



AGENDA
BOARD OF SUPERVISORS
Special Meeting
December 21, 2011

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: November 14, 2011 Regular Business Mtg.
5. Solicitor Report: Ordinance 497 Metrocast Franchise Agreement
6. New Business:
 - A. Consider to award the Equipment Hours Bid
 - B. Consider Resolution 2011-034 Adopt the 2012 Budget
 - C. The board shall consider any other new business that may come before them
7. Public Questions and Comment

ADJOURNMENT

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, December 21, 2011 beginning at 11:39 a.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ORIGINAL

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

1 MR. KERRICK: Call the special
2 meeting to order with the pledge of allegiance,
3 please.

4 (Pledge of allegiance was
5 recited.)

6 MR. KERRICK: First item on our
7 agenda, announcements.

8 Heidi, do you have any
9 announcements?

10 MS. PICKARD: Just that our
11 reorganizational meeting will be followed by our
12 work session; our regular meeting to begin at 3:30,
13 on January the 3rd.

14 MR. KERRICK: That's it?

15 MS. PICKARD: Yep.

16 MR. KERRICK: Consider the
17 minutes of November 14, 2011, regular business
18 meeting. There's some corrections.

19 MS. PICKARD: Yeah. I have a
20 couple of corrections and I'll make a motion to
21 approve the November 14, 2011, regular business
22 meeting. I just have on Page 26, Line 20; Page 27,
23 Line 6; and Page 36, Line 7, that should be Troy
24 Counterman.

25 With that I'll make the motion.

1 MR. KERRICK: Do we have a
2 second?

3 MR. HOLAHAN: I'll second.

4 MR. KERRICK: Motion and
5 second.

6 Questions or comments from the
7 board on the motion?

8 MR. HOLAHAN: Yeah. Didn't we
9 -- are we just approving amended minutes? Because
10 we approved these at the December -- was it 12 or
11 14?

12 MS. PICKARD: No, those were
13 the special meeting -- the work session. Those
14 were two work session minutes we had.

15 MR. HOLAHAN: Okay. Yeah, I
16 didn't understand that, okay.

17 MR. KERRICK: Any other
18 questions from the board?

19 Questions from the public on the
20 motion?

21 Call the vote. John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Anne?

24 MS. LAMBERTON: I vote in
25 favor.

1 MR. KERRICK: Donny?

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

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in

6 favor. Motion carried.

7 Next item, solicitor's report.

8 MR. ARMSTRONG: The one item
9 under my report is the Ordinance 497 with regard to
10 the Metrocast Franchise Agreement. As you recall,
11 last year you renewed your fran -- your cable
12 franchise agreement with Blue Ridge Cable. It was
13 discovered that Metrocast also has a slight
14 operation in one small portion of the township.

15 Since then, we've come to terms
16 with respect to a cable franchise agreement with
17 Metrocast for a very special -- small portion of
18 the township where they're already in operation.
19 The terms of the franchise agreement include the
20 five percent franchise fee that was instituted with
21 Blue Ridge Cable last year, as well as some
22 additional requirements for Metrocast to comply
23 with, within the township.

24 This is the ordinance
25 authorizing the execution of the cable franchise

1 agreement with Metrocast. It's been advertised for
2 public hearing this afternoon. It was advertised
3 in the Pocono Record on December 14, 2011. The
4 ordinance and proposed agreement have been
5 available for public availability at the township
6 office, as well as the Monroe County Library.

7 So with that being said, we can
8 open it up for public hearing at this time.

9 Are there any comments or
10 discussion from the board on the proposed ordinance
11 authorizing the execution of the cable franchise
12 agreement with Metrocast?

13 Seeing none.

14 Any comments from the public?

15 Seeing none.

16 We can close the public hearing.

17 And just for clarification it's actually GANS
18 Communication Limited Partnership, doing business
19 as Metrocast Communications.

20 MR. KERRICK: Do I have a
21 motion to close the hearing?

22 MS. PICKARD: So moved.

23 MR. MOYER: Second.

24 MR. KERRICK: Motion and second
25 to close the hearing.

1 Questions or comments?

2 Questions or comments from the
3 public?

4 Call the vote. John?

5 MS. LAMBERTON: I vote in
6 favor.

7 MR. KERRICK: Anne?

8 MS. LAMBERTON: I vote in
9 favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. KERRICK: I'll vote in
15 favor. Motion carried.

16 Do you want to act on that now?
17 Do you want to see if they want to -- do you want
18 to wait till new business or what did you have in
19 mind?

20 MR. ARMSTRONG: No, you just
21 adopted the ordinance.

22 MS. PICKARD: So that is --

23 MR. KERRICK: I just closed the
24 hearing.

25 MR. ARMSTRONG: Right.

1 MR. KERRICK: That's what I'm
2 asking. I'm having a hard time getting it out.

3 MR. ARMSTRONG: Yeah. The adop
4 --

5 MR. KERRICK: Sorry.

6 MS. PICKARD: That will execute
7 the agreement?

8 MR. ARMSTRONG: And we also
9 have the agreement. First you'll adopt the
10 ordinance authorizing the execution of the
11 agreement and then we'll make a motion --

12 MR. KERRICK: So you need two
13 motions?

14 MR. ARMSTRONG: Yes.

15 MS. PICKARD: I'll make a
16 motion to approve Ordinance 497.

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Motion and
19 second.

20 Questions or comments from the
21 board?

22 MR. HOLAHAN: Yeah. Did we get
23 any phone calls from anybody asking about this?

24 MS. PICKARD: No.

25 MR. ARMSTRONG: I have not.

1 MR. MOYER: Are the fees the
2 same as what we had with Blue Ridge?

3 MR. ARMSTRONG: Yeah. So
4 John's aware, last year we had some people come in
5 from -- that are Blue Ridge customers about the
6 five percent franchise fee. It used to be three
7 percent. The township -- actually most of the
8 townships have the five percent.

9 MS. PICKARD: Two and a half.

10 MR. ARMSTRONG: So we had some
11 residents come in with respect to Blue Ridge. I
12 haven't heard anything from any Metrocast resident
13 -- or customers. I don't know if the township has,
14 but I haven't heard anything.

15 MR. HOLAHAN: Okay.

16 MR. KERRICK: But if you
17 recall -- I don't know if you have Blue Ridge, I
18 have blue Ridge.

19 MR. HOLAHAN: I do.

20 MR. KERRICK: On your statement
21 last year it said five percent increase --

22 MR. MOYER: Yeah.

23 MR. KERRICK: -- which wasn't
24 true. It's actually only a two percent.

25 MR. MOYER: The paper --

1 MR. KERRICK: We already paid
2 the three.

3 MR. MOYER: The paper had it
4 messed up then.

5 MR. KERRICK: The pap -- well,
6 the paper -- sorry about that.

7 MR. HOLAHAN: Well, it wasn't
8 this paper.

9 MR. KERRICK: You weren't here.

10 MR. MOYER: Well, the way it
11 was written --

12 MR. KERRICK: The way it was
13 written on your bill, it looked like the township
14 threw this five percent on and that's why some
15 people came in.

16 MS. LAMBERTON: We just chose
17 to collect it. It's already been charged.

18 MR. KERRICK: Any other
19 questions from the board?

20 MR. HOLAHAN: No.

21 MR. KERRICK: Questions from
22 the public?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I vote in
2 favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

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

9 Now, we need a motion to ado --
10 to --

11 MR. ARMSTRONG: Approve and
12 authorize the execution of the agreement.

13 MS. PICKARD: Is this ten years
14 as well?

15 MR. ARMSTRONG: This is ten
16 years as well.

17 MR. KERRICK: Ten year?

18 MR. ARMSTRONG: Yes.

19 MR. KERRICK: Okay. Do we have
20 a motion?

21 MR. HOLAHAN: So moved.

22 MR. KERRICK: Do we have a
23 second?

24 MR. MOYER: Second.

25 MR. KERRICK: Any questions or

1 comments from the board?

2 Questions or comments from the
3 public?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in favor.

8 MR. KERRICK: Donny?

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

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in

13 favor. Motion carried.

14 Anything else, Pat?

15 MR. ARMSTRONG: No, that's all
16 I have. If you wanted to see, there's an exhibit
17 of where Metrocast is operating. I don't know if
18 anyone's interested, but that's --

19 MR. KERRICK: That's a little
20 chunk in Blakeslee, correct?

21 MR. ARMSTRONG: Yes.

22 MS. PICKARD: It's like the
23 Campstead area, Fern Crest Road.

24 MR. ARMSTRONG: Right in that
25 Blakeslee area.

1 MS. PICKARD: I don't know
2 whether that will include Keswick Pointe?

3 MR. ARMSTRONG: But that's all
4 I have for my report.

5 MR. KERRICK: Thank you.

6 MR. ARMSTRONG: Thank you.

7 MR. KERRICK: We'll start new
8 business.

9 First item we have is, consider
10 the award equipment bid.

11 Heidi, you want to explain. We
12 had one bidder. Three people pick up bids.

13 MS. PICKARD: We only had one
14 bid. We opened the bids at 11:15 on Monday,
15 December 19. I had the proof of publication in the
16 Pocono Record and that was from Papillon and Moyer.
17 Did you get a chance to look at
18 that? It appears that everything was in here, the
19 performance, the bid bond.

20 MR. ARMSTRONG: Well, the
21 performance bond will come after the --

22 MS. PICKARD: The bid bond
23 is what I'm -- and I believe we currently have
24 Papillon and Moyer, and the rates are the same as
25 they were for this past year.

1 So with that, I'll make a motion
2 that we award the equipment hours bid to Papillon
3 and Moyer Excavating and Paving, LLC.

4 MR. HOLAHAN: I'll second.

5 MR. KERRICK: Could I ask a
6 question? In the bid there's both prevailing and

7 --

8 MS. PICKARD: -- nonprevailing.

9 MR. KERRICK: Yeah. Do we have
10 to do two motions for that, Pat, or just one?

11 MR. ARMSTRONG: You can make it
12 one motion awarding the bid for both the prevailing
13 and non.

14 MS. PICKARD: I'll amend my
15 motion.

16 MR. KERRICK: Do you amend the
17 second, John?

18 MR. HOLOHAN: I will.

19 MR. KERRICK: Motion and second
20 on the floor.

21 Any questions or comments from
22 the board?

23 Questions or comments from the
24 public?

25 Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I'll abstain.

4 MR. KERRICK: Donny?

5 MR. MOYER: I'll vote in favor

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. KERRICK: I'll vote in

9 favor. Motion carried.

10 Next item, consider Resolution
11 2011 dash 034, adopt the 2012 budget.

12 MS. PICKARD: Okay. That was
13 also advertised and has been on display for the
14 requisite period of time. The total budget is
15 about 5.8 million dollars. I had mentioned, there
16 was a couple of just cleanups when Terry put this
17 in. We did put the funds balance in for the 05 and
18 the 31 for the capital accounts that we're drawing
19 down.

20 There was a tweak on the
21 interest to even out the sewer fund and I just made
22 -- there were some minor corrections. We changed
23 the name of the loans in the sewer fund to the 2011
24 general obligation bond. It was previously
25 Pennvest and Emmaus.

1 With that, I'll make a motion
2 that we approve the fiscal year 2012 budget which
3 does not have an increase in taxes.

4 MR. KERRICK: Fantastic. I
5 appreciate your work.

6 Do we have a second?

7 MR. HOLAHAN: Yeah, I'll second.

8 MR. KERRICK: Questions or
9 comments from the board on the budget -- or the
10 motion, excuse me?

11 Questions or comments from the
12 public?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I vote in
17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

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

24 Next item, consider -- or the
25 board shall consider any other business.

1 Do we have any other business?

2 MR. HOLOHAN: Yeah. Pardon me.

3 Reorganization is going to be what date?

4 MS. PICKARD: January 3. It
5 legally has to be January 3, but we have it at
6 3:30.

7 MR. HOLAHAN: Is that when
8 we'll be discussing committees and boards and
9 things like that?

10 MS. PICKARD: Correct.

11 MR. HOLAHAN: So we won't be
12 doing it at this point? We'll be doing it --

13 MS. PICKARD: We do it --
14 that's what we do at the reorganization meeting.

15 MR. HOLAHAN: I'm learning.

16 MR. KERRICK: What we'll do
17 before the meeting, if I could add something, is
18 we'll give you a list of what the appointments are,
19 for solicitor and different committees that we're
20 on now. And you can study it between now and then
21 your recommendations on the 3rd.

22 MR. HOLAHAN: That's what I'm
23 looking for, thanks.

24 MS. PICKARD: We've been
25 getting, you know, the price rates for everybody

1 that we usually use at this point in time. We have
2 rates on our legal counsel and things like that,
3 but if there's anything else we need to follow up
4 with, look at, we can do that.

5 MR. HOLAHAN: All right. Thank
6 you.

7 MR. KERRICK: Anything else?

8 MS. PICKARD: No. But I did
9 want to mention that the budget, when I made that
10 motion, it is Resolution 2011-034.

11 MR. KERRICK: Okay.

12 MR. HOLAHAN: I have to say, I
13 think -- I wasn't really involved in the budget
14 process, it was the board of supervisors. Heidi
15 did such a good job in taking care of that. I just
16 wanted to make note of it.

17 MS. PICKARD: Thank you.

18 MR. KERRICK: The fortunate or
19 unfortunate part about the budget there's so many
20 fixed costs, insurances and different things, that
21 you really can't change.

22 MR. HOLAHAN: Right.

23 MR. KERRICK: Of course our
24 fuel's up --

25 MS. PICKARD: Utilities.

1 MR. KERRICK: Healthcare's up,
2 utilities are up.

3 MR. HOLAHAN: Tax revenues will
4 be coming down.

5 MR. KERRICK: Tax revenues are
6 way down.

7 MR. HOLAHAN: Right.

8 MR. KERRICK: Heidi struggled
9 and put a lot of time in to be able to put together
10 this budget without an increase.

11 MR. MOYER: She did a great job.

12 MR. KERRICK: I think she did a
13 great job.

14 MS. PICKARD: I just wanted to
15 make a comment also that, hopefully, due to the
16 great work from Phyllis Haas help working with
17 John to get some FEMA reimbursement, we're hoping
18 to possibly get \$140,000 we --

19 MS. LAMBERTON: That's awesome.

20 MS. PICKARD: -- put in, to
21 recoup some of our costs from Hurricane Irene and
22 Lee.

23 MR. HOLAHAN: So do we need the
24 NIMS designations for -- is that tied into the same
25 thing?

1 MS. PICKARD: We all are
2 suppose to have completed 100 and 700, and I think
3 I sent you --

4 MR. HOLAHAN: I did 100.

5 MS. PICKARD: If you could just
6 print me out the certificate, then I'll have it on
7 file so that we all have that. We should all have
8 that here.

9 MR. KERRICK: Anyone from the
10 public have anything?

11 MR. HOLAHAN: Laura?

12 You all know Laura from --
13 director of the Clymer Library?

14 MR. KERRICK: Yes.

15 MS. LAURA LASPEE CLYMER: We are
16 presenting our budget at the library tonight. So I
17 appreciate everyone's hard work. I know what a
18 process it is, so --

19 MR. KERRICK: Have fun.

20 MS. LAURA LASPEE CLYMER: Thank
21 you.

22 MS. LAMBERTON: I'd like to
23 make a comment. The reason for my abstaining is
24 that I am an employee of Papillon and Moyer. So
25 that is the purpose of my disclosing that.

1 MR. KERRICK: Thank you.

2 Anyone from the public?

3 Come on, Wendi.

4 Nothing?

5 MR. HOLAHAN: Michael?

6 MS. LAMBERTON: Not yet.

7 MR. KERRICK: He's preparing
8 himself for after the meeting.

9 Thank you for attending. Have a
10 great holiday season. Look forward to seeing you
11 January 3.

12 MR. MOYER: Is that it?

13 MR. KERRICK: That's it.

14 (Meeting concluded at 11:53
15 a.m.)

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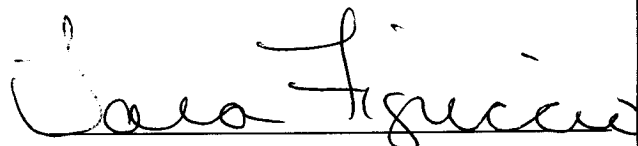
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I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.



TARA FIGUCCIO, C.R.

ORIGINAL

Respectfully submitted:


HEIDI A. PICKARD, TOWNSHIP SECRETARY