

A G E N D A
Board of Supervisors
Regular Business Meeting
February 14, 2011

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: January 3, 2011 Reorganization Meeting
January 3, 2011 work session/Regular Business Meeting
5. Consider the Treasurer's Report: \$586,842.97
6. Solicitor Report: Ordinance 491 Romec, Inc. rezoning
Ordinance 492 Blue Ridge Cable Franchise Agreement
7. New Business:
 - A. Consider Lot Joinder - Christian Charity Foundation Lots 4 & 5 Kickapoo Drive, Arrowhead Lake
 - B. Consider Lot Joinder -DE & S Properties, Inc. Lots 2, 3, 4 & 5 Dawn Court, Dawn Oakley Development
 - C. Consider Windy Corners Realty, LLC request to release letter of credit
 - D. Consider Resolution 2011-008 Wagner Forest Park, Section H Sewage Facilities Planning Module
8. Public Questions and Comment

ADJOURNMENT

Before
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
State Avenue
Pocono Pines, Pennsylvania 18350
Monday, February 14, 2011 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
JAMIE B. KEENER, 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: I'd like to welcome
2 everyone here this evening for the regular business
3 meeting of the board of supervisors, Tobyhanna Township.

4 Call the meeting to order with the
5 pledge of allegiance, please.

6 (Pledge of allegiance was recited.)

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

9 MS. PICKARD: I don't have any
10 announcements at this time.

11 MR. KERRICK: Next item, consider
12 the minutes of January 3, 2011, reorganizational
13 meeting; January 3, 2011, work session slash regular
14 business meeting.

15 What's the board's pleasure?

16 MR. PICKARD: I make a motion we
17 approve the January 3, 2011 reorganization meeting and
18 the January 3, 2011, work session/regular business
19 meeting minutes.

20 MR. KEENER: Second.

21 MR. KERRICK: Regular -- moved and
22 second.

23 Questions or comments from the
24 board?

25 Questions or comments from the

1 public on the motion?

2 Call the vote. Jamie?

3 MR. KEENER: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MR. PICKARD: I vote in favor.

10 MR. KERRICK: I vote in favor.

11 Next item on our agenda, bill pack
12 dated February 14, 2011, total amount for board
13 approval, \$586,842.97.

14 MS. PICKARD: I make a motion that
15 we approve the February 14, 2011 bill pack in the amount
16 of \$586,842.92.

17 MR. KERRICK: Do we have a second?

18 MR. KEENER: Second.

19 MR. KERRICK: Motion and second.

20 Questions or comments from the
21 board?

22 Yes, sir?

23 MR. TOM KEYS: How does a citizen
24 get all the details of this half -- half a million
25 dollar treasurer's report?

1 MR. KERRICK: The -- any bill you
2 want to take a look at, it's in the box in the front.

3 MR. TOM KEYS: Including the
4 treasurer's report?

5 MR. KERRICK: Everything's right
6 there, if you want to take a look at it.

7 MR. TOM KEYS: Okay. Thank you.

8 MR. KERRICK: You're welcome.

9 THE REPORTER: Can you spell your
10 name, please?

11 MR. TOM KEYS: Pardon me?

12 THE REPORTER: Can you spell your
13 name, please?

14 MR. TOM KEYS: My name is Tom Keys,
15 K-E-Y-S. I live in Tobyhanna Township in Pocono Pines.

16 MR. KERRICK: Any other questions or
17 comments?

18 Call the vote. Jamie?

19 MR. KEENER: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I'll abstain.

22 MR. KERRICK: Donny?

23 MR. MOYER: I vote in favor.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.

1 MR. KERRICK: Motion carried.

2 Next item on the agenda, solicitor's
3 report.

4 MR. ARMSTRONG: On the agenda
5 there's two public hearings this evening for ordinances
6 for your review and consideration for approval this
7 evening.

8 We'll start with the first one,
9 which is the Romec, Incorporated, petition to rezone
10 property Parcel No. -- or Monroe County Tax Map Parcel
11 No. 19 slash 117967. The request from the property
12 owner was to rezone the property from C, commercial, to
13 R1, residential.

14 As you're aware this petition came
15 before this board several months ago in the middle of
16 2010. It took the applicant, Romec, Incorporated,
17 awhile to prepare a plan that accurately showed the
18 property and the rezoning being proposed. We did
19 recently receive the plan, which is an exhibit to the
20 ordinance.

21 This ordinance has been reviewed by
22 the Tobyhanna Township Planning Commission, and the
23 Tobyhanna Township Planning Commission has recommended
24 that the rezoning take place. The Bucks -- or the
25 Monroe County Planning Commission has also reviewed this

1 proposed rezoning ordinance and they have also
2 recommended that the rezoning take place.

3 This proposed rezoning ordinance has
4 been advertised in the newspaper in two successive
5 weeks. One being February 7, 2011, and the week
6 immediately prior. It has been posted on the property
7 to be rezoned, as well as available at the township
8 municipal offices and the Monroe County Law Library.

9 This proposed rezoning ordinance has
10 been advertised for public hearing this evening and at
11 this point in time, unless there's any comments from the
12 board at this time with respect to the rezoning of
13 Monroe County Tax Map Parcel No. 19 slash 117967 from C,
14 commercial, to R1, residential, it would be appropriate
15 for the board to discuss them now.

16 Seeing none and this is a public
17 hearing, I'll open up the public hearing to any comments
18 from the public at this time.

19 Yes, sir. Please identify yourself

20 --

21 MR. BRUCE HORNING: I live on **Robyn**
22 Lane where the property's at.

23 MR. ARMSTRONG: Please identify
24 yourself for the record, please?

25 MR. BRUCE HORNING: Bruce Horning,

1 Tobyhanna Township.

2 THE REPORTER: Can you spell it,
3 please?

4 MR. BRUCE HORNING: Pardon me?

5 THE REPORTER: Spell it, please?

6 MR. BRUCE HORNING: H-O-R-N-I-N-G.
7 What's the size of that parcel of
8 land?

9 MR. KEENER: 2.03 acres.

10 MR. BRUCE HORNING: Okay. 'Cause at
11 one time it used to be Pocono Park and I'm just
12 concerned about the minimal.

13 MR. ARMSTRONG: Okay. No, it is --
14 the zoning officer for the township has been involved.
15 She actually posted the property. If there was any
16 concern with respect to the minimal acreage of the
17 property being -- it's not creating a lot, the lot
18 already exists.

19 MR. BRUCE HORNING: Oh, I understand
20 it but I just didn't want to make -- I just wanted to
21 make sure it didn't go below the minimal what we're
22 supposed to have.

23 MR. ARMSTRONG: Okay. Yeah, the
24 size of the property isn't changing. It's just going
25 from C, commercial, to R1, residential.

1 MR. BRUCE HORNING: Yeah, I didn't
2 know what the size was.

3 MR. ARMSTRONG: Okay. Are there any
4 other comments from the public at this time?

5 Any other comments or discussion
6 from the board?

7 MR. KEENER: I make a motion we
8 close the hearing.

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

11 MR. KERRICK: Motion and second to
12 close the hearing.

13 Questions or comments?

14 Questions or comments from the
15 public?

16 Call the vote. Jamie?

17 MR. KEENER: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in favor.

20 MR. KERRICK: Donny?

21 MR. MOYER: I vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I'll vote in favor.

25 Hearing's closed.

1 MR. KEENER: I make a motion we
2 approve Ordinance No. 491, the Romec, Incorporated,
3 rezoning.

4 MR. KERRICK: Motion on the floor to
5 approve. Do we have a second?

6 MR. MOYER: Second.

7 MR. KERRICK: Motion and second.

8 Questions or comments from the
9 public on the motion?

10 Questions or comments from the
11 public?

12 Call the vote. Jamie?

13 MR. KEENER: I vote in favor.

14 MR. KERRICK: Anne?

15 MS. LAMBERTON: I vote in favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I vote in favor.

21 Motion carried.

22 Next item, Pat?

23 MR. ARMSTRONG: The next public
24 hearing this evening will be on the proposed ordinance
25 authorizing the execution of the renewal franchise

1 agreement with Blue Ridge Cable Technologies,
2 Incorporated. The existing cable franchise with Blue
3 Ridge expires this month. It was a ten year term and
4 prior to that it was also a ten year term prior to that.

5 The ordinance in essence authorizes
6 you to execute the proposed agreement with Blue Ridge
7 Cable Technologies. The agreement is a franchise fee
8 agreement with Blue Ridge Cable Technologies to operate
9 within your -- Tobyhanna Township's right of way. Some
10 of the major changes with respect to the current
11 proposed agreement with Blue Ridge will be increasing
12 the franchise fee charge to Blue Ridge from two percent
13 to five percent as permitted by law.

14 Again, this is a franchise fee to
15 Blue Ridge Cable Technologies pursuant to the FCC and
16 the regulations they're under.

17 This ordinance authorizing the
18 execution of the agreement has been advertised in the
19 newspaper within the township. It's been advertised for
20 a public hearing this evening. The ordinance and the
21 proposed agreement has been available at the township
22 offices, as well as with the Monroe County Law Library.

23 With that, I think I'll open the
24 public hearing up first with respect to any discussion
25 from the board, if there are any. If not, we can open

1 it up to the public at this time.

2 And the agreement not only -- I
3 think the big issue is the franchise fee charged to Blue
4 Ridge but there are additional changes made with respect
5 to, as technology has progressed throughout the last 10,
6 15 years, changes were necessary with respect to the
7 franchise agreement and those changes are shown within
8 the agreement being, you know, authorized for execution
9 this evening.

10 So with that, I think we can open
11 this public hearing up to any public comment at this
12 time. And, again, please identify yourself for the
13 record.

14 MR. TOM KEYS: Oh, I thought you
15 pointed to somebody over there. I'm sorry.

16 MR. ARMSTRONG: Anyone in the
17 public here that has comments.

18 MR. TOM KEYS: Tom Keys, Pocono
19 Pines. I have a bunch of questions about this.

20 When I first got my cable bill, I
21 wasn't aware of it and I guess I just don't get the
22 paper often enough to see it advertised, I saw franchise
23 tax and I know just from being around for 68 years that
24 a franchise tax is a business tax and it said right on
25 the bill that they were passing it -- actually I talked

1 to Senator Yudichak's office, they were very helpful.

2 They put me in touch with the
3 director of the governor's office on community
4 development and economic whatever. He told me that it
5 is, in fact, a business tax, but there's a right -- when
6 the legislature passed that law, they passed -- they
7 allowed them to pass it directly through to the users,
8 which means we users here are paying a corporation
9 business tax.

10 So in my view, and excuse me if I
11 seem to have a chip on my shoulder, that legislature
12 sold us out. They took the side of big business against
13 the little man, surprise, surprise, surprise.

14 I just don't under -- first of all,
15 I understand it's been in effect -- the law itself has
16 been in effect for 20 years, they told me, and now --
17 we're doing it now, we're hitting them with a five
18 percent, which you're entitled to do. It's just --

19 MR. KEENER: Sir.

20 MR. TOM KEYS: I'm sorry?

21 MR. KEENER: I don't want to
22 interrupt you but we're not hitting them with five
23 percent. We had two percent in place for the last
24 20 years. We're going to five percent, which is a three
25 percent increase. So this -- I know your bill says five

1 percent, but that's not correct. It's a three percent
2 increase. We've charged, for the last 20 years, we've
3 charged a franchise fee to Blue Ridge Cable of two
4 percent. Just so we get that off our --

5 MR. ARMSTRONG: Just before you go
6 on, this is a franchise fee. It's a franchise fee
7 charged to Blue Ridge Cable, not to you. How Blue
8 Ridge, you know, moves on with charging their customers
9 is no business of the township. The charge is a
10 franchise fee to Blue Ridge Cable for the use of their
11 system within the township's right of way.

12 Now, Blue Ridge does, like you said,
13 sir, under the statute they have the ability to pass
14 that franchise fee on to the customer and Blue Ridge has
15 chosen to do that. They don't need to do that, they've
16 chosen to do that.

17 Go on, I'm sorry.

18 MR. TOM KEYS: So now, here we are,
19 Tobyhanna Township is -- okay, they're increasing it
20 from two to five and now we're getting hit with a five
21 percent percentage on top of our normal bill. They're
22 making you guys out to be the bad guys. That's a -- and
23 --

24 MR. KERRICK: Surprise, surprise.

25 MR. TOM KEYS: And not only that

1 it's, and I don't know whose idea it was, coincidentally
2 exactly in line with Blue Ridge's normal increase in
3 rates.

4 I talked to my neighbor, I said,
5 "Sal, did you see that franchise fee on your bill?"

6 He said, "No, I knew my bill went
7 up, but I just thought it was the regular increase
8 that's coming through January 1."

9 So I don't know if somebody's
10 attempting to hide this, and if they are, who it is.
11 It's just that for individuals to have to pay a business
12 tax just doesn't seem right to me. I'm surprised it
13 hasn't been challenged in 20 years.

14 We don't have a very active populus
15 up here. I've owned property up here for 13 years.
16 I've been a full time resident for almost four years and
17 a meeting with only this few people here, either nobody
18 reads the paper or like my neighbors, they don't even
19 realize they're getting hit with another fee.

20 I can't believe it hasn't been
21 challenged somewhere along the line. It's totally
22 legal, I'm sure it's totally legal, but we used to have
23 laws in this country that says white men can own black
24 men, totally legal in a lot of states. There were laws
25 that say women can't vote anywhere. It was legal. Was

1 it right? No, it wasn't right.

2 You guys are looking like the bad
3 guys. Unless there's something really bad, I wish you
4 wouldn't do it.

5 I'm done. Should I say amen after
6 that?

7 MR. ARMSTRONG: Again, remember,
8 this is not a charge -- the township is not charging
9 this to you as a resident of Tobyhanna Township.

10 MR. TOM KEYS: Oh, I understand
11 that.

12 MR. ARMSTRONG: Okay.

13 MR. TOM KEYS: This director of the
14 -- I forget what it was called, the governor's develop
15 -- he was very, very -- he's out in Harrisburg -- very,
16 very helpful. I was surprised that -- it's quite clear,
17 you have a right to charge them a fee and they have a
18 right to charge it back to us. It doesn't seem right,
19 it doesn't seem fair and of course being the taxpayer
20 and the fee payer, I don't like it.

21 MR. KERRICK: Did you understand
22 though that there is only a three percent and on the
23 bill --

24 MR. TOM KEYS: A three percent
25 increase.

1 MR. KERRICK: I have Blue Ridge
2 Cable as well and on the bill it clearly states a five
3 percent. So I guess we're getting an extra two.

4 MR. TOM KEYS: And it's calculated
5 at five percent.

6 MR. KERRICK: Correct. But that's
7 not what the increase is that we're going to vote on
8 tonight.

9 MR. KEENER: And that's one of the
10 things, we're not sure -- the bill prior didn't show a
11 separate line item for Tobyhanna Township franchise fee.
12 So we're not sure if they included that in their rates
13 prior to the two percent, whether it was included in
14 their rates or if they decided now we didn't catch the
15 two percent or didn't charge the two percent before, but
16 we're gonna hit you with the five percent now. Okay?

17 That's not up to us, that's up to
18 Blue Ridge and they decided to put five percent on your
19 bill when it really should have been a notice saying
20 you're going from two percent to five percent, which is
21 a three percent increase.

22 Mr. Keys, could I ask you what
23 portion -- what's the cost of your cable service on your
24 cable bill?

25 MR. TOM KEYS: I have an

1 introductory rate, I'm only paying a little over 40
2 bucks a month.

3 MR. KEENER: Okay. At \$40 --

4 MR. TOM KEYS: That's gonna end very
5 soon and I have to decide whether to take --

6 MR. KEENER: I calculated based on
7 \$75 a month. If your cable portion was \$75 a month and
8 you got a three percent increase, you would be paying
9 \$2.25 more per month, or \$27 a year, that's your
10 increase.

11 MR. TOM KEYS: But my increase is
12 five percent. It's right on the bill.

13 MR. KEENER: Not from us -- not from
14 us it's not.

15 MR. TOM KEYS: I don't know where
16 it's going, all I know that's what I'm paying.

17 MR. KEENER: Well, based on the
18 three percent increase, it's \$2.25 and it's \$27 a year.

19 MS. PICKARD: I just wanted to make
20 one point also that this is only on the cable television
21 so I have Blue Ridge Cable, I also have my phone and my
22 internet, that is not taxed. It's only the television
23 cable portion of the bill that's subject to the tax.

24 MR. ARMSTRONG: The fee.

25 MS. PICKARD: The fee.

1 MR. KEENER: All right. And the
2 other thing to bring up, certainly we had a difficult
3 budget year, and based on that three percent we were
4 getting, what? A hundred thousand dollars? About a
5 hundred thousand dollars of additional revenue to the
6 township. Okay? Otherwise we would have had to
7 increase taxes based on the current services that we're
8 providing. We would have had to raise property taxes,
9 which is what we didn't want to do. So, I mean, for
10 those people who had vacant property, they would have
11 been taxed. But as it is, this is a \$2.25 percent
12 franchise fee to Blue Ridge who decided to pass it
13 through to you.

14 But if we did taxes, you wouldn't
15 have had the option.

16 MR. TOM KEYS: Well, if it -- if it
17 were at -- if it increased the taxes, it would be a
18 legal deduction for federal tax purposes. This, I don't
19 know if it is.

20 MR. ARMSTRONG: Yeah, let's stay on
21 topic. No one's increased any taxes. Let's stay on
22 point. This is a public hearing.

23 MR. TOM KEYS: Well, he's using
24 this as a benefit we're getting, by having it from -- in
25 that way. You're right, we're getting off the track --

1 MR. KEENER: \$27 a year. Let me
2 bring you back to the reality of it, it's \$27 a year
3 based on the three percent increase.

4 MR. ARMSTRONG: And again, that was
5 a choice -- that's a choice by Blue Ridge, to charge and
6 pass it on to you, not the township.

7 MR. TOM KEYS: I understand that.

8 MR. ARMSTRONG: Okay. This is a
9 public hearing, is there any other public comment at
10 this time with respect to the proposed ordinance?

11 Any other comment from the board at
12 this time?

13 Seeing none, we can close the
14 hearing.

15 MR. KEENER: I'll make a motion we
16 close the hearing for Ordinance No. 492.

17 MR. KERRICK: We have a motion, do
18 we have a second?

19 MS. PICKARD: I second the motion.

20 MR. KERRICK: Motion and second.

21 Questions or comments?

22 Questions or comments from the
23 public on the motion?

24 Call the vote. Jamie?

25 MR. KEENER: I vote in favor.

1 MR. KERRICK: Anne?
2 MS. LAMBERTON: I vote in favor.
3 MR. KERRICK: Donny?
4 MR. MOYER: I'm opposed.
5 MR. KERRICK: No, we're closing the
6 hearing.
7 MR. MOYER: Oh, I'm in favor.
8 MR. KERRICK: Heidi?
9 MS. PICKARD: I vote in favor.
10 MR. KERRICK: I'll vote in favor.
11 Motion is -- hearing's closed.
12 MR. KEENER: I make a motion we
13 approve Ordinance No. 492 for the -- to approve the
14 cable franchise agreement between Tobyhanna Township and
15 Blue Ridge Cable Technologies, Incorporated.
16 MS. PICKARD: I'll second the
17 motion.
18 MR. KERRICK: Motion and second.
19 Questions or comments from the
20 board?
21 Questions or comments from the
22 public on the motion?
23 Call the vote. Jamie?
24 MR. KEENER: I vote in favor.
25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I'll vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: Opposed.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll be opposed.

7 Motion carried.

8 MR. ARMSTRONG: That was the
9 ordinance authorizing the execution of the agreement.
10 Now I need -- if the board wants to entertain a motion
11 actually approving the agreement with Blue Ridge Cable.

12 MR. KEENER: I make a motion we
13 approve the --

14 Do we have a date on it?

15 -- Cable Franchise agreement between
16 Tobyhanna Township and Blue Ridge Cable Technologies,
17 Incorporated.

18 MS. PICKARD: I second the motion.

19 MR. KERRICK: Motion and second to
20 approve the agreement.

21 Questions or comments?

22 Questions or comments from the
23 public?

24 Call the vote. Jamie?

25 MR. KEENER: I vote in favor.

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: Opposed.

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I vote in favor.

7 MR. ARMSTRONG: I do have one
8 additional thing under my report. Lake Naomi came in
9 with a conditional use application and with respect to
10 that application, they just came in this past week, you
11 need to schedule that for a public hearing within
12 60 days.

13 It's my understanding that you may
14 want to consider the March date given their -- Lake
15 Naomi was before you last week at your work session and
16 they indicated that there was a push to try and get this
17 done, so I don't know if you wanted to entertain
18 providing them the public hearing in the March -- in one
19 of your March meetings?

20 MS. PICKARD: I think we should do
21 the March 14.

22 MR. KERRICK: I thought we
23 authorized him to --

24 MR. ARMSTRONG: We got the
25 application in after the work session.

1 MR. KERRICK: So you need a motion
2 for that?

3 MR. ARMSTRONG: Well, actually no
4 real motion, just an agreement as to the date you want
5 to do it.

6 MS. PICKARD: March 14.

7 MR. KERRICK: March 14.

8 MR. ARMSTRONG: Along those same
9 lines, Lake Naomi was before you for their sketch plan
10 of the proposed parking lot last Monday. And during
11 that time they did request that the technical
12 requirement for presubmission to the conditional use
13 application be considered and approved by the board.

14 It was my understanding at the work
15 session that you were amenable to that; and since
16 they've already provided the sketch plan and submitted a
17 conditional use application, it would be appropriate if
18 -- the board, still in that mind-set, to approve a
19 waiver of the conditional use presubmission requirement
20 under the ordinance.

21 MS. PICKARD: So moved.

22 MR. KEENER: Second.

23 MR. KERRICK: Motion and second.

24 Questions or comments from the
25 public on the motion?

1 Call the vote. Jamie?

2 MR. KEENER: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in favor.

5 MR. KERRICK: Donny?

6 MR. MOYER: I vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I vote in favor.

10 Motion carried.

11 Anything else, Pat?

12 MR. ARMSTRONG: The only other last
13 thing is, you discussed last week about the road name
14 change, speed limit and parking restriction ordinance.
15 I have in front of me, I guess, some information that I
16 can put those ordinances together.

17 Is it my understanding that you want
18 these advertised for a public hearing in March or do you
19 want to hold off for another month?

20 MS. PICKARD: I think we need to
21 make that in March as we're expecting the addresses to
22 be released in March, around the 18th.

23 MR. ARMSTRONG: Then all I would
24 need is a motion authorizing me to, I guess, work with
25 the road master and the zoning officer to put the

1 ordinances together and schedule it for a public hearing
2 in March.

3 MS. PICKARD: So moved.

4 MR. KERRICK: Motion on the floor.

5 Do we have a second?

6 MR. KEENER: Second.

7 MR. KERRICK: Motion and second.

8 Questions or comments?

9 Questions or comments from the
10 public on the motion?

11 Call the vote. Jamie?

12 MR. KEENER: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: I vote in favor.

20 Motion carried.

21 MR. ARMSTRONG: That's all I have
22 for my report.

23 Thank you.

24 MR. KERRICK: Thank you.

25 Next item on the agenda, new

1 business, consider lot joinder, Christian Charity
2 Foundation Lot 4 and 5, Kickapoo Drive, Arrowhead Lakes.

3 Anyone here represent them?

4 You want to explain it, Heidi?

5 Kickapoo.

6 MS. PICKARD: Just a simple lot
7 joinder at Arrowhead Lakes. We have all the
8 information. We have the fees, we have tax
9 certifications and the survey.

10 So with that I'll make a motion that
11 we approve the lot joinder, Christian Charity
12 Foundation.

13 MR. KERRICK: Motion on the floor.

14 Do we have a second?

15 MR. MOYER: Second.

16 MR. KERRICK: Questions or comments?

17 Questions or comments from the

18 public?

19 Call the vote. Jamie?

20 MR. KEENER: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I'll vote in favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I vote in favor.

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

3 Motion carried.

4 Next item on our agenda. Consider
5 lot joinder, DE&S Properties, Inc., Lots 2, 3, 4 and 5,
6 Dawn Court, Dawn Oakley Development. I believe that's
7 on --

8 MS. PICKARD: Sullivan --

9 MR. KERRICK: -- Sullivan Trail.
10 Anyone here represent them?

11 MS. PICKARD: That was a previous
12 Dawn Oakley subdivision. We've discussed that over the
13 past year or so and the owner decided that it would be
14 easier to just rejoin the lots together.

15 With that I'll make a motion we
16 approve the Dave Wengerd, Classic Quality Homes, Dawn
17 Oakley subdivision lot joinder.

18 MR. KERRICK: Motion. Do we have a
19 second?

20 MR. MOYER: Second.

21 MR. KERRICK: Questions or comments
22 from the board?

23 Questions or comments from the
24 public on the motion?

25 Call the vote. Jamie?

1 MR. KEENER: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

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

10 Next item, consider Windy Corners
11 Realty, LLC, request to release letter of credit.

12 MR. ARMSTRONG: Yeah, this is --
13 Windy Corners, I'm sure you're aware, is that land
14 development plan up off of 940. They -- I think it's
15 over a year and a half it's been done, maybe close to
16 two years. They requested the release of the letter of
17 credit for the financial securities.

18 Both Bob McHale, the township
19 engineer, and Phyllis Haase, the zoning officer, sent
20 out an e-mail a few weeks ago indicating that everything
21 has been done and that there are no issues with respect
22 to releasing this letter of credit.

23 MR. KERRICK: Entertain a motion?

24 MR. KEENER: So moved.

25 MR. MOYER: Second.

1 MR. KERRICK: Motion and second.
2 Questions or comments from the
3 board?

4 Questions or comments from the
5 public?

6 Call the vote. Jamie?

7 MR. KEENER: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in 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 vote in favor.

15 Motion carried.

16 I want to recuse myself from the
17 next one.

18 MS. PICKARD: For D, I have consider
19 Resolution 2011 dash 008, which is the Wagner Forest
20 Park, Section H, sewage facilities planning module. We
21 have received everything from the DelVal soil scientist
22 and the planning commission -- township planning
23 commission and the Monroe County Planning Commission has
24 signed off on that. Everything's in order from the
25 advice of the enforcement officer.

1 MR. KEENER: I make a motion we
2 approve Resolution 2011 dash 008 and authorize our
3 secretary to sign the planning module.

4 MS. LAMBERTON: I'll second.

5 MS. PICKARD: Do we have any issue
6 with the O and M agreement that's on here, that was
7 approved at the last --

8 MR. ARMSTRONG: Yeah, the only thing
9 I would suggest is just to make a provision to that,
10 that there are certain spray irrigation systems. I
11 think there's one or two within there -- that area and
12 DEP requires an O and M agreement. There's a draft out
13 there that DelVal put together, before any buildings
14 permits for those particular lots, that that O and M
15 agreement be executed.

16 MS. PICKARD: I had forwarded that
17 to the sewage enforcement officer.

18 Do we you need to amend the motion
19 is that what you said or just that should clarify?

20 MR. ARMSTRONG: Yeah, that's just to
21 clarify.

22 MS. PICKARD: We have a motion and a
23 second.

24 Call the vote. Jamie?

25 MR. KEENER: I vote in favor.

1 MS. PICKARD: Anne?

2 MS. LAMBERTON: I vote in favor.

3 MR. MOYER: I vote in favor.

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: Abstain.

6 Does the board have anything else
7 they wish to discuss?

8 MR. KEENER: You want to give them
9 an update on the Blakeslee Visioning scheduling?

10 MS. PICKARD: We've received a
11 tentative schedule from Mark Evans to the members of the
12 steering committee. They were also -- I think we had a
13 tentative date of February 2 for the steering committee
14 to meet and then February 24 we would have listening
15 session scheduled. We needed to meet with the steering
16 committee to make sure that they have the questions
17 ready for that.

18 I have not really heard back from
19 anybody except Mr. Hanyon had come back with a list of
20 people who has suggested being on the listening
21 committee. I had forwarded information and we have a
22 list compiled of all the people that responded to our
23 initial letters and so they're all on the list as well.

24 MR. KEENER: For those in the
25 audience that haven't been to our meetings and aren't

1 familiar with the visioning project that's going on, the
2 Village of Blakeslee, we're currently working on
3 revising our zoning ordinance and our subdivision land
4 development ordinance and we've identified the Village
5 of Blakeslee as an opportunity to create a -- more of a
6 downtown or village center, try to redevelop the village
7 and create the -- Natural Lands Trust is working on
8 model ordinances for Monroe County Planning Commission
9 that will be a basis for our revisions to our zoning and
10 our SALDO in the Village of Blakeslee.

11 What we intend to do is create those
12 regulations that we can apply across the township in
13 Pocono Pines and Pocono Summit and ultimately, you know,
14 maybe the Locust Lake area.

15 Again, providing some regulation so
16 we can do things a little differently and have more
17 walkable communities and a little different appeal than
18 what we have over the past 30 years with our 1970
19 shopping centers that you have to drive to and not be
20 able to walk around, and that process is ongoing.

21 I would say within, what, three
22 months that will be completed and we'll have a plan that
23 we can identify future development in the Blakeslee
24 Village.

25 MS. PICKARD: We're thinking about a

1 month after that, around the 19th, we will have a couple
2 of sessions that will be open to the public for further
3 comments as well.

4 MR. KEENER: We're hoping to promote
5 in papers, we'll advertise those and help to get the
6 word out to those in the township that are unaware.

7 MR. KERRICK: Anything else from the
8 board?

9 MS. PICKARD: I had one thing just
10 to -- we had briefly discussed, and since we have a few
11 people here, that we were going to try and hold our
12 community day again, which would be the second Saturday,
13 July 9, here in the township park. So it looks like Joe
14 Irizarry from Long Time Coming is willing to do that
15 again for free, so I just wanted to make sure that
16 everybody's aware (inaudible) and make this happen at no
17 real cost to the township, that we will move forward
18 with that and I think we will offer spots to the
19 businesses and send out some flyers this year.

20 MR. MOYER: That will be good.

21 MS. PICKARD: So we had really,
22 really nice events last year and we hope that everyone
23 will come out again this year.

24 MR. KERRICK: July 9?

25 MS. PICKARD: July 9.

1 MR. KERRICK: Anything else?

2 Open it up to the public. Anything
3 they wish to discuss? Come on.

4 MR. HOMER ARGOT: I'm Homer Argot.

5 MR. KERRICK: There we go.

6 MR. HOMER ARGOT: I commend you on
7 the ways you operate your meetings. I've been on the
8 church board for years and we sit there for hours and I
9 get tired. Everything's going smooth, I appreciate it.

10 The reason I'm here, I got a letter
11 from the -- said you were gonna have a zoning meeting
12 and I didn't know what it was about. I have property on
13 940 and I was just wondering what that is zoned and if
14 it could be changed to commercial if it's not, I don't
15 know what it is.

16 MR. KEENER: Property adjacent to --

17 MR. KERRICK: He's adjacent to the
18 Romec property on Robin Lane. We changed it from
19 commercial, it's adjacent to the church.

20 Is that the Faith Lutheran?

21 MR. HOMER ARGOT: I'm talking about

22 --

23 MS. PICKARD: Kind of behind the
24 Faith Lutheran Church.

25 MR. HOMER ARGOT: I'm talking about

1 the property next to Edelweiss.

2 MR. KERRICK: You're talking about
3 the property next to the Edelweiss?

4 MR. HOMER ARGOT: Yes.

5 MR. KERRICK: That is commercial.

6 MR. HOMER ARGOT: It is commercial.

7 MR. HOMER ARGOT: Is it commercial?

8 MR. KERRICK: Yeah. We can show you
9 a map after the meeting if you'd like to look --

10 MR. HOMER ARGOT: I didn't under --
11 I looked at it, I didn't understand, I thought it was --

12 MR. KERRICK: Well, there's another
13 one inside. I can show you that one as well. After the
14 meeting we'll show you.

15 MR. HOMER ARGOT: Okay.

16 MR. KERRICK: Anything else? Anyone
17 else? Come on one more.

18 MR. HOMER ARGOT: Do you know
19 anything about the power line that they sent us a letter
20 about, Pennsylvania power line?

21 MR. KERRICK: Only what -- the same
22 letter you have, that's all I know.

23 Does anyone else know?

24 MS. LAMBERTON: They're going to
25 have work sessions on that.

1 MR. KERRICK: Do you know anything
2 about it, Jamie?

3 MR. KEENER: No, I -- only the -- I
4 know they're looking at bringing the main line coming
5 across from Berwick, but I think this is just a service
6 upgrade to provide some redundancy to help with power
7 outages.

8 Again, I think we'll get more
9 information when they have their public hearings. It
10 showed mostly in the --

11 MR. KERRICK: Bear Creek?

12 MR. KEENER: Yeah, out towards --
13 north of Blakeslee. Even their delineation didn't even
14 come down to the 940/115 --

15 MR. KERRICK: It came down almost to
16 Snyder'sville. It was mostly in that area.

17 MR. KEENER: Right.

18 MR. KERRICK: North from there.

19 Anyone else?

20 Thank you for attending. See you
21 next month.

22 (Meeting concluded at 7:35 p.m.)

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, to the best of my ability, at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.

ORIGINAL

Courtney L. Rogers

COURTNEY L. ROGERS

Respectfully submitted:

Hedi A. Pickard
HEDI A. PICKARD, TOWNSHIP SECRETARY