

**TOBYHANNA TOWNSHIP
AND POCONO TOWNSHIP
PUBLIC NOTICE**

The Tobyhanna Township Board of Supervisors and the Pocono Township Board of Commissioners have scheduled a special meeting to take place on Wednesday, August 8, 2018 at 6:00 p.m. at the Pocono Township Municipal Building, 112 Township Drive, Tannersville, Monroe County, Pennsylvania. The Tobyhanna Township Board of Supervisors and Pocono Township Board of Commissioners will meet to discuss sewer issues and any other business that comes before the Board and Commission at this special meeting. All interested parties are invited to attend this public meeting.

By Order of the
Township of Tobyhanna
Board of Supervisors and
Pocono Township Board of
Commissioners

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS AND
THE POCONO TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING
AUGUST 8, 2018

A Special Meeting of the Tobyhanna Township Board of Supervisors was held on August 8, 2018, at the Pocono Township Municipal Building, 112 Township Drive, Tannersville, PA 18372.

Present are Tobyhanna Township Supervisors Anne Lamberton, Heidi A. Pickard, Brendon Carroll, David Carbone, Solicitor Peter Nelson, Esquire, Engineer Robert (Bob) McHale, PE, and Township Manager John Jablowski Jr. John Holahan and Solicitor Jonathan J. Reiss, Esquire are not present.

Present are Pocono Township Commissioners Gerald Lastowski, Richard Wielebinski, Jerrod Belvin, Solicitor Leo DeVito, Engineer Jon Tresslar, Engineer Mike Gable, and Patrick Briegel.

1. President Gerald Lastowski calls the meeting to order at 6:03PM. It is determined that a quorum is present for both parties.
2. The Pledge of Allegiance is recited.
3. Public Comment – none.
4. Gerald Lastowski states the purpose of this meeting is to discuss the issue of Tobyhanna Township's growth concerning sewer.
5. New Business
 - a. Anne Lamberton states Tobyhanna Township ("Tobyhanna") is asking for additional, available sewer capacity, not capacity Pocono Township ("Pocono") would use on full build-out of their township. Bob McHale presents a map, and states the current agreement for the service area is 440,000 gal/day: 210,000 gal/day for Pocono Manor Investors ("PMI"), and 230,000 gal/day for Kalahari. Kalahari has three phases planned, and are currently in Phase 2. The resort has 977 rooms, 2 indoor waterparks, and are starting a second convention center. They have already purchased the allotted 230,000 gal/day, and are looking at measures to reduce flows, such as reverse osmosis or composting. On the PMI tract of land [TM# 19/2/1/1], future development would require an additional 125,000 gal/day for Phase 1. Proposed development north of SR 940 and east of SR 314 also have additional needs. Mount Pocono Borough was originally considering an agreement with Pocono as well, but they received grant money and are rebuilding their system. Tobyhanna's plan is to purchase whatever Pocono can

allocate beyond the already allotted 440,000 gal/day; 150,000-200,000 gal/day would help within the service area. Tobyhanna has informally committed to fund a rerate of BCRA's plant to hopefully procure another 500,000-600,000 gal/day. Based on assumptions by land owners, Tobyhanna will need an additional 165,000 gal/day outside the service area. Jim Cahill of PMI indicated he needed another 200,000 gal/day outside the service area and 40,000 gal/day inside the service area. Short term, Tobyhanna asks for whatever Pocono can spare.

Gerald Lastowski states the Commissioners just had a 2-hour meeting with BCRA, who alluded to fact that Pocono might not be able to help at all. Leo DeVito states that according to the BCRA, a paper rerate is off the table.

Bob McHale states that Tobyhanna's Plan B, per DEP, was to investigate if the Stillwater Wastewater Treatment Plant could be upgraded. They are permitted for 235,000 gal/day, and are running at about 150,000 gal/day with infiltration/inflow (I/I) issues. The plant's operators feel that if they could deal with I/I issues, their running rate would halve. If the rerate does not go through, the Board has a proposal from RKR Hess, who would produce an order of magnitude for the upgrade. Any development outside the service area would be routed into SWWTP. Within the service area, the township still needs an additional 150,000-200,000 gal/day.

Donna Asure states while a paper rerate is off the table, a rerate could be possible with full-blown engineering and a commitment of capital investment. Leo DeVito states the rerate went from receiving 1.5 million gal/day to 300,000 gal/day. Currently, the BCRA and the Delaware River Basin Commission state that the only water that can go into the sewer plant is water from the BCRA. The BCRA has about 100,000 gal/day left to be used by anyone. Where does Tobyhanna get the water that we can send back to plant? They have sufficient water volume, but the lines and pump stations are at capacity. BCRA suggested that within the current service area, consent of the other member municipalities would be required before Tobyhanna could buy excess gal/day. Leo DeVito does not feel this is correct: Pocono paid for 2 million gallons and it is allocated to Pocono, so it belongs to Pocono. Expanding the service area in Tobyhanna Township would require the consent of the other member municipalities, but the concern there is whether there is water to be used that would come down to the plant. They were also reluctant to open the docket or any permits. Anne Lamberton states she was under the impression that they had to open the docket anyway to discuss the water portion of an Act 537 plan. Gerald Lastowski states John Prevoznik did not seem like he was interested in opening the docket. Jon Tresslar states that it seems like water was a large limiting factor.

Leo DeVito states that John Prevoznik said the BCRA is a member in the agreement between Tobyhanna and Pocono Townships, so they want to be present

when Tobyhanna and Pocono talk. Gerald Lastowski states that Pocono was told during a break in their meeting with BCRA that if they sold the system to the BCRA, there would be no problem getting capacity. Bob McHale states an additional 150,000 gal/day would be \$2.28 million in tapping fees and about \$760,00 annually in user fees. If Kalahari can't adjust their flow and Alberta's project occurs, Tobyhanna could use 150,000 gal/day within the existing service area. Leo DeVito states that the BCRA painted a bleak picture of expanding the sewer area.

Jerrod Belvin states the paper rerate is off of table because of too much I/I. Leo DeVito states the I/I the plant receives in winter affects the bugs that eat ammonia. In winter, the ammonia levels spiked and DEP cited them. They are concerned about additional cold water affecting the plant. BobMcHale states the current service area is bordered by I-380, SR 940, SR 314, and the southern portion of Kalahari.

Leo DeVito states the pump station is within 100,000 gallons of capacity. Pocono is looking at upgrading the pump station, but that would be 2 or 3 years before project completion. Jon Tresslar states the BCRA said their existing line is in bad shape, and they may need to put in another line. Donna Asure states many issues would resolve themselves if the BCRA, Pocono, and Tobyhanna met together. Donna Asure states concerns were raised regarding attaining permits for crossing sub-watersheds, and that the BCRA suggested they would be willing to open the docket if all parties wanted to be partners in expansion. Anne Lamberton states Ken Brown of the BCRA stated the DEP does not recognize sub-watersheds. Gerald Lastowski states that sub-watersheds were mentioned several times.

Anne Lamberton asks that both townships look at the agreement; changing allotments seems to be Pocono's choice. Bob McHale states the agreement states the BCRA can extend the service area. Tobyhanna is a customer with a defined service area.

Mike Gable states that generally, 125,000 gal/day would be available. Lots of studies have occurred through Act 537 planning. Today, the plant has 3,322 service connections, 63 utilized but not purchased, 65 on deferred accounts, and 1,254 EDUs reserved for future service areas. Net, there are about 1,580 EDUs available, which means there are 390,000 gal/day that are unencumbered. Pocono must consider how much it should reserve before giving extra to Tobyhanna. Donna Asure states any land development plans brought to the township, formally or informally, have been included in the future service number. Mike Gable states Pocono needs a little extra capacity for flexibility, and must consider strategic plans.

Anne Lamberton suggests a meeting with BCRA, Pocono, and Tobyhanna. Pocono must do strategic planning first. Leo DeVito states he will talk to Tim McManus, who put the original agreement together. Anne Lamberton states Jonathan Reiss also helped to create the agreement, and can be used as a resource.

Gerald Lastowski asks if Tobyhanna's sewer needs would be temporary. Bob McHale states possibly, if the rerate came through. Anne Lamberton states Kalahari or PMI may find alternative methods to drop flows. Donna Asure states step one is to have Leo DeVito review the MOU between Pocono and Tobyhanna, and then the agreement with the BCRA. Step two or simultaneously, the Commissioners should consider a number of gal/day they want to reserve. Third, a meeting between Tobyhanna, Pocono, and BCRA should occur. It will be a public meeting, so all are present.

Gerald Lastowski asks what Tobyhanna is asking for. Anne Lamberton states Tobyhanna requests an additional 200,000 gal/day. Mike Gable states assuming the future service area is built conservatively, there are 390,000 gal/day left. Gerald Lastowski states in theory, there could be 190,000 left over for Pocono if Tobyhanna receives their full ask.

Bob McHale states Tobyhanna has homework to do also; Kalahari is not convinced they need more than 230,000 gal/day. Jim Cahill of PMI needs an extra 40,000 gal/day, and Alberta may need an additional 125,000 gal/day. Donna Asure states most plans Pocono has from PMI are defunct. Patrick Briegel asks that Bob McHale tell Kalahari the concern is with flows and organic loading. Reducing the flow rate without reducing organic loading, will not resolve the issue. Mike Gable states that reducing flow will decrease hydrogen and oxygen, but other concentrations will increase. July's average was 245,540 gal/day, not counting the accident, and the average is already higher this month. Anne Lamberton states Kalahari's other resorts are on city water and sewer, so they are not used to this. Tobyhanna is trying to look ahead, because the allotted gal/day won't be enough for Kalahari's proposed full build-out. Bob McHale states time is running out on the grace period for extra strength wastes. Bob McHale states the extra use will cost over \$2 million in tapping fees and generate an additional \$750,000 per year in user fees.

Anne Lamberton states this seems like a control issue with the BCRA. Gerald Lastowski states in the long run, this benefits everyone. BCRA is taking a hard line, probably because they have a long range vision of what they want.


After open discussion, Donna Asure confirms the next meeting will be Monday, August 20th at 4pm for a Work Session, pending availability from the BCRA and Jonathan Reiss.

Gerald Lastowski asks Leo DeVito contact John Prevoznik if DeVito believes this concept is feasible. Bob McHale asks Pocono to alert Tobyhanna as soon as it decides on a gal/day number available.

6. Public Comment – none.
7. Meeting adjourned at 6:48 PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary
Tobyhanna Township