digital sign. It's not gonna be mandatory,
24 so you're still gonna have the same crap we have
25 now.

126

1 MS. LAMBERTON: They might not
2 think it's crap but --

3 MS. PICKARD: Eventually, maybe
4 in 30 years from now.

5 MS. LAMBERTON: Okay. Well,
6 maybe if we bring more business to the area, we
7 help other businesses that are here do better.

8 MR. McHALE: Once people see
9 these electronic signs going up --

10 MS. PICKARD: I don't think
11 electronic signs are gonna bring people to the

12 business.

13 MR. McHALE: -- and they start
14 seeing how --

15 MS. LAMBERTON: They'll love
16 it. They'll love it. I agree with you.

17 MR. McHALE: Yep. It will
18 become --

19 MS. LAMBERTON: Okay.

20 MR. McHALE: -- a trend, most
21 likely.

22 MS. LAMBERTON: So as far as
23 direction from the board and the consensus, are we
24 looking to have Phyllis move forward with adding
25 this in and maybe we can look at some percentages

127

1 of existing signage and get some sign sizes that
2 are already being manufactured and see how that
3 fits with a 80 square foot sign? Do they -- do
4 they offer that in a regular --

5 MS. PICKARD: I think that the
6 percentage is going to lead you to one of those
7 types, if we make sure that our current percentages
8 would fit one of those things.

9 MS. HAASE: Well, what I read
10 to the board --

11 MS. PICKARD: -- size down or
12 --

13 MS. HAASE: -- for this
14 specific company, no matter what size of sign that
15 we currently allowed in our ordinance, they could
16 find something to fit.

17 MS. LAMBERTON: Oh, okay.
18 Okay.

19 MS. HAASE: I don't think if we
20 say it's 80 square feet, it doesn't appear that
21 they have an 80 square foot sign. So that might --
22 they'd have to adjust their signage, what they're
23 proposing. Maybe do both. Maybe do the sign and
24 then the cabinet, insert the cabinet. So if you're
25 asking, can someone with a 40 square foot sign

128

1 insert one of these cabinets, yes.

2 MS. LAMBERTON: Okay.

3 MS. HAASE: It will fit.

4 MR. KERRICK: I think you had

5 32, wasn't it like -- was it closest to 40 --
6 they're all under --

7 MS. PICKARD: Yeah.

8 MR. KERRICK: -- what -- what
9 we -- what we regulated.

10 MS. LAMBERTON: Okay.

11 MS. HAASE: Yeah, there's a 32
12 square -- there's a 32 --

13 MS. LAMBERTON: All we did was
14 replace what we currently have with digital.

15 MR. McHALE: And that almost
16 scales it down by a percentage anyway if that's the
17 case and that's all they make.

18 MS. LAMBERTON: Okay. Okay.

19 MS. PICKARD: Somebody will
20 make them bigger just so they can maximize whatever
21 that standard is (inaudible) --

22 MS. HAASE: But the one thing
23 I just want to make certain that we're all on the
24 same page on, because I know before there was
25 discussion to allow it in certain pockets of the

1 township, that we can't do. If you're gonna allow

2 it in the commercial and commercial industrial
3 district, that's what you have to do.

4 MS. LAMBERTON: Understood.

5 MS. HAASE: You can't just
6 say, you can have it in Pocono Summit or you can
7 have it in Blakeslee or you can have it in Pocono
8 Lake, it has to be for that district.

9 MS. LAMBERTON: Okay.

10 MS. PICKARD: But not
11 nonconforming.

12 MS. HAASE: I'm sorry?

13 MS. PICKARD: But not for a
14 nonconforming use it doesn't?

15 MR. HOLAHAN: Yeah, we'll have
16 to look at that map again too.

17 MR. McHALE: Now, a
18 nonconforming sign can't just replace an electronic
19 with it, correct?

20 MS. PICKARD: But I imagine if
21 it's a nonconforming use, if it's a commercial and
22 a residential district, they can't.

23 MR. KERRICK: Why not?

24 MR. REISS: They can't have an
25 electronic sign.

1 MS. PICKARD: Because it's
2 nonconforming, it's not in that district --

3 MS. LAMBERTON: Cannot?

4 MS. PICKARD: -- is what I
5 just said.

6 MS. MINNICK: It's not in that
7 district. They would have to go in front of the
8 zoning hearing board.

9 MR. KERRICK: But it could be
10 done if they get approval.

11 MR. REISS: They'd have to get
12 a variance.

13 MR. MOYER: Apply for a
14 variance.

15 MS. LAMBERTON: Jonathan says
16 they have to get a variance, John.

17 MR. KERRICK: But that's okay.

18 MS. LAMBERTON: Okay. So --

19 MS. HAASE: Can I just be
20 clear just so I don't disappoint anyone?

21 MS. LAMBERTON: Please do.

22 MS. HAASE: Okay. So the

23 proposed signage for LED, the board is comfortable
24 with me moving forward with what's being proposed.
25 Now, I do want -- the one thing that I had

131

1 mentioned earlier is Bob and I had spoken about how
2 our current ordinance speaks to if it's -- I used
3 example, Blakeslee Village Plaza, is the board in
4 agreement that if it's on separate roads, that each
5 entrance then would be allotted a directory sign or
6 a digital sign?

7 MS. LAMBERTON: I -- I --

8 MR. McHALE: Or --

9 MS. LAMBERTON: -- I'm fine
10 with that.

11 MR. McHALE: Or if the frontage
12 is large enough to where PennDOT would allow two
13 access points --

14 MS. LAMBERTON: Use that as our
15 --

16 MS. HAASE: I think it's a 300
17 foot separation, I think is what our current
18 ordinance speaks to.

19 MS. LAMBERTON: I'm -- I'm fine

20 with that.

21 MR. McHALE: I mean, I'm just
22 ask --

23 MS. LAMBERTON: We can take a
24 roll call if --

25 MR. McHALE: I'm throwing that

132

1 out because that's a possibility of how that can be
2 construed as far as where those entrances are.

3 MS. HAASE: So you can look at
4 the distance or you can look at separate roads.

5 MS. LAMBERTON: Okay.

6 MR. HOLAHAN: I've got a
7 question. So on commercial and commercial
8 industrial, does that include neighborhood
9 commercial?

10 MS. HAASE: We don't have
11 neighborhood commercial. We only have commercial
12 and commercial industrial.

13 MR. HOLAHAN: Right. But in
14 our future land use, we're looking for commercial
15 neighborhood.

16 MS. HAASE: It would have to
17 be adjusted at that time, John. Once --
18 MR. HOLAHAN: To see if it was
19 going to be allowed or not?
20 MS. HAASE: Correct. If this
21 -- at this particular point we don't have that type
22 of a district.
23 MS. PICKARD: So this first
24 phase for this quick one, you're gonna put the
25 digital signs, I'm gonna be opposed to that

133

1 probably 'cause I'm not ready for that. I wanted
2 something quick for the banners and the special
3 events, so we're gonna bog it down with the digital
4 now?
5 MS. HAASE: That's up to the
6 board.
7 MS. LAMBERTON: No, we're just
8 adding it to -- I'm fine with it.
9 MR. MOYER: I'm okay with it.
10 MS. PICKARD: I'm not. I
11 think that the people that come to the meeting or
12 the hearing are gonna have a problem with it --

13 MS. LAMBERTON: And that's
14 okay.
15 MS. PICKARD: -- and it's gonna
16 end up being delayed.
17 MS. LAMBERTON: Then we can
18 hear what they have to say.
19 MS. PICKARD: That's fine.
20 I'm -- I'm not voting for that, for the
21 authorization --
22 MS. LAMBERTON: John Kerrick,
23 are you okay with moving forward?
24 MR. KERRICK: Move forward.
25 MS. LAMBERTON: John Holahan?

134

1 MR. HOLAHAN: No.
2 MS. LAMBERTON: Okay. Donny?
3 MR. MOYER: Yes.
4 MS. LAMBERTON: I am as well
5 too.
6 MS. HAASE: Okay. So then the
7 board's in agreement, then I will put together --
8 MS. LAMBERTON: The digital

9 part of it as well.

10 MS. HAASE: The digital part of

11 it as well and then again, do you want the

12 separation of so many feet per signs or in separate

13 roads?

14 MR. REISS: Or both?

15 MS. LAMBERTON: Or both.

16 MS. HAASE: Or both.

17 MS. LAMBERTON: I'm fine with

18 both.

19 MR. MOYER: Yeah. I -- I -- I

20 like them in --

21 MS. HAASE: Heidi and John, I

22 think you're out.

23 John Kerrick, what's --

24 MR. KERRICK: I'm okay with

25 that, the both.

135

1 MS. HAASE: So both.

2 MR. MOYER: Both, yeah.

3 MR. KERRICK: I think that

4 PennDOT has -- what is it, Bob, 300 or 600 feet for

5 two entrances?

6 MR. McHALE: I remember 600.
7 MR. KERRICK: I thought it was
8 --
9 MS. HAASE: Well, that's for
10 driveways.
11 MR. McHALE: That's for
12 driveways.
13 MS. HAASE: That's completely
14 different than what our signage. Yeah.
15 MR. KERRICK: I apologize.
16 MS. HAASE: You're speaking
17 about the regulations for driveways.
18 MR. MOYER: But that's exactly
19 why both might be --
20 MR. McHALE: Current signage --
21 I'm just saying, if somebody came in with a new
22 parcel and PennDOT said, well, you have to be 600
23 feet apart, that kind of takes care of that. But
24 what Phyllis is speaking to is, the current
25 separation of the signs on one large parcel.

1 MS. LAMBERTON: Okay.

2 MR. McHALE: So which do you
3 want?

4 MS. LAMBERTON: Either-or.

5 MS. HAASE: Both, I think you
6 want.

7 MS. LAMBERTON: Either-or.
8 Okay.

9 MS. HAASE: Okay. Not to be
10 really redundant, so I'm going to move forward with
11 submitting something to the board and also the PC
12 for the special events for federal hol -- holidays.

13 For the LED digital signs, the
14 only change will be then we'll include the
15 separation distance of so many square feet, which
16 is in our new -- in our current ordinance and/or
17 separate roads.

18 And for the A-frame signs, I'm
19 removing the insurance and I'm also going to add
20 the shingle signs and this is all going to go into
21 our current ordinance for consideration.

22 MS. LAMBERTON: Yes.

23 MR. HOLAHAN: Aren't shingle
24 signs -- I mean, they're already in there?

25 MS. PICKARD: No, they were in

1 the proposed.

2 MS. HAASE: They're in the
3 proposed ordinance.

4 MR. HOLAHAN: Oh, I'm just
5 looking -- okay. Yes.

6 MS. LAMBERTON: Yes.

7 MR. HOLAHAN: Got it.

8 MS. HAASE: Okay. We will
9 take care of this.

10 MS. LAMBERTON: Crystal clear,
11 right?

12 MS. PICKARD: So you're
13 authorizing the advertising by motion or are we not
14 authorizing advertising? Are we doing that next
15 week?

16 MS. LAMBERTON: I'll entertain
17 a motion to advertise?

18 MR. KERRICK: I'll second it.

19 MS. LAMBERTON: Well, someone
20 needs to make the motion for him.

21 MR. MOYER: I'll make the
22 motion.

23 MS. LAMBERTON: Okay. I have a

24 motion.

25 Do I have a second?

138

1 MR. KERRICK: I'll second it.

2 MS. LAMBERTON: Motion and a

3 second.

4 Any questions or comments from

5 the board?

6 Questions or comments from the

7 public?

8 Go ahead.

9 MR. MIKE CHRISTIAN: Yes,

10 ma'am.

11 THE REPORTER: Can you state

12 your name, please.

13 MS. LAMBERTON: Just state your

14 name, please.

15 MR. MIKE CHRISTIAN: Mike

16 Christian. Yeah, a couple questions. One, can I

17 have a copy of the proposed ordinance that you have

18 so far?

19 MS. HAASE: I -- I can

20 certainly --

21 MS. LAMBERTON: Phyllis will
22 furnish that to you at the end of the meeting, if
23 that's okay?

24 MR. MIKE CHRISTIAN: Sure.
25 Are we -- is digital the same as electronic?

139

1 MS. LAMBERTON: No -- well --

2 MS. HAASE: Well, it depends
3 what definitions you're looking at. Digital and
4 LED, yeah, they're pretty much interchangeable now.

5 MR. MIKE CHRISTIAN: So we're
6 saying digital, electronic, LED, it's all
7 (inaudible).

8 And just to clarify, you can't
9 have flashing signs?

10 MS. HAASE: That's correct.

11 MS. LAMBERTON: Correct.

12 MR. MIKE CHRISTIAN: And it has
13 to be -- and this was (inaudible) what John said,
14 this is only for the business on the -- on-lot
15 site? So you can't have --

16 MS. HAASE: Off-premise

17 advertising would not be allowed, that's correct.
18 MR. MIKE CHRISTIAN: So you
19 can't have promotional or -- or --
20 MS. LAMBERTON: Somebody can't
21 be advertising for --
22 MR. MIKE CHRISTIAN:
23 Campaigning --
24 MS. LAMBERTON: -- Pocono
25 Raceway.

140

1 MR. MIKE CHRISTIAN: --
2 campaigning -- what about free speech, where does
3 that enter into?
4 MS. LAMBERTON: We're learning
5 about that.
6 MR. REISS: That's a different
7 issue.
8 MR. MIKE CHRISTIAN: What's
9 that?
10 MR. REISS: That's a political
11 sign.
12 MR. MIKE CHRISTIAN: So if

13 someone puts a -- if -- if they take -- make that
14 sign a political sign, can they do that?

15 MR. REISS: It would be if it
16 -- if they have a permit for it, they're gonna be
17 able to put whatever they want on that sign as long
18 as it's not obscene.

19 MR. MIKE CHRISTIAN: So they
20 don't have to (inaudible) advertisement, could you
21 not put something in that says it has to be
22 advertising a business?

23 MS. PICKARD: Well, I thought
24 that was worded wrong --

25 MR. MIKE CHRISTIAN: I've seen

141

1 that in other townships where --

2 MS. LAMBERTON: So it's
3 specific to --

4 MR. MIKE CHRISTIAN: Specific
5 to that business.

6 MS. LAMBERTON: -- that
7 business on-site.

8 MR. REISS: Well, that's right.
9 Actually an on-premise sign already says that.

10 MR. MOYER: Yeah, that's in
11 there.
12 MR. MIKE CHRISTIAN: Okay. So
13 it is in that?
14 MR. MOYER: Yeah.
15 MR. MIKE CHRISTIAN: And then
16 just the last thing, just a comment about being,
17 you know, a hundred feet, close to a residential
18 district, I would just say just from experience
19 that it can be so bright at a hundred feet and if
20 you just think about your little LED clock light in
21 your bedroom at night, that could be pretty bright
22 and that's a tiny little thing, so just keep that
23 in mind that a hundred feet may be too close if
24 there's a residence next to one of these signs.
25 MS. LAMBERTON: Or an -- or an

142

1 adjustment in the illumination --
2 MR. MIKE CHRISTIAN: Well,
3 you'd have to go pretty low then.
4 MS. LAMBERTON: -- if it is
5 within that 100 feet.

6 MR. McHALE: One of the things
7 we ran into and the reason --

8 MS. LAMBERTON: Thank you.

9 MR. McHALE: -- we came up with
10 that just so you understand how we came up with a
11 hundred feet, was that there's properties along
12 some of these corridors where the depth of the
13 property is only maybe a couple of hundred feet and
14 immediately behind them is a residential district,
15 well, that means that all those commercial
16 properties -- if we made it 300 feet, none of them
17 would be allowed to have --

18 MS. LAMBERTON: Signage.

19 MR. McHALE: -- an electronic
20 sign.

21 MS. HAASE: I -- I think we did
22 address that because that was certainly a concern
23 and I will use Stillwater as an example. On 940
24 there's commercial properties and then directly in
25 back of it, there's a residential development,

143

1 Stillwater.

2 Many of these ordinance we

3 looked at the separation distance, 300, 500, but
4 they took the radius and we've -- we've learned
5 with our current ordinance that that can create an
6 issue. So we've changed that to be on the same
7 road, so just so the board is aware --

8 MS. LAMBERTON: Oh, okay.

9 MS. HAASE: -- that we've now
10 changed it to the same road, so if the board wanted
11 to expand that and make that a further distance,
12 you certainly could do that, but this is on that
13 road, not the radius of that business.

14 MR. MIKE CHRISTIAN: And then
15 just the last thing was, someone mentioned that the
16 hours, and even though you see the lights, you're
17 driving down at night, I mean, at two a.m. is there
18 a need to -- right now this is -- you know, very
19 few of the signs are illuminated or lit up. Does
20 every sign have to be lit up all through the night?
21 Question.

22 MS. LAMBERTON: I -- I think we
23 should take that into consideration. I agree with
24 that. I'm trying to think though like Ahart's,
25 their signs are lit now, right, around the clock?

1 Wawa is --

2 MR. MIKE CHRISTIAN: Does every
3 sign have a --

4 MR. McHALE: Like Heidi
5 mentioned earlier was that if you're driving into a
6 new town and you're looking for a certain business
7 and you're -- you're coming in late, you maybe want
8 to see it. I mean, the --

9 MS. LAMBERTON: And I respect
10 that too.

11 MR. McHALE: And maybe you can
12 adjust the brightness.

13 MS. LAMBERTON: After closing
14 or something.

15 MR. McHALE: That's a
16 possibility.

17 MR. REISS: Most townships that
18 allow any type of electronic sign have maximum
19 brightness after -- typically it's like within an
20 hour after dusk.

21 MS. LAMBERTON: Dusk.

22 MR. MOYER: Yeah.

23 MS. HAASE: And I think that

24 we -- we do address --

25 MS. PICKARD: Do you have a

145

1 lot, Jonathan, of -- of digital signs in
2 municipalities that you guys are --

3 MR. REISS: Plumstead prohibits
4 them, Williams Township allows them in just certain
5 districts and they have -- I want to say it may be
6 down to 150 nits, or whatever it's called, at
7 nighttime for brightness, but they have a longer
8 period --

9 MR. MOYER: Interval.

10 MR. REISS: -- interval,
11 they're up to maybe a minute and a half or three
12 minutes. They're pretty long.

13 MS. PICKARD: Can we -- could
14 you forward that to us? I'd be interested in
15 seeing that.

16 MR. REISS: Sure.

17 MS. PICKARD: And where is
18 that?

19 MR. REISS: It's in Northampton
20 County. It borders Easton and I-78.

21 MR. HOLAHAN: 25th Street --
22 Palmer.
23 MS. PICKARD: Okay, yeah. All
24 right.
25 MS. LAMBERTON: Okay.

146

1 MS. PICKARD: Thank you.
2 MS. LAMBERTON: Any other
3 comments?
4 Oh, go ahead.
5 MS. HAASE: I do. Sorry.
6 MS. LAMBERTON: That's okay.
7 Go ahead.
8 MS. PICKARD: We didn't vote
9 on that motion, did we?
10 MS. HAASE: No. I don't --
11 it's not about the signage, it's a few other items.
12 I'm sorry.
13 MS. LAMBERTON: Any other
14 comments from the public?
15 Seeing none. Call the vote.
16 John?

17 MR. KERRICK: In favor.
18 MS. LAMBERTON: Heidi?
19 MS. PICKARD: No.
20 MS. LAMBERTON: John?
21 MR. HOLAHAN: Yes.
22 MS. LAMBERTON: Donny?
23 MR. MOYER: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

147

1 MS. HAASE: Okay. I'm sorry.
2 MR. REISS: When is the May
3 meeting? Is it the 9th or is it a different date?
4 MS. HAASE: It is -- it is in
5 the daytime at 9:30 and I don't have them with me.
6 MR. REISS: I may have it in my
7 calendar then. I was looking --
8 MS. LAMBERTON: Oh, that's the
9 school, right?
10 MS. HAASE: May -- May 13.
11 MR. McHALE: 9:30.
12 MS. HAASE: May 9.
13 MR. REISS: May 9, at --

14 MS. HAASE: So do we still --
15 by the time we get this together and I --
16 MR. REISS: It's gonna be
17 tight.
18 MS. HAASE: Yeah. Perhaps we
19 could consider a special meeting in May?
20 MS. LAMBERTON: Sure. Is
21 anyone opposed to having a special meeting in May
22 because of time constraints not being able to have
23 this prepared and ready for the May 9th meeting?
24 MS. PICKARD: I -- I think that
25 --

148

1 MR. MOYER: I'm open to a
2 session.
3 MS. PICKARD: -- I would like
4 if there's a lot of people that may have opinions
5 on this, we have the town hall, that it should be
6 here at night not at the elementary school.
7 MS. HAASE: No, it's here.
8 It's not at the elementary school this year.
9 MR. HOLAHAN: Yeah, I -- May

10 isn't --

11 MS. LAMBERTON: That's fine.

12 MS. PICKARD: Is it during the
13 day for the kids or no?

14 MS. HAASE: Yes, it is in the
15 daytime.

16 MS. PICKARD: I think it should
17 be at night.

18 MS. HAASE: Well, that's what
19 we're asking is to --

20 MS. LAMBERTON: We'll have a
21 special --

22 MS. HAASE: -- not have it on
23 the 9th --

24 MS. LAMBERTON: -- meeting,
25 Heidi, not have it at the same time.

149

1 MS. PICKARD: Yeah.

2 MS. LAMBERTON: Yeah. Because
3 she won't have it ready by then --

4 MS. PICKARD: Yeah.

5 MS. LAMBERTON: -- for us to do
6 the advertise --

7 MS. PICKARD: So I think it's
8 better we have a night special meeting for that.
9 MS. LAMBERTON: Absolutely.
10 MS. PICKARD: And it's Memorial
11 Day so then that -- the --
12 MS. LAMBERTON: So let's do it
13 the week before Memorial day.
14 MS. PICKARD: -- the third
15 Monday is the 18th, it's a Monday night.
16 MS. HAASE: So the 23rd, is
17 that --
18 MS. LAMBERTON: Monday, the
19 23rd?
20 MS. HAASE: Is it Memorial Day
21 or no?
22 MS. LAMBERTON: I think it's
23 the following, isn't it?
24 MS. HAASE: Memorial day's the
25 30th.

150

1 MS. LAMBERTON: You know what?
2 No, no problem.

3 MR. REISS: Monday is May 23rd.

4 MS. LAMBERTON: Memorial day is
5 the 30th, you're right. So Monday, May 23 should
6 we have a seven o'clock --

7 MR. HOLAHAN: No, that's --
8 that doesn't work for me. I'm -- I'm not sure
9 when. It's -- well, it depends, Milly and I are
10 celebrating our 40th anniversary on the 22nd and we
11 might go away, so I can certainly say, Honey, I
12 can't go 'cause I've got a special meeting.

13 MS. PICKARD: No, you can't.

14 MR. KERRICK: I don't think
15 I'll try that one, John.

16 MS. PICKARD: Yeah, I think
17 that would be bad.

18 MR. HOLAHAN: You could hold a
19 recreant for me.

20 MS. PICKARD: -- the 31st?

21 MS. LAMBERTON: Well, do you --
22 Phyllis, do you think you'll be ready the week
23 before that, the 16th or is that pushing it?

24 MS. HAASE: It's only giving
25 us a couple extra days to get -- the issue is

1 getting it to the county, that county planning
2 commission and --

3 MS. LAMBERTON: Well, like
4 Jonathan said, if they know when we're --

5 MR. REISS: Now, the -- by law
6 it doesn't --

7 MS. HAASE: It has to be 30
8 days.

9 MR. REISS: Even -- you have
10 to let them have it for 30 days.

11 MR. MOYER: 30 days, yeah.

12 MS. PICKARD: What about
13 Wednesday night?

14 MR. HOLAHAN: Yeah, Wednesday
15 would be all right.

16 MS. HAASE: The 25th?

17 MS. LAMBERTON: Wait, you're
18 married for 40 years and you're only going for two
19 days?

20 MR. MOYER: Are we talking --

21 MR. REISS: (Inaudible) in
22 advance.

23 MS. HAASE: Would that be all
24 right?

25

MS. LAMBERTON: Oh, that's

152

1 right. I forgot the Friday, Saturday.

2 MS. HAASE: Donny, is that good
3 with you?

4 MS. LAMBERTON: The 25th, May
5 25th?

6 MR. KERRICK: I don't --

7 MS. LAMBERTON: That's a
8 Wednesday.

9 MR. KERRICK: -- May 25th, but
10 I'll do my best.

11 MS. PICKARD: We need to all be
12 here.

13 MR. REISS: Let me just throw
14 something out at you. Any ordinance you adopt can
15 only be -- go into effect five days after you adopt
16 it.

17 MS. LAMBERTON: Okay.

18 MR. REISS: So even if you
19 adopt it on May 25th, it doesn't become effective
20 until May 30th and no permits are gonna be issued

21 on May 30th because it's a holiday.

22 MS. PICKARD: Yeah.

23 MR. REISS: So --

24 MS. HAASE: Does it benefit

25 us?

153

1 MR. REISS: -- so the point I'm

2 making is, do you really need to rush through it --

3 MR. MOYER: We can -- we can do

4 it the following month.

5 MR. REISS: Right.

6 MS. HAASE: In June?

7 MS. PICKARD: Make it June.

8 MR. MOYER: Yeah.

9 MR. KERRICK: The first Monday

10 in June?

11 MR. MOYER: Why don't we do

12 that.

13 MS. LAMBERTON: Yeah.

14 MR. HOLAHAN: Good point.

15 MR. MOYER: It makes it easier.

16 MS. PICKARD: Yeah.

17 MR. HOLAHAN: All right. You

18 saved me.

19 MS. HAASE: Okay.

20 MR. KERRICK: June 6th, yeah.

21 MS. HAASE: So you said the
22 first Monday, so that would kind of --

23 MR. MOYER: June 6th.

24 MS. LAMBERTON: So we'll do
25 like a work session on Monday, June 6 and then --

154

1 MR. MOYER: Yep.

2 MS. LAMBERTON: -- a regular
3 meeting on June 10.

4 MR. MOYER: Okay.

5 MS. LAMBERTON: Okay.

6 MS. HAASE: All right. So the
7 work session you would like at what time?

8 MR. MOYER: Same time, five
9 o'clock or --

10 MS. LAMBERTON: Now we lost
11 Chad. We had it here at five o'clock for Chad.

12 MS. PICKARD: Well, we ran it
13 --

14 MR. MOYER: He might have got
15 bored --
16 MS. PICKARD: -- too long
17 probably.
18 MR. MOYER: Yeah.
19 MS. PICKARD: He had to go
20 eat.
21 MS. HAASE: Is -- is that --
22 five o'clock?
23 MS. LAMBERTON: Five o'clock is
24 good, yeah.
25 MS. HAASE: Okay. So that

155

1 kind of led into my next question. Work sessions
2 moving forward?
3 MS. LAMBERTON: I -- I'll
4 entertain a motion to continue with the work
5 sessions. I'm finding this very --
6 MR. MOYER: I'll make a motion.
7 MS. LAMBERTON: I have a
8 motion.
9 MR. KERRICK: I'll second.
10 MS. LAMBERTON: I have a

11 motion and a second.

12 MR. HOLAHAN: Yeah, I speak
13 against the motion.

14 MS. PICKARD: Yeah, I do too.

15 MR. HOLAHAN: To have them
16 every month -- I -- I think when we've got some
17 things that are coming up --

18 MS. PICKARD: Exactly.

19 MR. HOLAHAN: -- perhaps we
20 need to do that, but to make this a standing thing
21 is -- we'll just make stuff up --

22 MS. PICKARD: I know.

23 MR. HOLAHAN: -- just so we can
24 meet.

25 MS. PICKARD: I'm opposed to --

156

1 MS. LAMBERTON: Well, I think
2 we can cancel it if we don't have anything, so we
3 have a motion and a second on the floor.

4 Any other questions or comments
5 from the board?

6 Questions or comments from the

7 public?
8 Seeing none. Call the vote.
9 John?
10 MR. KERRICK: In favor.
11 MS. LAMBERTON: Heidi?
12 MS. PICKARD: I'm opposed.
13 MS. LAMBERTON: John?
14 MR. HOLAHAN: No.
15 MS. LAMBERTON: Donny?
16 MR. MOYER: I'm in favor.
17 MS. LAMBERTON: I'm in favor.
18 Motion carries.
19 MS. HAASE: So then we will
20 advertise that it will be the first Monday of each
21 month --
22 MS. LAMBERTON: At five
23 o'clock.
24 MS. HAASE: -- at five?
25 MS. LAMBERTON: Yes, please.

157

1 MS. PICKARD: Can we make it
2 later? I just really -- I can't make it at five
3 o'clock. I don't have time to go home and take the

1 MS. HAASE: And I'll just
2 advertise to the end of the year.

3 MS. LAMBERTON: That would be
4 lovely.

5 MS. HAASE: Okay. The other
6 item in --

7 (Inaudible comments.)

8 MS. LAMBERTON: Go ahead, I'm
9 sorry.

10 MS. HAASE: Two things, I know
11 we were just supposed to talk about signage, but if
12 I can just address a couple things.

13 MS. LAMBERTON: No, please do.

14 MS. HAASE: The Act 537, the RF
15 --

16 MR. HOLAHAN: The RFP?

17 MS. LAMBERTON: Yes.

18 (Inaudible comments.)

19 MR. HOLAHAN: That's all right.
20 Most of us are listening.

21 MS. HAASE: Okay. I
22 circulated on Friday -- no, I didn't give the board
23 enough time really to review it. Jonathan had
24 given me his comments. Bob and I had a discussion

25 today and I think it was one of the concerns with

159

1 the 537, is moving forward with it until we really
2 got a grasp of the overlay.

3 I know, Bob, if you want just to
4 -- to briefly discuss that?

5 MR. McHALE: If -- if you look
6 at Page 1 of 6 of the -- which is general scope
7 services, we're -- we're looking to kind of focus
8 on three areas, but the two major plants, or
9 treatment plants or facilities within the township,
10 and that's Blakeslee and then, of course, the Pine
11 Crest plant and trying to do a couple things.

12 One, for Blakeslee, as Phyllis
13 mentioned, if we don't know the intensity of what
14 we're looking to do with the village concept, then
15 it's gonna be very difficult to predict -- even
16 more so, are we looking at 100,000 gallons beyond
17 the 300 we already have permitted or 200,000 or
18 what's the number? Because if you look at any
19 possibilities of medical facilities, hospitals,
20 things like that, are all based upon beds or rooms
21 and you can tack on an extra 40, 50,000 gallons a

22 day if something like that gets proposed and if you
23 change the sewerage area.

24 So it's almost like we're a
25 quarter to a half step ahead if we start pushing

160

1 down the road too quickly with the 537 until we
2 solidify what you -- your vision of what you want
3 to see. We can -- we can take some of the areas,
4 that are already existing, users' allocated
5 capacity, that the board's already approved based
6 upon previous plans that came before you, and we
7 should reassess in Blakeslee some of these other
8 properties. Like there's 50 acres of commercial
9 that is in that Creekview, I guess -- I don't know
10 the name of the property owner, but it was called
11 Creekview. Other commercial --

12 MS. LAMBERTON: Was that down
13 by Austin Blakeslee?

14 MS. HAASE: Yes.

15 MR. McHALE: Yes.

16 MS. HAASE: MAC property.

17 MR. McHALE: And then there's

18 commercial industrial up by the intersection of
19 940, 115. So with that said, it -- it would be
20 very helpful to have at least an idea moving ahead
21 as to how you want this to look, because if you
22 make that commercial -- village commercial area
23 more intense, you're gonna wanna up the --
24 obviously the -- the sewage use is gonna be
25 increased and --

161

1 MR. HOLAHAN: So is that where
2 you got the gist -- you had the 200 --

3 MR. McHALE: Question mark.

4 MR. HOLAHAN: -- just plugged
5 in there?

6 MR. McHALE: Yeah, exactly.

7 MS. PICKARD: I just want to
8 say though -- and right as it is now, if somebody
9 came in with any plan, we only have one EDU there.
10 So whether we do the overlay or not, might not make
11 a difference. If somebody comes in with a plan for
12 a hospital, it would be permitted there and we
13 don't have it.

14 MR. McHALE: The study that the

15 consultant's going to do is, the first thing
16 they're gonna have to do is alternatives analysis
17 for anything beyond that 300,000 that's permitted.
18 So if you're only talking about 50,000 gallons a
19 day over the 300 that you're looking at versus
20 400,000 over the 300 and a land based application,
21 you're looking at a sizable property to --

22 MS. LAMBERTON: That needs
23 something.

24 MR. McHALE: -- dispose of as
25 opposed to that. And stream discharge is gonna be

162

1 very difficult to get approved.

2 MS. LAMBERTON: Right.

3 MR. McHALE: You can't just go
4 from 300 to 500 that easily. So anyway, with that
5 said, that's the first component.

6 The second, they're tied
7 together, two and three, because they're all based
8 upon what we started to do at the Pine Crest
9 Wastewater Treatment Facility. Again, Aqua owns
10 that and at one point in time, we were looking at

11 --

12 MS. LAMBERTON: Can you guys --
13 please?

14 MR. McHALE: -- what did they
15 really mean when they said Pine Crest plus 77,000
16 gallons being allocated to off-site areas. Well,
17 we feel that means one thing, DEP feels another.
18 What we'd like to do is -- is move forward in such
19 a manner that that 77,000 could be utilized all the
20 way down to 380 and pick up some of those larger
21 commercial, commercial industrial and the corridor
22 that you're looking to do kind of a village
23 commercial concept on, over in the Pocono Summit
24 area.

25 And again, we're back to that --

163

1 that thing again, where as far as planning goes, if
2 we know how intense that development is gonna be in
3 those village commercial areas, village centers,
4 then we can allocate numbers to that more readily.

5 Those were the big items really.
6 I mean, everything else is gonna be based upon
7 typical needs analysis that -- that's gonna have to

8 be done, certain criteria we're asking of the
9 consultant, but again, it comes back to, do we want
10 to go ahead and obtain these proposals and then
11 have to modify them or do we want to solidify what
12 your concept is?

13 MR. KERRICK: Bob, I got a
14 question.

15 MR. McHALE: Yes, sir.

16 MR. KERRICK: We had talked
17 once before about some of the areas that we know
18 that would never be built in different developments
19 that already have EDUs. Would that study -- would
20 they identify that and bring it back? You know,
21 and one time we talked about Carbon County, there
22 was a user that wanted to go over there;
23 Tunkhannock Township, on the other side of 80, to
24 get the EDUs that we needed for the plan. Would
25 that -- we'd have to identify that before we go

164

1 forward then, what -- what she -- what you guys are
2 proposing there is just our township?

3 MS. HAASE: That's correct.

4 MR. KERRICK: We're not
5 currently in it.

6 MR. McHALE: Correct. Correct.
7 And -- and wherever --

8 MR. KERRICK: We were trying to
9 get flow --

10 MR. McHALE: Wherever you want
11 --

12 MR. KERRICK: -- years ago.

13 MR. McHALE: Right. Wherever
14 you want that sewered area to be, we should know to
15 direct them to say, here's where and what we're
16 trying to develop, that's part of that our planning
17 to make that happen. But --

18 MR. KERRICK: Well --

19 MR. McHALE: But -- but --

20 MR. KERRICK: -- remember we
21 went through that study, there was -- there was
22 several lots that we know that will never be used
23 for EDUs and then we were trying to find a place to
24 put those out in the Blakeslee area, the --

25 MS. PICKARD: That's gonna be

1 part of the Project 537 plan, for the wetlands or --

2 MR. KERRICK: You know, and
3 there was other users (inaudible) in our township
4 that -- that approached --

5 MS. PICKARD: Or not.

6 MR. KERRICK: Well, I'm just
7 asking, was that ever looked at or -- to get
8 350,000 gallons a day.

9 MR. McHALE: That -- that's --

10 MR. KERRICK: We can go to 350.

11 MS. PICKARD: Yeah. But we
12 have --

13 MR. McHALE: That's something
14 that can be looked at in the planning, something
15 you all can propose or actually say, this is how we
16 want to look at our sewer area.

17 MS. LAMBERTON: Yeah. It's
18 been brought to my attention that somebody came to
19 the office here and had conversation about coming
20 in from Kidder Township because -- and I don't know
21 why we're not aware of it, but I would like that to
22 be part of the plan too, because if you're talking
23 about growing Blakeslee, the more business you can
24 attract, the better and if we have somebody that's
25 ready, willing and able and needs sewer for their

1 project to move forward, I think we need to look at
2 it --

3 MR. KERRICK: I didn't hear
4 what you said.

5 MS. HAASE: But just -- just
6 to be --

7 MR. MOYER: I didn't hear what
8 you said either.

9 MS. HAASE: -- just to be clear
10 on that, we had a real estate broker call last week
11 about whether they can get flows in Kidder Township
12 and I spoke to that individual and said at this
13 particular time they would not be able to because
14 they're not. It's not in our sewer district.

15 MR. McHALE: Well, we have CI
16 properties in the Blakeslee Corners that are not in
17 the identified sewer area --

18 MS. LAMBERTON: Right. And
19 they should absolutely be looked at.

20 MR. McHALE: -- that we would
21 have to go through a 537 to include it, so --

22 MS. LAMBERTON: So while we're
23 doing that --
24 MR. McHALE: Now is the time --
25 MS. LAMBERTON: -- what I would

167

1 like -- absolutely. I would like to -- if folks
2 are interested and even if it is -- and look where
3 we'd be right now if Pocono Township did not work
4 with us and allow us to tap into their 537 Plan and
5 we wouldn't have Kalahari.
6 MR. McHALE: That's right.
7 Correct.
8 MS. LAMBERTON: So if we have a
9 project that is in the neighboring township that
10 has somebody ready, willing and able to move
11 forward, I think we should talk with those people
12 and -- and involve --
13 MS. PICKARD: Then we would
14 amend our 537 at that point. I don't see how we
15 can do a 537 Plan for Carbon County or Kidder
16 Township.
17 MS. LAMBERTON: Well, you have
18 -- if you have a developer that's interested,

19 you're telling me you'd be willing to talk to them?
20 MS. PICKARD: I think we'd be
21 willing to talk to them but we'd have to amend our
22 -- I don't think -- I don't understand how --
23 MS. LAMBERTON: Well, we have
24 to amend it anyway.
25 MR. McHALE: This is what the

168

1 --
2 MS. LAMBERTON: This is gonna
3 be part of it.
4 MR. McHALE: It would be all --
5 MS. PICKARD: I don't
6 understand.
7 MR. MOYER: Then they would
8 have to pay it.
9 MS. PICKARD: I thought we
10 could only do the 537 for our -- our boundaries?
11 MS. LAMBERTON: No, we have --
12 I mean, Pocono came to us.
13 MR. McHALE: We can certainly
14 take that to the DEP under this.

15 MS. LAMBERTON: Right. Right.

16 MS. PICKARD: Well, right now

17 --

18 MR. REISS: I have a question.

19 MS. LAMBERTON: There is an

20 opportunity. I just would like to see -- if we

21 want Blakeslee Visioning and you want foot traffic,

22 the more businesses you have surrounding us, the

23 better for everybody.

24 MR. MOYER: Yeah.

25 MR. McHALE: It would almost be

169

1 -- it wouldn't be all of Kidder Township --

2 MS. LAMBERTON: No, no.

3 MR. McHALE: -- necessarily --

4 MS. LAMBERTON: No.

5 MR. McHALE: -- but --

6 MS. PICKARD: They have their

7 own.

8 MR. McHALE: -- but we would

9 have to enter in some kind of an agreement because

10 it would become almost a multimunicipal --

11 MS. LAMBERTON: Let's say it's

12 project driven.

13 MR. McHALE: -- because it may
14 be areas that are not just Kidder, you know.

15 MS. LAMBERTON: I respect that,
16 but let's say it's right down the corridor, there's
17 a large parcel and a developer is interested in
18 doing something, would we -- could I -- could I
19 like kind of get a consensus of the board, would we
20 be willing to work with those folks if they have a
21 developer for a large tract of land that's just
22 outside of our township, would we be willing to
23 work with them?

24 MS. PICKARD: I just want to
25 say that we didn't have enough EDUs to run that

170

1 line for everything, we'd be short selling what
2 we're doing in Blakeslee and we don't know what
3 we're doing with Blakeslee, so --

4 MR. McHALE: Right. And we
5 have to reevaluate Blakeslee completely anyway.

6 MS. PICKARD: I know. Well, I
7 didn't want to wait --

8 MR. McHALE: Okay.

9 MS. PICKARD: -- because I
10 don't know, the visioning -- this was just my
11 opinion, the visioning just sat for four years now.
12 Now we're starting again. I don't know where we're
13 going or how far close to a consensus and I still
14 don't think we're ever gonna know what's gonna be
15 developed on that parcel, so I don't want to hold
16 it up is what I'm saying. I don't want to hold up
17 the RFP. I think if it goes that, we amend it. I
18 -- I don't know. That's what I'm just thinking.
19 But I don't know --

20 MS. LAMBERTON: What I'd like
21 to do is, let me -- let me see if this project --

22 MS. PICKARD: We're never
23 gonna get this done --

24 MS. LAMBERTON: -- has anything
25 defined.

171

1 MS. HAASE: It would be nice
2 if they would come in and speak with us and then --

3 MS. LAMBERTON: Absolutely.

4 MS. HAASE: -- we could get an

5 idea --

6 MS. LAMBERTON: Okay.

7 MS. PICKARD: Who? Who?

8 MR. McHALE: It -- it would

9 certainly --

10 MS. HAASE: I don't know who

11 --

12 MR. McHALE: -- extend the time

13 frame --

14 MS. HAASE: -- the individual

15 is.

16 MR. McHALE: -- to get it

17 accomplished --

18 MS. HAASE: I think Annie spoke

19 --

20 MR. McHALE: -- if we have to

21 interact --

22 MS. PICKARD: There is a

23 specific individual?

24 MR. McHALE: -- with other

25 municipalities --

1 MS. PICKARD: I thought this
2 was theoretical.

3 MR. McHALE: -- adjoining us.

4 MS. LAMBERTON: No, there's a
5 specific individual.

6 MR. KERRICK: I'd like to see
7 the --

8 MS. PICKARD: They should come
9 in.

10 MR. KERRICK: -- move forward
11 and see what we have --

12 MS. LAMBERTON: Absolutely.
13 I'm just -- I just wanted to get an idea from the
14 board.

15 MR. KERRICK: -- with all the
16 things that aren't ever going to be built.

17 MR. MOYER: Yeah.

18 MS. LAMBERTON: And I think
19 that that's key too, Bob, for your flow. I mean,
20 if you know of properties that have EDUs that are
21 never gonna be used --

22 MR. REISS: Well, that's my
23 question.

24 MR. MOYER: Yeah.

25 MR. REISS: For planning

1 purposes when you planned your sewage plant, you
2 said, well, you are -- I don't want to say
3 arbitrarily, but you used your best judgment to say
4 one EDU here, one EDU here, five here and came up
5 with the size of the plant you wanted, but you
6 didn't reserve that EDU for that property, so you
7 have a basket of EDUs.

8 MR. MOYER: Flexibility.

9 MR. REISS: But just because
10 you said for planning purposes that you put one on
11 each of these lots here, that doesn't mean that
12 that EDU can only be used on that lot unless the
13 person already paid their tapping fee and reserved
14 it.

15 MS. LAMBERTON: And they own
16 it.

17 MR. REISS: So you have that
18 flexibility to move EDUs around and you may -- and
19 every municipality faces this, you may have --
20 you're always going to have a limited capacity for
21 sewage flow and you may have a sewer district that
22 actually is -- if it gets built out, you don't have

23 enough capacity today to serve that. That doesn't
24 mean that you have a fatal 537 Plan, in my opinion,
25 but you may differ about that but --

174

1 MR. KERRICK: We -- we kind of
2 always in the past just kind of treated it as if --
3 if that was in the planning, when it was done back
4 in the '90s, one EDU was on that lot, it kind of
5 stayed there. We never said that -- we threw them
6 in the basket, like you're saying, which you could,
7 I understand, but we never did.

8 MS. PICKARD: Well, I think if
9 somebody paid their assessment fee, I feel like you
10 have some kind of obligation. Now, if they --

11 MS. HAASE: But in defense of
12 the board, there's many lots and we had one EDU
13 that --

14 MS. PICKARD: Took more.

15 MS. HAASE: -- we ended up
16 taking more so, you know --

17 MR. KERRICK: Where the lot
18 was split.

19 MS. HAASE: -- it was treated.

20 MR. McHALE: Well, there is
21 that one parcel that's now -- Keswick Pointe was
22 one -- one large parcel, is now 170 EDUs, so that's
23 the kind of thing that has to be looked at.

24 Years ago we only had 25 acres
25 of commercial where Creekview is now, but when the

175

1 -- when the township went in to purchase the lands
2 behind, they allocated an extra 25 commercial acres
3 there. So those were the kind of things that are
4 new to scope that we need to reevaluate and look
5 at, so --

6 MS. PICKARD: So if we have
7 somebody that we allow from Kidder Township, can we
8 have them come in but do land base -- provide the
9 land base application, provide the land -- the land
10 base because we're gonna run out of stream
11 discharge and they'll never let us expand that.

12 MS. LAMBERTON: Well, I think
13 that that would be a discussion. I think they
14 should come in and meet with you Bob to be honest.
15 Get a feel for what -- what the project is and I

16 know we need to know if it is something viable and
17 we can get Blakeslee a -- a jump start, it makes
18 all the sense in the world especially --

19 MS. PICKARD: But even if
20 there was land in lieu of like --

21 MS. LAMBERTON: I can't answer
22 that, so --

23 MS. HAASE: You can -- you
24 could have them give me a call and we could
25 coordinate a meeting.

176

1 MS. LAMBERTON: Okay.

2 MS. PICKARD: I just don't
3 want to short out some of our developers --

4 MS. LAMBERTON: Oh, no, no, no,
5 no. It has to work, that's what the whole RFP --

6 MS. PICKARD: -- on 940
7 corridor that wanted to hook up when we have a
8 finite amount of discharge.

9 MS. HAASE: So back to
10 question then, we -- does the board want us to move
11 forward with the 537, do you want us to wait like

12 90 days or so until the visioning has -- group has
13 met again, the overlay committee, to maybe come
14 back with some other answers for the board? We
15 just don't know how you want to move forward with
16 this.

17 MR. HOLAHAN: Well, I didn't
18 know anything -- I -- I thought we were speaking in
19 conjecture, I didn't know --

20 MS. PICKARD: Yeah --

21 MR. HOLAHAN: -- that there was
22 somebody across the border --

23 MS. PICKARD: -- I didn't
24 either.

25 MR. MOYER: I didn't either.

177

1 MR. HOLAHAN: -- do something.
2 So in that event, I'd want to wait. We -- we do
3 need to get a clearer picture of what we're doing
4 with Blakeslee, so we can move forward with that.
5 I don't know what route to take.

6 Now, we're only talking about
7 that because the other two sections --

8 MR. MOYER: When's their next

9 meeting?

10 MS. LAMBERTON: Next Monday.

11 MR. HOLAHAN: -- were -- aren't

12 affected by this, the Pocono Pines and the Pocono

13 Summit areas.

14 MS. LAMBERTON: Right.

15 MR. HOLAHAN: So we're only

16 concerned about Blakeslee.

17 MS. HAASE: Right.

18 MS. LAMBERTON: Well --

19 MR. KERRICK: When's your next

20 meeting, John?

21 MR. MOYER: The Blakeslee

22 visioning meeting, when's that come up again?

23 MS. HAASE: The end of April.

24 MR. MOYER: The 20th.

25 MS. PICKARD: April.

178

1 MS. LAMBERTON: Okay. So we're

2 looking at our May meeting.

3 MS. PICKARD: We can wait until

4 then, but I just didn't want this -- kicked this --

5 we've been talking -- how long have we been talking
6 about updating the --

7 MS. LAMBERTON: Let me --

8 MS. PICKARD: -- 537 Plan?

9 MS. LAMBERTON: Let me reach
10 out to these folks, have them call the township,
11 sit down with a good group of you and discuss and
12 see what types of flows, what type of land applic
13 -- you know what I mean? I don't know all the
14 particulars.

15 I think that they're -- the
16 developer needs to know if -- would we be
17 interested -- would we be interested in -- in
18 working with them if it's possible, I think is the
19 question that was asked of me and I said,
20 absolutely we're business friendly.

21 MS. HAASE: I certainly think
22 it's possible. It's just currently today's date,
23 it's not allowed. We'd have to do --

24 MS. LAMBERTON: Oh, I know.

25 MS. HAASE: -- we'd have to

1 amend our plan and they'd have to amend theirs.

2 MS. LAMBERTON: Right. But
3 then when I saw the RFP, I thought, you know what?
4 Let's just throw this into one ball of wax and --

5 MS. HAASE: Now, how does that
6 work going into different counties, usually
7 (inaudible)?

8 MR. REISS: Well, it's the
9 township planning so --

10 MS. HAASE: So they would
11 amend theirs and send theirs to Carbon County for
12 review and we would send ours to Monroe County?

13 MR. REISS: Correct.

14 MS. HAASE: Okay.

15 MR. MOYER: There's ways to
16 work it.

17 MS. LAMBERTON: Yep. Okay.

18 MR. HOLAHAN: Now, you do have
19 to send it to surrounding townships --

20 MS. HAASE: Yes.

21 MR. HOLAHAN: -- and certain
22 districts anyway so --

23 MR. MOYER: Right.

24 MS. HAASE: Yes. And then the
25 other item I had, the board had asked to revisit

1 the audiotaping, videotaping?

2 MS. LAMBERTON: Yes. I
3 honestly didn't know we were gonna go ahead and do
4 that.

5 MS. HAASE: There was a motion
6 on it.

7 MS. PICKARD: We had a motion
8 on it.

9 MS. LAMBERTON: For security
10 cameras.

11 MS. HAASE: No, ma'am. You
12 made the motion.

13 MS. PICKARD: We -- we talked
14 about televised -- it was your motion, I thought.

15 MS. HAASE: It was to agree to
16 videotape and audiotape and place it on the website
17 for review. You made the motion and Heidi
18 seconded.

19 MS. LAMBERTON: God, I
20 apologize. I didn't remember that.

21 MR. MOYER: Was I absent from
22 the meeting? 'Cause I don't recall.

23 MS. HAASE: You were absent.
24 It was John Holahan, John Kerrick, Annie and Heidi.
25 MS. LAMBERTON: I guess --

181

1 MS. HAASE: And I think --
2 MS. LAMBERTON: I guess my only
3 concern is, how will the general public -- will
4 they be intimidated speaking by knowing that our
5 meetings are videotaped?
6 MS. PICKARD: I was worried
7 about the opposite.
8 MR. HOLAHAN: Like they would
9 be grandstanding?
10 MS. PICKARD: I think we just
11 -- you know, just have to feel that out and I think
12 there's gonna be --
13 MS. LAMBERTON: And then do we
14 do away with the stenographer?
15 No offense.
16 MS. HAASE: No, you still have
17 to have minutes. You still have to --
18 MR. HOLAHAN: No, you stay.
19 You stay.

20 MS. HAASE: And I think that
21 that was something that you were concerned about,
22 you had asked that at the meeting and we still have
23 to have the minutes.
24 MS. LAMBERTON: What month was
25 that from?

182

1 MS. HAASE: December.
2 MS. LAMBERTON: December.
3 MS. HAASE: And you made a very
4 good point that you said it keeps us more
5 transparent by doing so, but as far as the minutes,
6 that's separate. That's separate.
7 MS. PICKARD: But I think
8 people would know what's going on and have a better
9 idea if they wanted to come or they couldn't get
10 here, there are people that --
11 MS. LAMBERTON: Would you watch
12 our video online, this fun video, would you watch
13 it? I'm curious. I don't know.
14 FEMALE VOICE: It would be
15 nice, I think --

16 MS. LAMBERTON: Okay.
17 FEMALE VOICE: -- because
18 somebody can't get out --
19 MS. LAMBERTON: And I respect
20 it, I just -- I didn't -- I thought -- I apologize
21 for not remembering.
22 MS. HAASE: That's okay. No
23 problem.
24 MS. LAMBERTON: Because I know
25 we were worried about security with the girls in

183

1 the front and cameras out there and Jack's Rader's
2 office not really having any protection, I recall
3 that, but I didn't --
4 MS. HAASE: No, this is the
5 only --
6 MS. PICKARD: We're talking
7 about the -- you were at a conference --
8 MS. LAMBERTON: Phyllis and I
9 were at PELRAS, it was like watching paint dry.
10 MS. PICKARD: Yeah.
11 MS. HAASE: Now, just so you
12 know, everything's been installed in the room

13 already, above Donny, that's a speaker, so it will
14 be picking up the board and over in the back corner
15 is the camera.

16 MS. LAMBERTON: Is it being
17 taped now?

18 MS. HAASE: It is -- it is
19 being taped, it's not being audiotaped. So that --
20 that continually will run, but the audio is off
21 because you had asked not to move forward with the
22 audio.

23 MS. LAMBERTON: I meant any of
24 it?

25 MR. REISS: For right --

184

1 MS. HAASE: Well, that -- that
2 continuously feeds.

3 MR. REISS: For Right To Know
4 Law purposes, you will need to adopt a policy as
5 far as how long you keep these before you destroy
6 them, so that if somebody makes a request, it was
7 destroyed, it was destroyed --

8 MS. HAASE: Well, the plan and

9 the motion was, it will go on our website for
10 review.

11 MR. REISS: For how long
12 though?

13 MS. HAASE: That was not
14 discussed. So with anything, we have the policy or
15 we dispose of --

16 MR. REISS: Well, you have the
17 -- I don't know if the Pennsylvania --

18 MS. HAASE: I don't think
19 there's anything in there that speaks to that.

20 MR. REISS: Right.

21 MS. HAASE: We can put
22 something together and it would be the board's
23 decision of how long you'd like to retain that,
24 whether it would be for a year or --

25 MR. HOLAHAN: How long do we go

185

1 over our minutes?

2 (Inaudible comments.)

3 MR. REISS: Well, the minutes
4 you have to have so --

5 MR. HOLAHAN: Okay. Yeah, I

6 guess I'd like to, five years from now, look back
7 and see what I look like.

8 MS. HAASE: I did -- I did
9 speak to Linda --

10 MS. LAMBERTON: We might have
11 something --

12 MR. KERRICK: Years ago.

13 MS. HAASE: -- and we have the
14 capabilities of doing that, I spoke to her prior to
15 even presenting this to the board, but I'm just --

16 MS. LAMBERTON: Like how much
17 space would that take up on your website? I don't
18 know how that works, so --

19 MS. HAASE: I can follow up.

20 MS. LAMBERTON: Yeah.

21 MS. HAASE: -- with her --

22 MS. LAMBERTON: And that --

23 MS. HAASE: -- and then come
24 back on Monday.

25 MS. LAMBERTON: -- might help

1 us decide on how long we want to keep something

2 for.

3 MS. HAASE: But that kind of
4 led into another discussion we had internally about
5 the planning commission, is this something -- it
6 may be helpful for the planning commission, say
7 there's an applicant that can't attend and send his
8 engineer and he'd like to see it as well or she'd
9 like to see the presentation or for a resident that
10 may be interested in what's going to be developed
11 in our township. That is something I didn't
12 present to the board, I didn't really think about
13 it at the time until it was brought to my
14 attention.

15 MS. LAMBERTON: Let's take it
16 one step further, what about zoning hearing board?

17 MS. HAASE: We can do zoning
18 hearing board just when they deliberate --

19 MS. PICKARD: I'd like to be
20 able to see some of them and not be here for them.

21 MS. HAASE: When they
22 deliberate, of course, that will not be televised
23 but that could be done if the board so chooses.

24 MS. MINNICK: If that's
25 continuous, and the audio, would that be continuous

1 as well?

2 MS. HAASE: Correct. What the
3 -- they would have to adjourn into the other room.

4 MS. MINNICK: Okay.

5 MS. HAASE: And that's how
6 they used to do it.

7 MR. HOLAHAN: Excuse me.

8 MS. HAASE: Yes, sir.

9 MR. HOLAHAN: I understand what
10 continuous means --

11 MS. HAASE: That goes 24/7.
12 All the cameras will go 24/7.

13 MR. REISS: So someone has to
14 edit --

15 MS. HAASE: No, there is a --

16 MR. REISS: -- before it goes
17 online?

18 MS. HAASE: -- it's very, very
19 simple, when -- before I would walk into the room,
20 I just go in and I start the audio. We have a
21 meeting, after the meeting, I would go in and shut
22 the audio. It's -- it's very easy.

23 MR. KERRICK: What if they want

24 to deliberate?

25 MS. PICKARD: So when we walk

188

1 -- we're here every day, it's recorded?

2 MS. HAASE: Yes.

3 MR. HOLAHAN: Yeah, 'cause I
4 want Eddie to be able to say something without
5 getting in trouble with yous.

6 MR. EDDIE TUTRONE: I'm sitting
7 behind the camera.

8 MR. KERRICK: So how would you
9 stop it if they go in the other room to deliberate
10 then, the zoning hearing board?

11 MS. PICKARD: You could stop
12 the audio, not the camera.

13 MS. HAASE: You wouldn't have
14 to stop the audio, but they wouldn't be in here to
15 hear them deliberate.

16 MR. REISS: No, but I was
17 saying --

18 MR. KERRICK: I wouldn't want
19 them to hear, I wouldn't want anybody to hear what

20 they're talking about.

21 MS. HAASE: That's what I'm
22 saying, it's -- they -- they wouldn't be in this
23 room.

24 MR. KERRICK: You said that's
25 live in there as well.

189

1 MS. HAASE: No. This is the
2 only room that this -- this is the only room that
3 audio has been approved for. Audio is not in any
4 other --

5 MR. KERRICK: Okay.

6 MS. HAASE: -- location of the
7 township.

8 MR. KERRICK: I misunderstood.
9 I thought you meant the whole building.

10 MS. HAASE: Only for the --
11 only for the meeting room.

12 MR. REISS: So how do you pull
13 from that continuous loop the amount -- the actual
14 meeting or hearing or whatever to put on the
15 website?

16 MS. HAASE: I would not need

17 to do it. We have somebody --
18 MR. REISS: Someone else will
19 do that?
20 MS. HAASE: -- that does it.
21 MR. REISS: Okay.
22 MR. MOYER: We got a guy.
23 MS. HAASE: They just cut and
24 stop and, you know, I tell him we started at 7, we
25 ended at 8 and they go to that feed and then cut

190

1 that out and that's --
2 MS. LAMBERTON: What they put
3 on. Okay. Just a question.
4 MS. HAASE: Okay. That's okay.
5 MS. LAMBERTON: I could not
6 remember. I apologize.
7 MR. McHALE: Somebody will
8 probably look at that piece to make sure it's not
9 the wrong piece, I guess.
10 MS. LAMBERTON: Yep.
11 MS. HAASE: So I think it will
12 be helpful for our residents.

13 MR. REISS: Do you want to --
14 you probably should -- if you're gonna do more than
15 your supervisors meeting, you probably should
16 record that by motion.

17 MS. HAASE: Okay.

18 MS. LAMBERTON: I'll entertain
19 a motion that since we're gonna be live, that the
20 planning commission and the zoning hearing board
21 will be videoed and audioed as well?

22 MS. PICKARD: I'll make that
23 motion.

24 MS. LAMBERTON: I have a
25 motion.

191

1 MR. KERRICK: I'll second it
2 if we only keep them for a year. I think a year is
3 long enough.

4 MS. LAMBERTON: Well, I don't
5 know if you heard, I --

6 MR. KERRICK: I didn't hear. I
7 --

8 MS. LAMBERTON: I'm sorry. I
9 had asked, I don't know how large the clip is, and

10 does our website accommodate a lot of data. I
11 don't know.
12 MR. KERRICK: I don't know
13 either.
14 MS. LAMBERTON: So maybe we can
15 only keep it for a year.
16 MR. KERRICK: That's what I was
17 thinking.
18 MS. LAMBERTON: Because you
19 have -- then you're talking three a month.
20 MS. PICKARD: Yeah.
21 MS. LAMBERTON: Well, the
22 zoning hearing, depending on how --
23 MS. HAASE: Well, the zoning
24 hearing board --
25 MS. LAMBERTON: -- let's say

192

1 two, you know, so --
2 MS. HAASE: I could check into
3 that.
4 MS. LAMBERTON: I think -- I
5 think, John, we'll -- we'll go with the year unless

6 --

7 MR. KERRICK: The motion is up
8 to Heidi. She made the motion.

9 MR. MOYER: What's the motion
10 again?

11 MS. LAMBERTON: The motion is
12 that we are authorizing the -- not -- we already
13 authorized the board to be videoed and put on our
14 website for people to go back and look at our
15 meeting, but we're also authorizing the planning
16 commission and the zoning hearing.

17 MR. MOYER: Okay.

18 MR. McHALE: Does that include
19 work sessions?

20 MS. HAASE: It's a meeting,
21 yeah.

22 MS. LAMBERTON: And work
23 sessions.

24 MS. PICKARD: I'll amend my
25 motion to -- for now, if we want to change it, we

193

1 can change it.

2 MS. LAMBERTON: Unless we get

3 information that we can't keep it for a year --

4 MR. REISS: Or up to a year.

5 MS. LAMBERTON: -- or up to a

6 year.

7 MR. HOLAHAN: How much data --

8 if this is running 24/7, how much data can that

9 possibly store?

10 MS. LAMBERTON: They only take

11 a clip at the time of the meeting.

12 MR. HOLAHAN: I understand.

13 But what's the memory -- the memory of -- are they

14 purging the data? If it's running 24/7, even if

15 there's nothing happening --

16 MR. REISS: Like how long --

17 right. How long is that tape being kept --

18 MR. HOLAHAN: Well --

19 MS. HAASE: I think --

20 MR. REISS: -- regardless of

21 what's put on the website.

22 MS. HAASE: I -- I can speak

23 to Rodney about that.

24 MR. HOLAHAN: Perhaps Right To

25 Know says we have to -- if this becomes -- I guess,

1 perhaps -- I know you made mention of that, but
2 Right To Know may say that we have to have some of
3 these things available then too, which means that
4 we have to clip out the meetings and say we started
5 at 7 for the supervisors meeting and ended at 11:30
6 --

7 MS. HAASE: Well, it's not
8 gonna be hard to do that, again, because I think
9 once I flip that video or that audio card, then
10 that time stamps it.

11 MR. HOLAHAN: Okay.

12 MS. HAASE: So as far as
13 separating the meetings, I don't -- I don't find
14 that to be an issue. I -- I understand your point
15 about how long do we keep that total feed --

16 MR. REISS: And that's --

17 MS. HAASE: -- and at what
18 point then does it record over itself.

19 MR. REISS: Right.

20 MS. HAASE: And -- and I want
21 to say it was 30 days but I'm not positive.

22 MR. EDDIE TUTRONE: At that
23 meeting last week with Rodney, I believe he said

24 the county holds them for 30 days. He was talking
25 about --

195

1 MS. HAASE: Maybe that's why --

2 MR. EDDIE TUTRONE: -- a policy
3 -- they had to do a policy that say they only kept
4 it for 30 days.

5 MS. LAMBERTON: Oh.

6 MS. HAASE: Right. But, Ed --
7 we'll have to find out how they keep their
8 recordings 'cause the commissioners meetings are
9 recorded and they're on their website as well so --

10 MR. EDDIE TUTRONE: He was just
11 talking about the surveillance cameras --

12 MS. HAASE: Right.

13 MR. REISS: Because your --
14 your policy should include the surveillance
15 cameras, how long you keep those tapes, because
16 those are subject to Right To Know policy.

17 MR. KERRICK: Really cumbersome
18 if you have two, three meetings a month times a
19 year, your website will be huge.

20 MS. LAMBERTON: That's why I

21 was curious as to -- and maybe we can only keep
22 them for 30 days --
23 MR. KERRICK: That's fine.
24 MS. LAMBERTON: -- so --
25 MR. HOLAHAN: We'll put them on

196

1 a VHS and people can check them out.
2 MS. LAMBERTON: Okay. So I
3 have a motion and a second.
4 Any questions or comments from
5 the board?
6 Any questions or comments from
7 the public?
8 Seeing none. Call the vote.
9 John?
10 MR. KERRICK: In favor.
11 MS. LAMBERTON: Heidi?
12 MS. PICKARD: I vote in favor.
13 MS. LAMBERTON: John?
14 MR. HOLAHAN: Yes.
15 MS. LAMBERTON: Donny?
16 MR. MOYER: I vote in favor.

17 MS. LAMBERTON: I vote in
18 favor. Motion carries.
19 Any other public comment?
20 MS. HAASE: I do have an item
21 for executive.
22 MS. LAMBERTON: Okay.
23 MR. KERRICK: I will not be
24 able to stay.
25 MR. REISS: Is action gonna be

197

1 taken on it -- or will it require action by the
2 board of supervisors?
3 MR. KERRICK: Can we do it next
4 Monday? I can't stay.
5 MS. LAMBERTON: You can't stay?
6 MR. KERRICK: I got things I
7 got to do. I can't --
8 MS. LAMBERTON: Can we -- can
9 we call executive on Monday for next week?
10 MR. KERRICK: Is it important?
11 MS. HAASE: If the board could
12 just give me ten minutes, I would like to address
13 this.

14 MR. KERRICK: I'll give you 15.
15 MS. LAMBERTON: 15. Very good.
16 So we'll leave it open unless --
17 (Inaudible comments.)
18 Motion to adjourn?
19 MR. MOYER: So moved.
20 MS. LAMBERTON: So moved.
21 (Work session concluded at 7:16
22 p.m.)
23 ---
24
25

198

1
2
3
4
5
6
7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes

10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.

13

14

15

COURTNEY L. ROGERS

17

18

19

20

21

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, April 4, 2016, beginning at 5:00 p.m.

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

JONATHAN J. REISS, 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

1 MS. LAMBERTON: Okay. I have
2 five o'clock. Good afternoon, everyone.

3 MR. HOLAHAN: Howdy.

4 MS. LAMBERTON: I would like to
5 call the board of supervisors work session of
6 Monday, April 4, 2016 to order. We'll start with
7 the pledge of allegiance, please.

8 (Pledge of allegiance was
9 recited.)

10 MS. LAMBERTON: I see Heidi
11 just pulled in, so we'll just give her a minute.
12 Well, I guess we can get started. Chuck likes to
13 talk, so we'll start with you. We'll start with --

14 MR. HOLAHAN: We'll send
15 somebody out for dinner.

16 MS. LAMBERTON: We'll start --

17 MR. CHARLES LEONARD: We don't
18 have a presentation, we -- we're here to answer
19 questions --

20 MS. LAMBERTON: No, I --

21 MR. CHARLES LEONARD: -- to
22 clarify the confusion that might have existed as a
23 result of the last one.

24 MS. LAMBERTON: And I
25 appreciate that and thank you both for coming. I

1 guess our question was how the KOZ actually affects
2 Mark currently with his property. Technically he
3 is -- and correct me if I'm wrong -- technically he
4 is able to -- or he's not supposed to pay a tax
5 because the KOZ has been issued on that property.

6 MR. CHARLES LEONARD: Yeah,
7 the -- the law doesn't allow a PILOT to be a quid
8 pro quo, but it's something that can be negotiated
9 separately from the discussion in regard to the
10 approval of the KOZ.

11 And of course that's the
12 circumstances under which the original agreement
13 was negotiated and I think it was out of respect
14 for Mark and just longevity and this -- the
15 difficulties that we've had in developing and
16 growing that site and, of course, he has a PILOT
17 also with the school district and I think that the
18 -- presently the current agreement goes to the
19 taxing year of --

20 MR. DENNIS NOONAN: 2019.

21 MR. CHARLES LEONARD: -- 2019.

22 Under the current agreement and
23 of course what we would recommend is that the PILOT
24 be extended, but of course that's subject to action

25 by the board of supervisors.

4

1 MS. LAMBERTON: And then do I
2 understand correctly that when a new user comes in,
3 develops a property, they then benefit for the
4 remainder of the KOZ or is it a set amount of
5 years, I guess that's --

6 MR. CHARLES LEONARD: To avoid
7 confusion, I'll let Dennis --

8 MS. LAMBERTON: Okay. Yeah,
9 that's fine.

10 MR. DENNIS NOONAN: Well --
11 well, currently --

12 THE REPORTER: Can you just
13 state your name, please?

14 MR. DENNIS NOONAN: -- under
15 the current --

16 THE REPORTER: Can you state
17 your name, please?

18 MR. DENNIS NOONAN: Oh, sure.
19 Dennis Noonan, N-O-O-N-A-N.

20 Under the current agreement,
21 which it goes to 2019 -- through 2019, anyone who
22 comes to the site and develops a site and as a --
23 you know, a (inaudible) tenant, there are tax
24 benefits to that -- that person, the developer, the

25 tenant, the landowner to that 2019 end date.

5

1 And so if there was an extension
2 granted from this point to the 2019 termination
3 date when the CO is issued, between now and that
4 date, they would have six years, so it could
5 potentially go -- if they had a CO
6 --hypothetically had a CO issued December 31, 2019,
7 they will get six years --

8 MS. LAMBERTON: Oh.

9 MR. DENNIS NOONAN: -- beyond
10 that point. So that's basically what the extension
11 does.

12 Now, if there's -- nobody comes
13 to the site by the current termination date of
14 2019, it automatically will go -- the KOZ will
15 extend another six years and then it will end 2026
16 -- or, you know, the 2000 -- it won't go beyond
17 that point. And then it's just gone. It's done.

18 MS. LAMBERTON: So whether we
19 do an extension or not, it extends to 2026, is that
20 what you're saying?

21 MR. DENNIS NOONAN: No, no,
22 no. You'd have to approve the extension. If you
23 approve an extension, as I said --

24 MS. LAMBERTON: That's where
25 they'll gain the additions?

6

1 MR. DENNIS NOONAN: -- from --
2 from -- from the point of the issuance of the CO,
3 anytime between now and 2019, then from that point,
4 the KOZ is six years out. If nothing came to the
5 site and it was December of 2019, December 31,
6 2019, the KOZ then automatically just goes another
7 six years. So anybody who comes to the site beyond
8 that gets six years, five years, four years, three
9 years, whenever they come to the site. But in 2026
10 it's done, it's over.

11 MR. CHARLES LEONARD: So if you
12 don't --

13 MS. LAMBERTON: Okay.

14 MR. CHARLES LEONARD: -- you
15 don't grant the extension and we get a CO on 2017,
16 then the benefits would expire in 2019.

17 MR. DENNIS NOONAN: Right.

18 MS. LAMBERTON: No, I think
19 it's a wonderful advantage for a user to come in
20 and have that tax advantage given to them, to
21 encourage them to develop in our township, I -- I
22 -- I do not disagree with that at all. But that's
23 just my opinion.

24 So I didn't know if anyone else

25 had any other questions?

7

1 MR. HOLAHAN: Well, where was

2 the confusion because -- was it because of the

3 PILOT? It was the payment in lieu of, it was the

4 issue --

5 MR. CHARLES LEONARD: Right.

6 MR. HOLAHAN: -- not the KOZ

7 itself?

8 MR. CHARLES LEONARD: That's

9 right.

10 MR. HOLAHAN: And my

11 understanding is, a little bit of history of it --

12 but you're right, I wasn't around then, but that

13 was decided because the taxing authorities were

14 kind of selectively reassessing and Mark's property

15 was kind of getting hammered on the increased

16 prices, so the board of dir -- the board of

17 supervisors sometime said, what we're gonna do is

18 we're gonna go ahead and do the PILOT, but -- but

19 the payment in lieu of, are you allowed to do that

20 --

21 MR. CHARLES LEONARD: Yes.

22 MR. HOLAHAN: -- as a --

23 MR. CHARLES LEONARD: You're
24 allowed to do it separate from the process. A --
25 an applicant can't come in and say we'll set up

8

1 this payment in lieu of taxes if, at the public
2 meeting.

3 MR. HOLAHAN: Got you. Okay.

4 I'm -- but I'm okay with it,

5 Anne. I'm -- I'm -- I'm all right with the setup.

6 MS. PICKARD: Yeah, I am too.

7 MR. HOLAHAN: Okay.

8 MS. LAMBERTON: Anyone else

9 have any other questions?

10 John?

11 Donny?

12 MR. KERRICK: We have -- with

13 the payment in lieu of, that's just the township,

14 correct?

15 MS. LAMBERTON: Yes.

16 MR. KERRICK: Not the school

17 district, the county --

18 MS. LAMBERTON: No, they're

19 separate.

20 MR. KERRICK: -- just us?

21 MS. LAMBERTON: That's just us.

22 MR. KERRICK: And we -- and we

23 decided the 25 percent, did I read that correctly?

24 MS. HAASE: That is correct.

25 MS. LAMBERTON: That's my

9

1 understanding.

2 MR. KERRICK: 25 percent of --

3 MS. PICKARD: The county redid

4 it entirely -- they didn't take a payment so they

5 were getting nothing --

6 MR. KERRICK: County's getting

7 nothing and the school district --

8 MS. PICKARD: And the school

9 district was getting a hundred percent.

10 MR. KERRICK: -- a hundred

11 percent, but I do remember now that you refresh my

12 memory on the --

13 MR. HOLAHAN: Right.

14 MR. KERRICK: -- that

15 assessment. And we were here. Jaime --

16 MS. PICKARD: Yeah. And Jaime

17 was the one who did the calculation.

18 MR. HOLAHAN: Of course that

19 discussion went on much longer than this one is.

20 MR. CHARLES LEONARD: I wasn't

21 involved, was I?

22 MR. HOLAHAN: Oh, it could have
23 been worse.
24 MR. KERRICK: Do we need to do
25 any action?

10

1 MS. LAMBERTON: I don't think
2 -- do we have to redo a motion to --
3 MR. REISS: If you're going to
4 -- if you're going to confirm what you did at your
5 last --
6 MS. LAMBERTON: Last meeting.
7 MR. REISS: -- meeting, you
8 don't have to do anything because you adopted a
9 resolution.
10 MS. LAMBERTON: Yes.
11 MR. HOLAHAN: Cool.
12 MR. REISS: I prepared it and
13 sent it to Phyllis. I said hold off on signing it
14 until you had this discussion --
15 MS. LAMBERTON: Right.
16 MR. REISS: -- tonight because
17 it continued everything that was in place.
18 MS. LAMBERTON: Okay.
19 MR. REISS: So you can sign
20 that now.
21 MS. LAMBERTON: Okay. So the

22 general consensus is, we're fine with our decision
23 that we made at our last meeting?

24 MR. HOLAHAN: Yes.

25 MS. LAMBERTON: Okay. Good

11

1 luck.

2 MR. CHARLES LEONARD: Okay.

3 Very good.

4 MS. LAMBERTON: Bring -- bring
5 us a developer.

6 MR. CHARLES LEONARD: That's me
7 and he's at the same address.

8 THE REPORTER: Okay.

9 MS. LAMBERTON: Thank you for
10 explaining that to us. It was such a lovely night
11 out. We --

12 MR. DENNIS NOONAN: It was as
13 clear as mud, right? Thank you everybody.

14 MS. LAMBERTON: Thank you.

15 MR. CHARLES LEONARD: Clearly,
16 I didn't understand it like I should've --

17 MS. LAMBERTON: That's okay.

18 MR. CHARLES LEONARD: -- at the
19 last meeting.

20 MS. LAMBERTON: But now we

21 understand.

22 MS. PICKARD: You were filling

23 in, so --

24 MR. CHARLES LEONARD: Yeah,

25 thank you so much.

12

1 MS. LAMBERTON: Thanks.

2 MR. HOLAHAN: Never send the

3 boss to what somebody else can do.

4 MS. LAMBERTON: Okay. We're

5 moving on to new business. Consider approving

6 certificate of developer request for Payment No. 13

7 for Kalahari Resort's sewer account in the amount

8 of \$16,152.57.

9 MR. HOLAHAN: I'll make that

10 motion to approve the developer request for Payment

11 13.

12 MS. PICKARD: I'll second

13 that.

14 MS. LAMBERTON: I have a motion

15 and a second.

16 Any questions or comments from

17 the board?

18 Questions or comments from the

19 public?

20 Seeing none. Call the vote.

21 John?
22 MR. KERRICK: I vote in favor.
23 MS. LAMBERTON: Heidi?
24 MS. PICKARD: I vote in favor.
25 MS. LAMBERTON: John?

13

1 MR. HOLAHAN: Yes.
2 MS. LAMBERTON: Donny?
3 MR. MOYER: I vote in favor.
4 MS. LAMBERTON: And I'll
5 abstain due to a conflict. Motion carries.
6 MS. LAMBERTON: Item No. D,
7 consider approving certificate of developer in
8 request for Payment No. 14 for Kalahari Resorts
9 sewer account in the amount of \$142,478.
10 I'll entertain a motion.
11 MS. PICKARD: Everybody signed
12 off of that one. I know the other one was --
13 MR. MOYER: So moved.
14 MS. PICKARD: I'll second
15 that.
16 MS. LAMBERTON: Motion and
17 second.
18 Questions or comments from the
19 board?

20 Questions or comments from the
21 public?
22 Seeing none. Call the vote.
23 John?
24 MR. KERICK: I vote in favor.
25 MS. LAMBERTON: Heidi?

14

1 MS. PICKARD: I vote in favor.
2 MS. LAMBERTON: John?
3 MR. HOLAHAN: Yes.
4 MS. LAMBERTON: Donny?
5 MR. MOYER: I vote in favor.
6 MS. LAMBERTON: And I'll
7 abstain.
8 Moving on to our proposed sign
9 ordinance.
10 MS. HAASE: Yes, ma'am. Bob
11 McHale, Maureen Minnick and I, as requested by the
12 board, we sat down and we looked at the three types
13 of signage that the board wanted us to review.
14 So the first one that we
15 approached was, there was a discussion that they
16 would like addition -- you would like additional
17 signage on holiday weekends. So the proposed
18 ordinance we have submitted to you and this would
19 allow, for federal holidays, a business owner to

20 put a sign up the Thursday prior to the holiday and
21 remove it within 48 hours after the holiday. It's
22 pretty straightforward.
23 We currently -- business owners
24 now can put up signage for special events three
25 times per year, so this just extends it into the

15

1 federal holidays as you had requested.

2 MS. LAMBERTON: What about like
3 for grand openings or a new business into the
4 township?

5 MS. HAASE: That is in our
6 ordinance already.

7 MS. LAMBERTON: So they can
8 leave that up for how long?

9 MS. HAASE: 14 days. In front
10 of you, I also had placed a packet. The packet
11 that you have, these are the current signs that a
12 business owner currently would -- allowed to be put
13 up. So they are allowed to have a free-standing
14 sign, a wall sign, canopy sign or a roof sign. So
15 --

16 MS. LAMBERTON: Or one of them?

17 MS. HAASE: No, no. They're
18 allowed to have a free-standing sign and either a

19 wall sign, canopy or roof sign. So they're allowed
20 two signs there. Then they're allowed to put in as
21 many signs as they'd like in the windows as long as
22 50 percent of the window is shown, that's on the
23 third page.

24 Then you have an example of a
25 directory sign. They're allowed to have one of

16

1 these signs or depending on how large the lot is,
2 they could have two.

3 On the next page, you will find
4 race weekend banners. I'm sorry.

5 MS. LAMBERTON: I'm sorry.
6 Going back to that directory sign, what is the
7 difference on the lot sizes where it triggers one
8 or two?

9 MS. HAASE: I want to say it's
10 a separation of 300 feet for the entrances. Is it
11 300 feet?

12 MS. MINNICK: And I believe
13 it's two entrances. I don't think more than two
14 entrances like Ahart's, it would be allowed.

15 MS. HAASE: Ahart's, Blakeslee
16 Village Plaza.

17 MS. LAMBERTON: And you need
18 300 foot distance between those two driveways?

19 MS. MINNICK: I don't know

20 offhand, but I believe so.

21 MS. HAASE: I believe it's 300.

22 MS. PICKARD: We can look it

23 up on our website.

24 MS. LAMBERTON: Okay. Just a

25 question.

17

1 MS. HAASE: Okay. Then you'll

2 find twice a year the business owner would be able

3 to put up a banner for the race weekend. Following

4 that, three times per year for a 14 day span,

5 they're allowed to put up a sign for a special

6 event.

7 Then for a new business, on the

8 next page, they're allowed to put up a banner.

9 They're also allowed three times per year for two

10 weeks each time to put up a sale sign. And then

11 the going out of business, that's regulated by the

12 state, and that's 30 days.

13 So currently this is the signage

14 that would be allowed. So there's -- there's

15 actually quite a bit of signage that's allowed.

16 The problem that businesses are having, when

17 they're in the strip mall, those are the businesses

18 that have some obstacles to overcome. If it's one
19 -- if it's a one business on one parcel of land,
20 there's a lot of signage that they could put up.
21 It's the individual that's in a strip mall with,
22 say, 10, 15 businesses, that's where it becomes a
23 little limited on the marquee because it's not just
24 their business being advertised. It -- they would
25 have to share that and of course that's between the

18

1 landlord and the tenant.

2 But I just wanted to show to you
3 what currently a business was able to put up.

4 MR. HOLAHAN: Phyllis, did you
5 say on the race weekends too?

6 MS. HAASE: Um-hum.

7 MR. HOLAHAN: So how about if
8 we have three races or four races, it doesn't
9 matter, right?

10 MS. HAASE: Well, our current
11 ordinance speaks to NASCAR, so now they have an
12 Indy race, so in the proposed ordinance, we have
13 included the Indy races, but certainly if they put
14 up a banner for the Indy race, the township allows
15 that.

16 MR. HOLAHAN: Okay. Good. And
17 then special events as well, special events in the

18 township?

19 MS. HAASE: Um-hum.

20 MR. HOLAHAN: Pocono Raceway is

21 having -- is hosting the air show this August, so

22 that would be something that the businesses may be

23 able to post about?

24 MS. HAASE: If there's some

25 way they can work it into their business, yes.

19

1 MR. HOLAHAN: Okay. Welcome

2 air show attendants --

3 MS. PICKARD: What do you mean

4 if they can work it in?

5 MS. HAASE: Well, they can't

6 advertise that air show because that's in another

7 municipality. If they wanted to have some event

8 for the air show and say they're displaying some

9 type of souvenirs or something related to that,

10 then, yes. It needs to be something related to the

11 community as the way the ordinance is written out.

12 MS. PICKARD: So Donny can't

13 make airplane shaped pancakes?

14 MR. HOLAHAN: Well, it's not

15 -- it's got to be a building, he's not allowed

16 there.

17 MS. PICKARD: Like for the
18 race, all the places -- I'm not sure what the
19 connection is, that they sell beer or something.

20 MS. HAASE: Well, say they
21 wanted --

22 MS. PICKARD: All the
23 restaurants, they welcome race fans.

24 MS. HAASE: -- they wanted to
25 have a -- some type of a festival at their business

20

1 or put some of the wares outside of their business,
2 that would be allowed and that's for a two week
3 span.

4 MS. PICKARD: That's a special
5 event --

6 MS. HAASE: Correct.

7 MS. PICKARD: -- not a NASCAR
8 thing?

9 MS. HAASE: Correct.

10 MR. HOLAHAN: Right.

11 MS. LAMBERTON: But it has to
12 be a special event that they're hosting?

13 MS. HAASE: Yes, ma'am.

14 MS. PICKARD: Yeah, that's the
15 difference.

16 MS. HAASE: The difference of

17 the NASCAR, that would be for the entire community
18 to welcome and support the fans that are coming in.

19 MR. REISS: Couldn't they have
20 one of these special sale signs and say --

21 MR. HOLAHAN: Air show sale.

22 MR. REISS: Right.

23 MS. HAASE: Oh, they could.

24 But I don't know if they want to use -- they
25 certainly could do that.

21

1 MR. HOLAHAN: Somebody could
2 read it like Mock 1.

3 MS. HAASE: Yeah. So there's
4 -- there's many ways and when a business comes in,
5 that's something the zoning officer or if they --
6 or if they meet with me, we always tell them, these
7 are the types of signage that you're allowed and
8 you're allowed to put it up race weekends, you're
9 allowed to have sale banner -- or signs, so they're
10 informed when they come in. Again, the obstacle
11 would be for the businesses that are in a plaza.

12 MS. LAMBERTON: So that
13 apparently has to be addressed.

14 What are the biggest complaints
15 you hear from folks that want signage for their

16 businesses? And it's got to come to you, right?

17 MS. MINNICK: It comes to
18 pretty much all of us, but the biggest complaint is
19 that they can't see, you know, their sign or the
20 traffic -- the speed limit's too high for anybody
21 to see what's in the plazas.

22 MS. LAMBERTON: Well, I know
23 that was a concern with the digital sign, I mean,
24 with the traffic. It's like, you know, how -- how
25 do you time that, somebody doing 70 miles an hour

22

1 on 380; you're seeing, you know, 45, 50 miles an
2 hour on certain sections of 940, so what do we do
3 -- any suggestions on how we can work with these
4 folks so we can --

5 MS. MINNICK: I don't know if
6 there is a way to address it without overpopulating
7 the area with the signage.

8 MR. HOLAHAN: Well, I certainly
9 understand, what happens is, as businesses, we're
10 fighting for the attention of -- most everybody
11 that's going by us and therein lies where the
12 problem is, because now everybody is putting out as
13 much as -- so they can get noticed over somebody
14 else. And then that's when you start seeing the --
15 those flag banners and the big dancing air filled

16 -- you know what I'm talking about, right? Those

17 --

18 MS. MINNICK: Inflatables.

19 MS. PICKARD: I was in

20 Philadelphia yesterday -- I was in Philadelphia,

21 and we're trying to find a restaurant. So we were

22 like going by (inaudible) and trying to find things

23 and we were driving in the plazas going down and

24 looking what the businesses were. I certainly

25 couldn't see the sign there, so the only way for me

23

1 to know what was there was to pull in the plaza and

2 drive down the corridor.

3 I mean, I think that is wherever

4 I go, if there's no electronic flashing signs

5 weren't going to, you know, just a matter of

6 whether we have the traffic, whether is a good

7 location, whether you can see it. I know Liberty

8 Plaza seems to be in a little bit of a hole there

9 and it's very difficult and that's something, I

10 don't see, that we're going to fix and that seems

11 to be the major problem.

12 I don't know if electronic signs

13 at -- with some rotation or something would make

14 sense at strip plazas that have multiple uses or

15 not, but, you know, I don't see how we can fix it
16 by the size of the sign. We already -- they can
17 put it on the roof or on the face there. I don't
18 know, depending on the landlord, whether they can
19 have a canopy sign, but those A-frame signs are
20 just worthless. That's for when you're walking
21 down the plaza and you want to see what the daily
22 specials are. That's a walkable thing. I don't
23 think those A-frame signs at 45 miles an hour on a
24 highway is not gonna do anything except pose a
25 danger if they move around.

24

1 MS. HAASE: I -- we did
2 address the A-frame signs as well.

3 MR. HOLAHAN: Yeah.

4 MS. HAASE: That was -- that
5 was in there.

6 MS. PICKARD: But I think we
7 need to see what the problem is. What I was
8 thinking initially, until you brought up the plaza,
9 is maybe we need to have some workshops, you know,
10 once a month, like she -- we have the manager
11 meetings, for businesses to talk to Maureen and ask
12 the zoning officer and have some things on signage
13 so that we can educate the business owners and --
14 and some of those people to see what -- what

15 options they have for their particular
16 circumstances to improve their visibility.

17 But I think it really -- they
18 need to advertise in -- in publications and, you
19 know, like everybody else trying to get business,
20 you know. I mean, I don't think, especially in the
21 middle of the township, you're just gonna have
22 enough traffic driving by, to warrant that as a
23 change.

24 MS. LAMBERTON: Maybe we can
25 look at an ordinance with their distance from the

25

1 road.

2 MS. HAASE: That's what our
3 ordinance speaks to now.

4 MS. LAMBERTON: So no matter
5 whether you're on the -- right up against the road
6 or you're 150 feet back, they have the same sign
7 ordinance?

8 MS. HAASE: No.

9 MS. PICKARD: No.

10 MS. HAASE: Depends how far
11 back you are, is how large your sign becomes.

12 MS. PICKARD: Could you give
13 an example so maybe we could understand that a

14 little bit better? Like a building like a hundred
15 foot back from the cartway?
16 MS. MINNICK: So any building
17 that's a distance of 10 to 50 feet from street
18 cartway, they're allowed 5 percent of wall area
19 exposed to the street; 50 to 150 feet they're
20 allowed 10 percent of wall area; and then it goes
21 151 or greater, they're allowed 15 percent.
22 MS. HAASE: So that would be
23 for their wall sign.
24 MS. PICKARD: Okay.
25 MS. HAASE: Or if they painted

26

1 it on the building. If it's a roof sign, it's
2 different. If you take the whole length of the
3 building and you divide it by half, and it can be
4 two and a half foot in height. So there's
5 different regulations for different types of signs.
6 MS. LAMBERTON: So the height
7 of that roof sign doesn't vary depending on the
8 distance?
9 MS. HAASE: No.
10 MS. LAMBERTON: You're saying
11 to me that's two feet --
12 MS. HAASE: Two and a half
13 feet, correct.

14 MS. LAMBERTON: Two and a half
15 feet, no matter how far -- I mean, it would make
16 sense to me the further they are away, the more
17 height we would allow for visibility for those
18 folks.

19 MS. MINNICK: Right. Kalahari
20 --

21 MS. LAMBERTON: Well, maybe --

22 MS. MINNICK: -- Kalahari was a
23 perfect example. They have --

24 MS. LAMBERTON: It was a prime
25 example.

27

1 MS. HAASE: It was the size of
2 the building, right?

3 MS. MINNICK: -- it was the
4 size of the building.

5 MR. HARRY FORBES: A few times.

6 MS. LAMBERTON: Yeah.

7 MS. PICKARD: Well, for that
8 it was nothing --

9 MS. LAMBERTON: You know, maybe
10 we can look at that. And is that 5 percent for
11 zero to 50 feet, is that large enough, is that
12 visible for people 50 feet away?

13 MS. PICKARD: I don't know
14 what would reach. Is there other --
15 MR. JOHN HOLAHAN: There's no
16 big buildings.
17 MS. PICKARD: -- comparisons we
18 can look at for that, what Manor Township and some
19 of the other ordinances or local ordinances have.
20 MS. HAASE: Again, it depends
21 the size of the building.
22 MS. PICKARD: I know --
23 MS. HAASE: Of the facade of
24 the building.
25 MS. PICKARD: -- but if others

28

1 have different size of percentages --
2 MS. LAMBERTON: Well, maybe it
3 shouldn't be the size of the building, maybe it
4 should be a distance. Let's say someone can afford
5 to --
6 MS. MINNICK: Well, it does go
7 from the distance from the street, but it's also --
8 that's what they're allowed, five percent --
9 MS. PICKARD: Five percent of
10 what? The --
11 MS. HAASE: The --
12 MS. LAMBERTON: The front of

13 the build -- the building that faces 940 or 115.

14 MS. MINNICK: The building --

15 MS. PICKARD: The area of the

16 --

17 MS. LAMBERTON: Do you know

18 what I'm saying?

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: Maybe the

21 building isn't big enough to warrant --

22 MR. MOYER: Or maybe --

23 MS. LAMBERTON: -- maybe we

24 need to take that into consideration for folks that

25 are far back and they have a small building --

29

1 MR. MOYER: Five percent ---

2 MS. LAMBERTON: -- that doesn't

3 really help them at all.

4 MR. MOYER: Right. But like

5 when you go in a strip mall, the five percent of

6 the building is only -- a certain part is your part

7 of the building.

8 MS. PICKARD: Yeah, if you

9 have little small --

10 MR. MOYER: You have ten stores

11 in there, so --

12 MS. LAMBERTON: Well, you know,
13 I mean, that's where the canopy comes into play and
14 things like that, that would, A, attractive, you
15 know; B, it would be additional signage.

16 MS. HAASE: And the cabinet --
17 once the cabinet's install, they -- when a new
18 tenant comes in, they don't replace everything,
19 they just do the sign face. The landlord generally
20 will put up the cabinet and when a new tenant comes
21 in, they just do the sign face. So they don't
22 change that. That doesn't get -- I don't think, to
23 be honest with you, in ten years of being here that
24 I ever recall one of them being changed.

25 MS. PICKARD: But it is

30

1 something a landlord may have put in because of our
2 restrictions and they opt to make bigger.

3 MS. LAMBERTON: Yeah, leave it
4 alone before -- yeah, because then it's
5 grandfathered in.

6 And are we giving the multiple
7 stores in a strip, or whatever, enough size so
8 they're legible? 'Cause you hit the nail on the
9 head, Maureen, when you're going 45 miles an hour,
10 it's very hard to see multiple names and maybe we
11 should, I don't know, border or a distance between

12 names or something, I don't know. I don't know,

13 something -- we need to -- we need to --

14 MS. PICKARD: They're supposed

15 to be marked through.

16 MR. HOLAHAN: Well, I was just

17 gonna say that, you know --

18 MS. LAMBERTON: But if you're

19 looking for something. If you're looking for

20 something.

21 MS. PICKARD: Like I said, I

22 have to pull in.

23 MR. HOLAHAN: -- become

24 distracting me.

25 MS. PICKARD: Yeah. I mean,

31

1 we had this conversation when we were doing the

2 revised ordinance with one of the folks that had a

3 small building and I think the square footage had

4 something to do with the size of -- whether it was

5 a roof or the main side and they have a tiny little

6 building down here and they have six businesses in

7 there and they can't fit six legible signs.

8 MS. LAMBERTON: Maybe we could

9 have a minimum -- maybe have a minimum, not like

10 five percent of the building front, have a minimum

11 square footage, so if that is a small building,
12 they at least get a sign that is visible, that is
13 not based on a percentage of a smaller structure 50
14 feet off the road that you can't see.

15 MR. HOLAHAN: Well, I wouldn't
16 mind working on a --

17 MS. PICKARD: Yeah.

18 MR. HOLAHAN: -- a formula for
19 that so that we can quantify what is a small
20 building.

21 MS. LAMBERTON: Right. Right.
22 That's what I mean. You should have like a -- a
23 size minimum that at least they'd be able to
24 benefit from.

25 And -- and what -- what are our

32

1 thoughts on -- like while they're open, like open
2 signs and things like that? I mean, I think that's
3 an attraction getter for businesses.

4 MS. HAASE: In the proposed
5 ordinance the board was allowing open signs.

6 MS. PICKARD: But they were
7 flags, they were pretty much rectangular flags,
8 weren't they not --

9 MR. HOLAHAN: Yeah, but then --
10 yeah, you just put them up and bring them in at

11 night.

12 MS. PICKARD: And you put them
13 out and --

14 MS. MINNICK: They were
15 attached to the building.

16 MR. HOLAHAN: They have to be
17 attached to the building, yeah.

18 MS. LAMBERTON: Harry?

19 MR. HARRY FORBES: A lot of
20 businesses are now going to the electronic neon
21 signs for open, so I don't know if you cover that
22 in your ordinance.

23 MS. LAMBERTON: Yeah, I think
24 that's allowed --

25 MS. HAASE: Yeah, that's

33

1 currently allowed.

2 MS. LAMBERTON: Yeah, yeah.

3 MR. HARRY FORBES: A lot of
4 them are going to those --

5 MS. HAASE: Yeah, that's
6 currently allowed.

7 MR. HARRY FORBES: -- those
8 types of purses, the little plaque sign.

9 MS. LAMBERTON: Right. I'm not

10 opposed to seeing --

11 MS. PICKARD: If they had them
12 at the window, they could -- that's what I see when
13 I -- I pull into Amadeo's, the -- the neon open
14 sign is what catches my eye, that I know they're
15 open, but I know the business is there already, you
16 know?

17 MR. HOLAHAN: Yep.

18 MS. LAMBERTON: Right.

19 MR. MOYER: But it has to be
20 attached to the building. This is the problem with
21 something that's 300 feet off the road, to be able
22 to take a sign out in the morning and put it out
23 there.

24 MS. LAMBERTON: During business
25 hours.

34

1 MR. MOYER: Right. And bring
2 it back. But I know the guy at the gun shop takes
3 his thing because it has to be to a vehicle or
4 staked in and whatever, so he parks out there and
5 he puts it on.

6 MS. LAMBERTON: And that
7 building is hidden --

8 MR. MOYER: It's set back,
9 yeah.

10 MS. LAMBERTON: -- so unless
11 you truly know what's there, that -- that would be
12 difficult to attract business to your -- you know,
13 to your store. I mean, those are things I would
14 like to see addressed, to have folks -- I mean, I'm
15 not opposed to somebody saying, look, we sell
16 propane tanks. I mean, I'm not opposed to that. I
17 mean, I'd like to know what everybody else thinks
18 about it.

19 MR. HOLAHAN: What, out by the
20 road?

21 MS. LAMBERTON: When -- when
22 they're open, I think they should be able to
23 advertise what they have, you know, with a minimum,
24 to a minimum.

25 MS. HAASE: Well, the

35

1 direction that we received from the board for the
2 A-frame signs is to work something up that would be
3 under the covered roof, like in a strip mall on
4 their sidewalks so that's --

5 MS. LAMBERTON: Which makes
6 sense with an A-frame sign.

7 MS. HAASE: -- that's what we
8 put out --

9 MS. LAMBERTON: Right.

10 MS. HAASE: -- I presented to

11 you.

12 MS. LAMBERTON: Right.

13 MS. HAASE: Is the board happy

14 with the proposal for the special event, federal

15 holidays?

16 MR. HOLAHAN: I am.

17 MS. PICKARD: I -- I am. I

18 think that's a happy medium, you know.

19 MS. HAASE: Is that what you

20 were looking for, Donny, something like that for

21 the holidays?

22 MR. MOYER: Yeah, I mean, I

23 think for people that have businesses that -- that

24 rely on that weekend and holidays, that's --

25 MS. PICKARD: But Donny's

36

1 saying that if he puts those banners up, you're not

2 gonna see them 300 feet off the road.

3 MR. MOYER: Yeah, you have to

4 have them connected to the building, it makes no

5 sense.

6 MS. HAASE: No, no, no, no.

7 This -- the special event signs are not connected

8 to the building.

9 MS. PICKARD: Okay. But where
10 are they?
11 MS. HAASE: It's a -- it's
12 what we currently have now, we've just added
13 special -- the federal holidays. So an individual
14 can put up a 20 square foot sign as long as it's
15 not in the right of way. They can -- they can
16 currently do that now for a special event. We just
17 added two at the board's request to include the
18 holidays.
19 MS. LAMBERTON: So that's five
20 by four sign.
21 MR. MOYER: Yeah. Well,
22 that's -- at least the holidays help for a lot of
23 the places.
24 MS. PICKARD: I think you have
25 the holiday, that's when the people are that don't

37

1 know where anything is. They're up here on the
2 holidays and during the summer and during the race
3 weekend --
4 MR. MOYER: Yeah, anything.
5 The antique store, any -- any place. If you can
6 get it out there and say --
7 MS. PICKARD: -- so you'd have

8 Memorial Day, Labor Day and --

9 MR. HAASE: There's ten federal
10 holidays.

11 MS. PICKARD: -- you have a
12 special event during July or August and they -- and
13 they can piggyback off the races.

14 MS. HAASE: So it would be ten
15 spec -- it's ten federal holidays, plus the race
16 weekends, plus the sale weekends, plus the special
17 event weekends. So if they really timed this, they
18 could --

19 MS. LAMBERTON: They can have a
20 special event every weekend.

21 MS. HAASE: It's limited --
22 it's limited to three per year.

23 MR. REISS: But they need a
24 permit each and every time?

25 MS. HAASE: There's not a

38

1 charge for that, it just triggers when they're
2 going up versus when they're coming down. So
3 there's not a charge. We do not charge anyone.

4 MR. MOYER: You just have to
5 check in and let you know.

6 MR. HOLAHAN: Could we do that
7 online? Can we get that --

8 MS. HAASE: Permits? We can
9 now.
10 MR. HOLAHAN: Cool.
11 MS. LAMBERTON: Okay. Anything
12 -- anybody else have any --
13 MR. KERRICK: Could they put it
14 in for the whole year?
15 MS. LAMBERTON: Oh, like make a
16 list of --
17 MR. KERRICK: Make a list --
18 MS. LAMBERTON: Yeah.
19 MR. KERRICK: -- or no?
20 MS. PICKARD: Well, I think
21 they want to go out and monitor it, whether --
22 MR. REISS: Now, the -- the --
23 it sounds like what you're saying is --
24 MS. PICKARD: Aren't you going
25 to make --

39

1 MR. REISS: -- fill out --
2 MS. PICKARD: -- sure they take
3 them down.
4 MR. MOYER: Yeah.
5 MR. REISS: -- fill out the
6 permit once --

7 MS. LAMBERTON: Yeah.

8 MS. PICKARD: Make sure they're
9 correct.

10 MR. REISS: -- and then the
11 township has it and can go out and check it.

12 MS. LAMBERTON: Yeah.

13 MR. REISS: As opposed to
14 having to do it each and every time.

15 MS. PICKARD: I think we can
16 make easy enough for them to e-mail --

17 MS. LAMBERTON: It makes sense.

18 MS. PICKARD: -- the form to
19 Maureen or something.

20 MR. HOLAHAN: I think that it
21 is more than -- it's not to trigger Maureen to jump
22 in a car and go take a look, I think it's to define
23 and clarify what the rules and regs are so that
24 people understand that.

25 MS. PICKARD: That is true

40

1 too.

2 MR. HOLAHAN: We want -- we
3 don't need a sign police.

4 MS. LAMBERTON: Maybe we should
5 take their special events --

6 MS. MINNICK: We got lots of

7 them.

8 MS. HAASE: We have them
9 already.

10 MS. PICKARD: Yeah, we have
11 about 4 or 5,000 of those.

12 MR. HOLAHAN: Got you.

13 MS. LAMBERTON: Maybe we could
14 take special events from maybe three to five.

15 MS. PICKARD: I don't know. I
16 don't think you need it if you have the races and
17 all the ten holidays and special events.

18 MS. HAASE: Right. The
19 special events and the sales, those are separate.

20 MS. PICKARD: They're
21 separate, so you have special events and sales to
22 cover the other ones. I think that --

23 MS. LAMBERTON: And there's
24 three of each?

25 MS. HAASE: Yes.

41

1 MS. LAMBERTON: Three special
2 events and the three sales?

3 MS. HAASE: Um-hum.

4 MS. PICKARD: Yeah.

5 MS. HAASE: And ten holidays,

6 three races.

7 MR. MOYER: They have the truck

8 race this year too.

9 MR. HARRY FORBES: Yeah, we

10 have the trucks here this time too.

11 MR. MOYER: And that's NASCAR.

12 MS. PICKARD: I think we need

13 to clarify the NASCAR versus the --

14 MS. MINNICK: Is that on a

15 separate weekend or is it --

16 MR. MOYER: It's sep --

17 MS. MINNICK: It is a separate

18 weekend --

19 MR. MOYER: I don't know. I'm

20 not sure.

21 MS. MINNICK: -- or is it the

22 same weekend --

23 MR. MOYER: No, it's probably

24 the same weekend, now that you say that.

25 MS. PICKARD: But if we have

1 an Indy, do we need to correct anything to put --

2 MS. HAASE: In the proposed

3 ordinance, we are correcting that.

4 MR. HOLAHAN: I say we run with

5 it and then --

6 MS. PICKARD: Yeah, I --
7 MR. HOLAHAN: -- we fix it as
8 we need to.
9 MS. PICKARD: Everything's a
10 living document so --
11 MR. HOLAHAN: Yeah. We got to
12 start somewhere here, so I think that --
13 MS. PICKARD: Yeah.
14 MR. HOLAHAN: I like what was
15 put forward here.
16 MS. PICKARD: And I think if
17 we do it soon and do it quickly instead of, you
18 know, mentally --
19 MR. HOLAHAN: Instead of not.
20 MS. PICKARD: -- massaging it,
21 it will get done before -- it will get done before
22 the holidays start.
23 MR. MOYER: Yeah, move them
24 forward and then --
25 MS. PICKARD: Get it done --

43

1 MR. MOYER: It's better than
2 not doing it.
3 MS. PICKARD: -- before
4 Memorial Day so they can get going on it.

5 MR. REISS: Whatever you --
6 MS. PICKARD: The only thing --
7 MR. REISS: -- whatever you
8 decide tonight, you can authorize to go to the
9 township and the county planning commission, you
10 have to let it sit with them for at least 30 days
11 from when you send it, but you could decide tonight
12 when you want to have your public hearing on
13 adopting the ordinance so that when you send it out
14 to those planning commissions, in that cover
15 letter, you -- it can -- they know when their
16 comments need to come back by.

17 MS. PICKARD: Could we do it
18 for May? The only thing we need to work on is that
19 percentage thing, if you think we could try upping
20 that a bit.

21 MS. HAASE: Well, if -- if the
22 board wants to move that quickly with our proposed
23 ordinances, when we sat down and started reviewing
24 them, we did find areas that there was conflicts
25 and we found some that needs to be addressed by the

1 board. So if that is your intent, then perhaps
2 maybe another work session soon so we can just go
3 through page by page through this ordinance --

4 MS. LAMBERTON: The sign

5 ordinance has conflicts?

6 MS. HAASE: Yes, ma'am.

7 MS. LAMBERTON: Let's have
8 them.

9 MS. PICKARD: Can we just
10 highlight those --

11 MS. LAMBERTON: Let's do it.
12 We're here.

13 MS. PICKARD: --- and have them
14 for next week? We're meeting next week.

15 MS. HAASE: I can circulate
16 that, sure, if you'd want and then --

17 MS. PICKARD: Can you
18 highlight and write on what the conflicts are and
19 how you're proposing --

20 MS. LAMBERTON: Give me a for
21 instance of a conflict?

22 MS. HAASE: One would be, say,
23 the definition of special events. What's in the
24 ordinance, what the definition of a special event
25 is different than what's in the sign section of a

45

1 special event, so that would need to be --

2 MS. LAMBERTON: It's like
3 housekeeping basically?

4 MS. HAASE: Some of them, yep,
5 some of it is. So we could --
6 MS. LAMBERTON: It's not earth
7 shattering.
8 MS. HAASE: No.
9 MS. LAMBERTON: Okay. Everyone
10 okay --
11 MS. HAASE: Yeah.
12 MS. LAMBERTON: -- with an
13 e-mail coming out with --
14 MS. PICKARD: You can highlight
15 --
16 MS. LAMBERTON: -- highlights
17 of --
18 MS. PICKARD: -- in yellow or
19 --
20 MS. HAASE: Absolutely.
21 MS. PICKARD: -- italicize the
22 proposed and what's wrong and --
23 MR. MOYER: Yeah.
24 MS. HAASE: Um-hum.
25 MS. PICKARD: Okay. And then

1 you'll get that out, if that could be done the end
2 of the week --
3 MS. HAASE: Yep. Absolutely.

4 MS. PICKARD: -- board a packet
5 and we can discuss it and see if we can authorize
6 it for advertising for Monday? The only thing that
7 I'm concerned about is that 5, 10, 15 percent.

8 MS. HAASE: Are you gonna be
9 able to -- like it has to be reviewed by you and
10 also renumbered then and --

11 MR. REISS: And we'd have to
12 prepare the legal advertisement. I don't think
13 you're gonna have a hearing in May unless tonight
14 they authorize it and even then it's close.

15 MS. HAASE: It's gonna be
16 difficult.

17 MR. REISS: Right.

18 MS. HAASE: We can have a
19 special meeting in May if that works for the board.

20 MR. REISS: It would have to be
21 later in the month though 'cause even if you say at
22 your April meeting next week that -- to send it,
23 your planning commissions have to -- the two
24 planning commissions have to have it for at least
25 30 days.

1 MR. MOYER: Right.

2 MR. REISS: And before it can

3 go out to them, it needs to be reformatted, I

4 guess, it sounds like.

5 MS. HAASE: So we'd almost

6 have to ask the Tobyhanna Township Planning

7 Commission also perhaps to have a special meeting

8 in order to -- if you want to look at the end of

9 May. If not, it would be the June meeting.

10 MS. PICKARD: Are they meeting

11 this Thursday?

12 MS. HAASE: We won't have it

13 for this Thursday. I don't think --

14 MS. LAMBERTON: How about --

15 MS. HAASE: -- Jonathan will --

16 MS. PICKARD: Yeah, but you

17 wanted to have the changes to get to us, the board

18 packet by Thursday.

19 MS. HAASE: You will have it

20 by the end of the week, but I don't think we're

21 gonna be able to accomplish this by Wednesday, the

22 board -- the planning commission meets Thursday.

23 MS. LAMBERTON: What about

24 digital signs, what are people's thoughts on that?

25 MR. KERRICK: Before we go on

1 to the digital --

2 MS. LAMBERTON: I'm sorry.

3 MR. KERRICK: -- John, you had
4 mentioned a formula, do you have any ideas for that
5 so we can finalize that while we're right here?

6 MR. HOLAHAN: No, I have none.
7 Only in the -- Anne was saying the -- that the --
8 it's a small building set way back, even 15 percent
9 of a small area is not gonna be enough, so you get
10 very convoluted as we start going through that.

11 MR. KERRICK: Yeah, and --

12 MS. MINNICK: Let me just --
13 let me just go back. Even if it's a small building
14 that sits 300 feet back, they still have that
15 free-standing sign that they have the ability to
16 use.

17 MR. HOLAHAN: And that's -- and
18 what's the limit on that sign now?

19 MS. MINNICK: That's based on
20 the heated square footage of the building, so if
21 it's --

22 MS. HAASE: The minimum would
23 be 80 -- 80 square feet. It would be the minimum.

24 MR. HOLAHAN: Is that 40 each
25 side?

1 MS. MINNICK: Um-hum. Yeah,

2 and as -- and bigger the building goes, of course,
3 the bigger the sign it is.

4 MR. HOLAHAN: Right.

5 MS. HAASE: Again, it's not
6 that building, it's the plazas. That's the
7 problem.

8 MR. HOLAHAN: Yeah.

9 MS. HAASE: So perhaps a way
10 to resolve this is, we look at the size of the
11 directory sign that's allowed and the board
12 considers increasing that because right now they're
13 allowed to have -- I think it's 15 -- is it 15 feet
14 or 15 square feet per occupant? So perhaps that's
15 something the board can look at, for the directory
16 signs, to increase that and then it's going to be
17 up to the property owner whether they so choose to
18 replace their sign or not.

19 MR. HOLAHAN: So now you say
20 per occupant --

21 Excuse me a second, Heidi.

22 -- say per occupant, could it be
23 the percentage of the building the occupant has?

24 MS. HAASE: Well, that will
25 fluctuate because you may have an individual that

1 takes three suites.

2 MR. HOLAHAN: Right. So they
3 might get three of the slot -- three -- they might
4 get 45 feet.

5 MS. HAASE: Correct. And
6 that's up -- between the landlord --

7 MR. HOLAHAN: Okay.

8 MS. HAASE: -- and the tenant.

9 MR. HOLAHAN: All right.
10 That's -- that's all I was thinking.

11 MS. PICKARD: No, what I was
12 just gonna say is, can we just fix the special
13 events and those simple things now and then come
14 back and look at the --

15 MR. HOLAHAN: Percentage.

16 MS. PICKARD: -- the
17 percentages to do Phase 2? And so we can get one
18 done that's simpler and then wait and come back and
19 do the other?

20 MS. HAASE: It may be easier
21 and quicker --

22 MS. PICKARD: That's what I'm
23 saying.

24 MS. HAASE: -- is if we take
25 our current ordinance and drop this --

1 MS. PICKARD: Yeah.

2 MS. HAASE: -- in there, than
3 to go through the entire proposed ordinance again,
4 we may very well be able to get that to the
5 planning commission by Thursday.

6 MS. PICKARD: Can we do that?

7 MS. HAASE: If the --

8 MS. PICKARD: And then at least
9 that would have the summer season. The businesses,
10 by Memorial Day, could have some clarification and
11 make it a little bit easier for them and then we
12 can look at the sign. Because the things on the
13 plazas, they already have the slot, they're not
14 gonna be fixing that next week.

15 MR. HOLAHAN: I like that, what
16 can we do right now --

17 MS. PICKARD: Yeah, I mean, I
18 want to get something done now.

19 MR. HOLAHAN: -- without
20 pushing the rest of the stuff off the ladder?

21 MS. PICKARD: Yeah, 'cause we
22 need to look at the electronics a little bit, more
23 in depth, about how we want to address those and
24 have that percentage thing, so we can fix that.

25 MS. HAASE: So I --

1 MS. PICKARD: And have a

2 second workshop to look at that.

3 MS. MINNICK: And -- and again,

4 I just want to say, the new businesses that have

5 been coming in, like our Dollar Generals, they

6 haven't complained about our sign ordinance. They

7 were more than happy with what they got on their

8 buildings and free-standing sign. There was not

9 one complaint from that.

10 MR. HOLAHAN: Well, they've got

11 a good brand -- they got a good branding thing as

12 well --

13 MS. PICKARD: Yeah, exactly.

14 MR. HOLAHAN: -- so all they

15 had to do is come out with font and color and --

16 (inaudible) color for them, right?

17 MS. MINNICK: But I think --

18 the majority of our complaints are coming from the

19 multitenant --

20 MS. PICKARD: Yeah.

21 MS. MINNICK: -- businesses and

22 maybe you're right, Phyllis, maybe something --

23 that's something that we should look at instead of

24 revamping our whole commercial sign ordinance

25 because that seems to work for the single use

1 occupants.

2 MR. HOLAHAN: Okay. So is that
3 what you were saying to Phyllis, is just kind of
4 drop it into the existing ordinance?

5 MS. MINNICK: Yeah.

6 MR. HOLAHAN: Yeah. I like
7 that.

8 MS. HAASE: I think we're
9 going to be able to move this along quicker as long
10 as we have specific direction from the board as --
11 is what you want to see. I don't know. We didn't
12 look at the digital signs or the A-frame signs. I
13 don't know what your thoughts are on that.

14 MR. HOLAHAN: I was fine with
15 the A-frames rather than the (inaudible).

16 MR. MOYER: How did Palffy's
17 make out? Did the bakery make it through the
18 winter? Does anybody know?

19 MS. HAASE: They're still
20 there.

21 MR. MOYER: They are? Yeah.
22 Good.

23 MS. HAASE: As far as -- as
24 far as I know they're still there.

25 MS. PICKARD: I mean, that's

1 the issue that we all have. Well, we don't have
2 bakeries up here. It's just been that long dead
3 season that --

4 MR. MOYER: Yeah.

5 MS. LAMBERTON: So what's the
6 pleasure --

7 MR. KERRICK: What was the
8 final on the A-frame signs?

9 MS. LAMBERTON: I guess we
10 allow it.

11 MR. KERRICK: (Inaudible) or
12 just on a roof?

13 MR. HOLAHAN: On a sidewalk --

14 MR. KERRICK: Sidewalk.

15 MR. HOLAHAN: -- three feet
16 away from the curb.

17 MS. HAASE: The one item I do
18 want to point out to the board, when we were
19 researching this ordinance, and we just didn't look
20 at Pennsylvania, we looked at other states, many of
21 them speak to -- even as they go as far as
22 indemnification and they have insurance on that.
23 Now, I included the insurance. I don't know if
24 this is something you want or you don't. The
25 concern is, of course, damage to vehicles or

1 pedestrians, et cetera.

2 I did speak to Jonathan about
3 that and -- and I think we're on the same mind
4 frame that maybe indemnification, we don't
5 necessarily have to go that route. We do have
6 insurance, but it's just another way to protect the
7 township. So I don't know if you want to keep that
8 in the proposed ordinance or not.

9 MR. HOLAHAN: Are we -- are we
10 listed as additionally insured when the businesses
11 opens up?

12 MS. HAASE: No.

13 MR. HOLAHAN: It's simple
14 enough to do though, isn't it?

15 MR. REISS: For every town --
16 for every munic --

17 MS. PICKARD: -- monitoring
18 that?

19 MR. REISS: Insurance, just
20 because they -- you gave -- you gave them a license
21 to open up in the township?

22 MS. PICKARD: We don't give
23 them the license.

24 MR. REISS: I don't know of any
25 township that requires --

1 MS. LAMBERTON: No, it would
2 just be the property owner.

3 MR. HOLAHAN: Yeah, property
4 owner.

5 MS. PICKARD: Unless something
6 was in the right of way or something, I don't see
7 where we --

8 MR. HOLAHAN: Yeah.

9 MR. MOYER: We don't want to
10 make it harder.

11 MS. LAMBERTON: True.

12 MS. HAASE: So this ordinance
13 that was presented to the board, this speaks to --
14 it addresses your concern about placing an A-frame
15 sign on the sidewalk. We also addressed the fact
16 that regardless, it still has to meet ADA
17 requirements, so you still have to, in essence,
18 have a sidewalk that's 5 foot wide because there
19 has to be 36 --

20 MS. PICKARD: Wheelchair.

21 MS. HAASE: Correct. There
22 has to be 36 inches for passageway.

23 MS. LAMBERTON: Was that always
24 a standard though? So I'm sure there's some old
25 properties that don't have that.

1 MS. HAASE: This is something I
2 spoke to the building code -- we don't enforce
3 that, the building code official enforces that.

4 MS. LAMBERTON: But my question
5 is, I'm sure there is some old buildings that don't
6 have that, so how do we treat them with --

7 MS. PICKARD: I don't think
8 they have room for an A-frame sign 'cause people
9 are just gonna be tripping over it.

10 MS. HAASE: I can't speak to
11 that.

12 MS. PICKARD: There's no room.

13 MS. HAASE: I could find out
14 for you --

15 MS. LAMBERTON: Yeah.

16 MS. HAASE: -- but we don't
17 enforce that.

18 MS. LAMBERTON: 'Cause I think
19 we should have another option for those folks.

20 MS. HAASE: Well, the only
21 other option --

22 MS. PICKARD: We have shingle
23 signs we have in the new --

24 MS. HAASE: Correct.

1 signs is another option for the --

2 MS. HAASE: Now, just to
3 refresh your memory, what Heidi's mentioned in the
4 proposed ordinance, going down a sidewalk in a
5 strip mall, overhead, in front of each door, will
6 have a sign that the app -- the tenant or the
7 landlord is able to place that will also direct
8 someone into their establishment. So that would be
9 another option. I didn't include that in the
10 samples because we currently don't allow it.

11 MS. PICKARD: That I'd like to
12 see added if we don't have it. I know it was in
13 the new ordinance.

14 MR. HOLAHAN: Yeah, can we have
15 a height restriction on the -- can Kerrick walk
16 underneath that thing without --

17 MS. MINNICK: I'm sure that
18 there is.

19 MS. PICKARD: With a helmet.

20 MR. KERRICK: Thanks for
21 thinking of me, John.

22 MR. HOLAHAN: You're welcome.

23 MS. PICKARD: I don't know
24 what the height of it is now on the -- there's a

25 clear -- it was in the ordinance and it has a

59

1 clearance --

2 MS. HAASE: Well, that would

3 also be the -- governed by the IBC.

4 MS. PICKARD: Yeah. But we

5 have official clearance when we --

6 MS. HAASE: The building code

7 official would be looking at that.

8 MS. PICKARD: -- when we work

9 on that.

10 MS. LAMBERTON: Okay. So let

11 me -- let me wrap this up here. We're going to

12 allow A-frame signs if the sidewalk is six foot in

13 width --

14 MS. PICKARD: Five.

15 MS. HAASE: Five.

16 MS. LAMBERTON: -- five, we

17 need three for the wheelchair access. Okay. So if

18 not, then we're saying that -- we can have like a

19 shingle sign that would be maybe another option for

20 those folks that don't have that.

21 MS. HAASE: And they certainly

22 could have both if the board was in agreement with

23 that.

24 MS. PICKARD: I think you
25 should be able to have both signs.

60

1 MS. LAMBERTON: I'm fine with
2 both.

3 MS. PICKARD: 'Cause you have
4 restaurants -- like if you go to a Kmart plaza, or
5 whatever, once you're underneath, you can't see the
6 facade of the building, so you have those shingle
7 signs to guide you; but if a restaurant had
8 specials and they have a little sandwich board
9 outside with their specials or whatever.

10 MS. LAMBERTON: Right.

11 MS. PICKARD: I mean, they're
12 two separate things.

13 MS. HAASE: Does the -- what
14 is the board's thoughts on the insurance? Do you
15 want to keep that in or have me -- or should I
16 remove it?

17 MR. HOLAHAN: I'd remove it.

18 MS. LAMBERTON: Yeah, we don't
19 need it, so let's not make things worse.

20 MR. HOLAHAN: The shingle signs
21 is a eight foot minimum off the walkway, so you're
22 --

23 MS. LAMBERTON: What about the

24 -- what about when people are open, is there
25 anything we want to do so they can attract things

61

1 that aren't that close to their building if they
2 happen to be a distance away?
3 MS. PICKARD: Well, I thought
4 like John Holahan always had that open sign on his.
5 MR. HOLAHAN: I used to put out
6 on my --
7 MS. PICKARD: On his sign --
8 MR. HOLAHAN: -- on my sign.
9 MS. PICKARD: The flag open
10 sign. I could -- I think that's fine. I -- I like
11 that but now when we go back to the strip mall --
12 MR. HOLAHAN: You can't do
13 that.
14 MS. PICKARD: -- you can't do
15 that.
16 MR. HOLAHAN: Because you have
17 eight people putting signs out there.
18 MS. PICKARD: And how would
19 you know which businesses are there?
20 MR. HOLAHAN: It would look
21 like the UN.
22 MS. PICKARD: Yeah.

23 MS. LAMBERTON: Well, then we
24 give them something like the shingle sign that the
25 other folks -- I don't know, let's -- let's give

62

1 them something special.

2 MS. PICKARD: Like they can
3 have the neon option in the window or some -- I
4 mean, I don't know. Then you back off so you have
5 the guy over by Donny, you can put an open sign on
6 his -- by his front door and I don't know that
7 you'd see that or not. I mean, the gun guy.

8 MR. HOLAHAN: Yeah, but you
9 don't -- 'cause you don't want everybody parking
10 their vehicle out front there with a sign on it to
11 circumvent --

12 MS. PICKARD: I don't know how
13 to -- how to do -- because you're not gonna be able
14 to see it. Like I keep going to these odd, you
15 know -- what the problem is those oddities, that
16 Donny's buildings -- or that building's 300 foot
17 off. Liberty's in a hole, so I don't know the
18 answer is for those.

19 MR. MOYER: Yeah, I don't know
20 --

21 MR. KERRICK: (Inaudible
22 comment.)

23 MS. PICKARD: No, exactly.
24 MS. LAMBERTON: Well, that's
25 why they need options.

63

1 MR. MOYER: He puts the -- the
2 banner thing up or whatever.

3 MS. PICKARD: I think we say
4 -- can we just say leave them open -- put an open
5 sign out and not put signs --

6 MR. MOYER: I mean, they still
7 come in to --

8 MS. LAMBERTON: Say that again?

9 MS. PICKARD: Just say we
10 allow an open sign for business and not define --

11 MS. LAMBERTON: Where it is.

12 MS. PICKARD: -- where it is?

13 MR. HOLAHAN: All right. So
14 what's the --

15 MS. PICKARD: And wait until we
16 have a problem and trusting --

17 MS. LAMBERTON: Well, I mean,
18 that's not fair. We're letting somebody do
19 something and then we want to reprimand them for
20 it, that's not a way to do an ordinance.

21 MR. HOLAHAN: (Inaudible

22 comment.)

23 MS. PICKARD: Yeah, one open
24 sign not to exceed something.

25 MR. REISS: Why wouldn't these

64

1 A-frame signs serve that purpose? Why couldn't
2 they put open?

3 MS. PICKARD: Because they're
4 -- for 300 foot back, they're on the sidewalk and
5 they're yea high, so nobody's gonna see that
6 driving by.

7 MR. MOYER: Are you talking
8 about out further by the road?

9 MR. REISS: No, I was actually
10 thinking more on the sidewalk --

11 MS. LAMBERTON: Sidewalk, yeah.

12 MR. REISS: -- because quite
13 frankly, if they're 300 feet back, no matter what
14 you put --

15 MS. LAMBERTON: They're not
16 gonna see it.

17 MR. REISS: -- they're not
18 gonna -- it's not gonna be seen.

19 MS. LAMBERTON: Here's -- the
20 problem is, this is 940 up here and then it drops
21 down, I'd say, at least a slope of like 15 feet, so

22 you have these businesses that are sitting down low
23 and we're trying to get away --
24 MS. PICKARD: Well, they need
25 to just move their businesses from a place that has

65

1 more visibility.
2 MS. LAMBERTON: I don't think
3 the owner of that property would be happy to hear
4 you say that.

5 MR. MOYER: We have to --

6 MS. LAMBERTON: You know, no,
7 we have to -- I mean, we have unique properties, so
8 we need to figure out a way to help each and every
9 one of them and, you know, do we want to list it as
10 a nonvisible front?

11 MR. HARRY FORBES: You're not
12 gonna satisfy everyone.

13 MS. LAMBERTON: No, you're not
14 going to, but we can certainly maybe customize some
15 things for those groups of --

16 MR. HARRY FORBES: You're
17 talking about the shingles, that's gonna be up to
18 -- especially in a mall environment, up to the
19 landlord.

20 MS. HAASE: A lot of --

21 MR. HARRY FORBES: They might
22 not want them to.

23 MS. HAASE: We have some
24 buildings that the landlords will not allow them to
25 put roof signs up. So like I said, many of this is

66

1 between the landlord and the tenant.

2 MS. LAMBERTON: Sure. And they
3 will know that too when they're dealing with their
4 landlord, so --

5 Okay. Anything else? We're
6 gonna direct the staff to move forward with
7 inserting these items that we discussed and then
8 Phyllis is gonna highlight some of the conflicts
9 and get them out to us for our Monday regular board
10 meeting.

11 MR. KERRICK: Do we have clear
12 direction on the open flag then or no?

13 MS. HAASE: I do not.

14 MS. LAMBERTON: Not really. I
15 don't.

16 MR. KERRICK: That's what I
17 thought.

18 MS. LAMBERTON: Yeah, I'm --
19 are we going to allow somebody to put something out
20 during --

21 MS. PICKARD: We make it
22 ambiguous and say --
23 MS. HAASE: Just to refresh
24 everyone's memory --
25 MS. PICKARD: -- 15 square foot

67

1 maximum.
2 MS. HAASE: -- when this was
3 discussed before with the planning commission and
4 the board, there was a concern about having them by
5 the road and distractions and how it looked, so
6 that is where then the decision at that time from
7 the board members was to move it back and attach it
8 to the building because the concern was the
9 distraction by the road and how it was going to
10 look.

11 MS. LAMBERTON: Okay. Not to
12 put you on the spot, Bob, what would be a safe
13 distance from 940 or 115 that it wouldn't be a
14 visibility issue with traffic? I mean, at least a
15 car length. Let's say somebody's pulling out, you
16 got to have that site distance, right? I don't --
17 I don't know. I'm just throwing an idea out there.

18 MR. McHALE: PennDOT usually
19 does 12 feet off the edge of cartway and then you

20 got certain set site distances that are required.
21 And we also have in our ordinance that there's a
22 triangle that they're not supposed to putting
23 structures within as well.

24 MS. LAMBERTON: Can we do
25 something along those lines?

68

1 MR. McHALE: Right. And not --

2 MS. PICKARD: But it's not
3 within the site triangle or the right of way.

4 MS. LAMBERTON: And give them a
5 certain amount of footage, you know, so it's safe
6 for other folks too that are pulling out or, you
7 know, traveling up and down.

8 MR. MOYER: So --

9 MS. LAMBERTON: Is that any
10 better direction?

11 MS. HAASE: No, ma' am.

12 MR. MOYER: The guy at the gun
13 shop putting his vehicle --

14 MS. LAMBERTON: I'm trying.

15 MR. McHALE: You may want to
16 also speak to the electronic digital signs because
17 they're gonna apply to some extent, you know, for
18 distractions and how you approach avoiding
19 distractions to motorists, so I don't know if you

20 want to talk about that before --

21 MS. HAASE: Well, maybe --

22 MS. LAMBERTON: We got a couple
23 people going here.

24 MR. MOYER: -- so he's out of
25 the right of way.

69

1 MR. HOLAHAN: I don't -- I
2 don't like people pulling their vehicles up into
3 the front there --

4 MR. MOYER: I agree. I'm
5 asking if it's legal or not legal. I'm not -- it's
6 not up to what you like or not like --

7 MR. HOLAHAN: I don't think it
8 is.

9 MR. MOYER: -- I'm asking if
10 he's allowed to do it because it's happening, you
11 know, different places and one guy saying, well,
12 it's okay for him to do it, why can't I do it.

13 MR. HOLAHAN: Right.

14 MS. HAASE: I know. That's
15 what happened --

16 MR. MOYER: That's the problem.
17 Whether you like it or I like it don't matter.
18 It's --

19 MS. LAMBERTON: Isn't it like a
20 registered vehicle?
21 MR. MOYER: -- whether it's
22 legal, is what I'm asking.
23 MS. PICKARD: If it's moved, I
24 mean, it's not supposed to be moved.
25 MS. LAMBERTON: How is it

70

1 written, a registered vehicle?
2 MS. PICKARD: It can't be a --
3 MS. MINNICK: It's -- vehicle
4 signs, it says in the ordinance, are strictly
5 prohibited in our ordinance now.
6 MS. HAASE: To -- to use the
7 vehicle solely as a sign. Now, if somebody could
8 put their name, Kerrick Trucking on your truck,
9 okay, that's --
10 MR. KERRICK: There's six
11 people here, you got to pick me.
12 MS. HAASE: Well, nobody else
13 has a business here. Donny --
14 MS. LAMBERTON: You have a
15 truck.
16 MS. HAASE: You can have
17 Moyer's Country Kitchen on the vehicle and move --
18 and use a vehicle for transportation, that's

19 allowed. You can't take a vehicle and place it
20 somewhere and now that becomes a stationary
21 structure and put a sign on it, so that's -- that's
22 the difference. You can have a vehicle with your
23 name on it, but not just --
24 MR. MOYER: That was changed or
25 was that always that way?

71

1 MS. HAASE: It's always been
2 like that. The -- the problem is, is when somebody
3 takes a vehicle, parks it there, never moves it.
4 We've had a restaurant, we had a firework store and
5 parked it there for a year on end and never moved
6 that.

7 MR. MOYER: Yeah, yeah. I get
8 it. I'm just trying to find out what -- what's
9 allowed and what isn't.

10 MR. HOLAHAN: But can he --
11 yes, so to that Donny, can he park -- he says, I
12 get to work in the morning and I park my vehicle
13 just off of the cartway, my sign's on it, flags on
14 it, and I'm just parking there --

15 MS. LAMBERTON: Technically,
16 yes.

17 MR. HOLAHAN: He is but --

18 MS. HAASE: If the sign was on
19 the vehicle and he parked it there, there's nothing
20 that would prohibit him from doing that. If you're
21 saying, is he going to put his vehicle there and
22 then attach all signs, fliers and banners and et
23 cetera, that's a little different.
24 MR. MOYER: But is it stated
25 that he cannot do that --

72

1 MR. HAASE: Yes.
2 MR. MOYER: Is what I'm asking.
3 MS. HAASE: It's prohibited.
4 MR. MOYER: Okay.
5 MS. HAASE: So now, am I to
6 understand then that we're going to then allow the
7 flags not within the right of way or site triangle,
8 what is the size that the board is looking at?
9 MS. PICKARD: 15 square feet.
10 MR. HOLAHAN: And does that
11 allow those feather banners?
12 MS. PICKARD: I don't like the
13 feath -- the feather banners. I'm opposed to them.
14 MR. MOYER: Well, Donny, tell
15 her, it doesn't matter if you like it or not, it's
16 --
17 MS. PICKARD: I think they're

18 distracting and they're ugly and they're tacky.

19 MR. HOLAHAN: Agreed.

20 MS. PICKARD: It reminds me of

21 used car lots. And that was when we did this --

22 MR. MOYER: We're not that

23 (inaudible) too.

24 MS. PICKARD: No -- no offense

25 to any used car lots.

73

1 MR. MOYER: I'm sure you've had

2 complaints on them, right?

3 MR. HOLAHAN: Yeah.

4 MS. PICKARD: So we said we

5 wanted the rectangular three by five signs is what

6 we were saying with -- for the open sign, that was

7 what was in the proposed ordinance. There's a lot

8 of discussion --

9 MR. HOLAHAN: Brooklyn Bridge

10 Pizza --

11 MS. LAMBERTON: Annie was there

12 --

13 MR. HOLAHAN: -- used to have

14 the feather signs out, right? I mean, and -- and

15 you couldn't really see them, so it was out by the

16 entrances. We just got twisted about it, but they

17 left them there, you know, if -- if --

18 MS. LAMBERTON: I'd like to
19 think about that. I'd like to think what we could
20 let businesses put out to draw attention to --

21 We'll give you that homework,
22 Maureen. Can you bring us a couple of ideas.

23 MS. MINNICK: For?

24 MS. LAMBERTON: For like their
25 business hours, what -- what are some options that

74

1 folks can purchase to let people know that they're
2 open for business or -- or do we want to like say
3 open and, you know --

4 MS. PICKARD: They have open
5 plaza and that was the only language was on it and
6 we had discussions on whether it could be in
7 Spanish. Remember that?

8 MS. HAASE: If you recall --

9 MS. LAMBERTON: No, I don't
10 remember that.

11 MS. HAASE: -- this is what was
12 presented to the board when we had our town hall
13 meeting.

14 MR. HOLAHAN: Right.

15 MR. KERRICK: Yes.

16 MS. HAASE: And it was the

17 fliers, the banners, so this just helps -- helps so
18 you have a vision of what was presented at that
19 time.

20 MR. HOLAHAN: Yeah, we don't
21 like the top two.

22 MS. PICKARD: I don't like the
23 top two. I don't know, what is that on the bottom?
24 Is that an A-frame sign?

25 MS. HAASE: It's a picture of

75

1 a -- it just says shop local.

2 MS. LAMBERTON: It just says
3 shop local.

4 MS. HAASE: So the -- what I'm
5 hearing some say is, you're not happy with the
6 feather banners, but the -- as far as the flags,
7 the board is okay with that?

8 MS. PICKARD: I think that's a
9 universal open sign to let people know they're
10 open.

11 MS. HAASE: And the -- so
12 you're allowing flags and it doesn't make a
13 difference if it says the type of business or open
14 or you --

15 MS. PICKARD: Well, we had it

16 before, I'm saying, we said it had to say open, but
17 I'm not saying I'm opposed to that. If it looks
18 decent and consistent, I don't know if it says
19 open, guns, I don't -- what do you think?

20 MR. REISS: You're gonna be
21 restrained somewhat by -- by the recent Supreme
22 Court case.

23 MS. PICKARD: So we can't --
24 okay --

25 MR. REISS: You can't make that

76

1 distinction --

2 MS. PICKARD: -- but can we say
3 open? Is open --

4 MR. REISS: No, no, no.

5 MS. PICKARD: You can't?

6 MR. REISS: -- you can't make
7 it -- you can't say it's okay to say open, but it's
8 not okay to not say antiques.

9 MS. HAASE: It has to be
10 neutral language.

11 MS. PICKARD: Okay.

12 MR. HOLAHAN: Or vote for
13 trump.

14 MS. LAMBERTON: So we can put
15 -- we can -- they're allowed to put a sign out

16 during their regular business hours and it can say
17 what they may sell or that they're open or what --

18 MR. REISS: Their name.

19 MS. LAMBERTON: -- their name
20 or --

21 MS. HAASE: Okay. But you're
22 saying a sign, are you talking about a flag?

23 MS. LAMBERTON: Well, I guess
24 that's to be determined on what everybody likes or
25 doesn't like.

77

1 MS. PICKARD: Well, say what
2 you like because John and I have made it clear that
3 we don't like those feather signs.

4 MR. HOLAHAN: But I -- I think
5 this is -- this is really -- I'm concerned about
6 our being able to limit what we can -- what they
7 can say on there.

8 MS. LAMBERTON: Well, Jonathan
9 just told us we can't.

10 MR. HOLAHAN: That's
11 concerning.

12 MS. PICKARD: Even if there's
13 profanity on it?

14 MR. REISS: Well, that's --

15 that's -- you can't limit -- if you allow flags,
16 you have to allow people to express within limits,
17 I mean, not profanity, but they -- you have to
18 allow them to be able to say open, antiques, food
19 --

20 MR. MOYER: Describing what
21 their business is.

22 MS. HAASE: It has to be
23 neutral.

24 MR. REISS: -- Moyer's Diner,
25 whatever, you have to -- you have to allow it. You

78

1 can't just say, well, you can only say open.

2 MS. LAMBERTON: Can we say --
3 could we say that it --

4 MS. PICKARD: But it's a sign
5 that's for the specific purpose of saying you're
6 open.

7 MS. LAMBERTON: Can we say open
8 or relative to your type of business?

9 MS. PICKARD: Yeah. I don't
10 know if I like it with anything on it.

11 MS. LAMBERTON: I mean, is that
12 -- that's not being specific and it's not being
13 limiting and why would they want to say anything
14 else of what their business is or they're open.

15 MR. REISS: That's -- that's
16 why this case is difficult for township officials
17 to not only understand what to follow because it
18 draws -- draws lines that previously weren't there.

19 MS. PICKARD: Yeah, I don't --
20 I don't want it to say anything.

21 MR. REISS: You -- you can't
22 make those distinctions so, I mean, this particular
23 case was a church putting out signs about --

24 MS. LAMBERTON: Bingo.

25 MR. HOLAHAN: -- their service

79

1 or some of that and --

2 MS. HAASE: A fundraiser.

3 MR. REISS: -- that wasn't
4 allowed but other types of temporary signs were
5 allowed.

6 MS. PICKARD: What about the
7 realtor signs now?

8 MR. REISS: So that was -- that
9 distinction you can't make and that's why I'm
10 saying --

11 MR. MOYER: Right.

12 MR. REISS: -- if you allow
13 flags, you have to allow flags with anything on it

14 basically.

15 MS. PICKARD: I really don't

16 want any --

17 MR. HOLAHAN: I would say not

18 allow flags then. I think -- I think that's -- I

19 think not allow flags.

20 MS. PICKARD: Shingle signs

21 and --

22 MR. HOLAHAN: Yeah.

23 MS. PICKARD: -- A-frames on

24 the sidewalk.

25 MR. HOLAHAN: (Inaudible.)

80

1 MS. LAMBERTON: Well, we know

2 what John and Heidi want.

3 John Kerrick, what do you think?

4 MR. MOYER: I'm gonna excuse

5 myself.

6 MS. LAMBERTON: Go right ahead.

7 MR. MOYER: I got to take this.

8 MR. KERRICK: I want to think

9 about it a little bit. I'm not too keen on a

10 hundred flags on 940.

11 MS. LAMBERTON: Right. No, I

12 think we all agree with that.

13 MR. KERRICK: I'd like to see

14 if there's another way we could help the

15 businesses.

16 MS. LAMBERTON: Right.

17 MR. KERRICK: If it -- if it

18 could just say open, I understand what you're

19 saying, Jonathan, but that could really turn into a

20 community you're not gonna like.

21 MS. PICKARD: Yeah, I agree.

22 MR. REISS: Well, and that's

23 the real problem with this case because every

24 township zoning ordinance, the sign regulations do

25 make exceptions and distinctions even in your

81

1 proposed ordinance, which I reviewed, there's

2 exceptions that you can't make, and I've passed

3 those on to you and the township manager, but

4 they're -- when you read -- see them, I mean, I

5 understand why you have them, and it makes a lot of

6 sense. But when you read that case, you can't do

7 that and it's not enforceable.

8 MR. KERRICK: Understood.

9 MS. LAMBERTON: Okay. That

10 might dictate too what we'll be allowed to do and

11 then that could maybe make our decision --

12 MS. PICKARD: Yeah.

13 MS. LAMBERTON: -- based on
14 that.
15 MR. REISS: I mean, you can
16 regulate different types of signs. You can say
17 no electronic signs, you can say no moving signs,
18 you can -- those things are fine. The problem is,
19 you can't say you can have electronic signs for
20 resorts, but you can't have electronic signs for
21 diners or gas stations, that's where you get into
22 problems.
23 Once you allow one type of sign,
24 you basically have to allow it for all -- all
25 different types of messages.

82

1 MS. HAASE: So then back to
2 the flags then, I'm -- we're not gonna do anything
3 with that at this point?
4 MS. LAMBERTON: We're -- we're
5 not gonna do any -- I --
6 MS. PICKARD: That'll be --
7 MS. LAMBERON: I'm thinking
8 that's what I'm hearing.
9 MS. PICKARD: -- Phase 2 or 3
10 or if we want to address it later, but not now.
11 MS. HAASE: Okay. So right
12 now --

13 MS. LAMBERTON: Donny's coming
14 in. Donny, what do you think about the flags?
15 MR. HOLAHAN: It doesn't matter
16 if he likes them or not.
17 MS. LAMBERTON: I'm just trying
18 to bring brevity --
19 MR. MOYER: Yeah.
20 MS. LAMBERTON: -- into this a
21 little bit.
22 MR. MOYER: I don't want to get
23 John riled up over there.
24 MS. LAMBERTON: Yeah, he
25 doesn't like them.

83

1 MR. MOYER: Yeah.
2 MS. PICKARD: Which John?
3 MS. LAMBERTON: Did you know
4 that he didn't like them?
5 MR. MOYER: This John and you
6 don't like the feathers, so I guess I don't like --
7 MS. PICKARD: No, but this John
8 --
9 MR. MOYER: -- I don't like the
10 flags.
11 MS. PICKARD: -- doesn't flags

12 period. He doesn't like the flags.

13 MR. MOYER: Yeah, I know, not
14 300 of them.

15 MS. LAMBERTON: Right.

16 MR. MOYER: How about we just
17 allow them where I want them?

18 MR. HOLAHAN: I vote in favor.

19 MS. LAMBERTON: All right. So
20 we're just trying to give Phyllis direction. So
21 we're gonna leave the feather open, whatever, to
22 have another discussion at another time.

23 Maybe in the meanwhile, Maureen,
24 just do like some maybe some areas that might have
25 some different signage than what we allow and then

84

1 we can at least have some options if we choose to
2 look at it again.

3 MS. PICKARD: But that was
4 still --

5 MS. LAMBERTON: Fair enough?

6 MS. PICKARD: They're not
7 gonna be updated properly to the new court
8 decision.

9 MS. HAASE: Right. And I
10 think we've already looked at that and, I mean,
11 you're pretty limited. Either you're gonna have

12 flags, feather signs, A-frame signs or your

13 free-standing on your wall.

14 MS. LAMBERTON: Somebody could

15 come out tomorrow with a --

16 MS. HAASE: Or banners.

17 MS. LAMBERTON: -- a brand new

18 sign. Or banners. Okay.

19 MS. HAASE: So those are

20 really the options. The board has said that you're

21 not comfortable with the banners, I'm hearing now

22 you're not comfortable with the feather or the flag

23 signs, so --

24 MS. PICKARD: Well, not since

25 Jonathan --

85

1 MS. HAASE: We will write

2 whatever you want, but we just need to know what

3 direction you'd like us to go.

4 MS. LAMBERTON: Well, I think

5 the Supreme Court has saved our anks (phonetic) so

6 --

7 MS. HAASE: Okay. So I'm

8 clear on the federal holidays.

9 MS. LAMBERTON: Yes.

10 MS. HAASE: And I believe I'm

11 clear on the A-frame signs?
12 MS. LAMBERTON: Yes.
13 MS. HAASE: We're going to
14 remove the insurance?
15 MS. LAMBERTON: Yes.
16 MS. HAASE: And we are also
17 going to add the shingle signs?
18 MS. LAMBERTON: Yes.
19 MS. HAASE: So those three
20 types of --
21 MS. LAMBERTON: Now, do we want
22 to be specific with that in a plaza, the shingle,
23 or with anybody?
24 MS. PICKARD: With the
25 sidewalk, you have to have --

86

1 MS. LAMBERTON: Oh, with a
2 sidewalk. That's okay. I'm happy.
3 MS. HAASE: You really have to
4 --
5 MS. PICKARD: You have to meet
6 the requirements.
7 MS. HAASE: -- have an overhang
8 anyway for the shingle signs almost.
9 MS. LAMBERTON: Well, you can
10 kind of do an L bracket and do it off the --

11 MS. HAASE: You could.

12 MS. LAMBERTON: Well, that's

13 why I'm like --

14 MS. HAASE: Yeah, you could.

15 MS. PICKARD: Okay.

16 MS. HAASE: Okay. So we can

17 include that with anyone. Now, as far as the

18 digital and the LED signs, does the board wish to

19 look at this?

20 MS. PICKARD: We want to look

21 at that further.

22 MS. HAASE: Okay. So you don't

23 want me to do anything with this right now?

24 MS. LAMBERTON: Well, we're

25 here to talk about signs.

87

1 MS. HAASE: I can make

2 whatever changes you would like and then present it

3 again.

4 MR. MOYER: Didn't we say in

5 like certain places it would be --

6 MS. PICKARD: Well, we were

7 talking --

8 MR. MOYER: We were talking

9 like Blakeslee where they had -- I mean, there are

10 some already but --

11 MS. PICKARD: We were talking
12 about the visioning and we're not there yet with
13 the visioning yet.

14 MR. MOYER: But don't we have
15 those signs in Blakeslee already?

16 MS. PICKARD: No.

17 MS. HAASE: Digital signs?
18 No, we don't.

19 MR. MOYER: No?

20 MS. HAASE: The only --

21 MS. LAMBERTON: What about your
22 banks and your CVSs and --

23 MS. HAASE: Well, CVS doesn't
24 have one.

25 MS. PICKARD: The bank time and

88

1 temperature --

2 MS. HAASE: Ours -- ours does
3 not have a digital sign.

4 MS. PICKARD: -- is the only
5 thing that we could allow in that.

6 MR. HOLAHAN: And gas station.

7 MR. MOYER: Yeah, the gas
8 stations.

9 MS. HAASE: The -- the banks

10 are allowed time and temperature.

11 MS. LAMBERTON: Yeah, what are
12 they considered? What are -- what are the gas
13 station ones considered?

14 MS. HAASE: There was nothing
15 in our ordinance that speaks to that. At the time
16 when that was being done, it was a decision of the
17 board, it was a safety issue, and we didn't do
18 anything with that because they would manually go
19 out in the wintertime and change the numbers, so we
20 never moved forward with an enforcement of that.
21 But the only thing we have right now would be the
22 banks, and they're allowed time and temperature.
23 MR. HOLAHAN: Plus the price is
24 changing so often, that they couldn't keep up with
25 it. It's easier to program.

89

1 MS. LAMBERTON: No, I'm not
2 opposed to that at all. I -- I think it's very
3 helpful for someone to be able to see from a
4 distance, but then you have to -- maybe is that an
5 incentive for businesses too? I don't know.

6 MS. PICKARD: What'd you say?

7 MS. LAMBERTON: Are we going to
8 research or do we want to talk any more about

9 digital?

10 MS. PICKARD: We want to

11 consider -- John and I were saying --

12 MR. KERRICK: Well, we were

13 just talking here about the --

14 MS. PICKARD: Like this Papa

15 Gino's, like I am okay with like that much of the

16 sign being digital. Like I don't know how that

17 would be, like 20, 25 percent of that type of a

18 sign? I don't know. I'm like okay with like a

19 style in the Blakeslee, which is specific to

20 whatever design standards we might theoretically

21 have one day, which we -- on there or like a small

22 portion of a large sign, but I don't know then, you

23 know -- I don't like what he said before, that you

24 can have it on a resort and not a diner --

25 MS. HAASE: Well, out of this

90

1 court case --

2 MS. PICKARD: -- because I

3 think the resorts are different --

4 MS. HAASE: -- out of the

5 court case things have changed.

6 MS. PICKARD: I think that's

7 the difference, what's allowed in a zoning district

8 and a resort --

9 MR. REISS: No, no, no. You
10 can -- in a zoning district, you -- as long as it's
11 uniformed across the zoning district, you're okay.
12 So if you allow one type of temporary sign in that
13 zoning district, let's say for church events only,
14 you have to allow any type of temporary sign in
15 that district.

16 MS. HAASE: So that's where
17 the digital sign is in a commercial district in the
18 resort ordinance but it's still a commercial
19 district so it would have to be in compliance
20 throughout.

21 MR. McHALE: The major
22 components of what's being proposed now for digital
23 electronic is to parallel pretty much what's
24 already in the ordinance for regular sign.

25 MS. MINNICK: Correct.

91

1 MR. McHALE: For many of those.
2 Now, in some ordinances, they're allowed the
3 hundred percent as stated here. In other
4 ordinances they factor down the electronic portion,
5 as Heidi's saying, to 50 percent of what the main
6 board would be; so that's really a board decision,
7 as to whether you want to just allow -- 'cause, I

8 mean, as the technology changes, people are gonna
9 be replacing these old painted signs --

10 MS. HAASE: Yep.

11 MR. McHALE: -- with electronic
12 signs.

13 MS. LAMBERTON: And they're --
14 they're nicer, maintained --

15 MR. McHALE: And that's one of
16 the reasons to parallel --

17 MS. LAMBERTON: -- they're
18 crisper.

19 MR. McHALE: -- the current
20 ordinance because if you like the size of what
21 you're seeing now, you're just gonna convert them
22 basically to --

23 MS. LAMBERTON: So what you're
24 saying is, whatever exists now, they can go and put
25 a digital sign up that size?

92

1 MS. HAASE: That's what we're
2 proposing.

3 MR. McHALE: Pretty much.

4 MS. PICKARD: I don't agree
5 with that.

6 MR. McHALE: Unless --

7 MS. LAMBERTON: I'm okay with

8 that.

9 MR. McHALE: -- you want to

10 scale it down to a percentage of the --

11 MS. PICKARD: I'd -- I'd like

12 to see it scaled down to percentage because I think

13 it's too bright and something --

14 MS. LAMBERTON: Well, they can

15 adjust the lumination.

16 MS. MINNICK: Well, let me --

17 can I just --

18 MS. PICKARD: But you're

19 talking area.

20 MS. LAMBERTON: Go ahead. Go

21 ahead.

22 MS. MINNICK: A lot of what was

23 proposed, we -- I did some research and I combined

24 a bunch of them and I took what we already

25 previously adopted for the electronic digital sign,

1 for the billboard sign, and I copied a lot of that

2 and dumped it right in here.

3 The only other thing that we're

4 proposing -- proposing is the electronic sign shall

5 not be located a hundred feet of a residential use

6 that's on the same road, if the sign is greater

7 than 65 feet. They'd have to go in front of the
8 zoning hearing board for that.

9 MS. LAMBERTON: So they're
10 allowed it, but it has to be a smaller size --

11 MS. MINNICK: Size.

12 MS. LAMBERTON: -- if it's next
13 to residence?

14 MS. MINNICK: Correct.

15 MR. McHALE: And some of these
16 ordinances were like 500 feet from residential, but
17 we were trying to think from a practical
18 standpoint. You know, if you're over 100 feet away
19 or 150 feet, that's -- a lot frontage width -- you
20 can still drop one in at the corner of your lot if
21 you have residential immediately adjacent to --

22 MR. MOYER: Right.

23 MS. LAMBERTON: To find a spot
24 where it would fit.

25 MR. MOYER: Makes sense, yeah.

94

1 MR. McHALE: Yes.

2 MS. LAMBERTON: And you can
3 adjust the illumination too so it doesn't affect
4 that property owner either.

5 MS. MINNICK: The other item
6 that we addressed was the maximum number on

7 property. We put in here that no more than one LED
8 free-standing sign shall be permitted on the
9 property and one LED digital wall sign shall be
10 permitted per occupant per property. So if you
11 have a multitenant building and they want to put
12 open on, they can.

13 MS. LAMBERTON: They can.

14 MS. MINNICK: They can put
15 whatever they feel like it as long as it pertains
16 to that use.

17 MS. HAASE: So we kept what we
18 have right now and just said that --

19 MS. LAMBERTON: We can make
20 them digital.

21 MS. HAASE: -- the board --
22 the board allowed this, so now it's digital.

23 MS. LAMBERTON: I like it.

24 MS. HAASE: The board can allow
25 that as well.

1 Now, years ago the cost was so
2 astronomical for these and Annie and I had the
3 opportunity to have a conversation a few weeks ago
4 and I did some research, the cost has come down
5 drastically. So for a sign face, say a two by

6 eight sign face, you're looking at \$4400. Now, you
7 still have to do the components, like you'll have
8 to get the hardware and the players, so that's
9 another couple thousand dollars. But once you have
10 that, of course, things can integrate and change;
11 so they're nowhere where they used to be 40 and
12 \$50,000.

13 MS. LAMBERTON: Right.

14 MS. HAASE: They have really
15 reduced in cost, so I think you'll start seeing
16 more and more of individuals because of the
17 reduction of the cost of this.

18 MS. LAMBERTON: I just think
19 they'll be maintained better --

20 MS. MINNICK: Well --

21 MS. LAMBERTON: -- you know?
22 You won't have a wooden fallen down structure.

23 MS. PICKARD: I don't like the
24 big signs like we have on these properties being
25 fully digitized. I think that's just too big.

1 MS. MINNICK: The other item
2 that we did put in here, if the board is going
3 digital, they won't be able to use any banners or
4 any temporary signage. They'll have that ability
5 to use their own sign.

6 MS. LAMBERTON: Yeah,
7 absolutely.
8 MS. PICKARD: -- they're on a
9 plaza --
10 MS. HAASE: Now, I don't know
11 if we are going to be able to do that now though.
12 MS. LAMBERTON: Because if we
13 don't allow it for one, we can't allow it for --
14 MS. HAASE: I don't know if
15 that is a caveat to that. But if you have digital,
16 then you're excluded from these types of signage.
17 MR. HOLAHAN: Yeah, why not.
18 MS. HAASE: So that's
19 something Jonathan would have to look into for us.
20 MR. HOLAHAN: I --
21 MS. LAMBERTON: Are we allowed
22 to limit that because of a digital --
23 MR. HOLAHAN: I don't see how
24 you can get -- where they can actually take the
25 marquee like this and then make each one

1 individual?
2 MS. HAASE: They're cabinets.
3 MR. HOLAHAN: Right. So --
4 right, it's a cabinet. So typically you're --

5 you're --

6 MS. LAMBERTON: Oh, you're

7 saying there's --

8 MR. HOLAHAN: -- sliding out

9 one fiberglass --

10 MS. LAMBERTON: -- there's ten

11 digital panels?

12 MR. HOLAHAN: -- lettered up

13 and you're putting a digital instead, aren't they

14 --

15 MS. HAASE: No, per --

16 MR. MOYER: They also do them

17 where -- I've seen them where all those businesses

18 would be on there and one would flash and it would

19 give that business an attachment.

20 MR. HOLAHAN: Well, that's what

21 I'm thinking.

22 MS. PICKARD: Yeah, but that's

23 where I'm saying --

24 MR. HOLAHAN: Yes, I think that

25 would look terrible.

98

1 MS. PICKARD: -- the smaller

2 percentage of it -- yeah, I don't -- I'd like to

3 see some --

4 MS. LAMBERTON: Oh, see, I'm

5 thinking of it where that would be one solid

6 digital face --

7 MS. PICKARD: And that's what

8 I'm thinking --

9 MS. LAMBERTON: -- and then

10 each individual business, like you say --

11 MR. MOYER: Yeah.

12 MS. LAMBERTON: -- has their

13 opportunity or a certain time limit that --

14 MS. PICKARD: I think that's

15 way too big.

16 MS. HAASE: But if I can just

17 clarify to John's question.

18 Currently, John, what you're

19 looking at there, they would slide out those panels

20 --

21 MR. HOLAHAN: Right.

22 MS. HAASE: -- you're correct.

23 If you turned it into digital, then you either

24 would have -- I'll give an example, say Mount Airy

25 sign on 611, that's made into four quadrants.

1 MR. HOLAHAN: Right.

2 MS. HAASE: So there's four

3 different advertisements going on at the same time

4 that they're able to control.

5 MS. PICKARD: Get some -- some
6 pictures of this? 'Cause I'm having a hard time.

7 MS. HAASE: Well, it's
8 actually the one screen and it's divided into four.
9 It could be used as one. Again, that's gonna be up
10 to the owner of that establishment of how much they
11 want to put into that.

12 MS. PICKARD: Even that one in
13 Bartonsville that -- whatever, it has the separate
14 static sign and then one square piece that was
15 electronic. Like I just can't see that whole thing
16 being electronic. I think that's just --

17 MR. HOLAHAN: I want to see all
18 the options --

19 MS. PICKARD: You see what I'm
20 saying? Yeah.

21 MR. HOLAHAN: -- before I vote
22 no.

23 MS. PICKARD: Yeah.

24 MR. HOLAHAN: Because I don't
25 like the digital. Right. But --

100

1 MS. PICKARD: Well, I think if
2 it was minimized, you know, if it -- I don't agree
3 the whole thing, I won't -- I, you know --

4 MS. HAASE: John, you're very

5 quiet down there.

6 MR. KERRICK: Well, it's kind

7 of hard, I got two guys that are pretty boisterous

8 here, but this -- this large sign, I kind of agree

9 with John and Heidi saying that might be too much.

10 MS. PICKARD: I think that's

11 too much.

12 MR. KERRICK: So they would

13 have -- maybe they can have that choice or if

14 you're gonna do digital, maybe smaller for that

15 complex. Just throwing it out there.

16 MS. LAMBERTON: Or just one

17 screen.

18 MR. KERRICK: What if it's --

19 if it's -- if it's a stand-alone business with a --

20 with a 40 -- an eight --

21 MS. PICKARD: That I might

22 not agree with --

23 MR. KERRICK: -- 40 square

24 foot, I have no problem with the whole thing being

25 digital.

1 MS. PICKARD: This just seems

2 --

3 MR. KERRICK: Tastefully done.

4 MS. PICKARD: -- way too -- too

5 -- too much --

6 MR. KERRICK: That's large.

7 MS. PICKARD: -- and having

8 either ten separate panels all saying different

9 things.

10 MS. LAMBERTON: Oh, I don't

11 think it --

12 MS. HAASE: I don't think

13 you'd -- that would happen.

14 MS. PICKARD: I don't know.

15 MS. HAASE: I -- I think --

16 MR. KERRICK: That's what I

17 thought you did.

18 (Inaudible comments.)

19 MS. PICKARD: -- I need to get

20 some more information.

21 MR. MOYER: Like at your place

22 -- or Liberty Plaza might have that many.

23 MR. HOLAHAN: And Ahart's.

24 MR. MOYER: And --

25 MR. HOLAHAN: And the old

1 Thriftway, CVS.

2 MS. PICKARD: Do we have that

3 one that -- that plaza that I have, do you have

4 that there?

5 MR. HOLAHAN: You know what I

6 didn't like that about these --

7 MS. HAASE: Yeah, that's all

8 -- that's digital, correct?

9 MS. PICKARD: Yeah.

10 MS. HAASE: So that -- think of

11 that, that's a perfect example of Mount Airy sign,

12 they take the digital portion, they divide it into

13 quadrants --

14 MR. MOYER: Exactly.

15 MS. HAASE: -- and then they

16 have abil --

17 MS. LAMBERTON: I have no

18 problem with that.

19 MR. MOYER: But those signs

20 look almost like a wooden sign --

21 MS. LAMBERTON: That looks so

22 nice.

23 MR. MOYER: -- when they're

24 done right.

25 MS. LAMBERTON: Yes.

1 MR. MOYER: You know what I

2 mean? It's --

3 MS. LAMBERTON: I have no
4 problem with that at all.

5 MR. MOYER: It's just cleaner,
6 crisper but --

7 MS. LAMBERTON: Right.

8 MR. McHALE: But this ordinance
9 only allows --

10 MS. PICKARD: But again, it's
11 stylish also, so we --

12 MR. McHALE: -- one
13 free-standing sign for property.

14 MS. LAMBERTON: Hang on one
15 second.

16 Say that again, Bob, I'm sorry?

17 MR. McHALE: The -- what's
18 being proposed only allows -- it says no more than
19 one LED digital free-standing sign shall be
20 permitted per property.

21 MS. HAASE: Now, Bob and I
22 spoke about that today. Earlier I think, Annie,
23 you had mentioned about if they're different
24 entrances, a separation, so that's something that
25 we can even amend if the board so chooses. Say

2 940 and further down they have an entrance on 9 --

3 MS. LAMBERTON: Sure.

4 MS. HAASE: -- on 115 --

5 MS. LAMBERTON: And that's such
6 a large parcel.

7 MS. HAASE: -- so they would
8 have the option to be putting two on that if the
9 board so chose to change that.

10 MS. PICKARD: Can we make --

11 MS. LAMBERTON: And that's
12 where your distances will work.

13 MS. HAASE: Correct.

14 MS. PICKARD: Can we make some
15 sort of design standards because there's no
16 accounting for taste.

17 MS. HAASE: I don't think you
18 can. I think you can speak to -- I don't think you
19 can say it has to be an English style, it has to be
20 a Victorian style. You can allow them that type of
21 sign, but I don't think we can go with style and
22 color.

23 MS. LAMBERTON: Well, the good
24 thing about it is they're new, you know, you have
25 --

1 MR. McHALE: Living document.

2 You can change it in the future if you'd like.

3 MS. LAMBERTON: Well, you don't

4 want somebody going and spending thousands of

5 dollars and then say, you know what, oops, we don't

6 like that so -- and then --

7 MR. McHALE: Well, if they can

8 get a permit --

9 MS. LAMBERTON: No, I

10 understand that, but then somebody drives by it and

11 then they see it, and they're like, well, he has

12 it, you know, we're --

13 MS. PICKARD: Can we make the

14 -- this --

15 MS. LAMBERTON: It's better to

16 get it right out of the gate. I respect those.

17 MR. McHALE: It's gonna change,

18 the technology over time.

19 MS. HAASE: -- electronic signs

20 include the planning commission?

21 MS. LAMBERTON: I'm sorry, what

22 was that?

23 MS. HAASE: Well, you have to

24 have an ordinance in place, so the board has to --

25 you mean as a special exception, is that what

1 you're talking about?

2 MS. PICKARD: No, no, just to
3 go through like a review through the planning
4 commission.

5 MS. HAASE: No, I think the
6 board needs to decide what they want and you have
7 an ordinance and it's handled by the zoning
8 officer.

9 MS. PICKARD: But I meant for
10 stylewise or --

11 MS. HAASE: You -- you cannot
12 choose the style of it. You can't do that.

13 MS. PICKARD: I'm not liking
14 that so -- if it's severely limited on or
15 minimized, I don't have a problem with it, but I --
16 I don't like pole signs. I don't like --

17 MS. LAMBERTON: And that's
18 fine. That's her opinion.

19 MS. PICKARD: Yeah.

20 MS. LAMBERTON: Let's --

21 MS. PICKARD: No, it's my
22 opinion.

23 MS. LAMBERTON: I -- I think it
24 is a new up and coming way to advertise --

25 MR. MOYER: Yeah, I mean if you

1 don't have a business --

2 MS. LAMBERTON: -- and I think

3 you're absolutely right that --

4 MR. MOYER: It makes a

5 difference too. I mean, when you're a business

6 owner or you --

7 MS. LAMBERTON: You look at it

8 different.

9 MR. MOYER: -- have a different

10 outlook on it so --

11 MS. LAMBERTON: Yeah.

12 MS. PICKARD: No, but I'm --

13 MR. MOYER: So --

14 MS. PICKARD: -- still stuck

15 on, this thing is too huge to have one big huge

16 digital sign. The one like he's saying, I don't

17 have a problem.

18 MR. MOYER: I'm not even

19 disagreeing with you --

20 MS. PICKARD: Yeah.

21 MR. MOYER: It's your opinion.

22 MS. PICKARD: I'm just

23 thinking if there's like a square footage maximum

24 of -- of area, I don't know.

25 MS. HAASE: Well, the board

1 can decide, do you want -- say they're allowed a 80
2 square foot sign, 40 side per face, you certainly
3 -- you can limit that to whatever. The only thing
4 I would caution the board is, you do not want a
5 business to have to custom make a cabinet. It's
6 gonna be extremely costly --

7 MS. LAMBERTON: Right.

8 MS. HAASE: -- for them, so you
9 want to --

10 MS. LAMBERTON: I don't
11 understand, what is the difference between an 80 --
12 that 80 square foot sign and an 80 square foot
13 digital sign? You're looking at a stopped image.

14 MR. McHALE: And it only
15 changes once every 15 seconds.

16 MS. LAMBERTON: Exactly. So
17 it's just a different picture that's -- it's not
18 moving. There's not animation. There are things
19 that you can avoid having them do.

20 MR. McHALE: That's written
21 into this, as far as fading, blinking, flashing.

22 MS. LAMBERTON: That's my
23 point.

24 MR. McHALE: All those things
25 --

1 MS. LAMBERTON: So there's no
2 difference -- if you look at a digital sign that
3 has a digital picture up there, then if you have a
4 sign here, there's no difference.

5 MR. MOYER: It's cleaner
6 looking.

7 MS. PICKARD: But, yeah --
8 well, I know you're saying that, but we live in the
9 Poconos, we don't live in Stroudsburg; so as far as
10 to visualize how that changes the character, you
11 know --

12 MS. HAASE: I'll just give you
13 some examples --

14 MS. LAMBERTON: It's a -- a
15 sign is a sign.

16 MS. PICKARD: Well, I don't
17 agree.

18 MS. HAASE: -- if I may, for
19 this specific company, a two by eight sign is 4400;
20 a four by eight sign, four foot by eight foot, is
21 7800 per sign face; a 40 by 90 inch is 8600; and a
22 14 foot by 48 foot is 154,000 per face. So there's
23 definitely specific cus -- or cabinets that I think
24 we --

25 MS. PICKARD: Well, we should

1 consider that --

2 MS. HAASE: -- need to be

3 cognitive of and not make it custom.

4 MS. PICKARD: -- and take that

5 into consideration. I completely agree with that.

6 MS. LAMBERTON: I think it

7 would be nice to go up and down 940 and 115 and not

8 have wooden signs falling down.

9 MR. HOLAHAN: We're -- we're

10 just talking about the C and the CI districts here

11 as well, so it wouldn't be going up and down 940,

12 it would just be in some particular areas.

13 I -- I mean, I kind of get that

14 but I'm -- I'm not converted yet, but I know what

15 it looks like when you got these and you got a

16 business or two to three to go out, what they do is

17 pull the sign out and they flip it around and say

18 backwards and they stick it back in again and so

19 now you're seeing it backwards and backlit and a

20 bunch of dead moths and things like that in there,

21 it's just -- you know, to add to it type of thing.

22 So certainly that looks better than, you know --

23 MS. MINNICK: The other -- the

24 other thing that I did see, there was one township

25 that they limited the hours of operation on their

1 general sign at night. If a store closed at ten,
2 they had to shut the -- the sign down at twelve. I
3 don't know, maybe that's something else --

4 MS. PICKARD: -- see when I'm
5 driving at night what the businesses there that I
6 want to go check out tomorrow so I don't like that.
7 But then you have --

8 MS. HAASE: So, Ms. Annie, am
9 I to understand at this particular point we're
10 holding off on the digital?

11 MS. LAMBERTON: No, we're gonna
12 -- no, I think we should --

13 MS. HAASE: Okay.

14 MS. LAMBERTON: -- right? Am I
15 -- what's the consensus of the board? I think we
16 need to address this. I like -- I like them.

17 MR. REISS: I don't think you
18 have a -- I think you have to better define what
19 your consensus is.

20 MS. PICKARD: Yeah, I want to
21 get more information --

22 MS. LAMBERTON: Are we
23 interested in moving forward --

24 MS. PICKARD: -- on making this

1 MS. LAMBERTON: I'm sorry?

2 MS. PICKARD: Can we look at
3 this with more information on the next work
4 session?

5 MS. LAMBERTON: Yeah, Phyll --
6 Phyllis is looking for direction on --

7 MS. PICKARD: Yeah, I want to
8 --

9 MS. LAMBERTON: -- we -- I
10 would like her to get some more --

11 MS. PICKARD: -- see some more
12 specific samples to get -- to visualize what we're
13 looking at before and make --

14 MS. HAASE: Well, I can pass
15 around what we presented at the town hall meeting,
16 if that would help the board now.

17 MR. McHALE: Does -- does the
18 baseline of what's being proposed though, as far as
19 same height restrictions, the number per
20 property --

21 MS. LAMBERTON: You're doing
22 the same as the sign you already have.

23 MS. HAASE: Right.

24 MR. McHALE: I know, but is

25 this okay with --

113

1 MS. LAMBERTON: Yeah, I --

2 we've already --

3 MR. McHALE: -- other than --

4 MS. LAMBERTON: It's already in

5 our ordinance.

6 MR. McHALE: -- other than the

7 possibility of just reducing to a certain

8 percentage of what's allowed?

9 MR. MOYER: Right.

10 MS. PICKARD: Yeah.

11 MR. McHALE: But like here --

12 when you look through here, you know, the display

13 cycles, if you're good with 15 seconds, that's

14 what's existing --

15 MS. PICKARD: I'm -- I'm good

16 with all of that, I just don't just like --

17 MR. McHALE: -- at resorts and

18 that's where --

19 MS. LAMBERTON: And is that --

20 MR. McHALE: -- all the

21 criteria for animation is pretty much what Maureen

22 pulled out of the -- so if we're saying the core

23 then of all of this okay, you're really down to, do

24 you want to allow the full size of what's allowed
25 or do you want to scale it back to 75 percent or 50

114

1 percent?

2 MS. LAMBERTON: And then what
3 is this industry standard? I mean, what are the
4 standard sizes for -- like Phyllis just read three,
5 you know, price structures with three sizes; so, I
6 mean, they're not gonna make all different type
7 sizes too. Maybe we need to look at what's
8 offered.

9 MR. McHALE: But --

10 MS. PICKARD: But then you'd
11 have to look at --

12 MS. LAMBERTON: And look at
13 that too.

14 MR. McHALE: But in the years
15 --

16 MS. PICKARD: -- it depends on
17 the size --

18 MR. McHALE: -- in the few
19 years ahead --

20 MS. PICKARD: -- of the
21 building, what is allowed.

22 MS. LAMBERTON: Hang on one
23 second.

24 MR. McHALE: -- what if the
25 dimensions of those things change? I mean, you

115

1 think about big screen TVs and all those kind of
2 things now --

3 MS. LAMBERTON: And I respect
4 that.

5 MR. McHALE: -- how they have
6 varied so much, you can see in two years, maybe
7 those won't be the standard cam dimensions.

8 MS. HAASE: So am I to
9 understand, really, the bone of contention is the
10 size of the sign or do we have some board members
11 that just -- they don't like digital signs? I
12 think that would be helpful for me.

13 MS. LAMBERTON: I --

14 MS. HAASE: Do you know what
15 I'm saying?

16 MR. MOYER: I don't --

17 MS. PICKARD: You know what I
18 mean?

19 MR. MOYER: I don't mind. I
20 don't mind them --

21 MS. LAMBERTON: I actually
22 prefer a digital sign. I think the --

23 MR. McHALE: They're cleaner,
24 they're an investment and people take care of them.
25 MS. LAMBERTON: Thank you.

116

1 Yes.
2 MR. McHALE: You're not gonna
3 see the faded paint, you can't hardly read it
4 anyway.
5 MS. LAMBERTON: Heidi, Heidi,
6 hang on one second, please.
7 MR. McHALE: It's just --
8 that's more distracting, I think, than a clean
9 crisp sign because when you drive by and you have
10 this junky looking wooden thing that's faded --
11 MS. LAMBERTON: Agreed.
12 MR. McHALE: -- you know, so
13 -- but, you know, you have to take into account
14 everything. And the brightness, if you're
15 satisfied with what you're seeing out there at the
16 resort now --
17 MS. LAMBERTON: And that took
18 some adjustment and they --
19 MR. McHALE: -- or -- or if you
20 want to scale that back, you know, that's --
21 MS. LAMBERTON: Right. Right.
22 No, I think it would clean up --

23 MS. MINNICK: That's a huge
24 sign. That's a huge sign.
25 MS. LAMBERTON: That's a huge

117

1 building.
2 MS. MINNICK: But what I'm
3 saying, with comparison to something that's 40
4 square feet --
5 MR. MOYER: Yeah.
6 MS. LAMBERTON: Right.
7 MS. MINNICK: -- that is --
8 MS. LAMBERTON: I agree. And
9 it's relative. I -- I understand what you're
10 saying. Yeah.
11 MR. HOLAHAN: But the other --
12 but the other thing is, when you've got a static
13 sign, the message goes up and pretty much stays
14 there. With us not being able to have anything to
15 say about what the content is, that message could
16 change as -- every 15 seconds it could be something
17 different.
18 MR. McHALE: Well, maybe on the
19 multi --
20 MR. HOLAHAN: It could be
21 verses from the Bible or the Quran or somebody just

22 -- you know, political statements or something like
23 that.
24 MS. MINNICK: Also, in this
25 ordinance it does speak to no --

118

1 MS. HAASE: Off-premise.
2 MS. MINNICK: -- off-premise
3 advertising.
4 MS. PICKARD: Yeah, so it has
5 to be --
6 MR. HOLAHAN: Well, it's
7 everywhere (inaudible).
8 MR. McHALE: One thing you
9 might consider too, is in these multican -- or
10 where you have a shopping center with those panels,
11 that are maybe ten or twelve of them, that they
12 would have to change at the same time so that they
13 would all change.
14 MS. LAMBERTON: And I think
15 that's what Mount --
16 MR. McHALE: And then you --
17 then you only see --
18 MS. LAMBERTON: -- Airy's does
19 too, yeah.
20 MR. McHALE: -- so that they're
21 not like over 15 seconds, you're seeing one or two

22 change --

23 MS. LAMBERTON: Right.

24 MR. McHALE: -- the whole time.

25 MS. HAASE: No.

119

1 MR. McHALE: They all change at

2 one time.

3 MS. LAMBERTON: Right. And I

4 believe the one that Phyllis referred to at Mount

5 Airy does.

6 MS. HAASE: Yes.

7 MS. LAMBERTON: You can see all

8 four panels go at the same time.

9 MR. McHALE: There you go.

10 MS. LAMBERTON: And it's

11 attractive.

12 MR. McHALE: And then you only

13 see that -- I mean, by the time you drive by it,

14 you can only see that one image unless you catch it

15 in the middle of its change.

16 MS. LAMBERTON: Correct.

17 MS. PICKARD: But that's a big

18 sign that we're not gonna have on the majority of

19 our buildings.

20 MS. LAMBERTON: Well, I think

21 we have to put it in perspective of what we do
22 have.

23 MS. PICKARD: Yeah.

24 MS. LAMBERTON: And I -- I -- I
25 like them. I think it -- it kind of modernizes our

120

1 area. We need -- we need to do something to dress
2 up our corridor.

3 MR. HOLAHAN: And -- and -- and
4 I think you pretty much hit that right on, because
5 as much as we want to help the businesses with the
6 visibility of their establishments, we also owe to
7 our residents, that have to drive by these places,
8 what they'll be looking at as well. So we've got
9 to take into account both business owners and the
10 residents and the visitors.

11 MS. LAMBERTON: And I think
12 with distances and the way we can adjust the
13 lighting and the motion and all of those other
14 items you guys already thought of, I think that
15 protects the resident as well.

16 MR. MOYER: I think right now
17 it couldn't hurt. You take a ride from 380 into
18 Blakeslee right now, it's pretty -- pretty drab.

19 MR. HOLAHAN: Take a ride from
20 Mount Pocono down to Stroudsburg and take a look at

21 that.

22 MR. MOYER: I'm -- I'm not
23 saying that we're Mount Pocono or Stroudsburg.

24 MR. HOLAHAN: Right.

25 MS. LAMBERTON: Okay.

121

1 MR. MOYER: We don't have as
2 nearly that much buildings. I'm talking about
3 buildings that are here, businesses that are closed
4 and signs that are just deteriorating and nobody's
5 ever gonna probably move into them and it's --

6 MS. LAMBERTON: And those --
7 and those signs could say anything forever because
8 once a sign's up, a sign's up.

9 MS. PICKARD: Well, what do we
10 have for maintenance though on something? Can we
11 make it that we can remove the sign if it's not
12 maintained? I mean, if it gets that --

13 MS. HAASE: In the ordinance I
14 believe it was spoke to main -- malfunctions. We
15 did speak to that in the ordinance.

16 MS. MINNICK: Yeah.

17 MS. PICKARD: I'm just saying,
18 that should be regardless of whether it's a regular
19 sign 'cause that doesn't mean they're gonna change

20 it, so we still should have a way --

21 MS. HAASE: Well, if it's --

22 MS. PICKARD: -- to remove the
23 signs --

24 MS. HAASE: If it's an existing
25 --

122

1 MS. PICKARD: -- that are there
2 and not maintained.

3 MS. HAASE: -- sign -- if it's
4 existing sign, we just can't go on somebody's
5 property and do something with it. I mean, we --
6 we couldn't do that now, whether it's a digital or
7 it's a free-standing.

8 MS. PICKARD: I know. But
9 those people aren't gonna get a digital sign so
10 we're still gonna be looking at it 'cause they
11 can't afford to maintain the sign that they have.
12 So that doesn't address that problem.

13 MR. HOLAHAN: This is gonna
14 affect a few businesses and maybe some new ones.
15 And I'd like to go down -- in fact, I'll do that,
16 I'll drive from 380 down, to see the number of
17 vacant buildings that might be helped by a sign
18 ordinance.

19 MS. PICKARD: Now, when you

20 pass this paper around, I have a question for
21 static electronics for the -- the roof sign or the
22 wall sign, whatever that is on the plazas, would
23 that help?

24 MS. HAASE: That would be on
25 the side of the building, that top one.

123

1 MS. PICKARD: Like this --

2 MS. HAASE: That's a digital
3 sign.

4 MS. PICKARD: But like where
5 they have their thing now, that's a 10, 15 or
6 whatever percent, if that could be digital, would
7 that be helping to light up the gun shop or the
8 whatever or your --

9 MR. MOYER: I -- I was only
10 asking about the gun shop 'cause he thought he was
11 --

12 MS. PICKARD: Yeah, I know --

13 MR. MOYER: -- legally --
14 legally --

15 MS. PICKARD: But that's now on
16 my mind.

17 MR. MOYER: -- putting his car
18 out there with that banner on it.

19 MS. PICKARD: But if you had --
20 MR. MOYER: I told him, I said,
21 I don't think you are --
22 MS. PICKARD: -- you know what
23 I'm saying, for Palfy's Bakery and those shops in
24 there, would that be of help?
25 MR. HAASE: We're proposing

124

1 that.
2 MS. LAMBERTON: You're getting
3 all this?
4 MS. HAASE: That's -- that's
5 -- ladies and gentlemen, that's what we're
6 proposing. That -- we're proposing --
7 MS. LAMBERTON: That's part of
8 it.
9 MS. HAASE: -- that if you have
10 a wall sign --
11 MS. PICKARD: Okay.
12 MS. HAASE: -- that you are
13 allowed to have a digital wall sign.
14 MS. LAMBERTON: It could be
15 either digital or fixed.
16 MS. HAASE: Right. It's --
17 MS. PICKARD: But you can't
18 have the free-standing --

19 MS. HAASE: Yes.
20 MS. PICKARD: -- and the wall
21 digital?
22 MS. HAASE: Yeah.
23 MS. LAMBERTON: Yeah, you
24 currently can do.
25 MS. HAASE: That's what it --

125

1 that's what the proposed ordinance that we
2 circulated on Friday --
3 MS. PICKARD: As long as that
4 --
5 MS. HAASE: -- that's what this
6 states.
7 MS. PICKARD: -- is minimized,
8 I don't mind that. I just don't like a whole big
9 huge thing that's 80 square feet digital on both
10 sides or whatever --
11 MS. LAMBERTON: Okay. So what
12 we need to do, I think, is digest the digital for
13 right now. I know I'm --
14 MS. HAASE: Okay.
15 MS. LAMBERTON: I would like to
16 see something move forward with it because I think
17 maintenancewise, and you want to talk

18 attractiveness, at least it would be maintained
19 because it's new.
20 MS. PICKARD: It's still the
21 people that are gonna not maintain things are gonna
22 continue to not maintain them and they're not gonna
23 put a digital sign. It's not gonna be mandatory,
24 so you're still gonna have the same crap we have
25 now.

126

1 MS. LAMBERTON: They might not
2 think it's crap but --

3 MS. PICKARD: Eventually, maybe
4 in 30 years from now.

5 MS. LAMBERTON: Okay. Well,
6 maybe if we bring more business to the area, we
7 help other businesses that are here do better.

8 MR. McHALE: Once people see
9 these electronic signs going up --

10 MS. PICKARD: I don't think
11 electronic signs are gonna bring people to the
12 business.

13 MR. McHALE: -- and they start
14 seeing how --

15 MS. LAMBERTON: They'll love
16 it. They'll love it. I agree with you.

17 MR. McHALE: Yep. It will

18 become --

19 MS. LAMBERTON: Okay.

20 MR. McHALE: -- a trend, most

21 likely.

22 MS. LAMBERTON: So as far as

23 direction from the board and the consensus, are we

24 looking to have Phyllis move forward with adding

25 this in and maybe we can look at some percentages

127

1 of existing signage and get some sign sizes that

2 are already being manufactured and see how that

3 fits with a 80 square foot sign? Do they -- do

4 they offer that in a regular --

5 MS. PICKARD: I think that the

6 percentage is going to lead you to one of those

7 types, if we make sure that our current percentages

8 would fit one of those things.

9 MS. HAASE: Well, what I read

10 to the board --

11 MS. PICKARD: -- size down or

12 --

13 MS. HAASE: -- for this

14 specific company, no matter what size of sign that

15 we currently allowed in our ordinance, they could

16 find something to fit.

17 MS. LAMBERTON: Oh, okay.
18 Okay.
19 MS. HAASE: I don't think if we
20 say it's 80 square feet, it doesn't appear that
21 they have an 80 square foot sign. So that might --
22 they'd have to adjust their signage, what they're
23 proposing. Maybe do both. Maybe do the sign and
24 then the cabinet, insert the cabinet. So if you're
25 asking, can someone with a 40 square foot sign

128

1 insert one of these cabinets, yes.
2 MS. LAMBERTON: Okay.
3 MS. HAASE: It will fit.
4 MR. KERRICK: I think you had
5 32, wasn't it like -- was it closest to 40 --
6 they're all under --
7 MS. PICKARD: Yeah.
8 MR. KERRICK: -- what -- what
9 we -- what we regulated.
10 MS. LAMBERTON: Okay.
11 MS. HAASE: Yeah, there's a 32
12 square -- there's a 32 --
13 MS. LAMBERTON: All we did was
14 replace what we currently have with digital.
15 MR. McHALE: And that almost
16 scales it down by a percentage anyway if that's the

17 case and that's all they make.

18 MS. LAMBERTON: Okay. Okay.

19 MS. PICKARD: Somebody will
20 make them bigger just so they can maximize whatever
21 that standard is (inaudible) --

22 MS. HAASE: But the one thing
23 I just want to make certain that we're all on the
24 same page on, because I know before there was
25 discussion to allow it in certain pockets of the

129

1 township, that we can't do. If you're gonna allow
2 it in the commercial and commercial industrial
3 district, that's what you have to do.

4 MS. LAMBERTON: Understood.

5 MS. HAASE: You can't just
6 say, you can have it in Pocono Summit or you can
7 have it in Blakeslee or you can have it in Pocono
8 Lake, it has to be for that district.

9 MS. LAMBERTON: Okay.

10 MS. PICKARD: But not
11 nonconforming.

12 MS. HAASE: I'm sorry?

13 MS. PICKARD: But not for a
14 nonconforming use it doesn't?

15 MR. HOLAHAN: Yeah, we'll have

16 to look at that map again too.

17 MR. McHALE: Now, a
18 nonconforming sign can't just replace an electronic
19 with it, correct?

20 MS. PICKARD: But I imagine if
21 it's a nonconforming use, if it's a commercial and
22 a residential district, they can't.

23 MR. KERRICK: Why not?

24 MR. REISS: They can't have an
25 electronic sign.

130

1 MS. PICKARD: Because it's
2 nonconforming, it's not in that district --

3 MS. LAMBERTON: Cannot?

4 MS. PICKARD: -- is what I
5 just said.

6 MS. MINNICK: It's not in that
7 district. They would have to go in front of the
8 zoning hearing board.

9 MR. KERRICK: But it could be
10 done if they get approval.

11 MR. REISS: They'd have to get
12 a variance.

13 MR. MOYER: Apply for a
14 variance.

15 MS. LAMBERTON: Jonathan says

16 they have to get a variance, John.

17 MR. KERRICK: But that's okay.

18 MS. LAMBERTON: Okay. So --

19 MS. HAASE: Can I just be

20 clear just so I don't disappoint anyone?

21 MS. LAMBERTON: Please do.

22 MS. HAASE: Okay. So the

23 proposed signage for LED, the board is comfortable

24 with me moving forward with what's being proposed.

25 Now, I do want -- the one thing that I had

131

1 mentioned earlier is Bob and I had spoken about how

2 our current ordinance speaks to if it's -- I used

3 example, Blakeslee Village Plaza, is the board in

4 agreement that if it's on separate roads, that each

5 entrance then would be allotted a directory sign or

6 a digital sign?

7 MS. LAMBERTON: I -- I --

8 MR. McHALE: Or --

9 MS. LAMBERTON: -- I'm fine

10 with that.

11 MR. McHALE: Or if the frontage

12 is large enough to where PennDOT would allow two

13 access points --

14 MS. LAMBERTON: Use that as our

15 --

16 MS. HAASE: I think it's a 300
17 foot separation, I think is what our current
18 ordinance speaks to.

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

21 MR. McHALE: I mean, I'm just
22 ask --

23 MS. LAMBERTON: We can take a
24 roll call if --

25 MR. McHALE: I'm throwing that

132

1 out because that's a possibility of how that can be
2 construed as far as where those entrances are.

3 MS. HAASE: So you can look at
4 the distance or you can look at separate roads.

5 MS. LAMBERTON: Okay.

6 MR. HOLAHAN: I've got a
7 question. So on commercial and commercial
8 industrial, does that include neighborhood
9 commercial?

10 MS. HAASE: We don't have
11 neighborhood commercial. We only have commercial
12 and commercial industrial.

13 MR. HOLAHAN: Right. But in
14 our future land use, we're looking for commercial

15 neighborhood.

16 MS. HAASE: It would have to
17 be adjusted at that time, John. Once --

18 MR. HOLAHAN: To see if it was
19 going to be allowed or not?

20 MS. HAASE: Correct. If this
21 -- at this particular point we don't have that type
22 of a district.

23 MS. PICKARD: So this first
24 phase for this quick one, you're gonna put the
25 digital signs, I'm gonna be opposed to that

133

1 probably 'cause I'm not ready for that. I wanted
2 something quick for the banners and the special
3 events, so we're gonna bog it down with the digital
4 now?

5 MS. HAASE: That's up to the
6 board.

7 MS. LAMBERTON: No, we're just
8 adding it to -- I'm fine with it.

9 MR. MOYER: I'm okay with it.

10 MS. PICKARD: I'm not. I
11 think that the people that come to the meeting or
12 the hearing are gonna have a problem with it --

13 MS. LAMBERTON: And that's

14 okay.

15 MS. PICKARD: -- and it's gonna
16 end up being delayed.

17 MS. LAMBERTON: Then we can
18 hear what they have to say.

19 MS. PICKARD: That's fine.
20 I'm -- I'm not voting for that, for the
21 authorization --

22 MS. LAMBERTON: John Kerrick,
23 are you okay with moving forward?

24 MR. KERRICK: Move forward.

25 MS. LAMBERTON: John Holahan?

134

1 MR. HOLAHAN: No.

2 MS. LAMBERTON: Okay. Donny?

3 MR. MOYER: Yes.

4 MS. LAMBERTON: I am as well
5 too.

6 MS. HAASE: Okay. So then the
7 board's in agreement, then I will put together --

8 MS. LAMBERTON: The digital
9 part of it as well.

10 MS. HAASE: The digital part of
11 it as well and then again, do you want the
12 separation of so many feet per signs or in separate
13 roads?

14 MR. REISS: Or both?
15 MS. LAMBERTON: Or both.
16 MS. HAASE: Or both.
17 MS. LAMBERTON: I'm fine with
18 both.
19 MR. MOYER: Yeah. I -- I -- I
20 like them in --
21 MS. HAASE: Heidi and John, I
22 think you're out.
23 John Kerrick, what's --
24 MR. KERRICK: I'm okay with
25 that, the both.

135

1 MS. HAASE: So both.
2 MR. MOYER: Both, yeah.
3 MR. KERRICK: I think that
4 PennDOT has -- what is it, Bob, 300 or 600 feet for
5 two entrances?
6 MR. McHALE: I remember 600.
7 MR. KERRICK: I though it was
8 --
9 MS. HAASE: Well, that's for
10 driveways.
11 MR. McHALE: That's for
12 driveways.

13 MS. HAASE: That's completely
14 different than what our signage. Yeah.
15 MR. KERRICK: I apologize.
16 MS. HAASE: You're speaking
17 about the regulations for driveways.
18 MR. MOYER: But that's exactly
19 why both might be --
20 MR. McHALE: Current signage --
21 I'm just saying, if somebody came in with a new
22 parcel and PennDOT said, well, you have to be 600
23 feet apart, that kind of takes care of that. But
24 what Phyllis is speaking to is, the current
25 separation of the signs on one large parcel.

136

1 MS. LAMBERTON: Okay.
2 MR. McHALE: So which do you
3 want?
4 MS. LAMBERTON: Either-or.
5 MS. HAASE: Both, I think you
6 want.
7 MS. LAMBERTON: Either-or.
8 Okay.
9 MS. HAASE: Okay. Not to be
10 really redundant, so I'm going to move forward with
11 submitting something to the board and also the PC
12 for the special events for federal hol -- holidays.

13 For the LED digital signs, the
14 only change will be then we'll include the
15 separation distance of so many square feet, which
16 is in our new -- in our current ordinance and/or
17 separate roads.

18 And for the A-frame signs, I'm
19 removing the insurance and I'm also going to add
20 the shingle signs and this is all going to go into
21 our current ordinance for consideration.

22 MS. LAMBERTON: Yes.

23 MR. HOLAHAN: Aren't shingle
24 signs -- I mean, they're already in there?

25 MS. PICKARD: No, they were in

137

1 the proposed.

2 MS. HAASE: They're in the
3 proposed ordinance.

4 MR. HOLAHAN: Oh, I'm just
5 looking -- okay. Yes.

6 MS. LAMBERTON: Yes.

7 MR. HOLAHAN: Got it.

8 MS. HAASE: Okay. We will
9 take care of this.

10 MS. LAMBERTON: Crystal clear,
11 right?

12 MS. PICKARD: So you're
13 authorizing the advertising by motion or are we not
14 authorizing advertising? Are we doing that next
15 week?

16 MS. LAMBERTON: I'll entertain
17 a motion to advertise?

18 MR. KERRICK: I'll second it.

19 MS. LAMBERTON: Well, someone
20 needs to make the motion for him.

21 MR. MOYER: I'll make the
22 motion.

23 MS. LAMBERTON: Okay. I have a
24 motion.

25 Do I have a second?

138

1 MR. KERRICK: I'll second it.

2 MS. LAMBERTON: Motion and a
3 second.

4 Any questions or comments from
5 the board?

6 Questions or comments from the
7 public?

8 Go ahead.

9 MR. MIKE CHRISTIAN: Yes,
10 ma'am.

11 THE REPORTER: Can you state

12 your name, please.

13 MS. LAMBERTON: Just state your
14 name, please.

15 MR. MIKE CHRISTIAN: Mike
16 Christian. Yeah, a couple questions. One, can I
17 have a copy of the proposed ordinance that you have
18 so far?

19 MS. HAASE: I -- I can
20 certainly --

21 MS. LAMBERTON: Phyllis will
22 furnish that to you at the end of the meeting, if
23 that's okay?

24 MR. MIKE CHRISTIAN: Sure.
25 Are we -- is digital the same as electronic?

139

1 MS. LAMBERTON: No -- well --

2 MS. HAASE: Well, it depends
3 what definitions you're looking at. Digital and
4 LED, yeah, they're pretty much interchangeable now.

5 MR. MIKE CHRISTIAN: So we're
6 saying digital, electronic, LED, it's all
7 (inaudible).

8 And just to clarify, you can't
9 have flashing signs?

10 MS. HAASE: That's correct.

11 MS. LAMBERTON: Correct.

12 MR. MIKE CHRISTIAN: And it has

13 to be -- and this was (inaudible) what John said,

14 this is only for the business on the -- on-lot

15 site? So you can't have --

16 MS. HAASE: Off-premise

17 advertising would not be allowed, that's correct.

18 MR. MIKE CHRISTIAN: So you

19 can't have promotional or -- or --

20 MS. LAMBERTON: Somebody can't

21 be advertising for --

22 MR. MIKE CHRISTIAN:

23 Campaigning --

24 MS. LAMBERTON: -- Pocono

25 Raceway.

140

1 MR. MIKE CHRISTIAN: --

2 campaigning -- what about free speech, where does

3 that enter into?

4 MS. LAMBERTON: We're learning

5 about that.

6 MR. REISS: That's a different

7 issue.

8 MR. MIKE CHRISTIAN: What's

9 that?

10 MR. REISS: That's a political

11 sign.

12 MR. MIKE CHRISTIAN: So if
13 someone puts a -- if -- if they take -- make that
14 sign a political sign, can they do that?

15 MR. REISS: It would be if it
16 -- if they have a permit for it, they're gonna be
17 able to put whatever they want on that sign as long
18 as it's not obscene.

19 MR. MIKE CHRISTIAN: So they
20 don't have to (inaudible) advertisement, could you
21 not put something in that says it has to be
22 advertising a business?

23 MS. PICKARD: Well, I thought
24 that was worded wrong --

25 MR. MIKE CHRISTIAN: I've seen

141

1 that in other townships where --

2 MS. LAMBERTON: So it's
3 specific to --

4 MR. MIKE CHRISTIAN: Specific
5 to that business.

6 MS. LAMBERTON: -- that
7 business on-site.

8 MR. REISS: Well, that's right.
9 Actually an on-premise sign already says that.

10 MR. MOYER: Yeah, that's in
11 there.
12 MR. MIKE CHRISTIAN: Okay. So
13 it is in that?
14 MR. MOYER: Yeah.
15 MR. MIKE CHRISTIAN: And then
16 just the last thing, just a comment about being,
17 you know, a hundred feet, close to a residential
18 district, I would just say just from experience
19 that it can be so bright at a hundred feet and if
20 you just think about your little LED clock light in
21 your bedroom at night, that could be pretty bright
22 and that's a tiny little thing, so just keep that
23 in mind that a hundred feet may be too close if
24 there's a residence next to one of these signs.
25 MS. LAMBERTON: Or an -- or an

142

1 adjustment in the illumination --
2 MR. MIKE CHRISTIAN: Well,
3 you'd have to go pretty low then.
4 MS. LAMBERTON: -- if it is
5 within that 100 feet.
6 MR. McHALE: One of the things
7 we ran into and the reason --
8 MS. LAMBERTON: Thank you.
9 MR. McHALE: -- we came up with

10 that just so you understand how we came up with a
11 hundred feet, was that there's properties along
12 some of these corridors where the depth of the
13 property is only maybe a couple of hundred feet and
14 immediately behind them is a residential district,
15 well, that means that all those commercial
16 properties -- if we made it 300 feet, none of them
17 would be allowed to have --

18 MS. LAMBERTON: Signage.

19 MR. McHALE: -- an electronic
20 sign.

21 MS. HAASE: I -- I think we did
22 address that because that was certainly a concern
23 and I will use Stillwater as an example. On 940
24 there's commercial properties and then directly in
25 back of it, there's a residential development,

143

1 Stillwater.

2 Many of these ordinance we
3 looked at the separation distance, 300, 500, but
4 they took the radius and we've -- we've learned
5 with our current ordinance that that can create an
6 issue. So we've changed that to be on the same
7 road, so just so the board is aware --

8 MS. LAMBERTON: Oh, okay.

9 MS. HAASE: -- that we've now
10 changed it to the same road, so if the board wanted
11 to expand that and make that a further distance,
12 you certainly could do that, but this is on that
13 road, not the radius of that business.

14 MR. MIKE CHRISTIAN: And then
15 just the last thing was, someone mentioned that the
16 hours, and even though you see the lights, you're
17 driving down at night, I mean, at two a.m. is there
18 a need to -- right now this is -- you know, very
19 few of the signs are illuminated or lit up. Does
20 every sign have to be lit up all through the night?
21 Question.

22 MS. LAMBERTON: I -- I think we
23 should take that into consideration. I agree with
24 that. I'm trying to think though like Ahart's,
25 their signs are lit now, right, around the clock?

144

1 Wawa is --

2 MR. MIKE CHRISTIAN: Does every
3 sign have a --

4 MR. McHALE: Like Heidi
5 mentioned earlier was that if you're driving into a
6 new town and you're looking for a certain business
7 and you're -- you're coming in late, you maybe want
8 to see it. I mean, the --

9 MS. LAMBERTON: And I respect
10 that too.

11 MR. McHALE: And maybe you can
12 adjust the brightness.

13 MS. LAMBERTON: After closing
14 or something.

15 MR. McHALE: That's a
16 possibility.

17 MR. REISS: Most townships that
18 allow any type of electronic sign have maximum
19 brightness after -- typically it's like within an
20 hour after dusk.

21 MS. LAMBERTON: Dusk.

22 MR. MOYER: Yeah.

23 MS. HAASE: And I think that
24 we -- we do address --

25 MS. PICKARD: Do you have a

145

1 lot, Jonathan, of -- of digital signs in
2 municipalities that you guys are --

3 MR. REISS: Plumstead prohibits
4 them, Williams Township allows them in just certain
5 districts and they have -- I want to say it may be
6 down to 150 nits, or whatever it's called, at
7 nighttime for brightness, but they have a longer

8 period --

9 MR. MOYER: Interval.

10 MR. REISS: -- interval,

11 they're up to maybe a minute and a half or three

12 minutes. They're pretty long.

13 MS. PICKARD: Can we -- could

14 you forward that to us? I'd be interested in

15 seeing that.

16 MR. REISS: Sure.

17 MS. PICKARD: And where is

18 that?

19 MR. REISS: It's in Northampton

20 County. It borders Easton and I-78.

21 MR. HOLAHAN: 25th Street --

22 Palmer.

23 MS. PICKARD: Okay, yeah. All

24 right.

25 MS. LAMBERTON: Okay.

146

1 MS. PICKARD: Thank you.

2 MS. LAMBERTON: Any other

3 comments?

4 Oh, go ahead.

5 MS. HAASE: I do. Sorry.

6 MS. LAMBERTON: That's okay.

7 Go ahead.

8 MS. PICKARD: We didn't vote
9 on that motion, did we?
10 MS. HAASE: No. I don't --
11 it's not about the signage, it's a few other items.
12 I'm sorry.
13 MS. LAMBERTON: Any other
14 comments from the public?
15 Seeing none. Call the vote.
16 John?
17 MR. KERRICK: In favor.
18 MS. LAMBERTON: Heidi?
19 MS. PICKARD: No.
20 MS. LAMBERTON: John?
21 MR. HOLAHAN: Yes.
22 MS. LAMBERTON: Donny?
23 MR. MOYER: I vote in favor.
24 MS. LAMBERTON: I vote in
25 favor. Motion carries.

147

1 MS. HAASE: Okay. I'm sorry.
2 MR. REISS: When is the May
3 meeting? Is it the 9th or is it a different date?
4 MS. HAASE: It is -- it is in
5 the daytime at 9:30 and I don't have them with me.
6 MR. REISS: I may have it in my

7 calendar then. I was looking --

8 MS. LAMBERTON: Oh, that's the
9 school, right?

10 MS. HAASE: May -- May 13.

11 MR. McHALE: 9:30.

12 MS. HAASE: May 9.

13 MR. REISS: May 9, at --

14 MS. HAASE: So do we still --
15 by the time we get this together and I --

16 MR. REISS: It's gonna be
17 tight.

18 MS. HAASE: Yeah. Perhaps we
19 could consider a special meeting in May?

20 MS. LAMBERTON: Sure. Is
21 anyone opposed to having a special meeting in May
22 because of time constraints not being able to have
23 this prepared and ready for the May 9th meeting?

24 MS. PICKARD: I -- I think that
25 --

148

1 MR. MOYER: I'm open to a
2 session.

3 MS. PICKARD: -- I would like
4 if there's a lot of people that may have opinions
5 on this, we have the town hall, that it should be
6 here at night not at the elementary school.

7 MS. HAASE: No, it's here.
8 It's not at the elementary school this year.
9 MR. HOLAHAN: Yeah, I -- May
10 isn't --
11 MS. LAMBERTON: That's fine.
12 MS. PICKARD: Is it during the
13 day for the kids or no?
14 MS. HAASE: Yes, it is in the
15 daytime.
16 MS. PICKARD: I think it should
17 be at night.
18 MS. HAASE: Well, that's what
19 we're asking is to --
20 MS. LAMBERTON: We'll have a
21 special --
22 MS. HAASE: -- not have it on
23 the 9th --
24 MS. LAMBERTON: -- meeting,
25 Heidi, not have it at the same time.

149

1 MS. PICKARD: Yeah.
2 MS. LAMBERTON: Yeah. Because
3 she won't have it ready by then --
4 MS. PICKARD: Yeah.
5 MS. LAMBERTON: -- for us to do

6 the advertise --

7 MS. PICKARD: So I think it's

8 better we have a night special meeting for that.

9 MS. LAMBERTON: Absolutely.

10 MS. PICKARD: And it's Memorial

11 Day so then that -- the --

12 MS. LAMBERTON: So let's do it

13 the week before Memorial day.

14 MS. PICKARD: -- the third

15 Monday is the 18th, it's a Monday night.

16 MS. HAASE: So the 23rd, is

17 that --

18 MS. LAMBERTON: Monday, the

19 23rd?

20 MS. HAASE: Is it Memorial Day

21 or no?

22 MS. LAMBERTON: I think it's

23 the following, isn't it?

24 MS. HAASE: Memorial day's the

25 30th.

150

1 MS. LAMBERTON: You know what?

2 No, no problem.

3 MR. REISS: Monday is May 23rd.

4 MS. LAMBERTON: Memorial day is

5 the 30th, you're right. So Monday, May 23 should

6 we have a seven o'clock --

7 MR. HOLAHAN: No, that's --

8 that doesn't work for me. I'm -- I'm not sure

9 when. It's -- well, it depends, Milly and I are

10 celebrating our 40th anniversary on the 22nd and we

11 might go away, so I can certainly say, Honey, I

12 can't go 'cause I've got a special meeting.

13 MS. PICKARD: No, you can't.

14 MR. KERRICK: I don't think

15 I'll try that one, John.

16 MS. PICKARD: Yeah, I think

17 that would be bad.

18 MR. HOLAHAN: You could hold a

19 recreant for me.

20 MS. PICKARD: -- the 31st?

21 MS. LAMBERTON: Well, do you --

22 Phyllis, do you think you'll be ready the week

23 before that, the 16th or is that pushing it?

24 MS. HAASE: It's only giving

25 us a couple extra days to get -- the issue is

151

1 getting it to the county, that county planning

2 commission and --

3 MS. LAMBERTON: Well, like

4 Jonathan said, if they know when we're --

5 MR. REISS: Now, the -- by law

6 it doesn't --

7 MS. HAASE: It has to be 30

8 days.

9 MR. REISS: Even -- you have

10 to let them have it for 30 days.

11 MR. MOYER: 30 days, yeah.

12 MS. PICKARD: What about

13 Wednesday night?

14 MR. HOLAHAN: Yeah, Wednesday

15 would be all right.

16 MS. HAASE: The 25th?

17 MS. LAMBERTON: Wait, you're

18 married for 40 years and you're only going for two

19 days?

20 MR. MOYER: Are we talking --

21 MR. REISS: (Inaudible) in

22 advance.

23 MS. HAASE: Would that be all

24 right?

25 MS. LAMBERTON: Oh, that's

152

1 right. I forgot the Friday, Saturday.

2 MS. HAASE: Donny, is that good

3 with you?

4 MS. LAMBERTON: The 25th, May

5 25th?

6 MR. KERRICK: I don't --

7 MS. LAMBERTON: That's a

8 Wednesday.

9 MR. KERRICK: -- May 25th, but

10 I'll do my best.

11 MS. PICKARD: We need to all be

12 here.

13 MR. REISS: Let me just throw

14 something out at you. Any ordinance you adopt can

15 only be -- go into effect five days after you adopt

16 it.

17 MS. LAMBERTON: Okay.

18 MR. REISS: So even if you

19 adopt it on May 25th, it doesn't become effective

20 until May 30th and no permits are gonna be issued

21 on May 30th because it's a holiday.

22 MS. PICKARD: Yeah.

23 MR. REISS: So --

24 MS. HAASE: Does it benefit

25 us?

153

1 MR. REISS: -- so the point I'm

2 making is, do you really need to rush through it --

3 MR. MOYER: We can -- we can do

4 it the following month.

5 MR. REISS: Right.

6 MS. HAASE: In June?

7 MS. PICKARD: Make it June.

8 MR. MOYER: Yeah.

9 MR. KERRICK: The first Monday
10 in June?

11 MR. MOYER: Why don't we do
12 that.

13 MS. LAMBERTON: Yeah.

14 MR. HOLAHAN: Good point.

15 MR. MOYER: It makes it easier.

16 MS. PICKARD: Yeah.

17 MR. HOLAHAN: All right. You
18 saved me.

19 MS. HAASE: Okay.

20 MR. KERRICK: June 6th, yeah.

21 MS. HAASE: So you said the
22 first Monday, so that would kind of --

23 MR. MOYER: June 6th.

24 MS. LAMBERTON: So we'll do
25 like a work session on Monday, June 6 and then --

1 MR. MOYER: Yep.

2 MS. LAMBERTON: -- a regular
3 meeting on June 10.

4 MR. MOYER: Okay.

5 MS. LAMBERTON: Okay.

6 MS. HAASE: All right. So the

7 work session you would like at what time?

8 MR. MOYER: Same time, five

9 o'clock or --

10 MS. LAMBERTON: Now we lost

11 Chad. We had it here at five o'clock for Chad.

12 MS. PICKARD: Well, we ran it

13 --

14 MR. MOYER: He might have got

15 bored --

16 MS. PICKARD: -- too long

17 probably.

18 MR. MOYER: Yeah.

19 MS. PICKARD: He had to go

20 eat.

21 MS. HAASE: Is -- is that --

22 five o'clock?

23 MS. LAMBERTON: Five o'clock is

24 good, yeah.

25 MS. HAASE: Okay. So that

1 kind of led into my next question. Work sessions

2 moving forward?

3 MS. LAMBERTON: I -- I'll

4 entertain a motion to continue with the work

5 sessions. I'm finding this very --

6 MR. MOYER: I'll make a motion.

7 MS. LAMBERTON: I have a

8 motion.

9 MR. KERRICK: I'll second.

10 MS. LAMBERTON: I have a

11 motion and a second.

12 MR. HOLAHAN: Yeah, I speak

13 against the motion.

14 MS. PICKARD: Yeah, I do too.

15 MR. HOLAHAN: To have them

16 every month -- I -- I think when we've got some

17 things that are coming up --

18 MS. PICKARD: Exactly.

19 MR. HOLAHAN: -- perhaps we

20 need to do that, but to make this a standing thing

21 is -- we'll just make stuff up --

22 MS. PICKARD: I know.

23 MR. HOLAHAN: -- just so we can

24 meet.

25 MS. PICKARD: I'm opposed to --

1 MS. LAMBERTON: Well, I think

2 we can cancel it if we don't have anything, so we

3 have a motion and a second on the floor.

4 Any other questions or comments

5 from the board?

6 Questions or comments from the

7 public?

8 Seeing none. Call the vote.

9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I'm opposed.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: No.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: I'm in favor.

17 MS. LAMBERTON: I'm in favor.

18 Motion carries.

19 MS. HAASE: So then we will

20 advertise that it will be the first Monday of each

21 month --

22 MS. LAMBERTON: At five

23 o'clock.

24 MS. HAASE: -- at five?

25 MS. LAMBERTON: Yes, please.

1 MS. PICKARD: Can we make it

2 later? I just really -- I can't make it at five
3 o'clock. I don't have time to go home and take the
4 dog for a walk.

5 MS. LAMBERTON: Six o'clock?

6 Is six good?

7 MS. PICKARD: It's ridiculous.

8 MS. LAMBERTON: Six o'clock.

9 MS. HAASE: Okay. Yeah, I
10 think the only reason why we went with five is
11 because if we need staff --

12 MS. LAMBERTON: Yeah, a couple
13 of the people too were in the --

14 MS. PICKARD: But I need to
15 eat before or I can't wait to eat afterwards or --

16 MS. HAASE: So then we'll
17 advertise --

18 MS. PICKARD: -- let my dog out
19 before. I have, you know --

20 MS. HAASE: The first -- first
21 Monday of each month at 6 p.m.

22 MS. LAMBERTON: Yes, please.

23 MR. REISS: So June 6th will be
24 at 6 p.m. then?

25 MS. LAMBERTON: Yes, please.

1 MS. HAASE: And I'll just

2 advertise to the end of the year.

3 MS. LAMBERTON: That would be
4 lovely.

5 MS. HAASE: Okay. The other
6 item in --

7 (Inaudible comments.)

8 MS. LAMBERTON: Go ahead, I'm
9 sorry.

10 MS. HAASE: Two things, I know
11 we were just supposed to talk about signage, but if
12 I can just address a couple things.

13 MS. LAMBERTON: No, please do.

14 MS. HAASE: The Act 537, the RF
15 --

16 MR. HOLAHAN: The RFP?

17 MS. LAMBERTON: Yes.

18 (Inaudible comments.)

19 MR. HOLAHAN: That's all right.

20 Most of us are listening.

21 MS. HAASE: Okay. I
22 circulated on Friday -- no, I didn't give the board
23 enough time really to review it. Jonathan had
24 given me his comments. Bob and I had a discussion
25 today and I think it was one of the concerns with

1 the 537, is moving forward with it until we really
2 got a grasp of the overlay.

3 I know, Bob, if you want just to
4 -- to briefly discuss that?

5 MR. McHALE: If -- if you look
6 at Page 1 of 6 of the -- which is general scope
7 services, we're -- we're looking to kind of focus
8 on three areas, but the two major plants, or
9 treatment plants or facilities within the township,
10 and that's Blakeslee and then, of course, the Pine
11 Crest plant and trying to do a couple things.

12 One, for Blakeslee, as Phyllis
13 mentioned, if we don't know the intensity of what
14 we're looking to do with the village concept, then
15 it's gonna be very difficult to predict -- even
16 more so, are we looking at 100,000 gallons beyond
17 the 300 we already have permitted or 200,000 or
18 what's the number? Because if you look at any
19 possibilities of medical facilities, hospitals,
20 things like that, are all based upon beds or rooms
21 and you can tack on an extra 40, 50,000 gallons a
22 day if something like that gets proposed and if you
23 change the sewerage area.

24 So it's almost like we're a
25 quarter to a half step ahead if we start pushing

1 down the road too quickly with the 537 until we
2 solidify what you -- your vision of what you want
3 to see. We can -- we can take some of the areas,
4 that are already existing, users' allocated
5 capacity, that the board's already approved based
6 upon previous plans that came before you, and we
7 should reassess in Blakeslee some of these other
8 properties. Like there's 50 acres of commercial
9 that is in that Creekview, I guess -- I don't know
10 the name of the property owner, but it was called
11 Creekview. Other commercial --

12 MS. LAMBERTON: Was that down
13 by Austin Blakeslee?

14 MS. HAASE: Yes.

15 MR. McHALE: Yes.

16 MS. HAASE: MAC property.

17 MR. McHALE: And then there's
18 commercial industrial up by the intersection of
19 940, 115. So with that said, it -- it would be
20 very helpful to have at least an idea moving ahead
21 as to how you want this to look, because if you
22 make that commercial -- village commercial area
23 more intense, you're gonna wanna up the --
24 obviously the -- the sewage use is gonna be
25 increased and --

1 MR. HOLAHAN: So is that where
2 you got the gist -- you had the 200 --

3 MR. McHALE: Question mark.

4 MR. HOLAHAN: -- just plugged
5 in there?

6 MR. McHALE: Yeah, exactly.

7 MS. PICKARD: I just want to
8 say though -- and right as it is now, if somebody
9 came in with any plan, we only have one EDU there.
10 So whether we do the overlay or not, might not make
11 a difference. If somebody comes in with a plan for
12 a hospital, it would be permitted there and we
13 don't have it.

14 MR. McHALE: The study that the
15 consultant's going to do is, the first thing
16 they're gonna have to do is alternatives analysis
17 for anything beyond that 300,000 that's permitted.
18 So if you're only talking about 50,000 gallons a
19 day over the 300 that you're looking at versus
20 400,000 over the 300 and a land based application,
21 you're looking at a sizable property to --

22 MS. LAMBERTON: That needs
23 something.

24 MR. McHALE: -- dispose of as
25 opposed to that. And stream discharge is gonna be

1 very difficult to get approved.

2 MS. LAMBERTON: Right.

3 MR. McHALE: You can't just go
4 from 300 to 500 that easily. So anyway, with that
5 said, that's the first component.

6 The second, they're tied
7 together, two and three, because they're all based
8 upon what we started to do at the Pine Crest
9 Wastewater Treatment Facility. Again, Aqua owns
10 that and at one point in time, we were looking at
11 --

12 MS. LAMBERTON: Can you guys --
13 please?

14 MR. McHALE: -- what did they
15 really mean when they said Pine Crest plus 77,000
16 gallons being allocated to off-site areas. Well,
17 we feel that means one thing, DEP feels another.
18 What we'd like to do is -- is move forward in such
19 a manner that that 77,000 could be utilized all the
20 way down to 380 and pick up some of those larger
21 commercial, commercial industrial and the corridor
22 that you're looking to do kind of a village
23 commercial concept on, over in the Pocono Summit
24 area.

25 And again, we're back to that --

1 that thing again, where as far as planning goes, if
2 we know how intense that development is gonna be in
3 those village commercial areas, village centers,
4 then we can allocate numbers to that more readily.

5 Those were the big items really.

6 I mean, everything else is gonna be based upon
7 typical needs analysis that -- that's gonna have to
8 be done, certain criteria we're asking of the
9 consultant, but again, it comes back to, do we want
10 to go ahead and obtain these proposals and then
11 have to modify them or do we want to solidify what
12 your concept is?

13 MR. KERRICK: Bob, I got a
14 question.

15 MR. McHALE: Yes, sir.

16 MR. KERRICK: We had talked
17 once before about some of the areas that we know
18 that would never be built in different developments
19 that already have EDUs. Would that study -- would
20 they identify that and bring it back? You know,
21 and one time we talked about Carbon County, there
22 was a user that wanted to go over there;
23 Tunkhannock Township, on the other side of 80, to
24 get the EDUs that we needed for the plan. Would
25 that -- we'd have to identify that before we go

1 forward then, what -- what she -- what you guys are
2 proposing there is just our township?

3 MS. HAASE: That's correct.

4 MR. KERRICK: We're not
5 currently in it.

6 MR. McHALE: Correct. Correct.

7 And -- and wherever --

8 MR. KERRICK: We were trying to
9 get flow --

10 MR. McHALE: Wherever you want
11 --

12 MR. KERRICK: -- years ago.

13 MR. McHALE: Right. Wherever
14 you want that sewer area to be, we should know to
15 direct them to say, here's where and what we're
16 trying to develop, that's part of that our planning
17 to make that happen. But --

18 MR. KERRICK: Well --

19 MR. McHALE: But -- but --

20 MR. KERRICK: -- remember we
21 went through that study, there was -- there was
22 several lots that we know that will never be used
23 for EDUs and then we were trying to find a place to
24 put those out in the Blakeslee area, the --

25 MS. PICKARD: That's gonna be

1 part of the Project 537 plan, for the wetlands or --

2 MR. KERRICK: You know, and
3 there was other users (inaudible) in our township
4 that -- that approached --

5 MS. PICKARD: Or not.

6 MR. KERRICK: Well, I'm just
7 asking, was that ever looked at or -- to get
8 350,000 gallons a day.

9 MR. McHALE: That -- that's --

10 MR. KERRICK: We can go to 350.

11 MS. PICKARD: Yeah. But we
12 have --

13 MR. McHALE: That's something
14 that can be looked at in the planning, something
15 you all can propose or actually say, this is how we
16 want to look at our sewer area.

17 MS. LAMBERTON: Yeah. It's
18 been brought to my attention that somebody came to
19 the office here and had conversation about coming
20 in from Kidder Township because -- and I don't know
21 why we're not aware of it, but I would like that to
22 be part of the plan too, because if you're talking
23 about growing Blakeslee, the more business you can
24 attract, the better and if we have somebody that's

25 ready, willing and able and needs sewer for their

166

1 project to move forward, I think we need to look at

2 it --

3 MR. KERRICK: I didn't hear

4 what you said.

5 MS. HAASE: But just -- just

6 to be --

7 MR. MOYER: I didn't hear what

8 you said either.

9 MS. HAASE: -- just to be clear

10 on that, we had a real estate broker call last week

11 about whether they can get flows in Kidder Township

12 and I spoke to that individual and said at this

13 particular time they would not be able to because

14 they're not. It's not in our sewer district.

15 MR. McHALE: Well, we have CI

16 properties in the Blakeslee Corners that are not in

17 the identified sewered area --

18 MS. LAMBERTON: Right. And

19 they should absolutely be looked at.

20 MR. McHALE: -- that we would

21 have to go through a 537 to include it, so --

22 MS. LAMBERTON: So while we're

23 doing that --

24 MR. McHALE: Now is the time --

167

1 like -- absolutely. I would like to -- if folks
2 are interested and even if it is -- and look where
3 we'd be right now if Pocono Township did not work
4 with us and allow us to tap into their 537 Plan and
5 we wouldn't have Kalahari.

6 MR. McHALE: That's right.

7 Correct.

8 MS. LAMBERTON: So if we have a
9 project that is in the neighboring township that
10 has somebody ready, willing and able to move
11 forward, I think we should talk with those people
12 and -- and involve --

13 MS. PICKARD: Then we would
14 amend our 537 at that point. I don't see how we
15 can do a 537 Plan for Carbon County or Kidder
16 Township.

17 MS. LAMBERTON: Well, you have
18 -- if you have a developer that's interested,
19 you're telling me you'd be willing to talk to them?

20 MS. PICKARD: I think we'd be
21 willing to talk to them but we'd have to amend our
22 -- I don't think -- I don't understand how --

23 MS. LAMBERTON: Well, we have

24 to amend it anyway.

25 MR. McHALE: This is what the

168

1 --

2 MS. LAMBERTON: This is gonna
3 be part of it.

4 MR. McHALE: It would be all --

5 MS. PICKARD: I don't
6 understand.

7 MR. MOYER: Then they would
8 have to pay it.

9 MS. PICKARD: I thought we
10 could only do the 537 for our -- our boundaries?

11 MS. LAMBERTON: No, we have --
12 I mean, Pocono came to us.

13 MR. McHALE: We can certainly
14 take that to the DEP under this.

15 MS. LAMBERTON: Right. Right.

16 MS. PICKARD: Well, right now
17 --

18 MR. REISS: I have a question.

19 MS. LAMBERTON: There is an
20 opportunity. I just would like to see -- if we
21 want Blakeslee Visioning and you want foot traffic,
22 the more businesses you have surrounding us, the
23 better for everybody.

24 MR. MOYER: Yeah.

25 MR. McHALE: It would almost be

169

1 -- it wouldn't be all of Kidder Township --

2 MS. LAMBERTON: No, no.

3 MR. McHALE: -- necessarily --

4 MS. LAMBERTON: No.

5 MR. McHALE: -- but --

6 MS. PICKARD: They have their
7 own.

8 MR. McHALE: -- but we would
9 have to enter in some kind of an agreement because
10 it would become almost a multimunicipal --

11 MS. LAMBERTON: Let's say it's
12 project driven.

13 MR. McHALE: -- because it may
14 be areas that are not just Kidder, you know.

15 MS. LAMBERTON: I respect that,
16 but let's say it's right down the corridor, there's
17 a large parcel and a developer is interested in
18 doing something, would we -- could I -- could I
19 like kind of get a consensus of the board, would we
20 be willing to work with those folks if they have a
21 developer for a large tract of land that's just
22 outside of our township, would we be willing to

23 work with them?

24 MS. PICKARD: I just want to
25 say that we didn't have enough EDUs to run that

170

1 line for everything, we'd be short selling what
2 we're doing in Blakeslee and we don't know what
3 we're doing with Blakeslee, so --

4 MR. McHALE: Right. And we
5 have to reevaluate Blakeslee completely anyway.

6 MS. PICKARD: I know. Well, I
7 didn't want to wait --

8 MR. McHALE: Okay.

9 MS. PICKARD: -- because I
10 don't know, the visioning -- this was just my
11 opinion, the visioning just sat for four years now.
12 Now we're starting again. I don't know where we're
13 going or how far close to a consensus and I still
14 don't think we're ever gonna know what's gonna be
15 developed on that parcel, so I don't want to hold
16 it up is what I'm saying. I don't want to hold up
17 the RFP. I think if it goes that, we amend it. I
18 -- I don't know. That's what I'm just thinking.
19 But I don't know --

20 MS. LAMBERTON: What I'd like
21 to do is, let me -- let me see if this project --

22 MS. PICKARD: We're never

23 gonna get this done --

24 MS. LAMBERTON: -- has anything

25 defined.

171

1 MS. HAASE: It would be nice

2 if they would come in and speak with us and then --

3 MS. LAMBERTON: Absolutely.

4 MS. HAASE: -- we could get an

5 idea --

6 MS. LAMBERTON: Okay.

7 MS. PICKARD: Who? Who?

8 MR. McHALE: It -- it would

9 certainly --

10 MS. HAASE: I don't know who

11 --

12 MR. McHALE: -- extend the time

13 frame --

14 MS. HAASE: -- the individual

15 is.

16 MR. McHALE: -- to get it

17 accomplished --

18 MS. HAASE: I think Annie spoke

19 --

20 MR. McHALE: -- if we have to

21 interact --

22 MS. PICKARD: There is a
23 specific individual?
24 MR. McHALE: -- with other
25 municipalities --

172

1 MS. PICKARD: I thought this
2 was theoretical.
3 MR. McHALE: -- adjoining us.
4 MS. LAMBERTON: No, there's a
5 specific individual.
6 MR. KERRICK: I'd like to see
7 the --
8 MS. PICKARD: They should come
9 in.
10 MR. KERRICK: -- move forward
11 and see what we have --
12 MS. LAMBERTON: Absolutely.
13 I'm just -- I just wanted to get an idea from the
14 board.
15 MR. KERRICK: -- with all the
16 things that aren't ever going to be built.
17 MR. MOYER: Yeah.
18 MS. LAMBERTON: And I think
19 that that's key too, Bob, for your flow. I mean,
20 if you know of properties that have EDUs that are
21 never gonna be used --

22 MR. REISS: Well, that's my
23 question.

24 MR. MOYER: Yeah.

25 MR. REISS: For planning

173

1 purposes when you planned your sewage plant, you
2 said, well, you are -- I don't want to say
3 arbitrarily, but you used your best judgment to say
4 one EDU here, one EDU here, five here and came up
5 with the size of the plant you wanted, but you
6 didn't reserve that EDU for that property, so you
7 have a basket of EDUs.

8 MR. MOYER: Flexibility.

9 MR. REISS: But just because
10 you said for planning purposes that you put one on
11 each of these lots here, that doesn't mean that
12 that EDU can only be used on that lot unless the
13 person already paid their tapping fee and reserved
14 it.

15 MS. LAMBERTON: And they own
16 it.

17 MR. REISS: So you have that
18 flexibility to move EDUs around and you may -- and
19 every municipality faces this, you may have --
20 you're always going to have a limited capacity for

21 sewage flow and you may have a sewer district that
22 actually is -- if it gets built out, you don't have
23 enough capacity today to serve that. That doesn't
24 mean that you have a fatal 537 Plan, in my opinion,
25 but you may differ about that but --

174

1 MR. KERRICK: We -- we kind of
2 always in the past just kind of treated it as if --
3 if that was in the planning, when it was done back
4 in the '90s, one EDU was on that lot, it kind of
5 stayed there. We never said that -- we threw them
6 in the basket, like you're saying, which you could,
7 I understand, but we never did.

8 MS. PICKARD: Well, I think if
9 somebody paid their assessment fee, I feel like you
10 have some kind of obligation. Now, if they --

11 MS. HAASE: But in defense of
12 the board, there's many lots and we had one EDU
13 that --

14 MS. PICKARD: Took more.

15 MS. HAASE: -- we ended up
16 taking more so, you know --

17 MR. KERRICK: Where the lot
18 was split.

19 MS. HAASE: -- it was treated.

20 MR. McHALE: Well, there is

21 that one parcel that's now -- Keswick Pointe was
22 one -- one large parcel, is now 170 EDUs, so that's
23 the kind of thing that has to be looked at.
24 Years ago we only had 25 acres
25 of commercial where Creekview is now, but when the

175

1 -- when the township went in to purchase the lands
2 behind, they allocated an extra 25 commercial acres
3 there. So those were the kind of things that are
4 new to scope that we need to reevaluate and look
5 at, so --

6 MS. PICKARD: So if we have
7 somebody that we allow from Kidder Township, can we
8 have them come in but do land base -- provide the
9 land base application, provide the land -- the land
10 base because we're gonna run out of stream
11 discharge and they'll never let us expand that.

12 MS. LAMBERTON: Well, I think
13 that that would be a discussion. I think they
14 should come in and meet with you Bob to be honest.
15 Get a feel for what -- what the project is and I
16 know we need to know if it is something viable and
17 we can get Blakeslee a -- a jump start, it makes
18 all the sense in the world especially --

19 MS. PICKARD: But even if

20 there was land in lieu of like --

21 MS. LAMBERTON: I can't answer

22 that, so --

23 MS. HAASE: You can -- you

24 could have them give me a call and we could

25 coordinate a meeting.

176

1 MS. LAMBERTON: Okay.

2 MS. PICKARD: I just don't

3 want to short out some of our developers --

4 MS. LAMBERTON: Oh, no, no, no,

5 no. It has to work, that's what the whole RFP --

6 MS. PICKARD: -- on 940

7 corridor that wanted to hook up when we have a

8 finite amount of discharge.

9 MS. HAASE: So back to

10 question then, we -- does the board want us to move

11 forward with the 537, do you want us to wait like

12 90 days or so until the visioning has -- group has

13 met again, the overlay committee, to maybe come

14 back with some other answers for the board? We

15 just don't know how you want to move forward with

16 this.

17 MR. HOLAHAN: Well, I didn't

18 know anything -- I -- I thought we were speaking in

19 conjecture, I didn't know --

20 MS. PICKARD: Yeah --
21 MR. HOLAHAN: -- that there was
22 somebody across the border --
23 MS. PICKARD: -- I didn't
24 either.
25 MR. MOYER: I didn't either.

177

1 MR. HOLAHAN: -- do something.
2 So in that event, I'd want to wait. We -- we do
3 need to get a clearer picture of what we're doing
4 with Blakeslee, so we can move forward with that.
5 I don't know what route to take.
6 Now, we're only talking about
7 that because the other two sections --
8 MR. MOYER: When's their next
9 meeting?
10 MS. LAMBERTON: Next Monday.
11 MR. HOLAHAN: -- were -- aren't
12 affected by this, the Pocono Pines and the Pocono
13 Summit areas.
14 MS. LAMBERTON: Right.
15 MR. HOLAHAN: So we're only
16 concerned about Blakeslee.
17 MS. HAASE: Right.
18 MS. LAMBERTON: Well --

19 MR. KERRICK: When's your next
20 meeting, John?
21 MR. MOYER: The Blakeslee
22 visioning meeting, when's that come up again?
23 MS. HAASE: The end of April.
24 MR. MOYER: The 20th.
25 MS. PICKARD: April.

178

1 MS. LAMBERTON: Okay. So we're
2 looking at our May meeting.
3 MS. PICKARD: We can wait until
4 then, but I just didn't want this -- kicked this --
5 we've been talking -- how long have we been talking
6 about updating the --
7 MS. LAMBERTON: Let me --
8 MS. PICKARD: -- 537 Plan?
9 MS. LAMBERTON: Let me reach
10 out to these folks, have them call the township,
11 sit down with a good group of you and discuss and
12 see what types of flows, what type of land applic
13 -- you know what I mean? I don't know all the
14 particulars.
15 I think that they're -- the
16 developer needs to know if -- would we be
17 interested -- would we be interested in -- in
18 working with them if it's possible, I think is the

19 question that was asked of me and I said,

20 absolutely we're business friendly.

21 MS. HAASE: I certainly think

22 it's possible. It's just currently today's date,

23 it's not allowed. We'd have to do --

24 MS. LAMBERTON: Oh, I know.

25 MS. HAASE: -- we'd have to

179

1 amend our plan and they'd have to amend theirs.

2 MS. LAMBERTON: Right. But

3 then when I saw the RFP, I thought, you know what?

4 Let's just throw this into one ball of wax and --

5 MS. HAASE: Now, how does that

6 work going into different counties, usually

7 (inaudible)?

8 MR. REISS: Well, it's the

9 township planning so --

10 MS. HAASE: So they would

11 amend theirs and send theirs to Carbon County for

12 review and we would send ours to Monroe County?

13 MR. REISS: Correct.

14 MS. HAASE: Okay.

15 MR. MOYER: There's ways to

16 work it.

17 MS. LAMBERTON: Yep. Okay.

18 MR. HOLAHAN: Now, you do have
19 to send it to surrounding townships --
20 MS. HAASE: Yes.
21 MR. HOLAHAN: -- and certain
22 districts anyway so --
23 MR. MOYER: Right.
24 MS. HAASE: Yes. And then the
25 other item I had, the board had asked to revisit

180

1 the audiotaping, videotaping?
2 MS. LAMBERTON: Yes. I
3 honestly didn't know we were gonna go ahead and do
4 that.
5 MS. HAASE: There was a motion
6 on it.
7 MS. PICKARD: We had a motion
8 on it.
9 MS. LAMBERTON: For security
10 cameras.
11 MS. HAASE: No, ma'am. You
12 made the motion.
13 MS. PICKARD: We -- we talked
14 about televised -- it was your motion, I thought.
15 MS. HAASE: It was to agree to
16 videotape and audiotape and place it on the website
17 for review. You made the motion and Heidi

18 seconded.

19 MS. LAMBERTON: God, I

20 apologize. I didn't remember that.

21 MR. MOYER: Was I absent from

22 the meeting? 'Cause I don't recall.

23 MS. HAASE: You were absent.

24 It was John Holahan, John Kerrick, Annie and Heidi.

25 MS. LAMBERTON: I guess --

181

1 MS. HAASE: And I think --

2 MS. LAMBERTON: I guess my only

3 concern is, how will the general public -- will

4 they be intimidated speaking by knowing that our

5 meetings are videotaped?

6 MS. PICKARD: I was worried

7 about the opposite.

8 MR. HOLAHAN: Like they would

9 be grandstanding?

10 MS. PICKARD: I think we just

11 -- you know, just have to feel that out and I think

12 there's gonna be --

13 MS. LAMBERTON: And then do we

14 do away with the stenographer?

15 No offense.

16 MS. HAASE: No, you still have

17 to have minutes. You still have to --

18 MR. HOLAHAN: No, you stay.

19 You stay.

20 MS. HAASE: And I think that

21 that was something that you were concerned about,

22 you had asked that at the meeting and we still have

23 to have the minutes.

24 MS. LAMBERTON: What month was

25 that from?

182

1 MS. HAASE: December.

2 MS. LAMBERTON: December.

3 MS. HAASE: And you made a very

4 good point that you said it keeps us more

5 transparent by doing so, but as far as the minutes,

6 that's separate. That's separate.

7 MS. PICKARD: But I think

8 people would know what's going on and have a better

9 idea if they wanted to come or they couldn't get

10 here, there are people that --

11 MS. LAMBERTON: Would you watch

12 our video online, this fun video, would you watch

13 it? I'm curious. I don't know.

14 FEMALE VOICE: It would be

15 nice, I think --

16 MS. LAMBERTON: Okay.

17 FEMALE VOICE: -- because
18 somebody can't get out --
19 MS. LAMBERTON: And I respect
20 it, I just -- I didn't -- I thought -- I apologize
21 for not remembering.
22 MS. HAASE: That's okay. No
23 problem.
24 MS. LAMBERTON: Because I know
25 we were worried about security with the girls in

183

1 the front and cameras out there and Jack's Rader's
2 office not really having any protection, I recall
3 that, but I didn't --
4 MS. HAASE: No, this is the
5 only --
6 MS. PICKARD: We're talking
7 about the -- you were at a conference --
8 MS. LAMBERTON: Phyllis and I
9 were at PELRAS, it was like watching paint dry.
10 MS. PICKARD: Yeah.
11 MS. HAASE: Now, just so you
12 know, everything's been installed in the room
13 already, above Donny, that's a speaker, so it will
14 be picking up the board and over in the back corner
15 is the camera.

16 MS. LAMBERTON: Is it being
17 taped now?
18 MS. HAASE: It is -- it is
19 being taped, it's not being audiotaped. So that --
20 that continually will run, but the audio is off
21 because you had asked not to move forward with the
22 audio.
23 MS. LAMBERTON: I meant any of
24 it?
25 MR. REISS: For right --

184

1 MS. HAASE: Well, that -- that
2 continuously feeds.
3 MR. REISS: For Right To Know
4 Law purposes, you will need to adopt a policy as
5 far as how long you keep these before you destroy
6 them, so that if somebody makes a request, it was
7 destroyed, it was destroyed --
8 MS. HAASE: Well, the plan and
9 the motion was, it will go on our website for
10 review.
11 MR. REISS: For how long
12 though?
13 MS. HAASE: That was not
14 discussed. So with anything, we have the policy or
15 we dispose of --

16 MR. REISS: Well, you have the
17 -- I don't know if the Pennsylvania --
18 MS. HAASE: I don't think
19 there's anything in there that speaks to that.
20 MR. REISS: Right.
21 MS. HAASE: We can put
22 something together and it would be the board's
23 decision of how long you'd like to retain that,
24 whether it would be for a year or --
25 MR. HOLAHAN: How long do we go

185

1 over our minutes?
2 (Inaudible comments.)
3 MR. REISS: Well, the minutes
4 you have to have so --
5 MR. HOLAHAN: Okay. Yeah, I
6 guess I'd like to, five years from now, look back
7 and see what I look like.
8 MS. HAASE: I did -- I did
9 speak to Linda --
10 MS. LAMBERTON: We might have
11 something --
12 MR. KERRICK: Years ago.
13 MS. HAASE: -- and we have the
14 capabilities of doing that, I spoke to her prior to

15 even presenting this to the board, but I'm just --

16 MS. LAMBERTON: Like how much
17 space would that take up on your website? I don't
18 know how that works, so --

19 MS. HAASE: I can follow up.

20 MS. LAMBERTON: Yeah.

21 MS. HAASE: -- with her --

22 MS. LAMBERTON: And that --

23 MS. HAASE: -- and then come
24 back on Monday.

25 MS. LAMBERTON: -- might help

186

1 us decide on how long we want to keep something
2 for.

3 MS. HAASE: But that kind of
4 led into another discussion we had internally about
5 the planning commission, is this something -- it
6 may be helpful for the planning commission, say
7 there's an applicant that can't attend and send his
8 engineer and he'd like to see it as well or she'd
9 like to see the presentation or for a resident that
10 may be interested in what's going to be developed
11 in our township. That is something I didn't
12 present to the board, I didn't really think about
13 it at the time until it was brought to my
14 attention.

15 MS. LAMBERTON: Let's take it
16 one step further, what about zoning hearing board?
17 MS. HAASE: We can do zoning
18 hearing board just when they deliberate --
19 MS. PICKARD: I'd like to be
20 able to see some of them and not be here for them.
21 MS. HAASE: When they
22 deliberate, of course, that will not be televised
23 but that could be done if the board so chooses.
24 MS. MINNICK: If that's
25 continuous, and the audio, would that be continuous

187

1 as well?
2 MS. HAASE: Correct. What the
3 -- they would have to adjourn into the other room.
4 MS. MINNICK: Okay.
5 MS. HAASE: And that's how
6 they used to do it.
7 MR. HOLAHAN: Excuse me.
8 MS. HAASE: Yes, sir.
9 MR. HOLAHAN: I understand what
10 continuous means --
11 MS. HAASE: That goes 24/7.
12 All the cameras will go 24/7.
13 MR. REISS: So someone has to

14 edit --

15 MS. HAASE: No, there is a --

16 MR. REISS: -- before it goes

17 online?

18 MS. HAASE: -- it's very, very

19 simple, when -- before I would walk into the room,

20 I just go in and I start the audio. We have a

21 meeting, after the meeting, I would go in and shut

22 the audio. It's -- it's very easy.

23 MR. KERRICK: What if they want

24 to deliberate?

25 MS. PICKARD: So when we walk

188

1 -- we're here every day, it's recorded?

2 MS. HAASE: Yes.

3 MR. HOLAHAN: Yeah, 'cause I

4 want Eddie to be able to say something without

5 getting in trouble with you.

6 MR. EDDIE TUTRONE: I'm sitting

7 behind the camera.

8 MR. KERRICK: So how would you

9 stop it if they go in the other room to deliberate

10 then, the zoning hearing board?

11 MS. PICKARD: You could stop

12 the audio, not the camera.

13 MS. HAASE: You wouldn't have

14 to stop the audio, but they wouldn't be in here to

15 hear them deliberate.

16 MR. REISS: No, but I was

17 saying --

18 MR. KERRICK: I wouldn't want

19 them to hear, I wouldn't want anybody to hear what

20 they're talking about.

21 MS. HAASE: That's what I'm

22 saying, it's -- they -- they wouldn't be in this

23 room.

24 MR. KERRICK: You said that's

25 live in there as well.

189

1 MS. HAASE: No. This is the

2 only room that this -- this is the only room that

3 audio has been approved for. Audio is not in any

4 other --

5 MR. KERRICK: Okay.

6 MS. HAASE: -- location of the

7 township.

8 MR. KERRICK: I misunderstood.

9 I thought you meant the whole building.

10 MS. HAASE: Only for the --

11 only for the meeting room.

12 MR. REISS: So how do you pull

13 from that continuous loop the amount -- the actual
14 meeting or hearing or whatever to put on the
15 website?

16 MS. HAASE: I would not need
17 to do it. We have somebody --

18 MR. REISS: Someone else will
19 do that?

20 MS. HAASE: -- that does it.

21 MR. REISS: Okay.

22 MR. MOYER: We got a guy.

23 MS. HAASE: They just cut and
24 stop and, you know, I tell him we started at 7, we
25 ended at 8 and they go to that feed and then cut

190

1 that out and that's --

2 MS. LAMBERTON: What they put
3 on. Okay. Just a question.

4 MS. HAASE: Okay. That's okay.

5 MS. LAMBERTON: I could not
6 remember. I apologize.

7 MR. McHALE: Somebody will
8 probably look at that piece to make sure it's not
9 the wrong piece, I guess.

10 MS. LAMBERTON: Yep.

11 MS. HAASE: So I think it will
12 be helpful for our residents.

13 MR. REISS: Do you want to --
14 you probably should -- if you're gonna do more than
15 your supervisors meeting, you probably should
16 record that by motion.

17 MS. HAASE: Okay.

18 MS. LAMBERTON: I'll entertain
19 a motion that since we're gonna be live, that the
20 planning commission and the zoning hearing board
21 will be videoed and audioed as well?

22 MS. PICKARD: I'll make that
23 motion.

24 MS. LAMBERTON: I have a
25 motion.

191

1 MR. KERRICK: I'll second it
2 if we only keep them for a year. I think a year is
3 long enough.

4 MS. LAMBERTON: Well, I don't
5 know if you heard, I --

6 MR. KERRICK: I didn't hear. I
7 --

8 MS. LAMBERTON: I'm sorry. I
9 had asked, I don't know how large the clip is, and
10 does our website accommodate a lot of data. I
11 don't know.

12 MR. KERRICK: I don't know
13 either.
14 MS. LAMBERTON: So maybe we can
15 only keep it for a year.
16 MR. KERRICK: That's what I was
17 thinking.
18 MS. LAMBERTON: Because you
19 have -- then you're talking three a month.
20 MS. PICKARD: Yeah.
21 MS. LAMBERTON: Well, the
22 zoning hearing, depending on how --
23 MS. HAASE: Well, the zoning
24 hearing board --
25 MS. LAMBERTON: -- let's say

192

1 two, you know, so --
2 MS. HAASE: I could check into
3 that.
4 MS. LAMBERTON: I think -- I
5 think, John, we'll -- we'll go with the year unless
6 --
7 MR. KERRICK: The motion is up
8 to Heidi. She made the motion.
9 MR. MOYER: What's the motion
10 again?
11 MS. LAMBERTON: The motion is

12 that we are authorizing the -- not -- we already
13 authorized the board to be videoed and put on our
14 website for people to go back and look at our
15 meeting, but we're also authorizing the planning
16 commission and the zoning hearing.

17 MR. MOYER: Okay.

18 MR. McHALE: Does that include
19 work sessions?

20 MS. HAASE: It's a meeting,
21 yeah.

22 MS. LAMBERTON: And work
23 sessions.

24 MS. PICKARD: I'll amend my
25 motion to -- for now, if we want to change it, we

193

1 can change it.

2 MS. LAMBERTON: Unless we get
3 information that we can't keep it for a year --

4 MR. REISS: Or up to a year.

5 MS. LAMBERTON: -- or up to a
6 year.

7 MR. HOLAHAN: How much data --
8 if this is running 24/7, how much data can that
9 possibly store?

10 MS. LAMBERTON: They only take

11 a clip at the time of the meeting.

12 MR. HOLAHAN: I understand.

13 But what's the memory -- the memory of -- are they

14 purging the data? If it's running 24/7, even if

15 there's nothing happening --

16 MR. REISS: Like how long --

17 right. How long is that tape being kept --

18 MR. HOLAHAN: Well --

19 MS. HAASE: I think --

20 MR. REISS: -- regardless of

21 what's put on the website.

22 MS. HAASE: I -- I can speak

23 to Rodney about that.

24 MR. HOLAHAN: Perhaps Right To

25 Know says we have to -- if this becomes -- I guess,

194

1 perhaps -- I know you made mention of that, but

2 Right To Know may say that we have to have some of

3 these things available then too, which means that

4 we have to clip out the meetings and say we started

5 at 7 for the supervisors meeting and ended at 11:30

6 --

7 MS. HAASE: Well, it's not

8 gonna be hard to do that, again, because I think

9 once I flip that video or that audio card, then

10 that time stamps it.

11 MR. HOLAHAN: Okay.

12 MS. HAASE: So as far as

13 separating the meetings, I don't -- I don't find

14 that to be an issue. I -- I understand your point

15 about how long do we keep that total feed --

16 MR. REISS: And that's --

17 MS. HAASE: -- and at what

18 point then does it record over itself.

19 MR. REISS: Right.

20 MS. HAASE: And -- and I want

21 to say it was 30 days but I'm not positive.

22 MR. EDDIE TUTRONE: At that

23 meeting last week with Rodney, I believe he said

24 the county holds them for 30 days. He was talking

25 about --

195

1 MS. HAASE: Maybe that's why --

2 MR. EDDIE TUTRONE: -- a policy

3 -- they had to do a policy that say they only kept

4 it for 30 days.

5 MS. LAMBERTON: Oh.

6 MS. HAASE: Right. But, Ed --

7 we'll have to find out how they keep their

8 recordings 'cause the commissioners meetings are

9 recorded and they're on their website as well so --

10 MR. EDDIE TUTRONE: He was just
11 talking about the surveillance cameras --
12 MS. HAASE: Right.
13 MR. REISS: Because your --
14 your policy should include the surveillance
15 cameras, how long you keep those tapes, because
16 those are subject to Right To Know policy.
17 MR. KERRICK: Really cumbersome
18 if you have two, three meetings a month times a
19 year, your website will be huge.
20 MS. LAMBERTON: That's why I
21 was curious as to -- and maybe we can only keep
22 them for 30 days --
23 MR. KERRICK: That's fine.
24 MS. LAMBERTON: -- so --
25 MR. HOLAHAN: We'll put them on

196

1 a VHS and people can check them out.
2 MS. LAMBERTON: Okay. So I
3 have a motion and a second.
4 Any questions or comments from
5 the board?
6 Any questions or comments from
7 the public?
8 Seeing none. Call the vote.
9 John?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I vote in favor.

13 MS. LAMBERTON: John?

14 MR. HOLAHAN: Yes.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: I vote in favor.

17 MS. LAMBERTON: I vote in

18 favor. Motion carries.

19 Any other public comment?

20 MS. HAASE: I do have an item

21 for executive.

22 MS. LAMBERTON: Okay.

23 MR. KERRICK: I will not be

24 able to stay.

25 MR. REISS: Is action gonna be

197

1 taken on it -- or will it require action by the

2 board of supervisors?

3 MR. KERRICK: Can we do it next

4 Monday? I can't stay.

5 MS. LAMBERTON: You can't stay?

6 MR. KERRICK: I got things I

7 got to do. I can't --

8 MS. LAMBERTON: Can we -- can

9 we call executive on Monday for next week?

10 MR. KERRICK: Is it important?

11 MS. HAASE: If the board could
12 just give me ten minutes, I would like to address
13 this.

14 MR. KERRICK: I'll give you 15.

15 MS. LAMBERTON: 15. Very good.

16 So we'll leave it open unless --

17 (Inaudible comments.)

18 Motion to adjourn?

19 MR. MOYER: So moved.

20 MS. LAMBERTON: So moved.

21 (Work session concluded at 7:16
22 p.m.)

23 ---

24

25

198

1

2

3

4

5

6

7 I hereby certify that the

8 proceedings and evidence are contained fully and

9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.

13

14

15

COURTNEY L. ROGERS

17

18

19

20

21

22

23

24

25

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, April 29, 2016, beginning at 4:02 p.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

MAUREEN MINNICK, Zoning Officer

SCACCHITTI LAW FIRM
BY: EDMUND J. SCACCHITTI, ESQUIRE
400 Spruce Street, Suite 402
Scranton, PA 18503
For J&J Towing

1 THE CHAIRPERSON: Good
2 afternoon, everyone. I'd like to call the board of
3 supervisors special meeting Friday, April 29, 2016
4 to order. We'll start with the Pledge of
5 Allegiance.

6 (Pledge of Allegiance recited.)

7 THE CHAIRPERSON: Okay. We'll
8 start with new business.

9 I'll entertain a motion to
10 consider Resolution No. 2016 dash 012 is the
11 acquisition of right-of-way and easement. Tax Map
12 No. 19 slash 91190, S.I.D.E. Corporation and Tax
13 Map No. 19 slash 15 slash 1 slash 23, Blue Ridge
14 Real Estate Company, Arcadia New Ventures.

15 MR. HOLAHAN: So moved.

16 THE CHAIRPERSON: I have a
17 motion. Do I have a second?

18 MR. MOYER: Second.

19 THE CHAIRPERSON: I have a
20 motion and second.

21 Any questions or comments from
22 the board? Seeing none.

23 Any questions or comments from
24 the public?

25 Seeing none. Call the vote.

3

1 John?

2 MR. KERRICK: In favor.

3 THE CHAIRPERSON: Heidi?

4 MS. PICKARD: Not in favor.

5 THE CHAIRPERSON: John?

6 MR. HOLAHAN: Yes.

7 THE CHAIRPERSON: Donny?

8 MR. MOYER: Not in favor.

9 THE CHAIRPERSON: I vote in
10 favor. Motion carries.

11 I'll entertain a motion to
12 consider a second amendment to traffic signal
13 maintenance agreement Arcadia New Ventures.

14 MS. PICKARD: I make a motion
15 to approve second amendment to traffic signal
16 maintenance agreement Arcadia New Ventures.

17 THE CHAIRPERSON: I have a
18 motion.

19 Do I have a second?

20 MR. MOYER: Second.

21 THE CHAIRPERSON: I have a
22 second.

23 Any questions or comments from

24 the board?

25 Questions or comments from the

4

1 public?

2 Seeing none. Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 THE CHAIRPERSON: Heidi?

6 MS. PICKARD: Not in favor.

7 THE CHAIRPERSON: John?

8 MR. HOLAHAN: Yes.

9 THE CHAIRPERSON: Donny?

10 MR. MOYER: I vote in favor.

11 THE CHAIRPERSON: I vote in

12 favor. Motion carries.

13 I'll entertain a motion to

14 consider second amendment to agreement for highway

15 occupancy permit application for storm water

16 facilities, Acardia New Ventures.

17 MR. HOLAHAN: So moved.

18 THE CHAIRPERSON: I have a

19 motion.

20 Do I have a second.

21 MR. MOYER: Second.

22 THE CHAIRPERSON: I have a

23 motion and a second.

24 Questions or comments from the
25 board?

5

1 Questions or comments from the
2 public?

3 Seeing none, call the vote.

4 John?

5 MR. KERRICK: In favor.

6 THE CHAIRPERSON: Heidi?

7 MS. PICKARD: Vote in favor.

8 THE CHAIRPERSON: John?

9 MR. HOLAHAN: Yes.

10 THE CHAIRPERSON: Donny?

11 MR. MOYER: Yes.

12 THE CHAIRPERSON: I vote in
13 favor. Motion carries.

14 Moving on to J & J Towing. We
15 called this meeting and hopefully that we're not
16 leaving without a resolution this afternoon, that's
17 my opinion. But I think this is a good way to
18 discuss things, get everything out on the table.

19 I know both, Joey, your attorney
20 and our solicitor has had a moment to -- or
21 opportunities to discuss certain items. So I guess
22 --

23 Maybe I'll turn to you. What is
24 the best way to start?
25 MR. SCACCHITTI: May I start,

6

1 if you don't mind --
2 THE CHAIRPERSON: Oh.
3 MR. SCACCHITTI: -- with just a
4 couple --
5 THE REPORTER: Could I have
6 your name, please?
7 (Discussion off the record.)
8 MR. SCACCHITTI: Thank you.
9 Madam Chairperson, members of the board of
10 supervisors, solicitor, manager, we represent J &
11 J, as you know, and we certainly appreciate the
12 opportunity to be here today to try to see if we
13 can reach a reasonable compromise from both the
14 township's standpoint, through its board of
15 supervisors, as well as to Mr. and Mrs. Colyer who
16 operate the business and they've been in operation
17 for a while now. Their landlord, Bob, is also here
18 today.
19 This case actually goes back to
20 Bob's ownership of the property, when he operated
21 it for many, many years going back to, what? The
22 late '60s, Bob?

23 MR. BOB SELIG: '69, I think.
24 MR. SCACCHITTI: A repair
25 business, automobile/truck repair. Actually those

7

1 of you who may have been around at the time -- and
2 I don't want anybody to tell me their age --

3 THE CHAIRPERSON: Thank you.

4 MR. SCACCHITTI: -- there was
5 probably more equipment and junk, as your ordinance
6 defines junk, when Bob was running the business
7 than -- than we see today. And I say that having
8 looked at photographs and so on, going back, that
9 Bob is gracious enough to provide to Joe and Joe to
10 us.

11 The -- this case came to us
12 because Mr. Colyer and Mrs. Colyer felt that they
13 were being singled out, quite candidly, if you
14 will. And we hear that a lot in this business. So
15 we decided to conduct our own investigation. And
16 that brings me to my fundamental question where I
17 think we have to start today, and that is, why are
18 we here and why aren't numerous other businesses
19 with junked vehicles, as your ordinance would
20 define junked vehicles, are not here? And I don't
21 know the answer to that and maybe we can start

22 there.

23 But from Mr. Colyer's
24 standpoint, this was something that I discussed in
25 a brief email exchange with your solicitor. I

8

1 think part of the problem is your township
2 ordinances do not provide for a towing operation as
3 Mr. Colyer does, because as a consequence of that,
4 which involves vehicles, junked vehicles, which are
5 towed by him as a result of calls from the State
6 Police, municipal police, insurance companies until
7 those issues of what happens to those vehicles are
8 resolved.

9 A lot of them involve things
10 like fatal accidents. And I know from personal
11 experience that many times police departments don't
12 want you to move a vehicle that may be involved in
13 a fatal accident or even an accident with serious
14 injuries for a variety of reasons, both of which I
15 think we all understand as adults, not in only in
16 terms of possible criminal penalties, but also
17 civil reasons.

18 And you know those damn lawyers,
19 if they have a case involving a motor vehicle
20 accident, and that's going to involve at some point
21 a vehicle being examined by an expert witness, law

22 travels very slowly. So that could take months and
23 months and months for that particular investigation
24 to be completed in a civil sense. So there's a lot
25 of reasons why my initial response to Jonathan's

9

1 email was, we don't know if we can comply with some
2 of the things that are on there because we don't
3 really know the time frame that Joe will be able to
4 get those vehicles off his property.

5 What complicates it even further
6 is -- and this is frankly I think how we first got
7 involved -- he came to us about a salvor's license.
8 And I think by now most, if not all of us, may
9 understand what that is about. I think there is
10 one other business in your township that has a
11 salvor's license, but --

12 MR. JOSEPH COLYER: No, not in
13 our township. He has a business in our township.

14 MR. SCACCHITTI: Oh, okay.

15 MR. JOSEPH COLYER: But he
16 doesn't have a salvage --

17 MR. SCACCHITTI: Okay.

18 MR. JOSEPH COLYER: License in
19 our township.

20 MR. SCACCHITTI: I misspoke. A

21 salvor's license, for those of you who are not
22 aware, allows Mr. Colyer to acquire title through
23 PennDOT for vehicles that are abandoned because the
24 insurance claims are resolved and nobody is going
25 to take the vehicle back. For example, a total

10

1 loss, police investigations, whatever. He
2 literally gets to acquire title and then he can
3 dispose of the vehicle.
4 Without a salvor's license, he
5 doesn't have that opportunity. So I thought it was
6 a pretty easy argument to come to the township,
7 which I think he did initially, and say, look, they
8 like to know that the township is on board with
9 this thing. And it's gonna actually be a benefit
10 to the township and, of course, to Mr. Colyer, if I
11 get the salvor's license because then I get to get
12 rid of all this stuff. That was a consequence,
13 reduce his inventory, if you will. And I think the
14 objective of what the township's concerns
15 apparently are is that we reduce, to the extent we
16 can, the accumulation of vehicles that look like
17 they're junked at his towing operation.

18 So I hope we can resolve this
19 today. It is kind of multifactorial, if you will,
20 or multifaceted, but I think my question, as a

21 lawyer, and with respect to your counsel is, I
22 don't know why we're here because someone is
23 suggesting that we're not in compliance with your
24 ordinance when there are many other businesses,
25 towing businesses, auto repair businesses within

11

1 this municipality who have many, many, many junk
2 vehicles, again, using the ordinance definition, on
3 the property without screening.

4 So I think that's where we have
5 to start because we don't know if this is a
6 selective enforcement issue, it could be. But what
7 we do here today, in my opinion, is going to
8 reflect on, or be binding upon, all those other
9 people in the same or similar businesses who are
10 not here today. Your ordinance does not really
11 talk about a towing operation, auto and truck
12 repair towing.

13 The language in the ordinance,
14 pointed out by your solicitor, has to essentially
15 do with filling stations. That was something that
16 was done 19, 20 years ago. And it was designed to
17 allow filling stations to do certain repairs.
18 We're talking about something totally different
19 from that. And your ordinance is silent on that

20 issue.

21 If you were allowed to
22 effectively enforce what you believe you have the
23 right to enforce in your existing ordinances, you
24 have effectively precluded Mr. Colyer, and others
25 who are similarly situated, from doing their

12

1 business in Tobyhanna Township, which I would
2 respectively suggest a violation of federal law.

3 So we're looking for a way to
4 resolve this. We appreciate the opportunity to be
5 here. We just don't know why we're the only one
6 here. So that's where we would like to start.

7 MR. REISS: Well, I'll briefly
8 respond. I can't speak to your first question
9 because I don't know the township well enough to
10 tell you that there's other similar situated
11 businesses in the township.

12 MR. SCACCHITTI: I think your
13 board knows that.

14 MR. REISS: All right. But let
15 me -- let me just try to narrow the issues. If the
16 only issue was operation of a towing business, that
17 is having tow trucks there and dispatching them
18 from that location, there's no question -- and I
19 saw the letter from Pat Armstrong to you from last

20 summer -- that that could occur without any further
21 zoning issues.
22 The sole issue is the storage of
23 the vehicles that eventually will be disposed of in
24 some manner. So that's the sole issue. That's --
25 because that's the sole issue, that's why I -- the

13

1 supervisors made the proposal that I sent to you on
2 April 25 and talked to you about before I sent it
3 over there. If there's conditions in there that
4 are problematic, I think the board would be willing
5 to discuss those issues with you.

6 So it sounds like the time
7 period for vehicles remaining on the premises,
8 after the approval has been obtained to dispose of
9 them, may be an issue; but those are the things I
10 think we can probably talk through, if your client
11 wants to do that.

12 MR. SCACCHITTI: Well, let me
13 just back up and say I still didn't hear the answer
14 to my first question, and that is, why is J & J
15 being singled out? And I think it's a fair
16 question. I think it's a fair question, because if
17 the members of this board agree with me that
18 driving around here, which all of you do, I'm sure,

19 on a regular basis, that there are other auto,
20 truck repair facilities, whether they're towing or
21 not, that have an excessive collection of junk, as
22 is defined in your ordinance.

23 So that makes me a bit
24 uncomfortable, to be candid with you.

25 MS. MINNICK: Can I answer?

14

1 I'll answer to that.

2 MR. SCACCHITTI: Yeah.

3 MS. MINNICK: I'm Maureen
4 Minnick, I'm the zoning officer. We're not --

5 MR. SCACCHITTI: Very nice to
6 meet you.

7 MS. MINNICK: Nice to see you.
8 We're not singling Joey out by no means. Joey came
9 to us to acquire a salvor's license. In doing so
10 it was brought -- number one, he's in a residential
11 district, which allow -- disallows junkyards,
12 whatsoever.

13 Now, what he's doing right now
14 at -- as a repair center is fine. We don't have an
15 issue with that, but for him to obtain the junkyard
16 license -- or I'm sorry, the salvor's license, he
17 has to store those vehicles in a confined space.
18 And if you look at the definition that's provided

19 in the salvor's manual, it speaks to junkyards and
20 storage vehicles. We're not -- we're not singling
21 Joey out by no means. We want to work with him.
22 We've been trying to work with him.
23 MR. SCACCHITTI: 'Cause I
24 understand the nature of the enforcement is, that
25 he's operating an illegal junkyard.

15

1 MS. MINNICK: Nobody --
2 MR. REISS: There's no
3 enforcement.
4 MS. MINNICK: Nobody --
5 MR. SCACCHITTI: I mean the
6 allegations are -- yes, there's no enforcement. I
7 take that back.
8 MS. MINNICK: No, there's no
9 enforcement and we're not --
10 MR. SCACCHITTI: But the
11 suggestion is he's operating an illegal junkyard
12 and you want him to appear before the zoning
13 hearing board --
14 MS. MINNICK: We're --
15 MR. SCACCHITTI: -- to ask for
16 zoning relief to change the use or to enlarge the
17 use, if you will, from automobile and truck repair

18 to also a junkyard. That was how we started with
19 this thing, not -- this is not what's on here, but
20 --

21 MS. MINNICK: He's --

22 MR. SCACCHITTI: -- that's how
23 we started.

24 MS. MINNICK: And again, it's
25 in a residential district, which --

16

1 MR. SCACCHITTI: It was
2 grandfathered --

3 MS. MINNICK: -- allowed --

4 MR. SCACCHITTI: -- since years
5 ago.

6 MS. MINNICK: And again, we
7 don't have -- the township doesn't have a problem
8 with that. It's expanding that use to -- for him
9 to obtain his salvor's license. So we suggest --

10 MR. SCACCHITTI: Here's the
11 other problem I think you have, though.

12 MS. MINNICK: Okay.

13 MR. SCACCHITTI: How long have
14 you been the zoning officer?

15 MS. MINNICK: Three years.

16 MR. SCACCHITTI: Were you the
17 zoning officer when Bob was running his business

18 there?

19 MS. MINNICK: No, I was not.

20 MR. SCACCHITTI: Okay. I don't

21 know if anybody on this board was on this board

22 when Bob was running his business. Bob is a

23 significant and material witness to the question

24 of, what did he do at that site --

25 MS. MINNICK: We --

17

1 MR. SCACCHITTI: -- subsequent

2 to this township issuing him a certificate of

3 nonconformance.

4 MS. MINNICK: We have that on

5 file.

6 MR. SCACCHITTI: What do you

7 have?

8 MS. MINNICK: We have that he

9 was a motor vehicle service station and an

10 inspection service. He has equipment, storage.

11 MR. SCACCHITTI: Right. And

12 storage can include vehicles. It doesn't say that

13 it's limited to screws, nuts and bolts.

14 MS. MINNICK: I answered it. I

15 answered your --

16 MR. SCACCHITTI: So --

17 MS. MINNICK: I answered your
18 question.

19 MR. SCACCHITTI: -- I'm just
20 trying to say --

21 THE REPORTER: One --

22 MR. SCACCHITTI: -- it's a --

23 MR. HOLAHAN: Excuse me a
24 second.

25 THE REPORTER: One at a time.

18

1 MR. HOLAHAN: Jonathan, are we
2 going to have a debate here?

3 MR. SCACCHITTI: Okay. No, I
4 don't want to debate.

5 MR. HOLAHAN: Do you want this
6 to go on?

7 MR. SCACCHITTI: What I wanted
8 to say was --

9 MR. HOLAHAN: It's like you're
10 grilling her.

11 MR. SCACCHITTI: No, no. I'm
12 not trying to do that. I -- I --

13 MR. HOLAHAN: Ask her something
14 and let her --

15 MS. MINNICK: I --

16 MR. HOLAHAN: -- answer.

17 MS. MINNICK: I responded --
18 THE REPORTER: One at a time.
19 MS. MINNICK: -- we are not
20 singling Joey out by no means.
21 MR. SCACCHITTI: Okay.
22 MS. MINNICK: We just want him
23 -- I want him to succeed as much as our board does.
24 This is what we have to do.
25 MR. JOSEPH COLYER: Can I ask

19

1 a question?
2 MR. SCACCHITTI: He would like
3 to ask a question.
4 THE CHAIRPERSON: You got to
5 give identification.
6 MR. JOSEPH COLYER: How can you
7 --
8 (Discussion off the record.)
9 MR. JOSEPH COLYER: Do I have to
10 say my name?
11 THE CHAIRPERSON: Just your
12 name.
13 MR. JOSEPH COLYER: Joseph
14 Colyer.
15 How can you effectively run a

16 towing business if you are not allowed to have
17 vehicles on your property? What do you do with
18 them.

19 THE CHAIRPERSON: Well,
20 actually that -- I just wrote myself a question. I
21 said what do we --

22 MR. JOSEPH COLYER: What do you
23 do with them?

24 THE CHAIRPERSON: -- do with
25 the vehicles that are currently towed, and maybe --

20

1 maybe you could speak to that and say what does a
2 -- what does a towing company do with --

3 MS. MINNICK: From --

4 THE CHAIRPERSON: -- towed
5 vehicles?

6 MS. MINNICK: From what I
7 understand, what they could do to dispose of them,
8 they would have to call Pocono Mountain Regional
9 Police Department, Pocono Mountain Regional Police
10 will come out, do all the paperwork -- and it's a
11 timely process -- and then Joey would be able to
12 dispose of them that way.

13 MR. JOSEPH COLYER: No, they
14 can't.

15 THE CHAIRPERSON: So let me ask

16 --

17 MR. JOSEPH COLYER: That's --

18 THE CHAIRPERSON: -- you

19 another question. In that time period they have to

20 be stored somewhere.

21 MS. MINNICK: Correct.

22 MR. JOSEPH COLYER: I can store

23 them at my place now, is what we're -- I'm here.

24 If I don't make it a salvor's license --

25 THE CHAIRPERSON: I guess

21

1 that's my question.

2 MR. JOSEPH COLYER: I can just

3 store the cars there.

4 THE CHAIRPERSON: I guess

5 that's my question. I just -- and I don't mean to

6 put you on the spot.

7 MS. MINNICK: You are --

8 THE CHAIRPERSON: I just don't

9 understand how the process works and I think that's

10 why we're all here so we can have --

11 MS. MINNICK: At some point in

12 time there's alway -- you're always gonna have

13 stored vehicles there.

14 MR. SCACCHITTI: Right.

15 MR. JOSEPH COLYER: Right.
16 THE CHAIRPERSON: Right.
17 MS. MINNICK: It's the storage
18 vehicles of that 5,000 square feet, that's where it
19 comes up. Abandoned veh -- you have abandoned
20 vehicles, junked vehicles.
21 MR. JOSEPH COLYER: None of them
22 are junked, first of all.
23 MS. MINNICK: And the other
24 thing is --
25 MR. JOSEPH COLYER: --

22

1 technically.
2 MS. MINNICK: -- Joey, you're
3 in a residential district, that's the biggest --
4 MR. JOSEPH COLYER: But this was
5 done there before. There was owned --
6 MS. MINNICK: There wasn't a
7 towing --
8 MR. SCACCHITTI: Let's go --
9 THE REPORTER: One at a time.
10 MR. SCACCHITTI: Yeah. Let's
11 go -- let's -- let's go back to where we were.
12 After looking at your solicitor's email proposal
13 further, we think it may be workable as a starting
14 point --

15 THE CHAIRPERSON: Um-hmm.
16 MR. SCACCHITTI: -- provided
17 that we define certain terms in there. In other
18 words, in subparagraph A -- maybe I'll wait until I
19 get Jonathan's attention.
20 THE CHAIRPERSON: Let's give
21 him one second.
22 MR. REISS: So may I ask -- I'm
23 sorry, I forgot your name.
24 MR. SCACCHITTI: Bob.
25 MR. BOB SELIG: Oh, I'm Bob.

23

1 MR. REISS: Bob.
2 MR. BOB SELIG: Bob Selig.
3 MR. REISS: Bob, you say you
4 had stored vehicles on that property.
5 MR. BOB SELIG: Yes.
6 MR. REISS: And how much space
7 did that occupy?
8 MR. BOB SELIG: Oh.
9 THE CHAIRPERSON: How big is
10 your lot, Bob?
11 MR. BOB SELIG: It -- it could
12 -- I mean, it's four acres. And from time to time
13 it could take anywhere from couple thousand square

14 feet to a couple of acres. So it's just depending
15 on what we had there at what -- at what particular
16 time, but we had four acres to work with. And
17 sometimes we used most of it, sometimes we used a
18 little of it.

19 Just -- and I'm sure it's the
20 same situation would go with Joe. He's not going
21 to use it all at one time, but there may be times
22 that it will be more there and sometimes less.

23 MR. REISS: Is that some of
24 those the result of towing or is that only related
25 to the repair business?

24

1 MR. BOB SELIG: I'm sorry?

2 MR. REISS: Is that all related
3 to the repair business that you had or was it also
4 vehicles that you had towed?

5 MR. BOB SELIG: Both. Both.
6 It was -- it was vehicles that were disabled for
7 one reason or another, it was vehicles that we were
8 using. We had all kinds of things going on over
9 the years.

10 MR. REISS: I'm sorry, you
11 wanted to say something.

12 MR. SCACCHITTI: No, no. I was
13 saying that -- and I think this is a problem

14 insofar as how far Mr. Colyer may or may not want
15 to go in trying to come up with a compromise
16 because we think, as a matter of law, that the use
17 now is no different than the use in 2006 or 1996 or
18 1986, for that matter, which raises a whole other
19 myriad of potential legal issues like estoppel or
20 variance by estoppel.

21 But we're not here to argue
22 those things. We're here to try to reach a
23 compromise, if we can, and I wanted to go back to
24 your three paragraph proposal, 'cause I think it's
25 a good starting point, after talking to my client

25

1 about it again, where we can start, as long as we
2 can clarify certain terms.
3 I'm not sure where we'd go with
4 this, by the way, after we agree because, again,
5 you have a stand-alone ordinance, which allows for
6 a waiver by the supervisors anyway. But, for
7 example, in Subparagraph A, it calls for a
8 prohibition of vehicles being dismantled on the
9 premises. We don't know what your definition of
10 dismantled is because, as Mr. Colyer can explain to
11 you, it's not unusual, in fact it's probably the
12 norm, where parts are removed from a vehicle. It's

13 not dismantling for the purpose of discarding it.
14 So if we can clarify, for
15 example, what we mean and agree to a definition for
16 dismantling, you may be able to live with that.
17 THE CHAIRPERSON: If I may.
18 MR. SCACCHITTI: Yes.
19 THE CHAIRPERSON: Would you not
20 have dismantled hoses from a piece of equipment or
21 something on your own --
22 MR. BOB SELIG: We had
23 dismantled trucks --
24 THE CHAIRPERSON: I'm just
25 trying --

26

1 MR. BOB SELIG: -- and cars --
2 THE CHAIRPERSON: I'm just
3 trying to verify use --
4 MR. BOB SELIG: -- and whatever
5 from whatever.
6 THE CHAIRPERSON: -- existing
7 use.
8 MR. BOB SELIG: Exactly.
9 THE CHAIRPERSON: Okay.
10 MR. BOB SELIG: Dismantled, put
11 together, made --
12 THE CHAIRPERSON: Right.

13 MR. BOB SELIG: -- one out of
14 two or whatever the case may be, sure. We --
15 THE CHAIRPERSON: I'm in the
16 construction world so I get it when they need a
17 hose off of something, you go over there and you
18 take it and you're --

19 MR. BOB SELIG: Exactly.

20 MR. SCACCHITTI: That's right.

21 MR. BOB SELIG: Exactly.

22 MS. MINNICK: Annie, if I may.
23 Back in 1978 there was a nonconforming certificate
24 that was issued in a residential zoning district
25 for office, garage, storage building of Selig

27

1 Construction Company, Incorporated, engaged in
2 building and excavating contracting. Also branch
3 office of T. Blecker (Phonetic) --

4 MR. BOB SELIG: Blecker
5 (phonetic) Ripsum (phonetic).

6 MS. MINNICK: Blecker Ripsum,
7 real estate broker, housing equipment, maintenance
8 shop, storage of tanks, pipe and other supplies
9 needed for this type of construction business.

10 This is the only nonconforming
11 certificate that we have on file.

12 THE CHAIRPERSON: What year was

13 that, I'm sorry?

14 MS. MINNICK: 1978. When Joey

15 came in, Mr. Selig came in and he said, we have

16 other uses that we -- been on the property. And we

17 questioned his uses. And he provided that he was a

18 service center, he did state inspections and there

19 were a couple of other things. But there was an

20 additional use on the property, but this was the

21 original nonconforming certificate.

22 MR. BOB SELIG: Yeah.

23 MS. MINNICK: So the original --

24 it expanded from this to a repair shop over the

25 years.

28

1 MR. BOB SELIG: If I can clarify

2 that? Is that the one that Lloyd Hummer signed?

3 THE REPORTER: Lloyd who?

4 MR. BOB SELIG: Lloyd Hummer.

5 Is that the one that Lloyd

6 Hummer signed?

7 MS. MINNICK: Yeah.

8 MR. BOB SELIG: Yeah.

9 MS. MINNICK: That you signed

10 as well.

11 MR. BOB SELIG: Lloyd Hummer was

12 -- was a previous zoning officer. I believe -- I
13 don't think we ever filed an application for a
14 nonconforming use.

15 MS. MINNICK: You did back in

16 --

17 MR. BOB SELIG: Do --

18 MS. MINNICK: -- 1978.

19 MR. BOB SELIG: Do you have an
20 application that we -- we filled out?

21 MS. MINNICK: Yeah. It's right
22 here.

23 MR. BOB SELIG: Okay. 'Cause I
24 -- I remember Lloyd Hummer bringing this to us and
25 said, sign it. I don't think I even ever signed

29

1 it. I think my father signed it.

2 MS. MINNICK: Oh.

3 MR. BOB SELIG: But --

4 MS. MINNICK: Oh, yeah --

5 MR. BOB SELIG: -- that --

6 MS. MINNICK: -- it's senior.

7 MR. BOB SELIG: Yeah. Yeah.

8 MS. MINNICK: Okay.

9 MR. BOB SELIG: That's where
10 that came about.

11 MS. MINNICK: Okay.

12 MR. BOB SELIG: Of course Lloyd

13 Hummer is no longer here, and he knows exactly what

14 we were doing there. But he just filled it out to

15 whatever he thought we were doing and submitted it.

16 It was a formality at that point.

17 THE CHAIRPERSON: Right, right.

18 Not thinking that it would be picked apart --

19 MR. BOB SELIG: Exactly.

20 THE CHAIRPERSON: -- 30 years

21 later.

22 MR. KERRICK: I don't remember

23 --

24 MR. BOB SELIG: Not thinking

25 we'd be sitting here all these years later and be

30

1 picked apart.

2 MR. KERRICK: I don't think

3 anybody is going to know. I think the township

4 brought them to you and had them signed back in

5 '78.

6 MR. BOB SELIG: I think you're

7 right, John. I think --

8 MR. KERRICK: Right.

9 MR. BOB SELIG: -- that's

10 exactly what happened.

11 MR. KERRICK: That's when
12 zoning went through. No -- no one filled out an
13 application. They came to you and gave you what
14 they thought was on your plans too.

15 MR. BOB SELIG: Yeah.

16 MR. REISS: So on this --

17 MR. SCACCHITTI: On either
18 event we can --

19 MR. REISS: On to the
20 dismantling.

21 MR. SCACCHITTI: If we could
22 agree as to what --

23 MR. REISS: Right.

24 MR. SCACCHITTI: -- that would
25 entail, I think we could live with that.

31

1 MR. REISS: So Mr. Colyer wants
2 the ability to take -- harvest parts, so to speak,
3 that are still in good --

4 MR. SCACCHITTI: Not really.

5 MR. JOSEPH COLYER: Not
6 necessarily that. God forbid -- we take our trucks
7 apart. Every other year we got to take them apart
8 and it is -- they're dismantled. You got to take
9 the beds off, you got to do new Nylatrons --

10 THE CHAIRPERSON: Um-hmm.

11 MR. JOSEPH COLYER: Rehose them,

12 you know, have pistons rebuilt. So it -- it's not

13 -- it's repairing, but it is dismantling. You have

14 a bed 21 feet long, you know, off of the vehicle to

15 --

16 MR. REISS: Right.

17 MR. JOSEPH COLYER: -- be

18 painted to be maintained so that you can keep the

19 use.

20 God forbid one of my trucks gets

21 wrecked.

22 MR. HOLAHAN: Well, those are

23 vehicles owned by you. I think we're talking about

24 vehicles that aren't owned by you, understand?

25 MR. JOSEPH COLYER: But right

32

1 now I'm rebuilding dump body for Mr. Selig. I have

2 a dump body upside down that I'm putting new cross

3 members, new frame rails, new -- I want to be able

4 to continue doing that.

5 MR. SCACCHITTI: Part of the

6 repair --

7 MR. HOLAHAN: He can do the

8 same things for customers.

9 MR. SCACCHITTI: Part of the

10 repair business involves dismantling --

11 MR. HOLAHAN: Okay.

12 MR. SCACCHITTI: -- of vehicles

13 in order to --

14 THE CHAIRPERSON: In my mind --

15 MR. SCACCHITTI: -- make the

16 repairs.

17 THE CHAIRPERSON: -- I would

18 just consider that a repair feature.

19 MR. SCACCITTI: Well, it --

20 MS. PICKARD: It does seem

21 like a repair.

22 MR. SCACCITTI: And if we can

23 use -- and if we can use --

24 THE CHAIRPERSON: Clarify that.

25 MR. SCACCHITTI: -- that as a

33

1 definition than dismantling, we may want to pick a

2 different word, but we could live with that, as

3 long as we're all on the same page, as to what

4 dismantling is. So he's not running afoul of

5 whatever agreement we reach if someone --

6 THE CHARIPERSON: Right.

7 MR. SCACCHITTI: -- wants come

8 back in a month or so and say that, you know, he's

9 violating the terms of whatever agreement we were
10 able to reach.

11 MR. BOB SELIG: If --

12 MS. PICKARD: I think that --

13 MR. BOB SELIG: I'm sure
14 everybody on the board knows what Harry's U-Pull-It
15 is --

16 MS. PICKARD: That's what I was
17 just going to say and --

18 MS. MINNICK: No, it's not.

19 MR. BOB SELIG: If they're
20 dismantling --

21 THE REPORTER: One at a time,
22 please.

23 THE CHAIRPERSON: Sorry.

24 MR. BOB SELIG: You all know
25 what Harry's U-Pull-It is. You dismantle parts off

34

1 of junk cars and sell it, that in no way is what he
2 wants to do here.

3 MS. PICKARD: And that's what
4 that was referring to --

5 MR. BOB SELIG: And I don't --

6 MS. PICKARD: -- as it states
7 --

8 MR. BOB SELIG: I don't know

9 how you do a definition --

10 MR. REISS: Well --

11 MR. BOB SELIG: -- to separate

12 those two.

13 MR. REISS: -- I think it's

14 pretty clear. The intent for sub -- Condition A

15 was basically to prevent the vehicles that are

16 going to be junked from being dismantled.

17 MR. BOB SELIG: Right.

18 MR. REISS: So if you're

19 dismantling as part of a repair, there's no intent

20 to prohibit that.

21 MR. JOSEPH COLYER: Okay.

22 MR. SCACCHITTI: And with that

23 understanding, we're okay with that provision. As

24 far as the other two, we don't really have any

25 problems at all with those two because -- okay, as

35

1 to 30 days after we get the necessary license or

2 title to sell the vehicle, we're gonna need that

3 salvor's license to do that. So we're going to

4 need the township to cooperate with Mr. Colyer to

5 facilitate the salvor's license because it's in

6 your benefit as well --

7 THE CHAIRPERSON: Absolutely.

8 MR. SCACCHITTI: -- as his
9 benefit --
10 MR. MINNICK: Um-hmm.
11 MR. SCACCHITTI: -- to reduce
12 the inventory, if you will. I don't know if I
13 should use the word inventory, but to get the -- as
14 many vehicles that have been damaged beyond repair
15 off of the site, he may have to avail himself of
16 what the salvor's license allows him to do. And
17 then it becomes easy to keep the number of vehicles
18 to a smaller number.
19 MR. HOLAHAN: I'm in favor of
20 that --
21 THE CHAIRPERSON: And I
22 actually don't want to -- and I don't know how the
23 board feels. I personally don't think we should
24 put a number on --
25 MR. SCACCHITTI: Can't do it.

36

1 THE CHAIRPERSON: -- because,
2 like I said to you, Joey, what happens if there is
3 a 30 car pileup --
4 MR. JOSEPH COLYER: We had one
5 a couple of --
6 THE CHAIRPERSON: -- that are
7 gone --

8 MR. JOSEPH COLYER: Years ago
9 and I got 18 of the cars --
10 THE CHAIRPERSON: Exactly. So
11 --
12 MR. JOSEPH COLYER: -- in four
13 hours.
14 THE CHAIRPERSON: -- anything
15 like that can happen. I don't think it's fair to
16 put a restriction like that on any towing company
17 because thankfully you're there to help the cars
18 off the interstate or wherever.
19 MR. JOSEPH COLYER: Trust me,
20 I've cleaned up. I have no vehicles there right
21 now that I can legally dispose of. And if I had
22 this license --
23 THE CHAIRPERSON: You'd be able
24 --
25 MR. JOSEPH COLYER: -- there

37

1 would be about five or six.
2 MS. MINNICK: Yeah.
3 MR. JOSEPH COLYER: There'd be
4 nothing other --
5 THE CHAIRPERSON: Fair enough.
6 MR. JOSEPH COLYER: -- than my

7 customers' cars.

8 THE CHAIRPERSON: And I don't
9 think anybody --

10 MS. MINNICK: And, Joey, we
11 want you to get that license, we -- we really do,
12 but we got to go from A to B to C and --

13 MR. JOSEPH COLYER: I understand
14 that.

15 MR. REISS: So let me ask, is
16 that the consensus of -- based what Ann -- Annie
17 just said about we're removing the 30 day time
18 line?

19 THE CHAIRPERSON: Not the --

20 MR. JOSEPH COLYER: Not a 30 day
21 stay.

22 THE CHAIRPERSON: Not a time.

23 MR. SCACCHITTI: Yeah. We're
24 not asking you to do that. The number of vehicles
25 I think --

38

1 THE CHAIRPERSON: Yeah.

2 MR. SCACCHITTI: -- is what
3 we're talking about.

4 THE CHAIRPERSON: I think
5 actually, Joe, you were the one that said, give me
6 a time limit --

7 MR. JOSEPH COLYER: I don't
8 mind. I don't want --
9 THE CHAIRPERSON: -- once I
10 have my salvor's license --
11 MR. JOSEPH COLYER: -- them
12 there, trust me.
13 THE CHAIRPERSON: -- and I can
14 gain title --
15 MR. SCACCHITTI: Right.
16 THE CHAIRPERSON: -- then you
17 can move them.
18 MR. SCACCHITTI: We're okay --
19 MR. JOSEPH COLYER: I'll get
20 it.
21 MR. SCACCHITTI: -- with a time
22 limit of 30 --
23 MS. MINNICK: Yeah.
24 MR. SCACCHITTI: -- days
25 following our acquisition of title or other

39

1 approval to dispose of --
2 THE CHAIRPERSON: Right.
3 MR. SCACCHITTI: -- the
4 vehicle.
5 MR. REISS: We don't have any

6 limit on the number of vehicles.

7 THE CHAIRPERSON: No, but they

8 -- I mean, I know there was a discussion at one

9 point and I just wanted to --

10 MR. SCACCHITTI: If it -- it's

11 come up in discussions --

12 THE CHAIRPERSON: -- know

13 exactly --

14 MR. SCACCHITTI: -- and

15 conversations --

16 THE CHAIRPERSON: -- you guys

17 can --

18 MR. SCACCHITTI: -- we just

19 want to stay --

20 THE CHAIRPERSON: Right.

21 MR. SCACCHITTI: -- away from

22 that, because, again, as we all know --

23 MR. HOLAHAN: You're blind

24 folk. You're just addressing these items in the --

25 MS. PICKARD: The email.

40

1 MR. SCACCHITTI: Yes.

2 MR. HOLAHAN: -- the email --

3 MS. PICKARD: Um-hmm.

4 MR. HOLAHAN: -- the letter?

5 MR. SCACCHITTI: Yes.

6 MR. HOLAHAN: And I don't see

7 --

8 THE CHAIRPERSON: It was

9 discussed.

10 MR. HOLAHAN: -- number of

11 vehicles --

12 THE CHAIRPERSON: -- I just

13 wanted to be clear.

14 MR. SCACCHITTI: Yeah.

15 MR. HOLAHAN: -- on this.

16 MR. SCACCITTI: It came up

17 along the way. Let's put it that way, it came up

18 along the way --

19 THE CHAIRPERSON: Right.

20 MR. SCACCITTI: -- and that's

21 something would be very difficult. And the last --

22 Subparagraph C we may be able to also live with.

23 We just don't know what you mean by all vehicles

24 must be stored in the fenced area. We're assuming

25 you mean salvaged wrecked vehicles.

41

1 MR. REISS: Right.

2 MS. MINNICK: Correct.

3 MR. SCACCITTI: Okay. Because

4 we have work related vehicles --

5 THE CHAIRPERSON: Oh, yeah.

6 MR. SCACCITTI: -- private

7 vehicles --

8 THE CHAIRPERSON: Now you --

9 MR. JOSEPH COLYER: That get

10 dropped off after hours on their way home.

11 MR. HOLAHAN: No problem.

12 MR. JOSEPH COLYER: They drop

13 those off.

14 THE CHAIRPERSON: Yeah.

15 MS. MINNICK: Yeah.

16 THE CHAIRPERSON: I understand

17 that.

18 MR. HOLAHAN: Okay.

19 MR. SCACCITTI: So again, if we

20 can pin down Subparagraph A and the term dismantle

21 -- and I think we have an understanding of what we

22 want to do there -- this presents itself as a

23 viable resolution, as far as we are concerned. We

24 just don't know, though, why it would be necessary

25 with that agreement, and with the authority of the

42

1 supervisors, to waive certain things that the

2 zoning hearing board appearance is necessary at

3 that point.

4 You can amend -- and we've taken

5 the time, by the way, to prepare amendments just --

6 I can pass them out.

7 THE CHAIRPERSON: Sure.

8 MR. SCACCHITTI: Just for food

9 for thought, we spent a good amount of time. I

10 haven't sent them to the counsel yet. We just

11 actually finished them up this morning.

12 We pulled a number of

13 municipalities' zoning ordinances, stand-alone

14 ordinances within Pennsylvania, and we have

15 prepared just a proposed amendment to your existing

16 Chapter 89.11, which has to do -- would be a new

17 chapter after your -- in your junkyard ordinance

18 that essentially talks about what we're discussing

19 here this afternoon. And this is just by way of an

20 example and not that this is what we need, but we

21 think it just gives you some ideas, so my thought

22 is --

23 MS. MINNICK: Do you mark this?

24 MR. JOSEPH COLYER: Do you need

25 --

43

1 MR. SCACCHITTI: No, she

2 doesn't need it. My thought is, if we agree, I am

3 not really sure, from a legal standpoint, why

4 zoning is required.

5 MR. REISS: Well, the zoning is
6 required because the supervisors cannot waive
7 provisions in the zoning ordinance. Only the
8 zoning hearing board has the authority under the
9 Municipalities' Planning Code to grant relief from
10 those provisions.

11 MR. SCACCHITI: But you can
12 adopt amendments that eliminate this -- the need
13 for him to appear. And that's why I presented you
14 with just a draft --

15 MR. REISS: Right. These
16 amendments --

17 MS. SCACCHITTI: -- proposal
18 today.

19 MR. REISS: These amendments
20 are for the stand-alone ordinance --

21 MR. SCACCHITTI: Right.

22 MR. REISS: -- which the board
23 could waive.

24 MR. SCACCHITTI: Yes.

25 MR. REISS: The amendments that

1 really need to be addressed are in the zoning
2 ordinance.

3 MR. SCACCHITTI: I agree, but

4 I'm saying that's still a function of government.

5 MR. REISS: That's correct.

6 MR. SCACCHITTI: That's what we
7 do.

8 MS. PICKARD: Could it be -- I
9 think we're looking at a nonconforming use --

10 MR. JOSEPH COLYER: Yeah.

11 MS. PICKARD: -- in a
12 residential district. So we're not changing

13 anything to allow --

14 MR. SCACCHITTI: Well, I think
15 what the solicitor and --

16 MS. PICKARD: -- junkyards in a
17 residential inside.

18 MR. SCACCHITTI: -- I --

19 MS. PICKARD: It's this
20 particular property --

21 MR. JOSEPH COLYER: Yes.

22 MS. PICKARD: -- and that's why
23 we just want the zoning hearing board to do it for
24 this property.

25 MR. SCACCHITTI: But, see, then

1 you --

2 MS. PICKARD: If we change our

3 ordinance, then we're -- we're, you know --

4 MR. SCACCHITTI: But -- but I'm
5 saying -- my initial comments is what's good for
6 the goose is good for the gander. You're gonna
7 have other properties within the township --

8 MS. PICKARD: But we had other
9 properties. We have Murray's Towing and
10 DiBenedetto's, and they all had to appear in front
11 of the zoning hearing board and the zoning hearing
12 board put the conditions on of how many cars were
13 allowed there and how the screening had to be done.

14 I'm not going to speak to
15 whether they're in compliance or not. I can't
16 answer that, but they did go through the zoning
17 hearing board, both of them, for any motor vehicle
18 or any towing. If that had motor vehicle repair
19 and -- for that, they went through the zoning
20 hearing board. And that's in a commercial
21 district, not a nonconforming use in a residential
22 area.

23 MR. SCACCHITTI: But the law
24 unfortunately allows for a preexisting
25 nonconforming to exist in --

1 MS. PICKARD: And that's why I
2 think --

3 MR. SCACCHITTI: -- a
4 residential area.

5 MS. PICKARD: -- we wanted this
6 to go to the zoning hearing board and we're willing
7 to support that as we had outlined.

8 MR. SCACCHITTI: Well, again,
9 I'm not really sure. Maybe your solicitor and I
10 can discuss that after the meeting today or at some
11 other time. I'm not really sure, in my opinion
12 respectively, that that's necessary. In fact I'd
13 be more comfortable with an amendment, because then
14 it's equally applied to everyone and not just to
15 Mr. and Mrs. Colyer. And I think that's another
16 problem that you have.

17 In effect if you're doing
18 something special for him, then you're gonna have
19 the res adjudicata or collateral estoppel argument
20 that somebody else may want come in and say, I'm
21 entitled to the same deal from the zoning board
22 that --

23 MS. MINNICK: No.

24 MR. SCACCHITTI: -- Colyer
25 Towing got.

1 MS. PICARD: Now, here --

2 MR. SCACCHITTI: So I think
3 that the best way to do this is -- and this is my
4 opinion, and I represent two townships, as we sit
5 here today -- if this were my issue, I would talk
6 to my board about appropriate amendments to
7 eliminate any misunderstanding or confusion about
8 how a towing operation or the accumulation of towed
9 vehicles is different from some of the other things
10 that are in your ordinance.

11 MS. PICKARD: It's not gonna
12 change the fact that it's a nonconforming use in a
13 residential district.

14 MR. SCACCHITTI: But we're not
15 --

16 MS. PICKARD: Because that
17 would be --

18 MR. SCACCHITTI: But we're not
19 enlarging -- we're not changing the use, that's my
20 point. We're not changing the use. Our position
21 is we are not changing --

22 MS. PICKARD: But we were
23 presented with the salvor's license, and the
24 question was that Maureen had to say that it was
25 acceptable in that zoning district. And the

1 question came up because it's not allowed or it's

2 not listed on the nonconforming use certificate.

3 MS. MINNICK: Correct.

4 MR. SCACCHITTI: But you heard

5 Bob and I think --

6 MS. PICKARD: I heard Bob, but

7 I can't speak to that.

8 MR. SCACCHITTI: Okay. Well,

9 but --

10 MS. PICKARD: I wasn't on the

11 --

12 MR. SCACCHITTI: We would

13 present evidence and who is gonna say otherwise?

14 MS. PICKARD: Well, that would

15 be in front of the zoning hearing board.

16 MR. SCACCHITTI: I understand

17 that.

18 MS. PICKARD: And then the

19 zoning --

20 MR. SCACCHITTI: But who is

21 gonna contradict Bob?

22 MS. PICKARD: I --

23 MR. SCACCHITTI: I don't know.

24 THE CHAIRPERSON: I thought,

25 Brendon, you were raising your hand?

1 MR. BRENDON CARROLL: I was.

2 THE CHAIRPERSON: You wanted to

3 contradict Bob?

4 MR. BRENDON CARROLL: No, no.

5 THE CHAIRPERSON: I'm sorry.

6 MR. BRENDON CARROLL: I will

7 testify that Bob --

8 THE REPORTER: I need your name

9 first before you speak.

10 MR. BRENDON CARROLL: Brendon

11 Carroll.

12 THE REPORTER: Spell your first

13 and last name for me.

14 MR. BRENDON CARROLL:

15 B-r-e-n-d-o-n, last name C-a-r-r-o-l-l.

16 Just for the record, Bob's

17 grandparents raised me as a young lad. I spent

18 many times on that property playing on Bob's

19 equipment and abandoned trucks as a -- as a young

20 lad and watching what goes on at the shop.

21 My question, Heidi, it's my

22 understanding that Mr. Selig's property was

23 rezoning; therefore the nonconforming use. I'm

24 just trying to clear -- and so it doesn't matter

25 whether it's permitted or not. It was there before

1 zoning; therefore he's -- he was grandfathered or
2 estoppel rights. I'm just -- I -- it shouldn't be
3 an issue. Nothing's changed except the person
4 doing business there.

5 MS. PICKARD: Yeah. And I see
6 that --

7 Mr. BRENDON CARROLL: And it's
8 certain -- and I think we have to clear on our
9 definition --

10 THE REPORTER: Wait. I can't
11 hear.

12 MR. BRENDON CARROLL: -- of the
13 words salvor versus salvage. And I think we have
14 to be clear on our definition of junk and what is a
15 junkyard. And -- and I certainly don't think --
16 everybody's perception is going to be different on
17 that, but I -- that's what -- we're holding on to
18 certain things there that I -- I, you know -- Mr.
19 Colyer's business is -- it's in -- when you tow a
20 car, you got to put it somewhere. It doesn't just
21 disappear and I think that's relevant in
22 everything.

23 You know, we've had cars towed
24 to the township thing, right? I mean, there used
25 to be a bunch of cars sitting in the parking lot.

1 MR. SCACCHITTI: But I --

2 MR. BRENDON CARROLL: We have

3 trucks in the township that don't run and have a

4 blown clutch or rear or something or -- everybody

5 has that. And that doesn't mean it's abandoned.

6 There's a title to it, someone owns it. Someone --

7 it may not run right this second, but that's why

8 you get your car to a repair place to get it fixed.

9 THE CHAIRPERSON: Yeah.

10 MR. BRENDON CARROLL: Sometimes

11 they run, sometimes they don't and sometimes

12 they're not going to run again, but it has to go

13 somewhere.

14 MR. SCACCHITTI: And why I

15 would suggest, again, it's a useless legal

16 exercise. In the last paragraph, 3, of the

17 township proposal, it says: If your client was not

18 successful at the zoning hearing board, you can

19 file an appeal to the Monroe County Court of Common

20 Pleas, which the supervisors would intervene and

21 settle as set forth above.

22 So we're already agreeing today

23 that you have the capacity to agree to A, B --

24 MR. REISS: Only --

25 MR. SCACCHITTI: -- and C.

1 MR. REISS: Only -- only in the
2 court of common pleas because -- listen, a relief
3 from a zoning ordinance can only be granted by the
4 zoning hearing board or the court. And if we reach
5 a settlement in court that is approved by the
6 court, that's as good as getting the variance from
7 the zoning hearing board.

8 MR. SCACCHITTI: Jon, that's
9 not my point. My point is, we can do the same
10 thing by amendment. We can do the same thing by
11 amendment and that way it is uniform for everyone
12 in the township similarly affected. And I think
13 that's probably from a legal standpoint something I
14 would be more concerned about than some special
15 dispensation, if you will, that you're going to
16 give J & J Towing.

17 MR. REISS: Well, the problem I
18 think with that proposal, going that route to
19 resolve this, is what you just heard one of the
20 supervisors saying, that is, that this is in a
21 residential zoning district. So if the township
22 would amend their zoning ordinance to permit this
23 type of use in a residential zoning district, it's
24 going to apply throughout the township wherever
25 this zoning district is. And that's, I think, what

1 the concern of the board of supervisors is. And
2 that's why they propose what they had, quite
3 frankly, because of that one concern.

4 THE CHAIRPERSON: I mean, you
5 have to understand that.

6 And I know you do, Joey, that we
7 don't want to allow your type of business
8 throughout any residential community.

9 MR. JOSEPH COLYER: I understand
10 that, but by giving me permission to run a towing
11 business, if you don't allow me to get the salvor's
12 license, you're going to create --

13 MR. SCACCHITTI: They're going
14 to do that.

15 MR. JOSEPH COLYER: Your own
16 hardship. We're gonna have --

17 MR. SCACCHITTI: They're going
18 to do that.

19 MS. MINNICK: Yeah.

20 MR. JOSEPH COLYER: -- 100 cars
21 there versus 4. I don't understand the point of
22 going through this process when there was always
23 stuff there. Rezoning there was cars hauled in
24 there and trucks, bulldozers. Equipment falls
25 under your junkyard ordinance. It states in there

1 farm machinery. I mean, it's all there.

2 John worked there. He knows

3 there was stuff there like that. It was all there

4 pre. We're just trying to get rid of it. We're

5 not asking to a salvage dealer. We're asking to be

6 salvor. Salvage dealers are considered junkyards.

7 Tow repair companies in the State of Pennsylvania

8 have the right to become a salvor by state law.

9 MR. HOLAHAN: I think we --

10 MR. JOSEPH COLYER: They changed

11 it.

12 MR. HOLAHAN: Joe, I think we

13 all understand it and we're trying to make that

14 happen for you, but we're trying to go through the

15 process that does that and that's the zoning

16 hearing board.

17 MR. JOSEPH COLYER: And 'cause

18 it's a zoning issue --

19 MR. HOLAHAN: Excuse me.

20 THE REPORTER: One minute.

21 MR. HOLAHAN: Excuse me for one

22 second. From what our solicitor is saying is, we

23 don't have the ability to bypass that.

24 Is that correct, Jon?

25 MR. REISS: That's correct.

1 MR. SCACCHITTI: Except by
2 amendment.

3 MR. REISS: Except by
4 amendment.

5 MR. HOLAHAN: Okay.

6 MR. SCACCHITTI: Except by
7 amendment.

8 MR. HOLAHAN: So if we amend it
9 --

10 THE CHAIRPERSON: So if we do
11 an amendment, explain to me how this works? We'd
12 be amending all --

13 MR. SCACCHITTI: Chapter 89 and
14 --

15 THE CHAIRPERSON: Junkyard.

16 MR. SCACCHITTI: -- other
17 sections within the zoning ordinance, which would
18 be impacted by the amendment to Chapter 89 to allow
19 for the accumulation, if you will, of junk vehicles
20 until they're disposed of under the salvor's
21 license. It's not a big deal.

22 MS. PICKARD: Zoning amendment
23 is going to take months. It has go to the county
24 planning commission, it has go to our planning

25 commission and that's gonna take longer than going

56

1 to the zoning hearing board that can be scheduled
2 in a couple of weeks.

3 MR. JOSEPH COLYER: But if they
4 deny that, then you gotta go court? How long is
5 --

6 MR. SCACCHITTI: Here's the
7 other problem.

8 MR. JOSEPH COLYER: That going
9 to take?

10 MR. SCACCHITTI: Here's the
11 other problem.

12 MS. PICKARD: I think it's
13 because of your --

14 MR. SCACCHITTI: Here's the
15 other problem. The other problem is, you're paying
16 your solicitor -- actually the community is paying
17 your solicitor. Mr. and Mrs. Colyer are paying my
18 firm. And they've already incurred a substantial
19 legal bill defending what they believe is their
20 right to operate.

21 So by forcing them -- and it's a
22 gracious offer to waive the filing fee before the
23 zoning board, but that is going to pale in
24 comparison to a process that could require Mr.

1 Monroe County. He's paying us on an hourly basis.
2 And he's already spent -- and his wife will tell
3 you because she writes the checks, that they have
4 spent a considerable sum trying to defend what he
5 believes is his right to operate his business under
6 the terms and conditions as they exist today.

7 THE CHAIRPERSON: And I
8 personally would like to stop the bleeding too for
9 you guys because I think you --

10 MR. SCACCHITTI: And we
11 appreciate that and that's another reason why --

12 THE CHAIRPERSON: Yeah, that's
13 why we're here.

14 MR. SCACCHITTI: -- we're --
15 we're not offending anybody by it. If it takes
16 three months, it takes three months. We all know
17 what Joe Colyer is doing there. It's not like he's
18 anything undercover of darkness. So it would be
19 the most cost-effective, from the Colyer
20 standpoint, to consider amendments rather than to
21 compel him to continue to bleed money over an issue
22 that I think ultimately he's going to be -- he'll
23 prevail on anyway.

24 MS. PICKARD: There's no
25 guarantee that the board is going to approve that

58

1 either. I mean --

2 MR. SCACCHITTI: Well, that's
3 what your proposal was. Your proposal was, you
4 were going to okay it.

5 MS. PICKARD: No. I'm saying
6 what amendment that I haven't read that you're
7 discussing --

8 MR. SCACCHITTI: But if it's to
9 facilitate --

10 MS. PICKARD: -- it's going to
11 be advertised --

12 MR. SCACCHITTI: -- the terms
13 of the proposal --

14 MS. PICKARD: -- it's gonna go
15 to the county, we're going to have county comments,
16 we're going to have planning commission comment and
17 we're going to have the public that gets advertised
18 notice of it and comes in and gets to weigh in
19 about that.

20 MR. SCACCHITTI: I understand.

21 MS. PICKARD: So there's a
22 possibility if everybody comes in here and says
23 they -- you know, don't do that, I'm going to be

24 listening to what, you know, the public wants as
25 well.

59

1 MR. SCACCHITTI: I understand
2 that.

3 MS. PICKARD: So then, you
4 know, I think you have a better shot with the
5 zoning hearing board when the board is -- is
6 sending a letter saying we're in support because of
7 this particular circumstances and that's why we
8 agreed to waive it because of the grandfathered and
9 all the issues were there. And I think it
10 clarified that for the property going forward so
11 that you don't have to worry about this going --
12 going forward.

13 THE CHAIRPERSON: Sam?

14 MR. SAM KEIPER: Sam Keiper.

15 THE REPORTER: Can you spell
16 your first and last -- well, last name?

17 MR. SAM KEIPER: Sam, S-a-m,
18 Keiper, K-e-i-p-e-r.

19 I don't understand the whole
20 problem here. The property is a nonconforming use.
21 It's been a nonconforming use since this ordinance
22 passed. Mr. Colyer is doing all the same kind of

23 business as Mr. Selig did. That can be proven. If
24 you need people to testify to prove it, that can
25 certainly be done. Therefore he's in compliance

60

1 with everything. He can run his business there.

2 The only issue there is whether
3 the township wants to say he can have a salvor's
4 license. When he applies for a salvor's license,
5 all they have to do is say he's in compliance with
6 the township ordinance. He is. He's in compliance
7 with everything. It's a nonconforming use that
8 puts him in compliance.

9 All you have to say is, if you
10 want to get a salvor's license, get one. Allow him
11 to put up screened required under the salvor's
12 license law. Pretty simple deal. You don't have
13 to change anything. All you have to do is
14 acknowledge that he's complying with the laws,
15 which he is doing. I don't -- I don't get it. It's
16 gone on for a year and a half here and it's a
17 simple process. Read the gosh done information,
18 it's all out there.

19 And the proof is there, if you
20 need proof from Mr. Selig to administer, there are
21 plenty of people around this community who will
22 stand forth and stand up and testify to that. I

23 don't see there's any question about the number of
24 businesses he's run there; trucking business,
25 quarry business, building business, real estate,

61

1 all forms of business over the years. There's
2 never been a question about it. Now all of a
3 sudden there's this issue, which I don't see why
4 there should be.

5 MR. SCACCHITTI: Right.

6 MR. SAM KEIPER: He's in
7 compliance, it's a nonconforming use. It makes no
8 difference what property it's on. It's proved,
9 it's nonconforming. He's allowed to do it
10 regardless what you think, like or don't like. The
11 only issue is, whether you want to allow him -- or
12 respond to the -- the state that he's in
13 compliance. Well, he is in compliance. I don't
14 get it.

15 Thank you.

16 MR. SCACCHITTI: And actually
17 Mr. Keiper has the wisdom of many, many years. All
18 your zoning officer has to do is, agree he's in
19 compliance and it's end of story. End of story.
20 We don't have to do amendments. We don't have to
21 go before the zoning hearing board. We don't have

22 to worry about cost.
23 If your zoning officer
24 determines that the operation as presented by Mr.
25 Colyer presently is consistent with what has

62

1 occurred on that property since 1969, that's where
2 the case ends.

3 MR. HOLAHAN: Well, how can she
4 do that --

5 MR. REISS: Pardon me?

6 MR. HOLAHAN: How can she do
7 that without -- I think the last thing based on was
8 the 1978 --

9 MS. MINNICK: Yeah.

10 MR. HOLAHAN: -- or is the rest
11 of it hearsay?

12 MR. REISS: Well, it --

13 MR. HOLAHAN: How can she back
14 -- what I would like her to be able to do is make a
15 decision --

16 MR. REISS: Right.

17 MR. HOLAHAN: -- that she can
18 back it up with.

19 MR. REISS: Right.

20 MR. HOLAHAN: Everybody's cool.

21 MR. SCACCHITTI: And Mr. -- Mr.

22 --

23 MR. REISS: Well, see --

24 MR. SCACCHITTI: Bob can come

25 in -- Selig -- with his -- he has historical

63

1 photographs. He has all kinds of things, which
2 I've seen, which could satisfy the zoning officer's
3 concerns in that regard. We're not saying just
4 make this in a vacuum. There'll be a record, but
5 that may be the simplest and most expeditious way
6 to resolve this, is just to have a -- a -- a -- the
7 zoning officer agree.

8 THE CHAIRPERSON: And maybe I'm
9 speaking out of turn, and I don't know -- stop me
10 if I am, but would it be beneficial, Bobby, for you
11 to create a list and make it attached to something?

12 MR. SCACCHITTI: We can get
13 affidavits from 20 people.

14 THE CHAIRPERSON: Do you know
15 what I mean?

16 MR. SCACCHITTI: Yeah. Sure.

17 THE CHAIRPERSON: Like they
18 include all these items that were never put on an
19 original, because 40 years ago --

20 MR. SAM KEIPER: Exactly.

21 THE CHAIRPERSON: Who knows
22 what's going --
23 MR. SAM KEIPER: Times change.
24 THE CHAIRPERSON: -- to happen
25 40 years from now that we didn't do? Is that

64

1 something that would be adequate?
2 MR. BOB SELIG: Nobody sat down
3 and said here -- here is what we did --
4 THE CHAIRPERSON: Right.
5 Right.
6 MR. BOB SELIG: -- and put it
7 on paper.
8 THE CHAIRPERSON: And it's also
9 work in progress too as the business grows, the
10 different types of things that you do.
11 MR. SCACCHITTI: But we can get
12 -- we can make a record sufficient in my view --
13 THE CHAIRPERSON: Is that
14 something we can do?
15 MR. SCACCHITTI: -- for the
16 zoning officer to decide that there's no change in
17 the use, which would allow him to continue without
18 any amendments, without any zoning hearing board,
19 without any appeals to the court and without any
20 significant expenditures of personal funds.

21 MR. MOYER: (Inaudible).
22 THE REPORTER: I can't hear
23 what you're saying.
24 MR. HOLAHAN: Nobody does. I'm
25 his interpreter. I'll tell you later.

65

1 THE CHAIRPERSON: Is that
2 something we can do?
3 MR. REISS: The problem you
4 have is, you have this nonconformance certificate
5 from 1978. I don't know when these junkyard
6 provisions were put into the zoning ordinance,
7 whether it was before or after that.
8 MS. HAASE: 1998.
9 THE CHAIRPERSON: I was going
10 to say something in the '90s, yeah.
11 MR. REISS: So what we need
12 from Bob -- what we need from Bob is probably an
13 affidavit, as far as the activities that took place
14 prior to 1998 there, photo -- any photographs to
15 establish basically that there's vehicles, not
16 owned by him, but owned by third parties that are
17 damaged, wrecked, junked, stored, waiting to go --
18 waiting to be sold once -- once they're able to be
19 sold. That's the type of stuff you would need,

20 that type of information.

21 MR. SCACCHITTI: And we could
22 provide that.

23 MR. BOB SELIG: Yeah, we could
24 provide that. I don't have a problem with it at
25 all. I think we can get other people to back it

66

1 up, if that's necessary.

2 THE CHAIRPERSON: Well, then an
3 affidavit then becomes a legal document, correct?

4 MR. BOB SELIG: Yeah.

5 MR. REISS: Well, it's a
6 statement.

7 MR. SCACCHITTI: It's a sworn
8 statement.

9 THE CHAIRPERSON: Statement.

10 MR. REISS: Right.

11 THE CHAIRPERSON: I'm sorry,
12 Heino, did you want to say something?

13 MR. HEINO FETTE: Yes.

14 THE CHAIRPERSON: Just give
15 her your name.

16 THE REPORTER: Can I have your
17 name?

18 MR. HEINO FETTE: My name is
19 Heino, H-e-i-n-o, last name is Fette, F-e-t-t-e.

20 I've been involved in this
21 process now since it started. And I have a
22 question, do -- and not disrespectfully -- I'm
23 asking the question, do any of you people truly
24 understand what a salvor's license is?
25 THE CHAIRPERSON: I do now.

67

1 MR. HEINO FETTE: Okay.
2 THE CHAIRPERSON: It took me
3 some conversation with Joey and your daughter and I
4 get it and --
5 MR. HEINO FETTE: Because you
6 keep talking about junk. It has nothing to do with
7 junk. And I think if everybody does a little
8 homework, you'll find out that when you call
9 something junk, you better really know what you're
10 talking about, 'cause there is no junk. Everything
11 -- junk, the definition of junk is something that
12 has absolutely no value. Everything in life has a
13 value 'cause everything is recyclable.
14 They want nothing to do with
15 junk. They're trying to help clean up this
16 township, which is something that needs to be done
17 from one end to the other, not just pertaining to
18 this. Everybody's time is being wasted 'cause

19 everybody keeps coming up with the word junk.
20 Address the issue. Mr. Keiper stated that they're
21 in compliance with the nonconforming use.
22 What they're asking for is the
23 approval to apply for a letter and three numbers
24 behind it that gives them the ability to have the
25 police come out, run the VIN number, the last

68

1 registered owner, you mail that to the state with a
2 photo. The state in turn contacts the last
3 registered owner. If they do not respond to the
4 state letter within 30 days, the state sends
5 paperwork back Mr. Colyer, he fills it out, mails
6 it back to the state. The state will issue him a
7 certificate of salvage.

8 That is it. The car is gone.
9 All these problems are over with. I work for a
10 salvage company. I don't understand why this is a
11 year and a half to be able to clean this township
12 up.

13 Thank you.

14 THE CHAIRPERSON: Thank you.

15 And I agree with you, with that as well.

16 I'm sorry, ma'am, in the back.

17 MS. MICHELLE SMITH: Michelle
18 Smith.

19 I just want to address also and
20 then to add to that is the public. If you're
21 saying you would need to have all the input of the
22 public, I think we're all here because we're
23 supporting them, and this is last minute. So I
24 would think if there has to be some hearing, you
25 wouldn't believe the amount of people that are

69

1 going to come out in support of them and we'll all
2 be here. I just want to say that.

3 THE CHAIRPERSON: Thank you. I
4 respect that.

5 Yes, sir.

6 MR. DAVID COATES: Hi, David
7 Coates.

8 THE REPORTER: Spell your last
9 name.

10 MR. DAVID COATES: David
11 Coates, C-o-a-t-e-s.

12 I just want to support the
13 concept of small business, because before this
14 latest number of years where every hideous report
15 that comes from the government, like just this
16 week, one in five families, nobody works in the
17 family; or 90 million people are out of the work

18 force, let's assume 40 million don't want to work
19 or can't work, that's still 50 million people, on
20 and on and on, when we all know that what made this
21 country great was small business.

22 Small business in the past was
23 responsible for over 60 percent of the new hires.
24 This family who -- Joey meets the school bus every
25 afternoon rain or shine -- because they own a

70

1 business, not everybody can do that -- because of
2 their love for the family. When they sell girl
3 scout cookies, they don't just sell one case. They
4 go down to the corner and sell them by the cases.
5 What these -- guys like Big Mike snowplow blows up
6 at 2 a.m. in the morning, when they're trying to
7 shovel your driveways, Joey wrenches himself out of
8 bed to go with -- with the welding torch.

9 So these are very good people.
10 These are small business people. They should be
11 nurtured. We all know coming from Washington --
12 and I don't want to get political about it, but
13 Washington disregards any law they want to
14 disregard. It -- whether it's exactly on target or
15 not, if you people want to do something, if a body
16 wants to do something, they can do it.

17 You should be fostering small

18 business. Look the number -- look at this place.
19 Gas station out of business. Two restaurants out
20 of business. Go along 940, all these closed
21 places. There's not a closed place over there on
22 Slutter Lane anymore, it's a going business.
23 They've already hired.
24 What did you hire, three
25 full-time people plus -- plus all these subs? That

71

1 is what we want.
2 THE CHAIRPERSON: I couldn't
3 agree more what you said.
4 MR. DAVID COATES: So let's get
5 behind somebody like this, a family like this, are
6 good people.
7 THE CHAIRPERSON: I agree.
8 MR. DAVID COATES: They just
9 didn't come in here from Mars.
10 THE CHAIRPERSON: I agree with
11 you.
12 MR. DAVID COATES: Okay.
13 THE CHAIRPERSON: Thank you for
14 your comments.
15 MR. DAVID COATES: Thank you.
16 THE CHAIRPERSON: Sam?

17 MR. SAM KEIPER: Sam Keiper.
18 Back to the issue of a
19 nonconforming use. Again, obviously a
20 nonconforming use, if you want proof of that,
21 there's at least five people here, they're aware of
22 it, and have been aware of it since its inception.
23 One of -- Mr. Selig's here. One of his previous
24 employees, Mr. Kerrick, spent time there and worked
25 there, he's aware of it. Brendon Carroll, myself,

72

1 there's at least five of us here.
2 If you want proof that he's done
3 these things, first of all, proof is on the burden
4 of the township. If you think he didn't do it, the
5 burden is on the township to prove he didn't do it.
6 It's not on the individual who requests -- who has
7 a nonconforming permit, to do the proof. As I
8 understand it, from my past years experience with
9 the township, is it's the township's
10 responsibility. The burden of proof is on the
11 township, not on Mr. Selig.

12 THE CHAIRPERSON: And I respect
13 --

14 MR. SAM KEIPER: And there's
15 enough people here to give you that -- that
16 information if you want to hear it. And you can

17 move forward and get this done. There's no reason
18 to be going to court and everything else. If you
19 want to amend your ordinance to resolve issues with
20 the other towing facilities in the township that
21 are questionably operating within the regulations,
22 that's a different issue. That shouldn't really
23 have anything to do with what's taking place here.
24 This should have been done about a year and a half
25 ago.

73

1 THE CHAIRPERSON: I -- I -- I
2 understand.

3 MR. SAM KEIPER: I think you
4 got --

5 THE CHAIRPERSON: Thank you,
6 Sam.

7 MR. SAM KEIPER: -- to move
8 forward.

9 THE CHAIRPERSON: I think --

10 MR. SAM KEIPER: Thank you.

11 THE CHAIRPERSON: -- just to
12 Maureen's defense, she went with the paperwork with
13 what she has. If we could get a affidavit that
14 states that these items --

15 MR. BOB SELIG: That's not a

16 problem.

17 THE CHAIRPERSON: -- and it
18 appears that you're very willing to help us with
19 that, Bobby.

20 MR. BOB SELIG: Whatever you
21 need.

22 THE CHAIRPERSON: And as long
23 as that satisfies, does that --

24 MR. REISS: There's still one
25 issue.

74

1 THE CHAIRPERSON: Okay. We're
2 getting through the list.

3 MR. REISS: The height of the
4 fence.

5 MR. JOSEPH COLYER: Okay.

6 MR. BOB SELIG: We don't need
7 the list.

8 MR. JOSEPH COLYER: Okay. Can
9 I address that?

10 MR. REISS: Sure.

11 MR. JOSEPH COLYER: Can I
12 address that?

13 MR. SCACCHITTI: Certainly can.

14 THE CHAIRPERSON: He looks a
15 little eager.

16 MR. JOSEPH COLYER: First of
17 all, my fence will only be six feet high when it is
18 backfilled. It's not ready to be backfilled
19 totally yet because it needs to be treated. I
20 didn't put it up to let it rot down 'cause I can't
21 treat it. It takes 30 days after you put pressure
22 treated wood up to dry enough so you can treat it.
23 And we will -- it will be six feet.
24 My gates are not six feet. My
25 gates are eight feet, as well as -- I can show you

75

1 pictures of 15 places here that everybody's gates
2 always exceed the fence height, for some reason, I
3 don't know why. But I was asked -- if you ask my
4 solicitor -- or the solicitor asked my attorney if
5 I would put up screening.

6 When you read the junkyard
7 screening ordinance, it says, a minimum of six
8 feet. My gates, if I put at six feet, your public
9 view is gonna see the cars. If that's what you
10 want, I'll put it at six feet. The way it is now,
11 it protects the public view, just like your
12 junkyard ordinance asks you to do.

13 THE CHAIRPERSON: Can we waive
14 --

15 MR. JOSEPH COLYER: That's what
16 I did.
17 THE CHAIRPERSON: Can we waive
18 --
19 MR. JOSEPH COLYER: It's a
20 gate.
21 THE CHAIRPERSON: -- the
22 height?
23 MR. JOSEPH COLYER: It doesn't
24 say -- it says fence in your ordinance, not gate.
25 MR. SAM KEIPER: State salvor's

76

1 license says the same thing.
2 MR. JOSEPH COLYER: Yeah.
3 MR. SCACCHITTI: Most -- most
4 of it --
5 THE CHAIRPERSON: Right. Yes.
6 There was a minimum.
7 MR. SCACCHITTI: Most
8 municipalities --
9 THE CHAIRPERSON: That's right,
10 Sam, because salvor's license --
11 MR. JOSEPH COLYER: Yours is the
12 minimum of six --
13 MR. SAM KEIPER: Right.
14 MR. JOSEPH COLYER: -- and so

15 is the salvor's license.

16 THE REPORTER: One at a time.

17 Wait.

18 MR. SCACCHITTI: Most

19 municipalities actually prefer an eight foot fence

20 just because in some circumstances you can stack

21 vehicles that are junk before they're moved to a

22 salvage yard.

23 MR. BOB SELIG: Yeah, if it's

24 under six feet, you can see.

25 MR. SCACCHITTI: So it

77

1 precludes the public from seeing, at a height of

2 eight feet, better than six feet. But if -- but I

3 think that's a matter that the board can agree to

4 waive or just simply not enforced, but I think --

5 MS. PICKARD: There is a

6 building code requirement said on that, isn't

7 there?

8 MS. MINNICK: Six foot.

9 MR. JOSEPH COLYER: On the

10 fence, it says --

11 THE CHAIRPERSON: Not on --

12 MR. JOSEPH COLYER: Does not

13 specify gate in the building code.

14 MS. PICKARD: No, I'm not -- I
15 --
16 MR. JOSEPH COLYER: I mean, I
17 don't --
18 MS. PICKARD: I'm not talking
19 about the gate, but --
20 MR. JOSEPH COLYER: I will
21 lower it.
22 MS. PICKARD: But I'm saying
23 with the fence --
24 MR. SCACCHITTI: We'll end up
25 with six feet, if that's what the township want --

78

1 in the spirit of compromising, good will, we'll
2 comply if that's what you want. All we're
3 suggesting is, a higher fence than six feet is
4 actually more beneficial.
5 THE CHAIRPERSON: Well, a
6 higher gate is what it --
7 MR. SCACCHITTI: A higher gate,
8 but, you know, we'll comply.
9 MR. HOLAHAN: I don't have an
10 issue with that.
11 THE CHAIRPERSON: I don't have
12 an issue.
13 MR. SCACCHITTI: That's not a

14 deal buster, as far --

15 MS. MINNICK: That's --

16 MR. SCACCHITTI: -- as we're

17 concerned.

18 MS. MINNICK: -- a zoning

19 issue, that would have to go in front of the zoning

20 hearing board.

21 MR. JOSEPH COLYER: The gate?

22 MR. KERRICK: It's not a gate.

23 THE CHAIRPERSON: Well, it's --

24 MS. MINNICK: Yes.

25 THE CHAIRPERSON: -- not the

79

1 fence.

2 MS. MINNICK: It's under

3 zoning.

4 MR. JOSEPH COLYER: It's not

5 the fence, it's the gate.

6 MR. BOB SELIG: Screen.

7 MR. KERRICK: A gate is not a

8 fence.

9 MR. JOSEPH COLYER: Right.

10 MR. BOB SELIG: It doesn't come

11 out.

12 MR. JOSEPH COLYER: It's not.

13 It is not.

14 THE CHAIRPERSON: No.

15 MR. JOSEPH COLYER: It's not a

16 fixed structure, it moves.

17 MR. SCACCHITTI: We'll comply.

18 We'll comply.

19 THE REPORTER: One at a time.

20 MR. SCACCHITTI: Joe --

21 MR. JOSEPH COLYER: What?

22 MR. SCACCHITTI: -- we'll

23 comply with the six feet, if that's the pleasure of

24 the board.

25 THE CHAIRPERSON: So I think

80

1 we're coming to a resolve. And correct me --

2 I'm sorry, Bobby, go ahead.

3 Mr. BOB SELIG: Let's get back

4 to this fence. When Joe put the fence up, he was

5 out on the road, on Slutter Road, sitting in a car

6 and keeps the top of the fence just high enough so

7 you can't see over it from your automobile to see

8 in there. What good is a fence if you're gonna

9 look into it? Is there a way that you can do

10 something to allow that fence to be at the height

11 that it is now?

12 MR. SCACCHITTI: They can just

13 simply not enforce it, is the answer.

14 MR. BOB SELIG: Well --

15 MR. JOSEPH COLYER: It hasn't

16 been enforced --

17 MR. BOB SELIG: All you have to

18 do is drive by and look for yourself. It's

19 ridiculous to lower it. You might as well not have

20 the fence if it's lowered. Where the location of

21 the fence is, is already below the road.

22 MS. PICKARD: I was just trying

23 to prevent --

24 MR. BOB SELIG: So if you don't

25 keep it high enough, you can look right over top of

81

1 it --

2 THE CHAIRPERSON: I understand.

3 Mr. BOB SELIG: -- with your

4 vehicle.

5 THE CHAIRPERSON: I understand

6 what you're saying.

7 MS. PICKARD: -- what I was

8 saying.

9 THE CHAIRPERSON: I guess I'm

10 looking for legal advice. Now, can we consider the

11 fence its own entity and the gate its own?

12 MR. REISS: No.

13 THE CHAIRPERSON: No.

14 MR. REISS: I mean, the gate is

15 part of the fence.

16 THE CHAIRPERSON: Okay.

17 Go ahead, Sam. I'm sorry.

18 MR. SAM KEIPER: The problem is

19 the terminology. Your junkyard ordinance uses the

20 term fence, screen, not fence. Your --

21 MR. REISS: Screen.

22 MR. SAM KEIPER: -- zoning

23 ordinance used the term fence. Salvor's license

24 requirement by the state and a junkyard -- junk --

25 80 -- Section 89, whatever the heck it is, used the

82

1 terminology screening. We're fighting terminology

2 here because a fence can only be six feet. A

3 screen can be up to eight feet.

4 What do you got, fence or

5 screening? You got both items, call it what you

6 want.

7 MR. SCACCHITTI: The ordinance

8 does allow, by the way --

9 MR. SAM KEIPER: You want it

10 under six feet --

11 MR. SCACCHITTI: -- for

12 arborvitae --

13 MR. SAM KEIPER: -- lower the

14 fence.

15 THE CHAIRPERSON: You guys --

16 MR. SAM KEIPER: You have over

17 six feet, call it screening, solve the problem.

18 It's all right there, it's in the definition.

19 MR. SCACCHITTI: Under Chapter

20 89, it does allow for greenery, arborvitae or some

21 similar vegetation --

22 MR. REISS: Right, that's

23 screening.

24 MR. SCACCHITTI: -- that could

25 be greater than six feet. So it's apple -- you

83

1 know, we're -- we're --

2 THE CHAIRPERSON: Well, I think

3 -- I think --

4 MR. SCACCHITTI: It's

5 semantics.

6 THE CHAIRPERSON: -- just from

7 understanding a --

8 MR. BOB SELIG: You can't put

9 up a fence --

10 THE CHAIRPERSON: --

11 conversation I had with Maureen that the fence is a
12 structural issue.

13 MR. SCACCHITTI: It is.

14 THE CHAIRPERSON: So that's why
15 it was not to exceed the six feet --

16 MR. REISS: Well, I don't -- I
17 think --

18 MS. MINNICK: And not only
19 that --

20 MR. REISS: -- it's a question
21 of the zoning ordinance --

22 MS. MINNICK: -- just so you're
23 aware, anything --

24 THE CHAIRPERSON: -- in the
25 zoning ordinance.

84

1 MS. MINNICK: -- over six feet,
2 you're going to have to apply for a building permit
3 through the Bureau Veritas.

4 MR. JOSEPH COLYER: It won't be
5 six feet.

6 THE CHAIRPERSON: Okay. Good,
7 Bob.

8 MR. JOSEPH COLYER: I'm done
9 with it.

10 THE CHAIRPERSON: So we're good

11 with six feet --
12 MR. BOB SELIG: And then
13 everybody can see over it.
14 THE CHAIRPERSON: -- we're good
15 with an affidavit and then we're all in agreement
16 here.
17 MR. SCACCHITTI: We're good
18 with six feet.
19 THE CHAIRPERSON: Do I
20 understand that?
21 MR. SCACCHITTI: We're good
22 with six feet.
23 THE CHAIRPERSON: Okay. So I
24 think we have a resolution.
25 MR. SCACCHITTI: I think we do.

85

1 THE CHAIRPERSON: Hallelujah.
2 MS. MINNICK: Bobby --
3 THE REPORTER: What did you
4 say?
5 THE CHAIRPERSON: I'm sorry.
6 Hang on one second.
7 MR. BOB COLLINGBORN: Bob
8 Collingborn.
9 THE REPORTER: Spell your last

10 name, please?

11 MR. BOB COLLINGBORN:

12 C-o-l-l-i-n-g-b-o-r-n.

13 THE REPORTER: I'm sorry, go

14 ahead.

15 MR. BOB COLLINGBORN:

16 C-o-l-l-i-n-g-b-o-r-n.

17 I live back in Locust Lakes, I

18 drive by Joey's property every day for the last 30

19 years. It looks better today than it did 15, 20

20 years ago.

21 THE CHAIRPERSON: No offense,

22 Bob.

23 MR. BOB COLLINGBORN: The fence

24 is -- is a plus. I mean, if you guys make him

25 lower that fence, it's absolutely ridiculous.

86

1 MR. HOLAHAN: We're not.

2 MR. BOB COLLINGBORN: 'Cause,

3 like I say, you're going to be looking right over

4 it. So therefore you're wasting more of the guy's

5 money.

6 THE CHAIRPERSON: Right.

7 MR. BOB COLLINGBORN: I'm a

8 business owner too as well. If you guys start

9 picking on business owners around the neighborhood,

10 we're all gonna leave and you're gonna end up with

11 a bunch of nothing here.

12 THE CHAIRPERSON: That's --

13 MR. BOB COLLINGBORN: Nobody

14 paying taxes, nobody doing anything.

15 THE CHAIRPERSON: And we don't

16 want to do that.

17 MR. BOB COLLINGBORN: And we

18 don't want to do that.

19 THE CHAIRPERSON: No, we do

20 not.

21 MR. BOB COLLINGBORN: I mean --

22 THE CHAIRPERSON: Thank you. I

23 appreciate that. Thanks.

24 MR. BOB COLLINGBORN: Like I

25 say, it does look better than it ever does.

87

1 MALE VOICE: I agree.

2 THE CHAIRPERSON: I agree.

3 MR. BOB COLLINGBORN: You guys

4 are giving him a hard time over nothing, I really

5 think that way.

6 THE CHAIRPERSON: We're here to

7 try to resolve it, so he can move on and just --

8 MR. BOB COLLINGBORN: It's a

9 year of time.

10 THE CHAIRPERSON: I

11 understand.

12 MR. BOB COLLINGBORN: The guy

13 shelled out money like crazy. It's absolutely

14 insane.

15 THE CHAIRPERSON: That's why we

16 want it to end for him --

17 MR. BOB COLLINGBORN: Like

18 we're splitting hairs.

19 THE CHAIRPERSON: -- so he can

20 --

21 MR. BOB COLLINGBORN: Well,

22 you're not being fair.

23 MR. HOLAHAN: Excuse me a

24 second.

25 Joe, when you first came to me

88

1 and spoke of this and you said, you know what's

2 gonna be a problem? The guy from the state said

3 when you pull the salvor's license, right?

4 MR. JOSEPH COLYER: What? He

5 said that the township -- townships are narrow

6 minded and they're gonna say you're a junkyard.

7 That's exactly what he told me.

8 MR. HOLAHAN: Yep.

9 MS. JOSEPH COLYER: And guess
10 what? He was right.
11 MS. MINNICK: He's right.
12 MR. JOSEPH COLYER: Because
13 it's not a junkyard, that's why they separated it
14 --
15 MR. HOLAHAN: Understood.
16 MR. JOSEPH COLYER: -- 15 years
17 ago.
18 MR. HOLAHAN: Understood, but
19 what I'm saying is, this is what he's run into all
20 this time. This is not unusual. It's unusual for
21 us because we haven't had to deal with this before.
22 MR. JOSEPH COLYER: Yeah.
23 MR. HOLAHAN: So what are we
24 doing next there, Counselor?
25 MR. REISS: Well, I --

89

1 THE CHAIRPERSON: I was going
2 to answer.
3 MR. REISS: -- think the
4 current owner is gonna submit an affidavit with
5 photographs describing the use of the property
6 between 1978 and 1998 and actually beyond.
7 Bob, what do you think?

8 MR. BOB SELIG: When you say
9 photographs, I'm not sure that I have photographs
10 that go back to the '60s and '70s to show that.

11 THE CHAIRPERSON: Do the best
12 you can.

13 MR. REISS: I mean, you said --

14 MR. SCACCHITTI: We have -- we
15 have some photographs.

16 MR. REISS: -- in reference to
17 --

18 MR. BOB SELIG: We have some.
19 We have some, but it's gonna be very limited.

20 MR. SCACCHITTI: It's not gonna
21 be a picture history of the property going back to
22 that --

23 MR. REISS: No, I don't expect
24 that. I expect --

25 MR. BOB SELIG: But I can

90

1 certainly give you the affidavit, that's not a
2 problem.

3 MR. SCACCHITTI: And we'll get
4 affidavits from neighbors and other persons in the
5 township

6 MR. BOB SELIG: Right.

7 MR. REISS: If you can -- the

8 more you can give --

9 MR. SCACCHITTI: Yes. We'll
10 get them all.

11 MR. REISS: And then give that
12 to the -- you send it to me, I'll give it to the
13 zoning officer.

14 MR. SCACCHITTI: Fine.

15 MR. REISS: And she can make a
16 determination.

17 MR. SCACCHITTI: Very good.

18 THE CHAIRPERSON: Anyone else?

19 MR. HEINO FETTE: So what's
20 resolved?

21 THE CHAIRPERSON: What's
22 resolved is --

23 MR. SCACCHITTI: We have --

24 MR. HEINO FETTE: You have to
25 tell me because I'm really lost.

91

1 THE CHAIRPERSON: This is my
2 opinion. In my -- in my opinion, it is, if we can
3 show that this has basically existed, then they do
4 business as usual.

5 MR. HEINO FETTE: And they'll
6 be granted the application to obtain --

7 THE CHAIRPERSON: Yes.

8 MR. HEINO FETTE: -- the

9 salvor's license?

10 THE CHAIRPERSON: In my mind

11 absolutely that should follow.

12 Anybody opposed to the --

13 MR. HOLAHAN: Nobody is going

14 to oppose.

15 THE CHAIRPERSON: -- salvor's

16 license?

17 MS. PICKARD: Amending the

18 nonconforming certificate.

19 MR. BOB SELIG: You don't have

20 to.

21 MR. SCACCHITTI: No, we're not.

22 We're not amending it.

23 MR. REISS: No, you're not

24 going to amend it.

25 MR. BOB SELIG: You don't have

92

1 to amend it.

2 MS. PICKARD: You don't have to

3 amend the affidavit.

4 MR. REISS: Well, you're gonna

5 --

6 THE CHAIRPERSON: We're gonna

7 confirm it.

8 MR. SCACCHITTI: Acknowledge.

9 MR. BOB SELIG: Just prove it.

10 THE CHAIRPERSON: We're gonna

11 confirm that --

12 MR. SCACCHITTI: That's right.

13 THE CHAIRPERSON: -- it

14 existed.

15 MR. SCACCHITTI: Right. That's

16 exactly right.

17 THE CHAIRPERSON: We're going

18 to support it.

19 MR. SCACCHITTI: Confirm is a

20 correct term.

21 MR. JOSEPH COLYER: I'm

22 wondering about the salvor's license.

23 THE CHAIRPERSON: Fair enough?

24 MR. SCACCHITTI: That's it.

25 Fair enough.

93

1 THE CHAIRPERSON: Fair enough,

2 Joey?

3 MR. SCACCHITTI: Thank you very

4 much.

5 MR. BOB SELIG: And the fence

6 issue that would at six feet?

7 MR. JOSEPH COLYER: It will be
8 six feet.

9 MR. SCACCHITTI: It has to be
10 six feet.

11 MS. HAASE: Or -- or, Bob, if
12 you like the fence higher -- and I don't think
13 anybody is opposed with it being higher, because it
14 makes sense what you're saying. The problem is the
15 way it's written in the zoning plus the building
16 code, which this board has nothing to do with,
17 speaks if it's higher than six feet, then you have
18 to go through the requirements of the building
19 code.

20 But I think that the board
21 comfortably, if you want to go higher, I know they
22 that they had spoken before about waiving the fees,
23 if that's what you want to do and keep it higher.
24 I don't know if I'm speaking out of turn --

25 THE CHAIRPERSON: No, no. I --

94

1 you know exactly --

2 MS. HAASE: -- I think the --

3 THE CHAIRPERSON: You can go to
4 the zoning hearing board for a variance -- for a
5 waiver, right?

6 MS. HAASE: Yeah.

7 THE CHAIRPERSON: For a waiver

8 for variance, for a variance.

9 MR. SCACCHITTI: It would be a

10 variance. It would be a dimensional variance --

11 MR. BOB SELIG: We'll make --

12 we'll make it six feet.

13 MR. SCACCHITTI: -- I guess,

14 right? Probably a dimensional variance.

15 MR. BOB SELIG: I mean,

16 there're are other fences --

17 MR. SCACCHITTI: We'll consider

18 that. I think --

19 MR. BOB SELIG: -- in the

20 township that are over six feet, but we'll make

21 this six feet to make you happy.

22 MR. SCACCHITTI: Bob.

23 MR. BOB SELIG: But people are

24 going to look at it.

25 MR. SCACCHITTI: We're not

1 closing the door on that. We'll let that one open.

2 All right?

3 THE CHAIRPERSON: Yeah. Leave

4 that open for discussion --

5 MR. SCACCHITTI: Yes.

6 THE CHAIRPERSON: -- and then

7 --

8 MS. MINNICK: It does look --

9 MR. BOB SELIG: I mean, it's --

10 it's crazy.

11 MS. MINNICK: It does look good

12 and if you drop that, it's -- it's not gonna look

13 -- if you drop that gate, it's not gonna look

14 right. And I agree with you, it looks good --

15 MR. JOSEPH COLYER: I just know

16 that --

17 MS. MINNICK: -- on the road.

18 MR. JOSEPH COLYER: -- to me

19 it's not worth it, to protect the view from the

20 public, for me to spend 1250 bucks for a zoning

21 hearing and blueprints and --

22 MR. SCACCHITTI: They're gonna

23 waive the cost. They're gonna waive the cost.

24 THE CHAIRPERSON: I understand.

25 The board did --

96

1 MR. BOB SELIG: You're gonna

2 cost him money --

3 THE CHAIRPERSON: We will offer

4 to waive that fee.

5 MR. BOB SELIG: You're gonna
6 cost him money to make it better for the rest of
7 the community.

8 MR. SCACCHITTI: They're gonna
9 waive that cost.

10 MR. BOB SELIG: That's not fair.

11 MR. SCACCHITTI: He could
12 appear without me, the board is going to recommend
13 approval and it's gonna happen.

14 MS. MINNICK: Yeah.

15 MR. SCACCHITTI: We're good.
16 We're good, Bob.

17 MR. BOB SELIG: Okay.

18 MS. HAASE: So if I could just
19 be clear with the board that everybody is in
20 agreement, the application comes that we do not
21 have to collect the 1250 --

22 THE CHAIRPERSON: Correct.

23 MS. HAASE: -- and they can
24 move forward and then request relief from the
25 zoning hearing board. And I think that that's a

1 reasonable --

2 THE CHAIRPERSON: If you want
3 to raise the --

4 MS. MINNICK: For the fence.
5 MR. JOSEPH COLYER: For the
6 fence.
7 THE CHAIRPERSON: Yeah.
8 MR. SCACCHITTI: For the
9 raising -- only for the fence and with a --
10 THE CHAIRPERSON: Yes.
11 MR. SCACCHITTI: -- letter of
12 --
13 THE CHAIRPERSON: Yes, I think
14 that's --
15 MR. SCHACCHITTI: -- approval
16 letter from the board of supervisors.
17 THE CHAIRPERSON: Is that the
18 consensus of the board here?
19 MS. PICKARD: That's the
20 consensus, but it might behoove us to have somebody
21 look into what the requirements for the building
22 code is to see if --
23 THE CHAIRPERSON: Well, that's
24 something --
25 MS. PICKARD: -- how much it's

1 gonna cost?
2 MR. SCACCHITTI: That's on us.
3 MS. PICKARD: -- and what you

4 --

5 THE CHAIRPERSON: That's
6 something that they would have to do.

7 MS. MINNICK: Yeah.

8 MR. SCACCHITTI: That's on us.

9 MR. JOSEPH COLYER: And that's
10 Bob McHale, right?

11 THE CHAIRPERSON: No.

12 MS. PICKARD: No.

13 THE CHAIRPERSON: No, no,
14 that's Bureau Veritas.

15 MR. JOSEPH COLYER: Oh.

16 MS. PICKARD: That's what I'm
17 saying, that's why I say under six feet, you have
18 to go to building code.

19 THE CHAIRPERSON: Yeah.

20 MS. HAASE: So are things --

21 MR. JOSEPH COLYER: I'll call.

22 MS. HAASE: -- you can just
23 think about.

24 MR. JOSEPH COLYER: Right.

25 MR. SCACCHITTI: We're okay

1 with that. Everybody has -- everybody hires
2 inspection companies --

3 THE CHAIRPERSON: Any other
4 questions or comments to you?
5 MR. JOSEPH COLYER: No.
6 THE CHAIRPERSON: Are you guys
7 okay with where --
8 MR. JOSEPH COLYER: Yeah.
9 MR. SCACCHITTI: We're good.
10 THE CHAIRPERSON: -- with what
11 direction we're heading in?
12 MR. SCACCHITTI: The solicitor
13 is going to send me an email memorializing the
14 understandings today and I think we're good.
15 THE CHAIRPERSON: And then as
16 quickly as you get the information back to
17 Jonathan, Jonathan then --
18 MR. SCACCHITTI: We'll
19 everything within --
20 THE CHAIRPERSON: -- can give
21 it to you.
22 MR. SCACCHITTI: -- 30 days.
23 THE CHAIRPERSON: Oh, okay.
24 MR. SCACCHITTI: Okay?
25 (Discussion off the record.)

1 THE CHAIRPERSON: Any other
2 questions or comments from the public?

3 MR. BOB COLLINGBORN: Just one.

4 THE CHAIRPERSON: Go ahead.

5 MR. BOB COLLINGBORN: Bob

6 Collingborn again.

7 I mean, we sat here, listened to

8 all this, everybody up there on the board. I know

9 three of you up there, anyway, can -- been around

10 the neighborhood long enough to verify that what

11 we're saying about Bob and what he did there is

12 true. We have, like Sam said, five, six people out

13 here in the audience. Why do we still have to

14 continue the bleeding for the Colyer family and to

15 pay the lawyer fees? Why can't we just agree --

16 MR. SCACCHITTI: Now, wait a

17 minute.

18 THE CHAIRPERSON: Well --

19 MR. SCACCHITTI: Come on. Come

20 on, give me a break.

21 MR. BOB COLLINGBORN: I

22 understand you got to --

23 MR. SCACCHITTI: We need a

24 record.

25 THE CHAIRPERSON: Maybe he can

1 pay his fees.

2 MR. SCACCHITTI: We need a
3 record. We need a record for --
4 THE CHAIRPERSON: Yeah.
5 MR. SCACCHITTI: -- the zoning
6 officer to decide in favor of the use being the
7 same since 1978. We need a record.
8 MR. BOB COLLINGBORN: Well,
9 doesn't this board up here have the authority --
10 MR. SCACCHITTI: They don't.
11 MS. PICKARD: No.
12 MR. BOB COLLINGBORN: -- in
13 having the transcript right now --
14 THE CHAIRPERSON: No.
15 MR. SCACCHITTI: They don't.
16 They don't.
17 MR. BOB COLLINGBORN: -- and
18 that's proof --
19 MR. SCACCHITTI: No.
20 THE CHAIRPERSON: No.
21 MR. BOB COLLINGBORN: --
22 enough?
23 THE CHAIRPERSON: Well,
24 unfortunately, Jerry, if that was done when --
25 MR. BOB COLLINGBORN: I mean

2 MS. MINNICK: We wouldn't even
3 be here.

4 THE CHAIRPERSON: -- 1970
5 whatever, Bobby, you know, and if it was documented
6 then, this wouldn't even be an issue.

7 MR. BOB SELIG: Right.

8 THE CHAIRPERSON: So we just
9 want to make sure it doesn't happen in the future.
10 I mean, if the property ever reverts back, you want
11 to be able to do the same thing. I'm not talking
12 out of turn but -- right? I mean --

13 MR. BOB SELIG: Yeah.

14 THE CHAIRPERSON: -- you want
15 to have the same use as you had on your property.

16 MR. BOB SELIG: Yeah.

17 THE CHAIRPERSON: So this
18 secures that as well. So I think -- it's just that
19 process --

20 MR. BOB SELIG: No, I don't
21 have a problem with doing the affidavit thing,
22 that's fine.

23 THE CHAIRPERSON: Okay. You're
24 right.

25 MR. BOB SELIG: Too bad it

1 wasn't done years and years ago.

2 MS. HAASE: Because the relief

3 actually --

4 MR. BOB SELIG: It was never an

5 issue.

6 MS. HAASE: -- is going to be

7 staying with the property --

8 MS. MINNICK: Nobody never --

9 MS. HAASE: -- versus --

10 MR. REISS: Runs with the

11 property.

12 MR. SCACCHITTI: Correct.

13 THE CHAIRPERSON: Yeah. Right.

14 So that way the property is protected as well.

15 MR. BOB SELIG: Yeah.

16 THE CHAIRPERSON: And, Joey,

17 they can -- they can do --

18 MR. BOB SELIG: Well, and just

19 a point of interest --

20 THE CHAIRPERSON: -- business

21 as usual without anymore --

22 MR. BOB SELIG: I have this

23 nonconforming piece of property here and we all

24 agree as to what went on there for years and years

25 and years. I have residential lots that back right

1 up to this property for sale.

2 THE CHAIRPERSON: Right.

3 MR. BOB SELIG: So no one is
4 more concerned about what this looks like than I
5 do.

6 THE CHAIRPERSON: Sure.

7 MR. BOB SELIG: So I'm
8 certainly not gonna be in favor of doing something
9 that's gonna be a detriment to those pieces of
10 property.

11 MS, MINNICK: Um-hmm.

12 MR. BOB SELIG: They're valuable
13 pieces of property, they back up to this property,
14 so I want to see it taken care of as much as
15 anybody else. So I just need everybody to
16 understand that and I think -- I think you do.

17 THE CHAIRPERSON: I think we
18 fairly resolved things this evening.

19 MR. BOB SELIG: Thank God.

20 MR. SCACCHITTI: Thank you very
21 much.

22 THE CHAIRPERSON: Thank you for
23 you time and comments.

24 MR. BOB SELIG: Thank you.

25 Thank you very much.

1 THE CHAIRPERSON: Thank you.

2 And I couldn't be more supportive of small business
3 than you are, sir.

4 MR. DAVID COATES: That's what
5 this country was --

6 THE CHAIRPERSON: What we're
7 built on.

8 MR. DAVID COATES: Yeah.

9 THE CHAIRPERSON: Motion to
10 adjourn?

11 MS. PICKARD: So moved.

12 THE CHAIRPERSON: So moved.

13 (Meeting concluded at 5:11 p.m.)

14 ---

15

16

17

18

19

20

21

22

23

24

25

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

I hereby certify that the
proceedings and evidence are contained, 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.

Janet R. Erdey-Truncali, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Friday, April 29, 2016, beginning at 4:02 p.m.

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

JONATHAN J. REISS, ESQUIRE, Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

MAUREEN MINNICK, Zoning Officer

SCACCHITTI LAW FIRM
BY: EDMUND J. SCACCHITTI, ESQUIRE
400 Spruce Street, Suite 402
Scranton, PA 18503
For J&J Towing

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 THE CHAIRPERSON: Good
2 afternoon, everyone. I'd like to call the board of
3 supervisors special meeting Friday, April 29, 2016
4 to order. We'll start with the Pledge of
5 Allegiance.

6 (Pledge of Allegiance recited.)

7 THE CHAIRPERSON: Okay. We'll
8 start with new business.

9 I'll entertain a motion to
10 consider Resolution No. 2016 dash 012 is the
11 acquisition of right-of-way and easement. Tax Map
12 No. 19 slash 91190, S.I.D.E. Corporation and Tax
13 Map No. 19 slash 15 slash 1 slash 23, Blue Ridge
14 Real Estate Company, Arcadia New Ventures.

15 MR. HOLAHAN: So moved.

16 THE CHAIRPERSON: I have a
17 motion. Do I have a second?

18 MR. MOYER: Second.

19 THE CHAIRPERSON: I have a

20 motion and second.
21 Any questions or comments from
22 the board? Seeing none.
23 Any questions or comments from
24 the public?
25 Seeing none. Call the vote.

3

1 John?
2 MR. KERRICK: In favor.
3 THE CHAIRPERSON: Heidi?
4 MS. PICKARD: Not in favor.
5 THE CHAIRPERSON: John?
6 MR. HOLAHAN: Yes.
7 THE CHAIRPERSON: Donny?
8 MR. MOYER: Not in favor.
9 THE CHAIRPERSON: I vote in
10 favor. Motion carries.
11 I'll entertain a motion to
12 consider a second amendment to traffic signal
13 maintenance agreement Arcadia New Ventures.
14 MS. PICKARD: I make a motion
15 to approve second amendment to traffic signal
16 maintenance agreement Arcadia New Ventures.

17 THE CHAIRPERSON: I have a
18 motion.
19 Do I have a second?
20 MR. MOYER: Second.
21 THE CHAIRPERSON: I have a
22 second.
23 Any questions or comments from
24 the board?
25 Questions or comments from the

4

1 public?
2 Seeing none. Call the vote.
3 John?
4 MR. KERRICK: In favor.
5 THE CHAIRPERSON: Heidi?
6 MS. PICKARD: Not in favor.
7 THE CHAIRPERSON: John?
8 MR. HOLAHAN: Yes.
9 THE CHAIRPERSON: Donny?
10 MR. MOYER: I vote in favor.
11 THE CHAIRPERSON: I vote in
12 favor. Motion carries.

13 I'll entertain a motion to
14 consider second amendment to agreement for highway
15 occupancy permit application for storm water
16 facilities, Acardia New Ventures.

17 MR. HOLAHAN: So moved.

18 THE CHAIRPERSON: I have a
19 motion.

20 Do I have a second.

21 MR. MOYER: Second.

22 THE CHAIRPERSON: I have a
23 motion and a second.

24 Questions or comments from the
25 board?

5

1 Questions or comments from the
2 public?

3 Seeing none, call the vote.
4 John?

5 MR. KERRICK: In favor.

6 THE CHAIRPERSON: Heidi?

7 MS. PICKARD: Vote in favor.

8 THE CHAIRPERSON: John?

9 MR. HOLAHAN: Yes.

10 THE CHAIRPERSON: Donny?
11 MR. MOYER: Yes.
12 THE CHAIRPERSON: I vote in
13 favor. Motion carries.
14 Moving on to J & J Towing. We
15 called this meeting and hopefully that we're not
16 leaving without a resolution this afternoon, that's
17 my opinion. But I think this is a good way to
18 discuss things, get everything out on the table.
19 I know both, Joey, your attorney
20 and our solicitor has had a moment to -- or
21 opportunities to discuss certain items. So I guess
22 --
23 Maybe I'll turn to you. What is
24 the best way to start?
25 MR. SCACCHITTI: May I start,

6

1 if you don't mind --
2 THE CHAIRPERSON: Oh.
3 MR. SCACCHITTI: -- with just a
4 couple --
5 THE REPORTER: Could I have

6 your name, please?

7 (Discussion off the record.)

8 MR. SCACCHITTI: Thank you.

9 Madam Chairperson, members of the board of
10 supervisors, solicitor, manager, we represent J &
11 J, as you know, and we certainly appreciate the
12 opportunity to be here today to try to see if we
13 can reach a reasonable compromise from both the
14 township's standpoint, through its board of
15 supervisors, as well as to Mr. and Mrs. Colyer who
16 operate the business and they've been in operation
17 for a while now. Their landlord, Bob, is also here
18 today.

19 This case actually goes back to
20 Bob's ownership of the property, when he operated
21 it for many, many years going back to, what? The
22 late '60s, Bob?

23 MR. BOB SELIG: '69, I think.

24 MR. SCACCHITTI: A repair
25 business, automobile/truck repair. Actually those

7

1 of you who may have been around at the time -- and
2 I don't want anybody to tell me their age --

3 THE CHAIRPERSON: Thank you.

4 MR. SCACCHITTI: -- there was
5 probably more equipment and junk, as your ordinance
6 defines junk, when Bob was running the business
7 than -- than we see today. And I say that having
8 looked at photographs and so on, going back, that
9 Bob is gracious enough to provide to Joe and Joe to
10 us.

11 The -- this case came to us
12 because Mr. Colyer and Mrs. Colyer felt that they
13 were being singled out, quite candidly, if you
14 will. And we hear that a lot in this business. So
15 we decided to conduct our own investigation. And
16 that brings me to my fundamental question where I
17 think we have to start today, and that is, why are
18 we here and why aren't numerous other businesses
19 with junked vehicles, as your ordinance would
20 define junked vehicles, are not here? And I don't
21 know the answer to that and maybe we can start
22 there.

23 But from Mr. Colyer's
24 standpoint, this was something that I discussed in
25 a brief email exchange with your solicitor. I

1 think part of the problem is your township
2 ordinances do not provide for a towing operation as
3 Mr. Colyer does, because as a consequence of that,
4 which involves vehicles, junked vehicles, which are
5 towed by him as a result of calls from the State
6 Police, municipal police, insurance companies until
7 those issues of what happens to those vehicles are
8 resolved.

9 A lot of them involve things
10 like fatal accidents. And I know from personal
11 experience that many times police departments don't
12 want you to move a vehicle that may be involved in
13 a fatal accident or even an accident with serious
14 injuries for a variety of reasons, both of which I
15 think we all understand as adults, not in only in
16 terms of possible criminal penalties, but also
17 civil reasons.

18 And you know those damn lawyers,
19 if they have a case involving a motor vehicle
20 accident, and that's going to involve at some point
21 a vehicle being examined by an expert witness, law
22 travels very slowly. So that could take months and
23 months and months for that particular investigation

24 to be completed in a civil sense. So there's a lot
25 of reasons why my initial response to Jonathan's

9

1 email was, we don't know if we can comply with some
2 of the things that are on there because we don't
3 really know the time frame that Joe will be able to
4 get those vehicles off his property.

5 What complicates it even further
6 is -- and this is frankly I think how we first got
7 involved -- he came to us about a salvor's license.
8 And I think by now most, if not all of us, may
9 understand what that is about. I think there is
10 one other business in your township that has a
11 salvor's license, but --

12 MR. JOSEPH COLYER: No, not in
13 our township. He has a business in our township.

14 MR. SCACCHITTI: Oh, okay.

15 MR. JOSEPH COLYER: But he
16 doesn't have a salvage --

17 MR. SCACCHITTI: Okay.

18 MR. JOSEPH COLYER: License in
19 our township.

20 MR. SCACCHITTI: I misspoke. A

21 salvor's license, for those of you who are not
22 aware, allows Mr. Colyer to acquire title through
23 PennDOT for vehicles that are abandoned because the
24 insurance claims are resolved and nobody is going
25 to take the vehicle back. For example, a total

10

1 loss, police investigations, whatever. He
2 literally gets to acquire title and then he can
3 dispose of the vehicle.

4 Without a salvor's license, he
5 doesn't have that opportunity. So I thought it was
6 a pretty easy argument to come to the township,
7 which I think he did initially, and say, look, they
8 like to know that the township is on board with
9 this thing. And it's gonna actually be a benefit
10 to the township and, of course, to Mr. Colyer, if I
11 get the salvor's license because then I get to get
12 rid of all this stuff. That was a consequence,
13 reduce his inventory, if you will. And I think the
14 objective of what the township's concerns
15 apparently are is that we reduce, to the extent we
16 can, the accumulation of vehicles that look like

17 they're junked at his towing operation.

18 So I hope we can resolve this
19 today. It is kind of multifactorial, if you will,
20 or multifaceted, but I think my question, as a
21 lawyer, and with respect to your counsel is, I
22 don't know why we're here because someone is
23 suggesting that we're not in compliance with your
24 ordinance when there are many other businesses,
25 towing businesses, auto repair businesses within

11

1 this municipality who have many, many, many junk
2 vehicles, again, using the ordinance definition, on
3 the property without screening.

4 So I think that's where we have
5 to start because we don't know if this is a
6 selective enforcement issue, it could be. But what
7 we do here today, in my opinion, is going to
8 reflect on, or be binding upon, all those other
9 people in the same or similar businesses who are
10 not here today. Your ordinance does not really
11 talk about a towing operation, auto and truck
12 repair towing.

13 The language in the ordinance,

14 pointed out by your solicitor, has to essentially
15 do with filling stations. That was something that
16 was done 19, 20 years ago. And it was designed to
17 allow filling stations to do certain repairs.
18 We're talking about something totally different
19 from that. And your ordinance is silent on that
20 issue.

21 If you were allowed to
22 effectively enforce what you believe you have the
23 right to enforce in your existing ordinances, you
24 have effectively precluded Mr. Colyer, and others
25 who are similarly situated, from doing their

12

1 business in Tobyhanna Township, which I would
2 respectively suggest a violation of federal law.

3 So we're looking for a way to
4 resolve this. We appreciate the opportunity to be
5 here. We just don't know why we're the only one
6 here. So that's where we would like to start.

7 MR. REISS: Well, I'll briefly
8 respond. I can't speak to your first question
9 because I don't know the township well enough to

10 tell you that there's other similar situated
11 businesses in the township.

12 MR. SCACCHITTI: I think your
13 board knows that.

14 MR. REISS: All right. But let
15 me -- let me just try to narrow the issues. If the
16 only issue was operation of a towing business, that
17 is having tow trucks there and dispatching them
18 from that location, there's no question -- and I
19 saw the letter from Pat Armstrong to you from last
20 summer -- that that could occur without any further
21 zoning issues.

22 The sole issue is the storage of
23 the vehicles that eventually will be disposed of in
24 some manner. So that's the sole issue. That's --
25 because that's the sole issue, that's why I -- the

13

1 supervisors made the proposal that I sent to you on
2 April 25 and talked to you about before I sent it
3 over there. If there's conditions in there that
4 are problematic, I think the board would be willing
5 to discuss those issues with you.

6 So it sounds like the time

7 period for vehicles remaining on the premises,
8 after the approval has been obtained to dispose of
9 them, may be an issue; but those are the things I
10 think we can probably talk through, if your client
11 wants to do that.

12 MR. SCACCHITTI: Well, let me
13 just back up and say I still didn't hear the answer
14 to my first question, and that is, why is J & J
15 being singled out? And I think it's a fair
16 question. I think it's a fair question, because if
17 the members of this board agree with me that
18 driving around here, which all of you do, I'm sure,
19 on a regular basis, that there are other auto,
20 truck repair facilities, whether they're towing or
21 not, that have an excessive collection of junk, as
22 is defined in your ordinance.

23 So that makes me a bit
24 uncomfortable, to be candid with you.

25 MS. MINNICK: Can I answer?

14

1 I'll answer to that.

2 MR. SCACCHITTI: Yeah.

3 MS. MINNICK: I'm Maureen
4 Minnick, I'm the zoning officer. We're not --

5 MR. SCACCHITTI: Very nice to
6 meet you.

7 MS. MINNICK: Nice to see you.
8 We're not singling Joey out by no means. Joey came
9 to us to acquire a salvor's license. In doing so
10 it was brought -- number one, he's in a residential
11 district, which allow -- disallows junkyards,
12 whatsoever.

13 Now, what he's doing right now
14 at -- as a repair center is fine. We don't have an
15 issue with that, but for him to obtain the junkyard
16 license -- or I'm sorry, the salvor's license, he
17 has to store those vehicles in a confined space.
18 And if you look at the definition that's provided
19 in the salvor's manual, it speaks to junkyards and
20 storage vehicles. We're not -- we're not singling
21 Joey out by no means. We want to work with him.
22 We've been trying to work with him.

23 MR. SCACCHITTI: 'Cause I
24 understand the nature of the enforcement is, that
25 he's operating an illegal junkyard.

1 MS. MINNICK: Nobody --

2 MR. REISS: There's no
3 enforcement.

4 MS. MINNICK: Nobody --

5 MR. SCACCHITTI: I mean the
6 allegations are -- yes, there's no enforcement. I
7 take that back.

8 MS. MINNICK: No, there's no
9 enforcement and we're not --

10 MR. SCACCHITTI: But the
11 suggestion is he's operating an illegal junkyard
12 and you want him to appear before the zoning
13 hearing board --

14 MS. MINNICK: We're --

15 MR. SCACCHITTI: -- to ask for
16 zoning relief to change the use or to enlarge the
17 use, if you will, from automobile and truck repair
18 to also a junkyard. That was how we started with
19 this thing, not -- this is not what's on here, but
20 --

21 MS. MINNICK: He's --

22 MR. SCACCHITTI: -- that's how
23 we started.

24 MS. MINNICK: And again, it's

25 in a residential district, which --

16

1 MR. SCACCHITTI: It was
2 grandfathered --

3 MS. MINNICK: -- allowed --

4 MR. SCACCHITTI: -- since years
5 ago.

6 MS. MINNICK: And again, we
7 don't have -- the township doesn't have a problem
8 with that. It's expanding that use to -- for him
9 to obtain his salvor's license. So we suggest --

10 MR. SCACCHITTI: Here's the
11 other problem I think you have, though.

12 MS. MINNICK: Okay.

13 MR. SCACCHITTI: How long have
14 you been the zoning officer?

15 MS. MINNICK: Three years.

16 MR. SCACCHITTI: Were you the
17 zoning officer when Bob was running his business
18 there?

19 MS. MINNICK: No, I was not.

20 MR. SCACCHITTI: Okay. I don't

21 know if anybody on this board was on this board
22 when Bob was running his business. Bob is a
23 significant and material witness to the question
24 of, what did he do at that site --

25 MS. MINNICK: We --

17

1 MR. SCACCHITTI: -- subsequent
2 to this township issuing him a certificate of
3 nonconformance.

4 MS. MINNICK: We have that on
5 file.

6 MR. SCACCHITTI: What do you
7 have?

8 MS. MINNICK: We have that he
9 was a motor vehicle service station and an
10 inspection service. He has equipment, storage.

11 MR. SCACCHITTI: Right. And
12 storage can include vehicles. It doesn't say that
13 it's limited to screws, nuts and bolts.

14 MS. MINNICK: I answered it. I
15 answered your --

16 MR. SCACCHITTI: So --

17 MS. MINNICK: I answered your

18 question.
19 MR. SCACCHITTI: -- I'm just
20 trying to say --
21 THE REPORTER: One --
22 MR. SCACCHITTI: -- it's a --
23 MR. HOLAHAN: Excuse me a
24 second.
25 THE REPORTER: One at a time.

18

1 MR. HOLAHAN: Jonathan, are we
2 going to have a debate here?
3 MR. SCACCHITTI: Okay. No, I
4 don't want to debate.
5 MR. HOLAHAN: Do you want this
6 to go on?
7 MR. SCACCHITTI: What I wanted
8 to say was --
9 MR. HOLAHAN: It's like you're
10 grilling her.
11 MR. SCACCHITTI: No, no. I'm
12 not trying to do that. I -- I --
13 MR. HOLAHAN: Ask her something

14 and let her --

15 MS. MINNICK: I --

16 MR. HOLAHAN: -- answer.

17 MS. MINNICK: I responded --

18 THE REPORTER: One at a time.

19 MS. MINNICK: -- we are not

20 singling Joey out by no means.

21 MR. SCACCHITTI: Okay.

22 MS. MINNICK: We just want him

23 -- I want him to succeed as much as our board does.

24 This is what we have to do.

25 MR. JOSEPH COLYER: Can I ask

19

1 a question?

2 MR. SCACCHITTI: He would like

3 to ask a question.

4 THE CHAIRPERSON: You got to

5 give identification.

6 MR. JOSEPH COLYER: How can you

7 --

8 (Discussion off the record.)

9 MR. JOSEPH COLYER: Do I have to

10 say my name?

11 THE CHAIRPERSON: Just your
12 name.

13 MR. JOSEPH COLYER: Joseph
14 Colyer.

15 How can you effectively run a
16 towing business if you are not allowed to have
17 vehicles on your property? What do you do with
18 them.

19 THE CHAIRPERSON: Well,
20 actually that -- I just wrote myself a question. I
21 said what do we --

22 MR. JOSEPH COLYER: What do you
23 do with them?

24 THE CHAIRPERSON: -- do with
25 the vehicles that are currently towed, and maybe --

20

1 maybe you could speak to that and say what does a
2 -- what does a towing company do with --

3 MS. MINNICK: From --

4 THE CHAIRPERSON: -- towed
5 vehicles?

6 MS. MINNICK: From what I

7 understand, what they could do to dispose of them,
8 they would have to call Pocono Mountain Regional
9 Police Department, Pocono Mountain Regional Police
10 will come out, do all the paperwork -- and it's a
11 timely process -- and then Joey would be able to
12 dispose of them that way.

13 MR. JOSEPH COLYER: No, they
14 can't.

15 THE CHAIRPERSON: So let me ask
16 --

17 MR. JOSEPH COLYER: That's --

18 THE CHAIRPERSON: -- you
19 another question. In that time period they have to
20 be stored somewhere.

21 MS. MINNICK: Correct.

22 MR. JOSEPH COLYER: I can store
23 them at my place now, is what we're -- I'm here.
24 If I don't make it a salvor's license --

25 THE CHAIRPERSON: I guess

21

1 that's my question.

2 MR. JOSEPH COLYER: I can just
3 store the cars there.

4 THE CHAIRPERSON: I guess
5 that's my question. I just -- and I don't mean to
6 put you on the spot.

7 MS. MINNICK: You are --

8 THE CHAIRPERSON: I just don't
9 understand how the process works and I think that's
10 why we're all here so we can have --

11 MS. MINNICK: At some point in
12 time there's always -- you're always gonna have
13 stored vehicles there.

14 MR. SCACCHITTI: Right.

15 MR. JOSEPH COLYER: Right.

16 THE CHAIRPERSON: Right.

17 MS. MINNICK: It's the storage
18 vehicles of that 5,000 square feet, that's where it
19 comes up. Abandoned veh -- you have abandoned
20 vehicles, junked vehicles.

21 MR. JOSEPH COLYER: None of them
22 are junked, first of all.

23 MS. MINNICK: And the other
24 thing is --

25 MR. JOSEPH COLYER: --

1 technically.

2 MS. MINNICK: -- Joey, you're
3 in a residential district, that's the biggest --

4 MR. JOSEPH COLYER: But this was
5 done there before. There was owned --

6 MS. MINNICK: There wasn't a
7 towing --

8 MR. SCACCHITTI: Let's go --

9 THE REPORTER: One at a time.

10 MR. SCACCHITTI: Yeah. Let's
11 go -- let's -- let's go back to where we were.

12 After looking at your solicitor's email proposal
13 further, we think it may be workable as a starting
14 point --

15 THE CHAIRPERSON: Um-hmm.

16 MR. SCACCHITTI: -- provided
17 that we define certain terms in there. In other
18 words, in subparagraph A -- maybe I'll wait until I
19 get Jonathan's attention.

20 THE CHAIRPERSON: Let's give
21 him one second.

22 MR. REISS: So may I ask -- I'm
23 sorry, I forgot your name.

24 MR. SCACCHITTI: Bob.

25

MR. BOB SELIG: Oh, I'm Bob.

23

1

MR. REISS: Bob.

2

MR. BOB SELIG: Bob Selig.

3

MR. REISS: Bob, you say you

4

had stored vehicles on that property.

5

MR. BOB SELIG: Yes.

6

MR. REISS: And how much space

7

did that occupy?

8

MR. BOB SELIG: Oh.

9

THE CHAIRPERSON: How big is

10

your lot, Bob?

11

MR. BOB SELIG: It -- it could

12

-- I mean, it's four acres. And from time to time

13

it could take anywhere from couple thousand square

14

feet to a couple of acres. So it's just depending

15

on what we had there at what -- at what particular

16

time, but we had four acres to work with. And

17

sometimes we used most of it, sometimes we used a

18

little of it.

19

Just -- and I'm sure it's the

20

same situation would go with Joe. He's not going

21

to use it all at one time, but there may be times

22 that it will be more there and sometimes less.

23 MR. REISS: Is that some of
24 those the result of towing or is that only related
25 to the repair business?

24

1 MR. BOB SELIG: I'm sorry?

2 MR. REISS: Is that all related
3 to the repair business that you had or was it also
4 vehicles that you had towed?

5 MR. BOB SELIG: Both. Both.
6 It was -- it was vehicles that were disabled for
7 one reason or another, it was vehicles that we were
8 using. We had all kinds of things going on over
9 the years.

10 MR. REISS: I'm sorry, you
11 wanted to say something.

12 MR. SCACCHITTI: No, no. I was
13 saying that -- and I think this is a problem
14 insofar as how far Mr. Colyer may or may not want
15 to go in trying to come up with a compromise
16 because we think, as a matter of law, that the use
17 now is no different than the use in 2006 or 1996 or

18 1986, for that matter, which raises a whole other
19 myriad of potential legal issues like estoppel or
20 variance by estoppel.

21 But we're not here to argue
22 those things. We're here to try to reach a
23 compromise, if we can, and I wanted to go back to
24 your three paragraph proposal, 'cause I think it's
25 a good starting point, after talking to my client

25

1 about it again, where we can start, as long as we
2 can clarify certain terms.

3 I'm not sure where we'd go with
4 this, by the way, after we agree because, again,
5 you have a stand-alone ordinance, which allows for
6 a waiver by the supervisors anyway. But, for
7 example, in Subparagraph A, it calls for a
8 prohibition of vehicles being dismantled on the
9 premises. We don't know what your definition of
10 dismantled is because, as Mr. Colyer can explain to
11 you, it's not unusual, in fact it's probably the
12 norm, where parts are removed from a vehicle. It's
13 not dismantling for the purpose of discarding it.

14 So if we can clarify, for

15 example, what we mean and agree to a definition for
16 dismantling, you may be able to live with that.

17 THE CHAIRPERSON: If I may.

18 MR. SCACCHITTI: Yes.

19 THE CHAIRPERSON: Would you not
20 have dismantled hoses from a piece of equipment or
21 something on your own --

22 MR. BOB SELIG: We had
23 dismantled trucks --

24 THE CHAIRPERSON: I'm just
25 trying --

26

1 MR. BOB SELIG: -- and cars --

2 THE CHAIRPERSON: I'm just
3 trying to verify use --

4 MR. BOB SELIG: -- and whatever
5 from whatever.

6 THE CHAIRPERSON: -- existing
7 use.

8 MR. BOB SELIG: Exactly.

9 THE CHAIRPERSON: Okay.

10 MR. BOB SELIG: Dismantled, put

11 together, made --

12 THE CHAIRPERSON: Right.

13 MR. BOB SELIG: -- one out of
14 two or whatever the case may be, sure. We --

15 THE CHAIRPERSON: I'm in the
16 construction world so I get it when they need a
17 hose off of something, you go over there and you
18 take it and you're --

19 MR. BOB SELIG: Exactly.

20 MR. SCACCHITTI: That's right.

21 MR. BOB SELIG: Exactly.

22 MS. MINNICK: Annie, if I may.

23 Back in 1978 there was a nonconforming certificate
24 that was issued in a residential zoning district
25 for office, garage, storage building of Selig

27

1 Construction Company, Incorporated, engaged in
2 building and excavating contracting. Also branch
3 office of T. Bleeker (Phonetic) --

4 MR. BOB SELIG: Blecker
5 (phonetic) Ripsun (phonetic).

6 MS. MINNICK: Blecker Ripsun,
7 real estate broker, housing equipment, maintenance

8 shop, storage of tanks, pipe and other supplies
9 needed for this type of construction business.

10 This is the only nonconforming
11 certificate that we have on file.

12 THE CHAIRPERSON: What year was
13 that, I'm sorry?

14 MS. MINNICK: 1978. When Joey
15 came in, Mr. Selig came in and he said, we have
16 other uses that we -- been on the property. And we
17 questioned his uses. And he provided that he was a
18 service center, he did state inspections and there
19 were a couple of other things. But there was an
20 additional use on the property, but this was the
21 original nonconforming certificate.

22 MR. BOB SELIG: Yeah.

23 MS. MINNICK: So the original --
24 it expanded from this to a repair shop over the
25 years.

28

1 MR. BOB SELIG: If I can clarify
2 that? Is that the one that Lloyd Hummer signed?

3 THE REPORTER: Lloyd who?

4 MR. BOB SELIG: Lloyd Hummer.
5 Is that the one that Lloyd
6 Hummer signed?
7 MS. MINNICK: Yeah.
8 MR. BOB SELIG: Yeah.
9 MS. MINNICK: That you signed
10 as well.
11 MR. BOB SELIG: Lloyd Hummer was
12 -- was a previous zoning officer. I believe -- I
13 don't think we ever filed an application for a
14 nonconforming use.
15 MS. MINNICK: You did back in
16 --
17 MR. BOB SELIG: Do --
18 MS. MINNICK: -- 1978.
19 MR. BOB SELIG: Do you have an
20 application that we -- we filled out?
21 MS. MINNICK: Yeah. It's right
22 here.
23 MR. BOB SELIG: Okay. 'Cause I
24 -- I remember Lloyd Hummer bringing this to us and
25 said, sign it. I don't think I even ever signed

1 it. I think my father signed it.

2 MS. MINNICK: Oh.

3 MR. BOB SELIG: But --

4 MS. MINNICK: Oh, yeah --

5 MR. BOB SELIG: -- that --

6 MS. MINNICK: -- it's senior.

7 MR. BOB SELIG: Yeah. Yeah.

8 MS. MINNICK: Okay.

9 MR. BOB SELIG: That's where

10 that came about.

11 MS. MINNICK: Okay.

12 MR. BOB SELIG: Of course Lloyd

13 Hummer is no longer here, and he knows exactly what

14 we were doing there. But he just filled it out to

15 whatever he thought we were doing and submitted it.

16 It was a formality at that point.

17 THE CHAIRPERSON: Right, right.

18 Not thinking that it would be picked apart --

19 MR. BOB SELIG: Exactly.

20 THE CHAIRPERSON: -- 30 years

21 later.

22 MR. KERRICK: I don't remember

23 --

24 MR. BOB SELIG: Not thinking

25 we'd be sitting here all these years later and be

1 picked apart.

2 MR. KERRICK: I don't think
3 anybody is going to know. I think the township
4 brought them to you and had them signed back in
5 '78.

6 MR. BOB SELIG: I think you're
7 right, John. I think --

8 MR. KERRICK: Right.

9 MR. BOB SELIG: -- that's
10 exactly what happened.

11 MR. KERRICK: That's when
12 zoning went through. No -- no one filled out an
13 application. They came to you and gave you what
14 they thought was on your plans too.

15 MR. BOB SELIG: Yeah.

16 MR. REISS: So on this --

17 MR. SCACCHITTI: On either
18 event we can --

19 MR. REISS: On to the
20 dismantling.

21 MR. SCACCHITTI: If we could

22 agree as to what --
23 MR. REISS: Right.
24 MR. SCACCHITTI: -- that would
25 entail, I think we could live with that.

31

1 MR. REISS: So Mr. Colyer wants
2 the ability to take -- harvest parts, so to speak,
3 that are still in good --
4 MR. SCACCHITTI: Not really.
5 MR. JOSEPH COLYER: Not
6 necessarily that. God forbid -- we take our trucks
7 apart. Every other year we got to take them apart
8 and it is -- they're dismantled. You got to take
9 the beds off, you got to do new Nylatrons --
10 THE CHAIRPERSON: Um-hmm.
11 MR. JOSEPH COLYER: Rehose them,
12 you know, have pistons rebuilt. So it -- it's not
13 -- it's repairing, but it is dismantling. You have
14 a bed 21 feet long, you know, off of the vehicle to
15 --
16 MR. REISS: Right.
17 MR. JOSEPH COLYER: -- be
18 painted to be maintained so that you can keep the

19 use.

20 God forbid one of my trucks gets
21 wrecked.

22 MR. HOLAHAN: Well, those are
23 vehicles owned by you. I think we're talking about
24 vehicles that aren't owned by you, understand?

25 MR. JOSEPH COLYER: But right

32

1 now I'm rebuilding dump body for Mr. Selig. I have
2 a dump body upside down that I'm putting new cross
3 members, new frame rails, new -- I want to be able
4 to continue doing that.

5 MR. SCACCHITTI: Part of the
6 repair --

7 MR. HOLAHAN: He can do the
8 same things for customers.

9 MR. SCACCHITTI: Part of the
10 repair business involves dismantling --

11 MR. HOLAHAN: Okay.

12 MR. SCACCHITTI: -- of vehicles
13 in order to --

14 THE CHAIRPERSON: In my mind --

15 MR. SCACCHITTI: -- make the
16 repairs.
17 THE CHAIRPERSON: -- I would
18 just consider that a repair feature.
19 MR. SCACCITTI: Well, it --
20 MS. PICKARD: It does seem
21 like a repair.
22 MR. SCACCITTI: And if we can
23 use -- and if we can use --
24 THE CHAIRPERSON: Clarify that.
25 MR. SCACCHITTI: -- that as a

33

1 definition than dismantling, we may want to pick a
2 different word, but we could live with that, as
3 long as we're all on the same page, as to what
4 dismantling is. So he's not running afoul of
5 whatever agreement we reach if someone --
6 THE CHARIPERSON: Right.
7 MR. SCACCHITTI: -- wants come
8 back in a month or so and say that, you know, he's
9 violating the terms of whatever agreement we were
10 able to reach.
11 MR. BOB SELIG: If --

12 MS. PICKARD: I think that --
13 MR. BOB SELIG: I'm sure
14 everybody on the board knows what Harry's U-Pull-It
15 is --
16 MS. PICKARD: That's what I was
17 just going to say and --
18 MS. MINNICK: No, it's not.
19 MR. BOB SELIG: If they're
20 dismantling --
21 THE REPORTER: One at a time,
22 please.
23 THE CHAIRPERSON: Sorry.
24 MR. BOB SELIG: You all know
25 what Harry's U-Pull-It is. You dismantle parts off

34

1 of junk cars and sell it, that in no way is what he
2 wants to do here.
3 MS. PICKARD: And that's what
4 that was referring to --
5 MR. BOB SELIG: And I don't --
6 MS. PICKARD: -- as it states
7 --

8 MR. BOB SELIG: I don't know
9 how you do a definition --
10 MR. REISS: Well --
11 MR. BOB SELIG: -- to separate
12 those two.
13 MR. REISS: -- I think it's
14 pretty clear. The intent for sub -- Condition A
15 was basically to prevent the vehicles that are
16 going to be junked from being dismantled.
17 MR. BOB SELIG: Right.
18 MR. REISS: So if you're
19 dismantling as part of a repair, there's no intent
20 to prohibit that.
21 MR. JOSEPH COLYER: Okay.
22 MR. SCACCHITTI: And with that
23 understanding, we're okay with that provision. As
24 far as the other two, we don't really have any
25 problems at all with those two because -- okay, as

35

1 to 30 days after we get the necessary license or
2 title to sell the vehicle, we're gonna need that
3 salvor's license to do that. So we're going to
4 need the township to cooperate with Mr. Colyer to

5 facilitate the salvor's license because it's in
6 your benefit as well --

7 THE CHAIRPERSON: Absolutely.

8 MR. SCACCHITTI: -- as his
9 benefit --

10 MR. MINNICK: Um-hmm.

11 MR. SCACCHITTI: -- to reduce
12 the inventory, if you will. I don't know if I
13 should use the word inventory, but to get the -- as
14 many vehicles that have been damaged beyond repair
15 off of the site, he may have to avail himself of
16 what the salvor's license allows him to do. And
17 then it becomes easy to keep the number of vehicles
18 to a smaller number.

19 MR. HOLAHAN: I'm in favor of
20 that --

21 THE CHAIRPERSON: And I
22 actually don't want to -- and I don't know how the
23 board feels. I personally don't think we should
24 put a number on --

25 MR. SCACCHITTI: Can't do it.

1 THE CHAIRPERSON: -- because,
2 like I said to you, Joey, what happens if there is
3 a 30 car pileup --

4 MR. JOSEPH COLYER: We had one
5 a couple of --

6 THE CHAIRPERSON: -- that are
7 gone --

8 MR. JOSEPH COLYER: Years ago
9 and I got 18 of the cars --

10 THE CHAIRPERSON: Exactly. So
11 --

12 MR. JOSEPH COLYER: -- in four
13 hours.

14 THE CHAIRPERSON: -- anything
15 like that can happen. I don't think it's fair to
16 put a restriction like that on any towing company
17 because thankfully you're there to help the cars
18 off the interstate or wherever.

19 MR. JOSEPH COLYER: Trust me,
20 I've cleaned up. I have no vehicles there right
21 now that I can legally dispose of. And if I had
22 this license --

23 THE CHAIRPERSON: You'd be able
24 --

25 MR. JOSEPH COLYER: -- there

1 would be about five or six.

2 MS. MINNICK: Yeah.

3 MR. JOSEPH COLYER: There'd be
4 nothing other --

5 THE CHAIRPERSON: Fair enough.

6 MR. JOSEPH COLYER: -- than my
7 customers' cars.

8 THE CHAIRPERSON: And I don't
9 think anybody --

10 MS. MINNICK: And, Joey, we
11 want you to get that license, we -- we really do,
12 but we got to go from A to B to C and --

13 MR. JOSEPH COLYER: I understand
14 that.

15 MR. REISS: So let me ask, is
16 that the consensus of -- based what Ann -- Annie
17 just said about we're removing the 30 day time
18 line?

19 THE CHAIRPERSON: Not the --

20 MR. JOSEPH COLYER: Not a 30 day
21 stay.

22 THE CHAIRPERSON: Not a time.

23 MR. SCACCHITTI: Yeah. We're
24 not asking you to do that. The number of vehicles
25 I think --

38

1 THE CHAIRPERSON: Yeah.
2 MR. SCACCHITTI: -- is what
3 we're talking about.
4 THE CHAIRPERSON: I think
5 actually, Joe, you were the one that said, give me
6 a time limit --
7 MR. JOSEPH COLYER: I don't
8 mind. I don't want --
9 THE CHAIRPERSON: -- once I
10 have my salvor's license --
11 MR. JOSEPH COLYER: -- them
12 there, trust me.
13 THE CHAIRPERSON: -- and I can
14 gain title --
15 MR. SCACCHITTI: Right.
16 THE CHAIRPERSON: -- then you
17 can move them.
18 MR. SCACCHITTI: We're okay --

19 MR. JOSEPH COLYER: I'll get
20 it.
21 MR. SCACCHITTI: -- with a time
22 limit of 30 --
23 MS. MINNICK: Yeah.
24 MR. SCACCHITTI: -- days
25 following our acquisition of title or other

39

1 approval to dispose of --
2 THE CHAIRPERSON: Right.
3 MR. SCACCHITTI: -- the
4 vehicle.
5 MR. REISS: We don't have any
6 limit on the number of vehicles.
7 THE CHAIRPERSON: No, but they
8 -- I mean, I know there was a discussion at one
9 point and I just wanted to --
10 MR. SCACCHITTI: If it -- it's
11 come up in discussions --
12 THE CHAIRPERSON: -- know
13 exactly --
14 MR. SCACCHITTI: -- and
15 conversations --

16 THE CHAIRPERSON: -- you guys
17 can --
18 MR. SCACCHITTI: -- we just
19 want to stay --
20 THE CHAIRPERSON: Right.
21 MR. SCACCHITTI: -- away from
22 that, because, again, as we all know --
23 MR. HOLAHAN: You're blind
24 folk. You're just addressing these items in the --
25 MS. PICKARD: The email.

40

1 MR. SCACCHITTI: Yes.
2 MR. HOLAHAN: -- the email --
3 MS. PICKARD: Um-hmm.
4 MR. HOLAHAN: -- the letter?
5 MR. SCACCHITTI: Yes.
6 MR. HOLAHAN: And I don't see
7 --
8 THE CHAIRPERSON: It was
9 discussed.
10 MR. HOLAHAN: -- number of
11 vehicles --

12 THE CHAIRPERSON: -- I just
13 wanted to be clear.

14 MR. SCACCHITTI: Yeah.

15 MR. HOLAHAN: -- on this.

16 MR. SCACCITTI: It came up
17 along the way. Let's put it that way, it came up
18 along the way --

19 THE CHAIRPERSON: Right.

20 MR. SCACCITTI: -- and that's
21 something would be very difficult. And the last --
22 Subparagraph C we may be able to also live with.
23 We just don't know what you mean by all vehicles
24 must be stored in the fenced area. We're assuming
25 you mean salvaged wrecked vehicles.

41

1 MR. REISS: Right.

2 MS. MINNICK: Correct.

3 MR. SCACCITTI: Okay. Because
4 we have work related vehicles --

5 THE CHAIRPERSON: Oh, yeah.

6 MR. SCACCITTI: -- private
7 vehicles --

8 THE CHAIRPERSON: Now you --

9 MR. JOSEPH COLYER: That get
10 dropped off after hours on their way home.
11 MR. HOLAHAN: No problem.
12 MR. JOSEPH COLYER: They drop
13 those off.
14 THE CHAIRPERSON: Yeah.
15 MS. MINNICK: Yeah.
16 THE CHAIRPERSON: I understand
17 that.
18 MR. HOLAHAN: Okay.
19 MR. SCACCITTI: So again, if we
20 can pin down Subparagraph A and the term dismantle
21 -- and I think we have an understanding of what we
22 want to do there -- this presents itself as a
23 viable resolution, as far as we are concerned. We
24 just don't know, though, why it would be necessary
25 with that agreement, and with the authority of the

42

1 supervisors, to waive certain things that the
2 zoning hearing board appearance is necessary at
3 that point.
4 You can amend -- and we've taken

5 the time, by the way, to prepare amendments just --
6 I can pass them out.

7 THE CHAIRPERSON: Sure.

8 MR. SCACCHITTI: Just for food
9 for thought, we spent a good amount of time. I
10 haven't sent them to the counsel yet. We just
11 actually finished them up this morning.

12 We pulled a number of
13 municipalities' zoning ordinances, stand-alone
14 ordinances within Pennsylvania, and we have
15 prepared just a proposed amendment to your existing
16 Chapter 89.11, which has to do -- would be a new
17 chapter after your -- in your junkyard ordinance
18 that essentially talks about what we're discussing
19 here this afternoon. And this is just by way of an
20 example and not that this is what we need, but we
21 think it just gives you some ideas, so my thought
22 is --

23 MS. MINNICK: Do you mark this?

24 MR. JOSEPH COLYER: Do you need
25 --

1 MR. SCACCHITTI: No, she

2 doesn't need it. My thought is, if we agree, I am
3 not really sure, from a legal standpoint, why
4 zoning is required.

5 MR. REISS: Well, the zoning is
6 required because the supervisors cannot waive
7 provisions in the zoning ordinance. Only the
8 zoning hearing board has the authority under the
9 Municipalities' Planning Code to grant relief from
10 those provisions.

11 MR. SCACCHITI: But you can
12 adopt amendments that eliminate this -- the need
13 for him to appear. And that's why I presented you
14 with just a draft --

15 MR. REISS: Right. These
16 amendments --

17 MS. SCACCHITTI: -- proposal
18 today.

19 MR. REISS: These amendments
20 are for the stand-alone ordinance --

21 MR. SCACCHITTI: Right.

22 MR. REISS: -- which the board
23 could waive.

24 MR. SCACCHITTI: Yes.

25 MR. REISS: The amendments that

1 really need to be addressed are in the zoning
2 ordinance.

3 MR. SCACCHITTI: I agree, but
4 I'm saying that's still a function of government.

5 MR. REISS: That's correct.

6 MR. SCACCHITTI: That's what we
7 do.

8 MS. PICKARD: Could it be -- I
9 think we're looking at a nonconforming use --

10 MR. JOSEPH COLYER: Yeah.

11 MS. PICKARD: -- in a
12 residential district. So we're not changing
13 anything to allow --

14 MR. SCACCHITTI: Well, I think
15 what the solicitor and --

16 MS. PICKARD: -- junkyards in a
17 residential inside.

18 MR. SCACCHITTI: -- I --

19 MS. PICKARD: It's this
20 particular property --

21 MR. JOSEPH COLYER: Yes.

22 MS. PICKARD: -- and that's why

23 we just want the zoning hearing board to do it for
24 this property.

25 MR. SCACCHITTI: But, see, then

45

1 you --

2 MS. PICKARD: If we change our
3 ordinance, then we're -- we're, you know --

4 MR. SCACCHITTI: But -- but I'm
5 saying -- my initial comments is what's good for
6 the goose is good for the gander. You're gonna
7 have other properties within the township --

8 MS. PICKARD: But we had other
9 properties. We have Murray's Towing and
10 DiBenedetto's, and they all had to appear in front
11 of the zoning hearing board and the zoning hearing
12 board put the conditions on of how many cars were
13 allowed there and how the screening had to be done.

14 I'm not going to speak to
15 whether they're in compliance or not. I can't
16 answer that, but they did go through the zoning
17 hearing board, both of them, for any motor vehicle
18 or any towing. If that had motor vehicle repair
19 and -- for that, they went through the zoning

20 hearing board. And that's in a commercial
21 district, not a nonconforming use in a residential
22 area.

23 MR. SCACCHITTI: But the law
24 unfortunately allows for a preexisting
25 nonconforming to exist in --

46

1 MS. PICKARD: And that's why I
2 think --

3 MR. SCACCHITTI: -- a
4 residential area.

5 MS. PICKARD: -- we wanted this
6 to go to the zoning hearing board and we're willing
7 to support that as we had outlined.

8 MR. SCACCHITTI: Well, again,
9 I'm not really sure. Maybe your solicitor and I
10 can discuss that after the meeting today or at some
11 other time. I'm not really sure, in my opinion
12 respectively, that that's necessary. In fact I'd
13 be more comfortable with an amendment, because then
14 it's equally applied to everyone and not just to
15 Mr. and Mrs. Colyer. And I think that's another

16 problem that you have.

17 In effect if you're doing
18 something special for him, then you're gonna have
19 the res adjudicata or collateral estoppel argument
20 that somebody else may want come in and say, I'm
21 entitled to the same deal from the zoning board
22 that --

23 MS. MINNICK: No.

24 MR. SCACCHITTI: -- Colyer
25 Towing got.

47

1 MS. PICARD: Now, here --

2 MR. SCACCHITTI: So I think
3 that the best way to do this is -- and this is my
4 opinion, and I represent two townships, as we sit
5 here today -- if this were my issue, I would talk
6 to my board about appropriate amendments to
7 eliminate any misunderstanding or confusion about
8 how a towing operation or the accumulation of towed
9 vehicles is different from some of the other things
10 that are in your ordinance.

11 MS. PICKARD: It's not gonna
12 change the fact that it's a nonconforming use in a

13 residential district.

14 MR. SCACCHITTI: But we're not

15 --

16 MS. PICKARD: Because that

17 would be --

18 MR. SCACCHITTI: But we're not

19 enlarging -- we're not changing the use, that's my

20 point. We're not changing the use. Our position

21 is we are not changing --

22 MS. PICKARD: But we were

23 presented with the salvor's license, and the

24 question was that Maureen had to say that it was

25 acceptable in that zoning district. And the

48

1 question came up because it's not allowed or it's

2 not listed on the nonconforming use certificate.

3 MS. MINNICK: Correct.

4 MR. SCACCHITTI: But you heard

5 Bob and I think --

6 MS. PICKARD: I heard Bob, but

7 I can't speak to that.

8 MR. SCACCHITTI: Okay. Well,

9 but --

10 MS. PICKARD: I wasn't on the

11 --

12 MR. SCACCHITTI: We would

13 present evidence and who is gonna say otherwise?

14 MS. PICKARD: Well, that would

15 be in front of the zoning hearing board.

16 MR. SCACCHITTI: I understand

17 that.

18 MS. PICKARD: And then the

19 zoning --

20 MR. SCACCHITTI: But who is

21 gonna contradict Bob?

22 MS. PICKARD: I --

23 MR. SCACCHITTI: I don't know.

24 THE CHAIRPERSON: I thought,

25 Brendon, you were raising your hand?

49

1 MR. BRENDON CARROLL: I was.

2 THE CHAIRPERSON: You wanted to

3 contradict Bob?

4 MR. BRENDON CARROLL: No, no.

5 THE CHAIRPERSON: I'm sorry.

6 MR. BRENDON CARROLL: I will
7 testify that Bob --

8 THE REPORTER: I need your name
9 first before you speak.

10 MR. BRENDON CARROLL: Brendon
11 Carroll.

12 THE REPORTER: Spell your first
13 and last name for me.

14 MR. BRENDON CARROLL:
15 B-r-e-n-d-o-n, last name C-a-r-r-o-l-l.

16 Just for the record, Bob's
17 grandparents raised me as a young lad. I spent
18 many times on that property playing on Bob's
19 equipment and abandoned trucks as a -- as a young
20 lad and watching what goes on at the shop.

21 My question, Heidi, it's my
22 understanding that Mr. Selig's property was
23 prezoning; therefore the nonconforming use. I'm
24 just trying to clear -- and so it doesn't matter
25 whether it's permitted or not. It was there before

1 zoning; therefore he's -- he was grandfathered or

2 estoppel rights. I'm just -- I -- it shouldn't be
3 an issue. Nothing's changed except the person
4 doing business there.

5 MS. PICKARD: Yeah. And I see
6 that --

7 Mr. BRENDON CARROLL: And it's
8 certain -- and I think we have to clear on our
9 definition --

10 THE REPORTER: Wait. I can't
11 hear.

12 MR. BRENDON CARROLL: -- of the
13 words salvor versus salvage. And I think we have
14 to be clear on our definition of junk and what is a
15 junkyard. And -- and I certainly don't think --
16 everybody's perception is going to be different on
17 that, but I -- that's what -- we're holding on to
18 certain things there that I -- I, you know -- Mr.
19 Colyer's business is -- it's in -- when you tow a
20 car, you got to put it somewhere. It doesn't just
21 disappear and I think that's relevant in
22 everything.

23 You know, we've had cars towed
24 to the township thing, right? I mean, there used
25 to be a bunch of cars sitting in the parking lot.

1 MR. SCACCHITTI: But I --

2 MR. BRENDON CARROLL: We have
3 trucks in the township that don't run and have a
4 blown clutch or rear or something or -- everybody
5 has that. And that doesn't mean it's abandoned.
6 There's a title to it, someone owns it. Someone --
7 it may not run right this second, but that's why
8 you get your car to a repair place to get it fixed.

9 THE CHAIRPERSON: Yeah.

10 MR. BRENDON CARROLL: Sometimes
11 they run, sometimes they don't and sometimes
12 they're not going to run again, but it has to go
13 somewhere.

14 MR. SCACCHITTI: And why I
15 would suggest, again, it's a useless legal
16 exercise. In the last paragraph, 3, of the
17 township proposal, it says: If your client was not
18 successful at the zoning hearing board, you can
19 file an appeal to the Monroe County Court of Common
20 Pleas, which the supervisors would intervene and
21 settle as set forth above.

22 So we're already agreeing today
23 that you have the capacity to agree to A, B --

24 MR. REISS: Only --

25 MR. SCACCHITTI: -- and C.

52

1 MR. REISS: Only -- only in the
2 court of common pleas because -- listen, a relief
3 from a zoning ordinance can only be granted by the
4 zoning hearing board or the court. And if we reach
5 a settlement in court that is approved by the
6 court, that's as good as getting the variance from
7 the zoning hearing board.

8 MR. SCACCHITTI: Jon, that's
9 not my point. My point is, we can do the same
10 thing by amendment. We can do the same thing by
11 amendment and that way it is uniform for everyone
12 in the township similarly affected. And I think
13 that's probably from a legal standpoint something I
14 would be more concerned about than some special
15 dispensation, if you will, that you're going to
16 give J & J Towing.

17 MR. REISS: Well, the problem I
18 think with that proposal, going that route to
19 resolve this, is what you just heard one of the

20 supervisors saying, that is, that this is in a
21 residential zoning district. So if the township
22 would amend their zoning ordinance to permit this
23 type of use in a residential zoning district, it's
24 going to apply throughout the township wherever
25 this zoning district is. And that's, I think, what

53

1 the concern of the board of supervisors is. And
2 that's why they propose what they had, quite
3 frankly, because of that one concern.

4 THE CHAIRPERSON: I mean, you
5 have to understand that.

6 And I know you do, Joey, that we
7 don't want to allow your type of business
8 throughout any residential community.

9 MR. JOSEPH COLYER: I understand
10 that, but by giving me permission to run a towing
11 business, if you don't allow me to get the salvor's
12 license, you're going to create --

13 MR. SCACCHITTI: They're going
14 to do that.

15 MR. JOSEPH COLYER: Your own
16 hardship. We're gonna have --

17 MR. SCACCHITTI: They're going
18 to do that.

19 MS. MINNICK: Yeah.

20 MR. JOSEPH COLYER: -- 100 cars
21 there versus 4. I don't understand the point of
22 going through this process when there was always
23 stuff there. Rezoning there was cars hauled in
24 there and trucks, bulldozers. Equipment falls
25 under your junkyard ordinance. It states in there

54

1 farm machinery. I mean, it's all there.

2 John worked there. He knows
3 there was stuff there like that. It was all there
4 pre. We're just trying to get rid of it. We're
5 not asking to a salvage dealer. We're asking to be
6 salvor. Salvage dealers are considered junkyards.
7 Tow repair companies in the State of Pennsylvania
8 have the right to become a salvor by state law.

9 MR. HOLAHAN: I think we --

10 MR. JOSEPH COLYER: They changed
11 it.

12 MR. HOLAHAN: Joe, I think we

13 all understand it and we're trying to make that
14 happen for you, but we're trying to go through the
15 process that does that and that's the zoning
16 hearing board.

17 MR. JOSEPH COLYER: And 'cause
18 it's a zoning issue --

19 MR. HOLAHAN: Excuse me.

20 THE REPORTER: One minute.

21 MR. HOLAHAN: Excuse me for one
22 second. From what our solicitor is saying is, we
23 don't have the ability to bypass that.

24 Is that correct, Jon?

25 MR. REISS: That's correct.

55

1 MR. SCACCHITTI: Except by
2 amendment.

3 MR. REISS: Except by
4 amendment.

5 MR. HOLAHAN: Okay.

6 MR. SCACCHITTI: Except by
7 amendment.

8 MR. HOLAHAN: So if we amend it
9 --

10 THE CHAIRPERSON: So if we do
11 an amendment, explain to me how this works? We'd
12 be amending all --

13 MR. SCACCHITTI: Chapter 89 and
14 --

15 THE CHAIRPERSON: Junkyard.

16 MR. SCACCHITTI: -- other
17 sections within the zoning ordinance, which would
18 be impacted by the amendment to Chapter 89 to allow
19 for the accumulation, if you will, of junk vehicles
20 until they're disposed of under the salvor's
21 license. It's not a big deal.

22 MS. PICKARD: Zoning amendment
23 is going to take months. It has go to the county
24 planning commission, it has go to our planning
25 commission and that's gonna take longer than going

56

1 to the zoning hearing board that can be scheduled
2 in a couple of weeks.

3 MR. JOSEPH COLYER: But if they
4 deny that, then you gotta go court? How long is
5 --

6 MR. SCACCHITTI: Here's the
7 other problem.

8 MR. JOSEPH COLYER: That going
9 to take?

10 MR. SCACCHITTI: Here's the
11 other problem.

12 MS. PICKARD: I think it's
13 because of your --

14 MR. SCACCHITTI: Here's the
15 other problem. The other problem is, you're paying
16 your solicitor -- actually the community is paying
17 your solicitor. Mr. and Mrs. Colyer are paying my
18 firm. And they've already incurred a substantial
19 legal bill defending what they believe is their
20 right to operate.

21 So by forcing them -- and it's a
22 gracious offer to waive the filing fee before the
23 zoning board, but that is going to pale in
24 comparison to a process that could require Mr.
25 Colyer to end up in the Court of Common Pleas of

1 Monroe County. He's paying us on an hourly basis.
2 And he's already spent -- and his wife will tell

3 you because she writes the checks, that they have
4 spent a considerable sum trying to defend what he
5 believes is his right to operate his business under
6 the terms and conditions as they exist today.

7 THE CHAIRPERSON: And I
8 personally would like to stop the bleeding too for
9 you guys because I think you --

10 MR. SCACCHITTI: And we
11 appreciate that and that's another reason why --

12 THE CHAIRPERSON: Yeah, that's
13 why we're here.

14 MR. SCACCHITTI: -- we're --
15 we're not offending anybody by it. If it takes
16 three months, it takes three months. We all know
17 what Joe Colyer is doing there. It's not like he's
18 anything undercover of darkness. So it would be
19 the most cost-effective, from the Colyer
20 standpoint, to consider amendments rather than to
21 compel him to continue to bleed money over an issue
22 that I think ultimately he's going to be -- he'll
23 prevail on anyway.

24 MS. PICKARD: There's no
25 guarantee that the board is going to approve that

1 either. I mean --

2 MR. SCACCHITTI: Well, that's
3 what your proposal was. Your proposal was, you
4 were going to okay it.

5 MS. PICKARD: No. I'm saying
6 what amendment that I haven't read that you're
7 discussing --

8 MR. SCACCHITTI: But if it's to
9 facilitate --

10 MS. PICKARD: -- it's going to
11 be advertised --

12 MR. SCACCHITTI: -- the terms
13 of the proposal --

14 MS. PICKARD: -- it's gonna go
15 to the county, we're going to have county comments,
16 we're going to have planning commission comment and
17 we're going to have the public that gets advertised
18 notice of it and comes in and gets to weigh in
19 about that.

20 MR. SCACCHITTI: I understand.

21 MS. PICKARD: So there's a
22 possibility if everybody comes in here and says
23 they -- you know, don't do that, I'm going to be

24 listening to what, you know, the public wants as
25 well.

59

1 MR. SCACCHITTI: I understand
2 that.

3 MS. PICKARD: So then, you
4 know, I think you have a better shot with the
5 zoning hearing board when the board is -- is
6 sending a letter saying we're in support because of
7 this particular circumstances and that's why we
8 agreed to waive it because of the grandfathered and
9 all the issues were there. And I think it
10 clarified that for the property going forward so
11 that you don't have to worry about this going --
12 going forward.

13 THE CHAIRPERSON: Sam?

14 MR. SAM KEIPER: Sam Keiper.

15 THE REPORTER: Can you spell
16 your first and last -- well, last name?

17 MR. SAM KEIPER: Sam, S-a-m,
18 Keiper, K-e-i-p-e-r.

19 I don't understand the whole
20 problem here. The property is a nonconforming use.

21 It's been a nonconforming use since this ordinance
22 passed. Mr. Colyer is doing all the same kind of
23 business as Mr. Selig did. That can be proven. If
24 you need people to testify to prove it, that can
25 certainly be done. Therefore he's in compliance

60

1 with everything. He can run his business there.

2 The only issue there is whether
3 the township wants to say he can have a salvor's
4 license. When he applies for a salvor's license,
5 all they have to do is say he's in compliance with
6 the township ordinance. He is. He's in compliance
7 with everything. It's a nonconforming use that
8 puts him in compliance.

9 All you have to say is, if you
10 want to get a salvor's license, get one. Allow him
11 to put up screened required under the salvor's
12 license law. Pretty simple deal. You don't have
13 to change anything. All you have to do is
14 acknowledge that he's complying with the laws,
15 which he is doing. I don't -- I don't get it. It's
16 gone on for a year and a half here and it's a

17 simple process. Read the gosh done information,
18 it's all out there.

19 And the proof is there, if you
20 need proof from Mr. Selig to administer, there are
21 plenty of people around this community who will
22 stand forth and stand up and testify to that. I
23 don't see there's any question about the number of
24 businesses he's run there; trucking business,
25 quarry business, building business, real estate,

61

1 all forms of business over the years. There's
2 never been a question about it. Now all of a
3 sudden there's this issue, which I don't see why
4 there should be.

5 MR. SCACCHITTI: Right.

6 MR. SAM KEIPER: He's in
7 compliance, it's a nonconforming use. It makes no
8 difference what property it's on. It's proved,
9 it's nonconforming. He's allowed to do it
10 regardless what you think, like or don't like. The
11 only issue is, whether you want to allow him -- or
12 respond to the -- the state that he's in
13 compliance. Well, he is in compliance. I don't

14 get it.

15 Thank you.

16 MR. SCACCHITTI: And actually
17 Mr. Keiper has the wisdom of many, many years. All
18 your zoning officer has to do is, agree he's in
19 compliance and it's end of story. End of story.
20 We don't have to do amendments. We don't have to
21 go before the zoning hearing board. We don't have
22 to worry about cost.

23 If your zoning officer
24 determines that the operation as presented by Mr.
25 Colyer presently is consistent with what has

62

1 occurred on that property since 1969, that's where
2 the case ends.

3 MR. HOLAHAN: Well, how can she
4 do that --

5 MR. REISS: Pardon me?

6 MR. HOLAHAN: How can she do
7 that without -- I think the last thing based on was
8 the 1978 --

9 MS. MINNICK: Yeah.

10 MR. HOLAHAN: -- or is the rest
11 of it hearsay?
12 MR. REISS: Well, it --
13 MR. HOLAHAN: How can she back
14 -- what I would like her to be able to do is make a
15 decision --
16 MR. REISS: Right.
17 MR. HOLAHAN: -- that she can
18 back it up with.
19 MR. REISS: Right.
20 MR. HOLAHAN: Everybody's cool.
21 MR. SCACCHITTI: And Mr. -- Mr.
22 --
23 MR. REISS: Well, see --
24 MR. SCACCHITTI: Bob can come
25 in -- Selig -- with his -- he has historical

63

1 photographs. He has all kinds of things, which
2 I've seen, which could satisfy the zoning officer's
3 concerns in that regard. We're not saying just
4 make this in a vacuum. There'll be a record, but
5 that may be the simplest and most expeditious way
6 to resolve this, is just to have a -- a -- a -- the

7 zoning officer agree.

8 THE CHAIRPERSON: And maybe I'm

9 speaking out of turn, and I don't know -- stop me

10 if I am, but would it be beneficial, Bobby, for you

11 to create a list and make it attached to something?

12 MR. SCACCHITTI: We can get

13 affidavits from 20 people.

14 THE CHAIRPERSON: Do you know

15 what I mean?

16 MR. SCACCHITTI: Yeah. Sure.

17 THE CHAIRPERSON: Like they

18 include all these items that were never put on an

19 original, because 40 years ago --

20 MR. SAM KEIPER: Exactly.

21 THE CHAIRPERSON: Who knows

22 what's going --

23 MR. SAM KEIPER: Times change.

24 THE CHAIRPERSON: -- to happen

25 40 years from now that we didn't do? Is that

64

1 something that would be adequate?

2 MR. BOB SELIG: Nobody sat down

3 and said here -- here is what we did --

4 THE CHAIRPERSON: Right.

5 Right.

6 MR. BOB SELIG: -- and put it
7 on paper.

8 THE CHAIRPERSON: And it's also
9 work in progress too as the business grows, the
10 different types of things that you do.

11 MR. SCACCHITTI: But we can get
12 -- we can make a record sufficient in my view --

13 THE CHAIRPERSON: Is that
14 something we can do?

15 MR. SCACCHITTI: -- for the
16 zoning officer to decide that there's no change in
17 the use, which would allow him to continue without
18 any amendments, without any zoning hearing board,
19 without any appeals to the court and without any
20 significant expenditures of personal funds.

21 MR. MOYER: (Inaudible).

22 THE REPORTER: I can't hear
23 what you're saying.

24 MR. HOLAHAN: Nobody does. I'm
25 his interpreter. I'll tell you later.

1 THE CHAIRPERSON: Is that
2 something we can do?

3 MR. REISS: The problem you
4 have is, you have this nonconformance certificate
5 from 1978. I don't know when these junkyard
6 provisions were put into the zoning ordinance,
7 whether it was before or after that.

8 MS. HAASE: 1998.

9 THE CHAIRPERSON: I was going
10 to say something in the '90s, yeah.

11 MR. REISS: So what we need
12 from Bob -- what we need from Bob is probably an
13 affidavit, as far as the activities that took place
14 prior to 1998 there, photo -- any photographs to
15 establish basically that there's vehicles, not
16 owned by him, but owned by third parties that are
17 damaged, wrecked, junked, stored, waiting to go --
18 waiting to be sold once -- once they're able to be
19 sold. That's the type of stuff you would need,
20 that type of information.

21 MR. SCACCHITTI: And we could
22 provide that.

23 MR. BOB SELIG: Yeah, we could
24 provide that. I don't have a problem with it at

25 all. I think we can get other people to back it

66

1 up, if that's necessary.

2 THE CHAIRPERSON: Well, then an
3 affidavit then becomes a legal document, correct?

4 MR. BOB SELIG: Yeah.

5 MR. REISS: Well, it's a
6 statement.

7 MR. SCACCHITTI: It's a sworn
8 statement.

9 THE CHAIRPERSON: Statement.

10 MR. REISS: Right.

11 THE CHAIRPERSON: I'm sorry,
12 Heino, did you want to say something?

13 MR. HEINO FETTE: Yes.

14 THE CHAIRPERSON: Just give
15 her your name.

16 THE REPORTER: Can I have your
17 name?

18 MR. HEINO FETTE: My name is
19 Heino, H-e-i-n-o, last name is Fette, F-e-t-t-e.

20 I've been involved in this

21 process now since it started. And I have a
22 question, do -- and not disrespectfully -- I'm
23 asking the question, do any of you people truly
24 understand what a salvor's license is?

25 THE CHAIRPERSON: I do now.

67

1 MR. HEINO FETTE: Okay.

2 THE CHAIRPERSON: It took me
3 some conversation with Joey and your daughter and I
4 get it and --

5 MR. HEINO FETTE: Because you
6 keep talking about junk. It has nothing to do with
7 junk. And I think if everybody does a little
8 homework, you'll find out that when you call
9 something junk, you better really know what you're
10 talking about, 'cause there is no junk. Everything
11 -- junk, the definition of junk is something that
12 has absolutely no value. Everything in life has a
13 value 'cause everything is recyclable.

14 They want nothing to do with
15 junk. They're trying to help clean up this
16 township, which is something that needs to be done
17 from one end to the other, not just pertaining to

18 this. Everybody's time is being wasted 'cause
19 everybody keeps coming up with the word junk.
20 Address the issue. Mr. Keiper stated that they're
21 in compliance with the nonconforming use.

22 What they're asking for is the
23 approval to apply for a letter and three numbers
24 behind it that gives them the ability to have the
25 police come out, run the VIN number, the last

68

1 registered owner, you mail that to the state with a
2 photo. The state in turn contacts the last
3 registered owner. If they do not respond to the
4 state letter within 30 days, the state sends
5 paperwork back Mr. Colyer, he fills it out, mails
6 it back to the state. The state will issue him a
7 certificate of salvage.

8 That is it. The car is gone.
9 All these problems are over with. I work for a
10 salvage company. I don't understand why this is a
11 year and a half to be able to clean this township
12 up.

13 Thank you.

14 THE CHAIRPERSON: Thank you.
15 And I agree with you, with that as well.
16 I'm sorry, ma'am, in the back.
17 MS. MICHELLE SMITH: Michelle
18 Smith.
19 I just want to address also and
20 then to add to that is the public. If you're
21 saying you would need to have all the input of the
22 public, I think we're all here because we're
23 supporting them, and this is last minute. So I
24 would think if there has to be some hearing, you
25 wouldn't believe the amount of people that are

69

1 going to come out in support of them and we'll all
2 be here. I just want to say that.
3 THE CHAIRPERSON: Thank you. I
4 respect that.
5 Yes, sir.
6 MR. DAVID COATES: Hi, David
7 Coates.
8 THE REPORTER: Spell your last
9 name.
10 MR. DAVID COATES: David

11 Coates, C-o-a-t-e-s.

12 I just want to support the
13 concept of small business, because before this
14 latest number of years where every hideous report
15 that comes from the government, like just this
16 week, one in five families, nobody works in the
17 family; or 90 million people are out of the work
18 force, let's assume 40 million don't want to work
19 or can't work, that's still 50 million people, on
20 and on and on, when we all know that what made this
21 country great was small business.

22 Small business in the past was
23 responsible for over 60 percent of the new hires.
24 This family who -- Joey meets the school bus every
25 afternoon rain or shine -- because they own a

70

1 business, not everybody can do that -- because of
2 their love for the family. When they sell girl
3 scout cookies, they don't just sell one case. They
4 go down to the corner and sell them by the cases.
5 What these -- guys like Big Mike snowplow blows up
6 at 2 a.m. in the morning, when they're trying to

7 shovel your driveways, Joey wrenches himself out of
8 bed to go with -- with the welding torch.

9 So these are very good people.
10 These are small business people. They should be
11 nurtured. We all know coming from Washington --
12 and I don't want to get political about it, but
13 Washington disregards any law they want to
14 disregard. It -- whether it's exactly on target or
15 not, if you people want to do something, if a body
16 wants to do something, they can do it.

17 You should be fostering small
18 business. Look the number -- look at this place.
19 Gas station out of business. Two restaurants out
20 of business. Go along 940, all these closed
21 places. There's not a closed place over there on
22 Slutter Lane anymore, it's a going business.
23 They've already hired.

24 What did you hire, three
25 full-time people plus -- plus all these subs? That

71

1 is what we want.

2 THE CHAIRPERSON: I couldn't
3 agree more what you said.

4 MR. DAVID COATES: So let's get
5 behind somebody like this, a family like this, are
6 good people.

7 THE CHAIRPERSON: I agree.

8 MR. DAVID COATES: They just
9 didn't come in here from Mars.

10 THE CHAIRPERSON: I agree with
11 you.

12 MR. DAVID COATES: Okay.

13 THE CHAIRPERSON: Thank you for
14 your comments.

15 MR. DAVID COATES: Thank you.

16 THE CHAIRPERSON: Sam?

17 MR. SAM KEIPER: Sam Keiper.

18 Back to the issue of a
19 nonconforming use. Again, obviously a
20 nonconforming use, if you want proof of that,
21 there's at least five people here, they're aware of
22 it, and have been aware of it since its inception.
23 One of -- Mr. Selig's here. One of his previous
24 employees, Mr. Kerrick, spent time there and worked
25 there, he's aware of it. Brendon Carroll, myself,

1 there's at least five of us here.

2 If you want proof that he's done
3 these things, first of all, proof is on the burden
4 of the township. If you think he didn't do it, the
5 burden is on the township to prove he didn't do it.
6 It's not on the individual who requests -- who has
7 a nonconforming permit, to do the proof. As I
8 understand it, from my past years experience with
9 the township, is it's the township's
10 responsibility. The burden of proof is on the
11 township, not on Mr. Selig.

12 THE CHAIRPERSON: And I respect
13 --

14 MR. SAM KEIPER: And there's
15 enough people here to give you that -- that
16 information if you want to hear it. And you can
17 move forward and get this done. There's no reason
18 to be going to court and everything else. If you
19 want to amend your ordinance to resolve issues with
20 the other towing facilities in the township that
21 are questionably operating within the regulations,
22 that's a different issue. That shouldn't really
23 have anything to do with what's taking place here.
24 This should have been done about a year and a half

25 ago.

73

1 THE CHAIRPERSON: I -- I -- I
2 understand.

3 MR. SAM KEIPER: I think you
4 got --

5 THE CHAIRPERSON: Thank you,
6 Sam.

7 MR. SAM KEIPER: -- to move
8 forward.

9 THE CHAIRPERSON: I think --

10 MR. SAM KEIPER: Thank you.

11 THE CHAIRPERSON: -- just to
12 Maureen's defense, she went with the paperwork with
13 what she has. If we could get a affidavit that
14 states that these items --

15 MR. BOB SELIG: That's not a
16 problem.

17 THE CHAIRPERSON: -- and it
18 appears that you're very willing to help us with
19 that, Bobby.

20 MR. BOB SELIG: Whatever you
21 need.

22 THE CHAIRPERSON: And as long
23 as that satisfies, does that --
24 MR. REISS: There's still one
25 issue.

74

1 THE CHAIRPERSON: Okay. We're
2 getting through the list.
3 MR. REISS: The height of the
4 fence.
5 MR. JOSEPH COLYER: Okay.
6 MR. BOB SELIG: We don't need
7 the list.
8 MR. JOSEPH COLYER: Okay. Can
9 I address that?
10 MR. REISS: Sure.
11 MR. JOSEPH COLYER: Can I
12 address that?
13 MR. SCACCHITTI: Certainly can.
14 THE CHAIRPERSON: He looks a
15 little eager.
16 MR. JOSEPH COLYER: First of
17 all, my fence will only be six feet high when it is

18 backfilled. It's not ready to be backfilled
19 totally yet because it needs to be treated. I
20 didn't put it up to let it rot down 'cause I can't
21 treat it. It takes 30 days after you put pressure
22 treated wood up to dry enough so you can treat it.
23 And we will -- it will be six feet.

24 My gates are not six feet. My
25 gates are eight feet, as well as -- I can show you

75

1 pictures of 15 places here that everybody's gates
2 always exceed the fence height, for some reason, I
3 don't know why. But I was asked -- if you ask my
4 solicitor -- or the solicitor asked my attorney if
5 I would put up screening.

6 When you read the junkyard
7 screening ordinance, it says, a minimum of six
8 feet. My gates, if I put at six feet, your public
9 view is gonna see the cars. If that's what you
10 want, I'll put it at six feet. The way it is now,
11 it protects the public view, just like your
12 junkyard ordinance asks you to do.

13 THE CHAIRPERSON: Can we waive
14 --

15 MR. JOSEPH COLYER: That's what
16 I did.
17 THE CHAIRPERSON: Can we waive
18 --
19 MR. JOSEPH COLYER: It's a
20 gate.
21 THE CHAIRPERSON: -- the
22 height?
23 MR. JOSEPH COLYER: It doesn't
24 say -- it says fence in your ordinance, not gate.
25 MR. SAM KEIPER: State salvor's

76

1 license says the same thing.
2 MR. JOSEPH COLYER: Yeah.
3 MR. SCACCHITTI: Most -- most
4 of it --
5 THE CHAIRPERSON: Right. Yes.
6 There was a minimum.
7 MR. SCACCHITTI: Most
8 municipalities --
9 THE CHAIRPERSON: That's right,
10 Sam, because salvor's license --

11 MR. JOSEPH COLYER: Yours is the
12 minimum of six --
13 MR. SAM KEIPER: Right.
14 MR. JOSEPH COLYER: -- and so
15 is the salvor's license.
16 THE REPORTER: One at a time.
17 Wait.
18 MR. SCACCHITTI: Most
19 municipalities actually prefer an eight foot fence
20 just because in some circumstances you can stack
21 vehicles that are junk before they're moved to a
22 salvage yard.
23 MR. BOB SELIG: Yeah, if it's
24 under six feet, you can see.
25 MR. SCACCHITTI: So it

77

1 precludes the public from seeing, at a height of
2 eight feet, better than six feet. But if -- but I
3 think that's a matter that the board can agree to
4 waive or just simply not enforced, but I think --
5 MS. PICKARD: There is a
6 building code requirement said on that, isn't
7 there?

8 MS. MINNICK: Six foot.
9 MR. JOSEPH COLYER: On the
10 fence, it says --
11 THE CHAIRPERSON: Not on --
12 MR. JOSEPH COLYER: Does not
13 specify gate in the building code.
14 MS. PICKARD: No, I'm not -- I
15 --
16 MR. JOSEPH COLYER: I mean, I
17 don't --
18 MS. PICKARD: I'm not talking
19 about the gate, but --
20 MR. JOSEPH COLYER: I will
21 lower it.
22 MS. PICKARD: But I'm saying
23 with the fence --
24 MR. SCACCHITTI: We'll end up
25 with six feet, if that's what the township want --

78

1 in the spirit of compromising, good will, we'll
2 comply if that's what you want. All we're
3 suggesting is, a higher fence than six feet is

4 actually more beneficial.

5 THE CHAIRPERSON: Well, a

6 higher gate is what it --

7 MR. SCACCHITTI: A higher gate,

8 but, you know, we'll comply.

9 MR. HOLAHAN: I don't have an

10 issue with that.

11 THE CHAIRPERSON: I don't have

12 an issue.

13 MR. SCACCHITTI: That's not a

14 deal buster, as far --

15 MS. MINNICK: That's --

16 MR. SCACCHITTI: -- as we're

17 concerned.

18 MS. MINNICK: -- a zoning

19 issue, that would have to go in front of the zoning

20 hearing board.

21 MR. JOSEPH COLYER: The gate?

22 MR. KERRICK: It's not a gate.

23 THE CHAIRPERSON: Well, it's --

24 MS. MINNICK: Yes.

25 THE CHAIRPERSON: -- not the

1 fence.

2 MS. MINNICK: It's under

3 zoning.

4 MR. JOSEPH COLYER: It's not

5 the fence, it's the gate.

6 MR. BOB SELIG: Screen.

7 MR. KERRICK: A gate is not a

8 fence.

9 MR. JOSEPH COLYER: Right.

10 MR. BOB SELIG: It doesn't come

11 out.

12 MR. JOSEPH COLYER: It's not.

13 It is not.

14 THE CHAIRPERSON: No.

15 MR. JOSEPH COLYER: It's not a

16 fixed structure, it moves.

17 MR. SCACCHITTI: We'll comply.

18 We'll comply.

19 THE REPORTER: One at a time.

20 MR. SCACCHITTI: Joe --

21 MR. JOSEPH COLYER: What?

22 MR. SCACCHITTI: -- we'll

23 comply with the six feet, if that's the pleasure of

24 the board.

25 THE CHAIRPERSON: So I think

1 we're coming to a resolve. And correct me --

2 I'm sorry, Bobby, go ahead.

3 Mr. BOB SELIG: Let's get back
4 to this fence. When Joe put the fence up, he was
5 out on the road, on Slutter Road, sitting in a car
6 and keeps the top of the fence just high enough so
7 you can't see over it from your automobile to see
8 in there. What good is a fence if you're gonna
9 look into it? Is there a way that you can do
10 something to allow that fence to be at the height
11 that it is now?

12 MR. SCACCHITTI: They can just
13 simply not enforce it, is the answer.

14 MR. BOB SELIG: Well --

15 MR. JOSEPH COLYER: It hasn't
16 been enforced --

17 MR. BOB SELIG: All you have to
18 do is drive by and look for yourself. It's
19 ridiculous to lower it. You might as well not have
20 the fence if it's lowered. Where the location of
21 the fence is, is already below the road.

22 MS. PICKARD: I was just trying
23 to prevent --

24 MR. BOB SELIG: So if you don't
25 keep it high enough, you can look right over top of

81

1 it --

2 THE CHAIRPERSON: I understand.
3 Mr. BOB SELIG: -- with your
4 vehicle.

5 THE CHAIRPERSON: I understand
6 what you're saying.

7 MS. PICKARD: -- what I was
8 saying.

9 THE CHAIRPERSON: I guess I'm
10 looking for legal advice. Now, can we consider the
11 fence its own entity and the gate its own?

12 MR. REISS: No.

13 THE CHAIRPERSON: No.

14 MR. REISS: I mean, the gate is
15 part of the fence.

16 THE CHAIRPERSON: Okay.

17 Go ahead, Sam. I'm sorry.

18 MR. SAM KEIPER: The problem is

19 the terminology. Your junkyard ordinance uses the
20 term fence, screen, not fence. Your --

21 MR. REISS: Screen.

22 MR. SAM KEIPER: -- zoning
23 ordinance used the term fence. Salvor's license
24 requirement by the state and a junkyard -- junk --
25 80 -- Section 89, whatever the heck it is, used the

82

1 terminology screening. We're fighting terminology
2 here because a fence can only be six feet. A
3 screen can be up to eight feet.

4 What do you got, fence or
5 screening? You got both items, call it what you
6 want.

7 MR. SCACCHITTI: The ordinance
8 does allow, by the way --

9 MR. SAM KEIPER: You want it
10 under six feet --

11 MR. SCACCHITTI: -- for
12 arborvitae --

13 MR. SAM KEIPER: -- lower the
14 fence.

15 THE CHAIRPERSON: You guys --
16 MR. SAM KEIPER: You have over
17 six feet, call it screening, solve the problem.
18 It's all right there, it's in the definition.
19 MR. SCACCHITTI: Under Chapter
20 89, it does allow for greenery, arborvitae or some
21 similar vegetation --
22 MR. REISS: Right, that's
23 screening.
24 MR. SCACCHITTI: -- that could
25 be greater than six feet. So it's apple -- you

83

1 know, we're -- we're --
2 THE CHAIRPERSON: Well, I think
3 -- I think --
4 MR. SCACCHITTI: It's
5 semantics.
6 THE CHAIRPERSON: -- just from
7 understanding a --
8 MR. BOB SELIG: You can't put
9 up a fence --
10 THE CHAIRPERSON: --
11 conversation I had with Maureen that the fence is a

12 structural issue.

13 MR. SCACCHITTI: It is.

14 THE CHAIRPERSON: So that's why
15 it was not to exceed the six feet --

16 MR. REISS: Well, I don't -- I
17 think --

18 MS. MINNICK: And not only
19 that --

20 MR. REISS: -- it's a question
21 of the zoning ordinance --

22 MS. MINNICK: -- just so you're
23 aware, anything --

24 THE CHAIRPERSON: -- in the
25 zoning ordinance.

84

1 MS. MINNICK: -- over six feet,
2 you're going to have to apply for a building permit
3 through the Bureau Veritas.

4 MR. JOSEPH COLYER: It won't be
5 six feet.

6 THE CHAIRPERSON: Okay. Good,
7 Bob.

8 MR. JOSEPH COLYER: I'm done
9 with it.
10 THE CHAIRPERSON: So we're good
11 with six feet --
12 MR. BOB SELIG: And then
13 everybody can see over it.
14 THE CHAIRPERSON: -- we're good
15 with an affidavit and then we're all in agreement
16 here.
17 MR. SCACCHITTI: We're good
18 with six feet.
19 THE CHAIRPERSON: Do I
20 understand that?
21 MR. SCACCHITTI: We're good
22 with six feet.
23 THE CHAIRPERSON: Okay. So I
24 think we have a resolution.
25 MR. SCACCHITTI: I think we do.

85

1 THE CHAIRPERSON: Hallelujah.
2 MS. MINNICK: Bobby --
3 THE REPORTER: What did you
4 say?

5 THE CHAIRPERSON: I'm sorry.
6 Hang on one second.
7 MR. BOB COLLINGBORN: Bob
8 Collingborn.
9 THE REPORTER: Spell your last
10 name, please?
11 MR. BOB COLLINGBORN:
12 C-o-l-l-i-n-g-b-o-r-n.
13 THE REPORTER: I'm sorry, go
14 ahead.
15 MR. BOB COLLINGBORN:
16 C-o-l-l-i-n-g-b-o-r-n.
17 I live back in Locust Lakes, I
18 drive by Joey's property every day for the last 30
19 years. It looks better today than it did 15, 20
20 years ago.
21 THE CHAIRPERSON: No offense,
22 Bob.
23 MR. BOB COLLINGBORN: The fence
24 is -- is a plus. I mean, if you guys make him
25 lower that fence, it's absolutely ridiculous.

1 MR. HOLAHAN: We're not.

2 MR. BOB COLLINGBORN: 'Cause,
3 like I say, you're going to be looking right over
4 it. So therefore you're wasting more of the guy's
5 money.

6 THE CHAIRPERSON: Right.

7 MR. BOB COLLINGBORN: I'm a
8 business owner too as well. If you guys start
9 picking on business owners around the neighborhood,
10 we're all gonna leave and you're gonna end up with
11 a bunch of nothing here.

12 THE CHAIRPERSON: That's --

13 MR. BOB COLLINGBORN: Nobody
14 paying taxes, nobody doing anything.

15 THE CHAIRPERSON: And we don't
16 want to do that.

17 MR. BOB COLLINGBORN: And we
18 don't want to do that.

19 THE CHAIRPERSON: No, we do
20 not.

21 MR. BOB COLLINGBORN: I mean --

22 THE CHAIRPERSON: Thank you. I
23 appreciate that. Thanks.

24 MR. BOB COLLINGBORN: Like I
25 say, it does look better than it ever does.

1 MALE VOICE: I agree.

2 THE CHAIRPERSON: I agree.

3 MR. BOB COLLINGBORN: You guys
4 are giving him a hard time over nothing, I really
5 think that way.

6 THE CHAIRPERSON: We're here to
7 try to resolve it, so he can move on and just --

8 MR. BOB COLLINGBORN: It's a
9 year of time.

10 THE CHAIRPERSON: I
11 understand.

12 MR. BOB COLLINGBORN: The guy
13 shelled out money like crazy. It's absolutely
14 insane.

15 THE CHAIRPERSON: That's why we
16 want it to end for him --

17 MR. BOB COLLINGBORN: Like
18 we're splitting hairs.

19 THE CHAIRPERSON: -- so he can
20 --

21 MR. BOB COLLINGBORN: Well,
22 you're not being fair.

23 MR. HOLAHAN: Excuse me a
24 second.
25 Joe, when you first came to me

88

1 and spoke of this and you said, you know what's
2 gonna be a problem? The guy from the state said
3 when you pull the salvor's license, right?
4 MR. JOSEPH COLYER: What? He
5 said that the township -- townships are narrow
6 minded and they're gonna say you're a junkyard.
7 That's exactly what he told me.

8 MR. HOLAHAN: Yep.
9 MS. JOSEPH COLYER: And guess
10 what? He was right.

11 MS. MINNICK: He's right.

12 MR. JOSEPH COLYER: Because
13 it's not a junkyard, that's why they separated it
14 --

15 MR. HOLAHAN: Understood.

16 MR. JOSEPH COLYER: -- 15 years
17 ago.

18 MR. HOLAHAN: Understood, but

19 what I'm saying is, this is what he's run into all
20 this time. This is not unusual. It's unusual for
21 us because we haven't had to deal with this before.

22 MR. JOSEPH COLYER: Yeah.

23 MR. HOLAHAN: So what are we
24 doing next there, Counselor?

25 MR. REISS: Well, I --

89

1 THE CHAIRPERSON: I was going
2 to answer.

3 MR. REISS: -- think the
4 current owner is gonna submit an affidavit with
5 photographs describing the use of the property
6 between 1978 and 1998 and actually beyond.

7 Bob, what do you think?

8 MR. BOB SELIG: When you say
9 photographs, I'm not sure that I have photographs
10 that go back to the '60s and '70s to show that.

11 THE CHAIRPERSON: Do the best
12 you can.

13 MR. REISS: I mean, you said --

14 MR. SCACCHITTI: We have -- we
15 have some photographs.

16 MR. REISS: -- in reference to

17 --

18 MR. BOB SELIG: We have some.

19 We have some, but it's gonna be very limited.

20 MR. SCACCHITTI: It's not gonna

21 be a picture history of the property going back to

22 that --

23 MR. REISS: No, I don't expect

24 that. I expect --

25 MR. BOB SELIG: But I can

90

1 certainly give you the affidavit, that's not a

2 problem.

3 MR. SCACCHITTI: And we'll get

4 affidavits from neighbors and other persons in the

5 township

6 MR. BOB SELIG: Right.

7 MR. REISS: If you can -- the

8 more you can give --

9 MR. SCACCHITTI: Yes. We'll

10 get them all.

11 MR. REISS: And then give that

12 to the -- you send it to me, I'll give it to the
13 zoning officer.
14 MR. SCACCHITTI: Fine.
15 MR. REISS: And she can make a
16 determination.
17 MR. SCACCHITTI: Very good.
18 THE CHAIRPERSON: Anyone else?
19 MR. HEINO FETTE: So what's
20 resolved?
21 THE CHAIRPERSON: What's
22 resolved is --
23 MR. SCACCHITTI: We have --
24 MR. HEINO FETTE: You have to
25 tell me because I'm really lost.

91

1 THE CHAIRPERSON: This is my
2 opinion. In my -- in my opinion, it is, if we can
3 show that this has basically existed, then they do
4 business as usual.
5 MR. HEINO FETTE: And they'll
6 be granted the application to obtain --
7 THE CHAIRPERSON: Yes.
8 MR. HEINO FETTE: -- the

5 --

6 THE CHAIRPERSON: We're gonna

7 confirm it.

8 MR. SCACCHITTI: Acknowledge.

9 MR. BOB SELIG: Just prove it.

10 THE CHAIRPERSON: We're gonna

11 confirm that --

12 MR. SCACCHITTI: That's right.

13 THE CHAIRPERSON: -- it

14 existed.

15 MR. SCACCHITTI: Right. That's

16 exactly right.

17 THE CHAIRPERSON: We're going

18 to support it.

19 MR. SCACCHITTI: Confirm is a

20 correct term.

21 MR. JOSEPH COLYER: I'm

22 wondering about the salvor's license.

23 THE CHAIRPERSON: Fair enough?

24 MR. SCACCHITTI: That's it.

25 Fair enough.

1 THE CHAIRPERSON: Fair enough,

1 you know exactly --

2 MS. HAASE: -- I think the --

3 THE CHAIRPERSON: You can go to
4 the zoning hearing board for a variance -- for a
5 waiver, right?

6 MS. HAASE: Yeah.

7 THE CHAIRPERSON: For a waiver
8 for variance, for a variance.

9 MR. SCACCHITTI: It would be a
10 variance. It would be a dimensional variance --

11 MR. BOB SELIG: We'll make --
12 we'll make it six feet.

13 MR. SCACCHITTI: -- I guess,
14 right? Probably a dimensional variance.

15 MR. BOB SELIG: I mean,
16 there're are other fences --

17 MR. SCACCHITTI: We'll consider
18 that. I think --

19 MR. BOB SELIG: -- in the
20 township that are over six feet, but we'll make
21 this six feet to make you happy.

22 MR. SCACCHITTI: Bob.

23 MR. BOB SELIG: But people are
24 going to look at it.

25 MR. SCACCHITTI: We're not

95

1 closing the door on that. We'll let that one open.

2 All right?

3 THE CHAIRPERSON: Yeah. Leave
4 that open for discussion --

5 MR. SCACCHITTI: Yes.

6 THE CHAIRPERSON: -- and then
7 --

8 MS. MINNICK: It does look --

9 MR. BOB SELIG: I mean, it's --
10 it's crazy.

11 MS. MINNICK: It does look good
12 and if you drop that, it's -- it's not gonna look
13 -- if you drop that gate, it's not gonna look
14 right. And I agree with you, it looks good --

15 MR. JOSEPH COLYER: I just know
16 that --

17 MS. MINNICK: -- on the road.

18 MR. JOSEPH COLYER: -- to me
19 it's not worth it, to protect the view from the

20 public, for me to spend 1250 bucks for a zoning
21 hearing and blueprints and --
22 MR. SCACCHITTI: They're gonna
23 waive the cost. They're gonna waive the cost.
24 THE CHAIRPERSON: I understand.
25 The board did --

96

1 MR. BOB SELIG: You're gonna
2 cost him money --
3 THE CHAIRPERSON: We will offer
4 to waive that fee.
5 MR. BOB SELIG: You're gonna
6 cost him money to make it better for the rest of
7 the community.
8 MR. SCACCHITTI: They're gonna
9 waive that cost.
10 MR. BOB SELIG: That's not fair.
11 MR. SCACCHITTI: He could
12 appear without me, the board is going to recommend
13 approval and it's gonna happen.
14 MS. MINNICK: Yeah.
15 MR. SCACCHITTI: We're good.

16 We're good, Bob.

17 MR. BOB SELIG: Okay.

18 MS. HAASE: So if I could just
19 be clear with the board that everybody is in
20 agreement, the application comes that we do not
21 have to collect the 1250 --

22 THE CHAIRPERSON: Correct.

23 MS. HAASE: -- and they can
24 move forward and then request relief from the
25 zoning hearing board. And I think that that's a

97

1 reasonable --

2 THE CHAIRPERSON: If you want
3 to raise the --

4 MS. MINNICK: For the fence.

5 MR. JOSEPH COLYER: For the
6 fence.

7 THE CHAIRPERSON: Yeah.

8 MR. SCACCHITTI: For the
9 raising -- only for the fence and with a --

10 THE CHAIRPERSON: Yes.

11 MR. SCACCHITTI: -- letter of
12 --

13 THE CHAIRPERSON: Yes, I think
14 that's --

15 MR. SCHACCHITTI: -- approval
16 letter from the board of supervisors.

17 THE CHAIRPERSON: Is that the
18 consensus of the board here?

19 MS. PICKARD: That's the
20 consensus, but it might behoove us to have somebody
21 look into what the requirements for the building
22 code is to see if --

23 THE CHAIRPERSON: Well, that's
24 something --

25 MS. PICKARD: -- how much it's

98

1 gonna cost?

2 MR. SCACCHITTI: That's on us.

3 MS. PICKARD: -- and what you
4 --

5 THE CHAIRPERSON: That's
6 something that they would have to do.

7 MS. MINNICK: Yeah.

8 MR. SCACCHITTI: That's on us.

9 MR. JOSEPH COLYER: And that's
10 Bob McHale, right?
11 THE CHAIRPERSON: No.
12 MS. PICKARD: No.
13 THE CHAIRPERSON: No, no,
14 that's Bureau Veritas.
15 MR. JOSEPH COLYER: Oh.
16 MS. PICKARD: That's what I'm
17 saying, that's why I say under six feet, you have
18 to go to building code.
19 THE CHAIRPERSON: Yeah.
20 MS. HAASE: So are things --
21 MR. JOSEPH COLYER: I'll call.
22 MS. HAASE: -- you can just
23 think about.
24 MR. JOSEPH COLYER: Right.
25 MR. SCACCHITTI: We're okay

99

1 with that. Everybody has -- everybody hires
2 inspection companies --
3 THE CHAIRPERSON: Any other
4 questions or comments to you?
5 MR. JOSEPH COLYER: No.

6 THE CHAIRPERSON: Are you guys
7 okay with where --
8 MR. JOSEPH COLYER: Yeah.
9 MR. SCACCHITTI: We're good.
10 THE CHAIRPERSON: -- with what
11 direction we're heading in?
12 MR. SCACCHITTI: The solicitor
13 is going to send me an email memorializing the
14 understandings today and I think we're good.
15 THE CHAIRPERSON: And then as
16 quickly as you get the information back to
17 Jonathan, Jonathan then --
18 MR. SCACCHITTI: We'll
19 everything within --
20 THE CHAIRPERSON: -- can give
21 it to you.
22 MR. SCACCHITTI: -- 30 days.
23 THE CHAIRPERSON: Oh, okay.
24 MR. SCACCHITTI: Okay?
25 (Discussion off the record.)

1 THE CHAIRPERSON: Any other

2 questions or comments from the public?

3 MR. BOB COLLINGBORN: Just one.

4 THE CHAIRPERSON: Go ahead.

5 MR. BOB COLLINGBORN: Bob

6 Collingborn again.

7 I mean, we sat here, listened to
8 all this, everybody up there on the board. I know
9 three of you up there, anyway, can -- been around
10 the neighborhood long enough to verify that what
11 we're saying about Bob and what he did there is
12 true. We have, like Sam said, five, six people out
13 here in the audience. Why do we still have to
14 continue the bleeding for the Colyer family and to
15 pay the lawyer fees? Why can't we just agree --

16 MR. SCACCHITTI: Now, wait a
17 minute.

18 THE CHAIRPERSON: Well --

19 MR. SCACCHITTI: Come on. Come
20 on, give me a break.

21 MR. BOB COLLINGBORN: I
22 understand you got to --

23 MR. SCACCHITTI: We need a
24 record.

25 THE CHAIRPERSON: Maybe he can

1 pay his fees.

2 MR. SCACCHITTI: We need a
3 record. We need a record for --

4 THE CHAIRPERSON: Yeah.

5 MR. SCACCHITTI: -- the zoning
6 officer to decide in favor of the use being the
7 same since 1978. We need a record.

8 MR. BOB COLLINGBORN: Well,
9 doesn't this board up here have the authority --

10 MR. SCACCHITTI: They don't.

11 MS. PICKARD: No.

12 MR. BOB COLLINGBORN: -- in
13 having the transcript right now --

14 THE CHAIRPERSON: No.

15 MR. SCACCHITTI: They don't.

16 They don't.

17 MR. BOB COLLINGBORN: -- and
18 that's proof --

19 MR. SCACCHITTI: No.

20 THE CHAIRPERSON: No.

21 MR. BOB COLLINGBORN: --

22 enough?

23 THE CHAIRPERSON: Well,

24 unfortunately, Jerry, if that was done when --
25 MR. BOB COLLINGBORN: I mean

102

1 --
2 MS. MINNICK: We wouldn't even
3 be here.
4 THE CHAIRPERSON: -- 1970
5 whatever, Bobby, you know, and if it was documented
6 then, this wouldn't even be an issue.
7 MR. BOB SELIG: Right.
8 THE CHAIRPERSON: So we just
9 want to make sure it doesn't happen in the future.
10 I mean, if the property ever reverts back, you want
11 to be able to do the same thing. I'm not talking
12 out of turn but -- right? I mean --
13 MR. BOB SELIG: Yeah.
14 THE CHAIRPERSON: -- you want
15 to have the same use as you had on your property.
16 MR. BOB SELIG: Yeah.
17 THE CHAIRPERSON: So this
18 secures that as well. So I think -- it's just that
19 process --

20 MR. BOB SELIG: No, I don't
21 have a problem with doing the affidavit thing,
22 that's fine.
23 THE CHAIRPERSON: Okay. You're
24 right.
25 MR. BOB SELIG: Too bad it

103

1 wasn't done years and years ago.
2 MS. HAASE: Because the relief
3 actually --
4 MR. BOB SELIG: It was never an
5 issue.
6 MS. HAASE: -- is going to be
7 staying with the property --
8 MS. MINNICK: Nobody never --
9 MS. HAASE: -- versus --
10 MR. REISS: Runs with the
11 property.
12 MR. SCACCHITTI: Correct.
13 THE CHAIRPERSON: Yeah. Right.
14 So that way the property is protected as well.
15 MR. BOB SELIG: Yeah.
16 THE CHAIRPERSON: And, Joey,

13 pieces of property, they back up to this property,
14 so I want to see it taken care of as much as
15 anybody else. So I just need everybody to
16 understand that and I think -- I think you do.

17 THE CHAIRPERSON: I think we
18 fairly resolved things this evening.

19 MR. BOB SELIG: Thank God.

20 MR. SCACCHITTI: Thank you very
21 much.

22 THE CHAIRPERSON: Thank you for
23 you time and comments.

24 MR. BOB SELIG: Thank you.
25 Thank you very much.

105

1 THE CHAIRPERSON: Thank you.
2 And I couldn't be more supportive of small business
3 than you are, sir.

4 MR. DAVID COATES: That's what
5 this country was --

6 THE CHAIRPERSON: What we're
7 built on.

8 MR. DAVID COATES: Yeah.

9 THE CHAIRPERSON: Motion to

10 adjourn?

11 MS. PICKARD: So moved.

12 THE CHAIRPERSON: So moved.

13 (Meeting concluded at 5:11 p.m.)

14 ---

15

16

17

18

19

20

21

22

23

24

25

106

1

2

3

4

5

6

7

I hereby certify that the

8

proceedings and evidence are contained, to the best

9

of my ability, in the notes taken by me at the

10

meeting in the above matter; and that the foregoing

11

is a true and correct transcript of the same.

12

13

14

15

16

17

Janet R. Erdey-Truncali, C.R.

18

19

20

21

22

23

24

25