

A G E N D A
Board of Supervisors
Regular Business Meeting
June 13, 2011

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements: Austin T. Blakeslee Natural Area Pavilion
Pool
Community Day, July 9, 2011
4. Consider the Minutes of: April 11, 2011 Regular Business Meeting
5. Consider the Treasurer's Report: \$372,276.85
6. Solicitor Report: Future Land Use Map Public Hearing
Consider Resolution 2011-014 Future Land Use Map
Refinancing Ordinance No 495 Public Hearing
7. New Business:
 - A. Resolution 2011-015 recognizing Emily Carter for serving as a HATT Charter Member
 - B. Resolution 2011-016 recognizing Theodore Suttmeier for serving as a HATT Charter Member
 - C. Resolution 2011-017 recognizing Eugene Kerrick for serving as a HATT Charter Member
 - D. Lot Joinder-Gregory & Shirley Chanitz, Lots 19, 20 & 21 Towanda Trail Arrowhead Lake
 - E. Arcadia Lots 100 & 110
8. Public Questions and Comment

ADJOURNMENT

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, 2011, beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
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 board of supervisors. Call the meeting to order
4 with the pledge of allegiance, please.

5 (Pledge of allegiance was recited.)

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

8 Heidi?

9 MS. PICKARD: I just wanted to
10 announce that the pavilion is up at the Austin T.
11 Blakeslee Natural Area. If you haven't been by there,
12 you want to definitely stop by.

13 The pool will be opening, I believe,
14 on Friday?

15 MR. KERRICK: Um-hum.

16 MS. PICKARD: And hopefully we'll be
17 open through Labor Day. Sign-ups begin this Wednesday.
18 There's a sign-up schedule on the door. The rates are
19 the same as last year.

20 And Community Day will be held at the
21 park from two to seven on July 9. And that's it.

22 MR. KERRICK: Thank you.

23 Next item on our agenda, consider the
24 minutes of April 11, 2011 regular business meeting.

25 What's the board's pleasure?

1 MS. PICKARD: I had a couple
2 corrections. I'll make a motion to approve the April 11,
3 2011 regular business meeting minutes with the following
4 corrections: On Page 12 -- on Page 12, Line 12 that
5 should be NPDES; on Page 22, Line 25 that should be
6 PennVest and they -- and not willing to work with us; and
7 on Page 26, Line 15 should be wheel loader, W-H-E-E-L,
8 loader.

9 MR. MOYER: Second.

10 MR. KERRICK: Motion and second.

11 Questions or comments from the board?

12 Questions or comments from the public
13 on the motion?

14 Call the vote. Jamie?

15 MR. KEENER: 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 testimony on our agenda, bill
23 pack dated June 13, 2011, total amount for board
24 approval, \$372,276.85.

25 MS. PICKARD: I make a motion that we

1 approve the June 13, 2011 bill pack in the amount of
2 \$372,276.85.

3 MR. KERRICK: Do we have a second?

4 MR. KEENER: Second.

5 MR. KERRICK: Who seconded that?

6 MS. PICKARD: Jamie.

7 MR. KERRICK: Motion and second.

8 Questions or comments from the board?

9 Questions or comments from the
10 public? If you care to look at the bills, they're in the
11 box in the front.

12 Call the vote. Jamie?

13 MR. KEENER: I vote in favor.

14 MR. KERRICK: Donny?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KEENER: I vote in favor.

19 Motion carried.

20 At this time we're going to jump out
21 of order to recognize some people from HATT.

22 Heidi, do you want to take it from
23 here?

24 MS. PICKARD: Sure. We're going to
25 skip over Resolution 2011-014 and move to Resolution

1 2011-015, which is recognizing Emily Carter for her
2 service as a HATT charter member. It was my
3 understanding that Emily couldn't make it tonight, but
4 we'll read that into the minutes.

5 We have a resolution of the Township
6 of Tobyhanna Board of Supervisors, Monroe County,
7 Pennsylvania recognizing Emily Carter for serving as
8 charter member of the Historical Association, Tobyhanna
9 Township.

10 Whereas the purpose of the Historical
11 Association of Tobyhanna Township, HATT, is to research,
12 identify and preserve the history of Tobyhanna Township
13 and establish and maintain a museum.

14 And whereas Emily Carter served as
15 treasurer for eight years and is a charter member of the
16 Historical Association of Tobyhanna Township, Monroe
17 County, Pennsylvania.

18 And whereas Emily Carter being an
19 excellent resource for interested historians, sharing
20 collected information about the township, particularly
21 Locust Ridge and Blakeslee, as well as her own family.

22 And whereas Emily Carter shares her
23 knowledge of the families and farms, the businesses and
24 activities of days gone by with residents. HATT meetings
25 are enhanced by her stories and artifacts.

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

Now, therefore, be it resolved that the Tobyhanna Town -- the Township of Tobyhanna Board of Supervisors present this resolution to Emily Carter in recognition of her time, dedication and knowledge and service to the Township of Tobyhanna community.

Resolved and enacted this 13th day of June 2011.

MR. KERRICK: Do we have a motion to approve?

(Audience applauds.)

MS. PICKARD: So moved.

MR. MOYER: Second.

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

MR. MOYER: Second.

MR. KERRICK: Questions or comments? Call the vote.

MALE VOICE: When was HATT formed?

MS. PICKARD: Excuse me?

MALE VOICE: You said from the beginning, when was the beginning?

MS. PICKARD: That I don't know.

Ms. Kaltenthaler?

MS. FREDERICA KALTENTHALER: I'm gonna defer to Gene Kerrick because I can't remember

1 definite dates.

2 MR. EUGENE KERRICK: 15 years ago.

3 MS. FREDERKA KALTENTHALER: 1990.

4 MALE VOICE: 1985.

5 MR. KERRICK: '85?

6 MS. PICKARD: '85. And we will make
7 sure that this gets to Mrs. Carter.

8 Did you want to take this, Mrs.
9 Kaltenthaler?

10 MS. FREDERICA KALTENTHALER: I'd be
11 delighted to. Thank you. Thank you.

12 MR. KERRICK: Call the vote. Jamie?

13 MR. KEENER: I vote in favor.

14 MR. KERRICK: Donny?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

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

19 Motion carried.

20 Next one.

21 MS. PICKARD: Okay. The second
22 resolution is Resolution 2011-016 recognizing Theodore
23 Suttmeier for serving as a HATT charter member and we
24 will read that.

25 Resolution 2011-017 (sic), resolution

1 of the Township of Tobyhanna Board of Supervisors, Monroe
2 County, Pennsylvania recognizing Theodore Suttmeier
3 serving as charter member for the Historical Association
4 of Tobyhanna Township.

5 Whereas the purpose of the Historical
6 Association of Tobyhanna Township, HATT, is to research,
7 identify and preserve history of Tobyhanna Township and
8 establish and maintain a museum.

9 And whereas Theodore Suttmeier served
10 as board member and officer for many years and is a
11 charter member of the Historical Association of Tobyhanna
12 Township, Monroe County, Pennsylvania.

13 And whereas Theodore Suttmeier
14 researched and assembled information about Lutherland and
15 Pinecrest Resorts and Camp.

16 And whereas Theodore Suttmeier
17 planned many HATT programs, shared his knowledge about
18 the history of one of our -- of the largest developments
19 in the township, and shown tremendous commitment to
20 Pocono Pines Improvement Association, PPIA, as well.

21 Now, therefore, be it resolved that
22 the Township Board of Supervisors present this resolution
23 to Theodore Suttmeier in recognition of his time,
24 dedication, knowledge and service to the Township of
25 Tobyhanna community.

1 Resolved and enacted the 13th day of
2 June 2011.

3 (Audience applauds.)

4 MR. KERRICK: For the record Emily
5 Carter, that was Resolution 2011 dash 015; this will be
6 Resolution 2011 dash 016.

7 Heidi gave a motion; do we have a
8 second?

9 MR. KEENER: Second.

10 MR. KERRICK: Questions or comments?

11 All in favor?

12 BOARD MEMBERS: Aye.

13 MR. KERRICK: Ayes have it. Motion
14 carried.

15 MS. PICKARD: I make a motion that
16 we approve Resolution 2011 dash 017 recognizing Eugene
17 Kerrick for serving as HATT charter member. We'll read
18 that.

19 Resolution 2011 dash 017, a
20 resolution of the Township of Tobyhanna Board of
21 Supervisors, Monroe County, Pennsylvania recognizing
22 Eugene Kerrick for serving as charter member of the
23 Historical Association of Tobyhanna Township.

24 Whereas the purpose of the Historical
25 Association Tobyhanna Township, HATT, is to research,

1 identify and preserve the history of Tobyhanna Township
2 and establish and maintain a museum.

3 And whereas Eugene Kerrick served as
4 president and is a charter member of the board -- and
5 board member of the Historical Association of Tobyhanna
6 Township, Monroe County, Pennsylvania.

7 And whereas Eugene Kerrick is well
8 versed on the township folklore and has provided many
9 family biographies.

10 And whereas Eugene Kerrick researched
11 families and their past contributions to the well-being
12 of the township, proving that families are a part of
13 making the township an interesting place to live.

14 Now, therefore, be it resolved that
15 the Township of Tobyhanna Board of Supervisors present
16 this resolution to Eugene Kerrick in recognition of his
17 time, dedication, knowledge and service to the Township
18 of Tobyhanna community.

19 Resolved and enacted this 13th day of
20 June 2011.

21 MR. KEENER: Second.

22 MR. KERRICK: Motion and second.

23 All in favor signify by saying aye?

24 BOARD MEMBERS: Aye.

25 MR. KERRICK: Ayes have it. Motion

1 carried.

2 (Audience applauds.)

3 MR. KERRICK: We'd like you to stay
4 and you're more than welcome, but we're going to get into
5 some public hearings, it's going to drag on a little bit.
6 Now is your opportunity.

7 MALE VOICE: We hear you.

8 MR. KEENER: If I could before you
9 go, I just want to thank all of you to your contributions
10 to Tobyhanna Township. Certainly we are looking to do
11 some things in the township, in the Village of Blakeslee,
12 and we're hoping that that gets brought across to Pocono
13 Pines and throughout the township where we can
14 reestablish our village centers and create a place where
15 people want to come and stay and spend a little time and
16 enjoy themselves.

17 So again, anything -- any
18 contributions that you have going forward -- we're
19 working through the planning process, but any
20 contributions that you have going forward would be very
21 much welcome. Thank you.

22 (Brief recess was taken.)

23 MR. KERRICK: At this time we ask
24 for our solicitor's report.

25 MR. ARMSTRONG: I have a few items

1 under my report. Two of them are public hearings. The
2 first one is the public hearing for the future land use
3 map in relation to the regional comprehensive land use
4 plan.

5 If the board recalls, back when you
6 adopted the regional comprehensive plan, you purposely
7 did not adopt a future land use map because you weren't
8 happy with it at the time. Throughout the years you've
9 revised it, amended it and I believe what's on that
10 diagram right now is the one that's attached to the
11 proposed resolution.

12 Being that it is of resolution that
13 will be amending the regional comprehensive plan, you
14 need to have a public hearing. This public hearing this
15 evening was advertised twice pursuant to the MPC and
16 we'll be opening up for public comment when we open the
17 hearing. But the plan is depicted on the podium before
18 you and the resolution will be adopting it pursuant to
19 the MPC.

20 The Tobyhanna Township Planning
21 Commission has recommended the board adopt the proposed
22 resolution and plan, as has the Montgomery -- or, I'm
23 sorry, the Monroe County Planning Commission. And just
24 to remind the board after -- if you do adopt the
25 resolution this evening, the additional member

1 municipalities in the regional comprehensive plan also
2 need to adopt the same plan.

3 So with that being said and the brief
4 explanation of the resolution and plan, I'll open the
5 public hearing up at this time.

6 Are there any comments from the
7 board?

8 Any comments from the public? Seeing
9 none.

10 MR. KEENER: I make a motion we close
11 the hearing.

12 MR. MOYER: Second.

13 MR. KERRICK: Motion and second to
14 close the hearing.

15 Call the vote. Jamie?

16 MR. KEENER: I vote in favor.

17 MR. KERRICK: Donny?

18 MR. MOYER: I vote in favor.

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I vote in favor.

21 MR. KERRICK: And I'll vote in favor.

22 MR. ARMSTRONG: So the hearing is
23 closed now. If the board has a motion to adopt
24 Resolution 2011 dash 14?

25 MS. PICKARD: Yes.

1 MR. KERRICK: Yes.

2 MS. PICKARD: I make a motion that we
3 adopt Resolution 2011 dash 014, future land use map.

4 MR. KERRICK: Do we have a second?

5 MR. MOYER: Second.

6 MR. KERRICK: Questions or comments
7 from the board?

8 Questions or comments from the
9 public?

10 Call the vote. Jamie?

11 MR. KEENER: I vote in favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I vote in favor.

17 Motion carried.

18 Pat?

19 MR. ARMSTRONG: The next item under
20 my report is the refinancing ordinance, which will be
21 Ordinance No. 495. If the board recalls for the last
22 several months, the board has reviewed and considered
23 refinancing or refunding under the Unit Debt Act current
24 notes, general obligation notes, that the township has
25 dating back to 1997 related to the public sewer system

1 when it was constructed.

2 It's my understanding that the
3 purpose of the refinancing would be to decrease the
4 annual debt service of the township. Meaning that the
5 annual monthly payments per year would go down, although
6 this proposed ordinance and the proposed general
7 obligation note will actually extend the term pursuant to
8 the Unit Debt Act.

9 Under the Unit Debt Act the board has
10 to adopt an ordinance and attached to that ordinance
11 needs to be the proposed note and in this case it was the
12 note -- general obligation note of Series 2011 with ESSA
13 Bank. It also needed to provide and adopt -- or attach
14 the amortization schedule together with the debt service
15 schedule and the proposal from ESSA Bank.

16 All of those documents are attached
17 to the proposed ordinance and the amount of the existing
18 1997 notes amounts to -- the existing Emmaus note as of
19 June 1, 2011 is \$2,335,000; and the existing PennVest
20 note as of June 1, 2011 had an existing outstanding
21 principal balance of \$2,759,281.

22 The proposed refunding program is for
23 a series 2011 general obligation note from ESSA in the
24 aggregate principal amount not to exceed 5.25 million
25 dollars, which would cover the two existing 1997 notes

1 from Emmaus and PennVest.

2 This is an ordinance. It has been
3 advertised according to the Unit Debt Act for a public
4 hearing this evening. And at this time I will open the
5 public hearing.

6 Are there any comments from the board
7 at this time? Seeing none.

8 Are there any comments from the
9 public?

10 MR. GREG HAMILL: What was the actual
11 savings on a yearly basis? I mean, I know you're trying
12 to lower your debt operating cost.

13 THE REPORTER: Can you state your
14 name, please?

15 MR. GREG HAMILL: Greg Hamill.

16 MS. PICKARD: It's in excess of a
17 hundred thousand dollars. Right now our interest only
18 Emmaus note is a variable rate so that's been kind of low
19 right now but that can go up to 12 percent.

20 MR. GREG HAMILL: Sure. So this
21 would lock it into a fixed rate?

22 MS. PICKARD: This would lock us into
23 a fixed rate for 3.75 for 20 years.

24 MR. GREG HAMILL: It will save you a
25 hundred thousand dollars a year.

1 MS. PICKARD: At least a hundred --
2 closer to hundred twenty or more.

3 MR. ARMSTRONG: Yeah, I did fail to
4 mention that, I apologize. It is 3.75 for 20 years,
5 fixed rate.

6 Any other comments from the public at
7 this time? Seeing none.

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

10 MR. MOYER: Second.

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

13 Call the vote. Jamie?

14 MR. KEENER: 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: And I'll vote in favor.
20 Motion to close the hearing.

21 MR. ARMSTRONG: Now, if the board
22 would entertain a motion approving Ordinance No. 495,
23 which is the ordinance authorizing the incurrence by the
24 township of nonelectoral debt by the issuance of a
25 general obligation note, Series 2011, in the aggregate

1 principal amount not to exceed 5.25 million dollars for
2 the purpose of providing funds to currently refund the
3 township's outstanding general obligations notes; series
4 1997, and to pay the cost of issuing the note;
5 authorizing preparation of a debt statement and other
6 documentation; covenanting to create a sinking fund and
7 to budget, appropriate and pay debt service on the note;
8 pledging the full faith, credit and taxing power of the
9 township for the prompt and full payment of the note;
10 setting forth the substantial form of the note; setting
11 forth the stated principal maturity and interest payment
12 dates, place of payment, sinking fund provisions and
13 other details of the note; appointing a paying agent and
14 sinking fund depository; and authorizing other necessary
15 action in order to finalizing close on the note.

16 MR. KEENER: So moved.

17 MS. PICKARD: Second.

18 MR. KERRICK: Motion and second on
19 the refinancing.

20 Questions or comments from the board?

21 Any other questions from the public

22 on the motion?

23 Call the vote. Jamie?

24 MR. KEENER: I vote in favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I vote in favor.

5 Motion carried.

6 MR. ARMSTRONG: Okay. Now, what that
7 ordinance does is it authorizes certain actions to be
8 taken in order to finalize the note. I do need an
9 additional motion from the board at this time to issue
10 the required prepayment letter to Emmaus for the existing
11 1997 note.

12 MS. PICKARD: So moved.

13 MR. KEENER: Second.

14 MR. KERRICK: Motion and second.

15 Any questions or comments on the
16 motion from the public?

17 Call the vote. Jamie?

18 MR. KEENER: I vote in favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I vote in favor.

24 Anything else?

25 MR. ARMSTRONG: One additional item,

1 we do have the proposal letter from ESSA. We -- actually
2 it's a proposal dated April 28, as well as an addendum
3 thereto correcting the proposal letter. I need you -- if
4 the board would entertain a motion authorizing the
5 signing of that proposal so we can set up the closing
6 date from the note.

7 MR. KEENER: So moved.

8 MS. PICKARD: Second.

9 MR. KERRICK: Motion and second.

10 Questions or comments?

11 Questions or comments from the
12 public?

13 Call the vote. Jamie?

14 MR. KEENER: 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 Anything else?

22 MR. ARMSTRONG: One other thing in
23 the same -- this is actually a little different. This is
24 -- if you recall at your work session last week there's
25 such a thing as a weighted average maturity calculation

1 that needs to be calculated in relation to the 1997 notes
2 and the proposed 2011 series note. Usually the bank does
3 that, ESSA was not comfortable -- or they haven't done
4 that in the past so they did not want to do it for the
5 proposed 2011 note.

6 We were looking and we found someone
7 to do it. Actually it's someone that has dealt with the
8 township before. The catch is the cost is a thousand
9 dollars; so if the board is okay with that cost, I just
10 need a motion to authorize us to authorize them to
11 prepare those calculations.

12 MR. KEENER: Who's them?

13 MR. ARMSTRONG: It's Jamie Doyle
14 through PFM.

15 MR. KEENER: Okay.

16 MS. PICKARD: We dealt with her on
17 the Emmaus bond pool.

18 MR. ARMSTRONG: Yeah, she's out in
19 Harrisburg.

20 MR. KEENER: I'll make that motion.

21 MS. PICKARD: I'll second the motion.

22 MR. KERRICK: Motion and second to
23 authorize Pat.

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

1 Call the vote. Jamie?

2 MR. KEENER: I vote in 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 vote in favor.

8 Motion carried.

9 What else do you have for us?

10 MR. ARMSTRONG: I'm going to try and
11 keep it brief, guys. Lake Naomi, the pedestrian path,
12 it's my understanding that there's a final outstanding
13 payment waiting to be paid. You're all familiar with the
14 pedestrian path that Lake Naomi put in and the township
15 engineer received the contractor's general release, which
16 was from DePue. He also received the surety statement
17 releasing all, you know, liability from the township and
18 he also received an indemnification statement from DePue.

19 The township engineer's question is
20 to make sure that the board is okay in releasing that
21 final payment -- I think it's a little over \$4,000 --
22 given the fact that we don't have each individual
23 subcontractor release. You don't need to, under the
24 contract that we had with the contractor DePue. You are
25 able to require each subcontractor to sign a release that

1 they've been paid and provided as needed, but you don't
2 need to.

3 So if the board's okay releasing that
4 final payment, you need to let me know so I can let the
5 township engineer know.

6 MR. KERRICK: Any liability on the
7 township?

8 MR. ARMSTRONG: Not -- I haven't
9 really been involved in the project. I think everyone
10 has been paid. DePue has signed his contractor's release
11 basically releasing the township from any claims that the
12 subcontractor may have and indemnifying the township if
13 there was a claim against the township. And the surety
14 company has also certified that DePue has paid all the
15 subcontractors appropriately.

16 Am I going to tell you there's not
17 going to be? I can't tell you that, but I haven't heard
18 any -- I don't think the township's received any
19 complaints from any of the subcontractors on the job. I
20 don't think there were many. The bridge company and
21 maybe one or two others.

22 MR. KERRICK: You need that in a
23 motion?

24 MR. ARMSTRONG: Yeah. I can give you
25 the amount. It's request -- it looks like Request No. 9

1 in the amount of \$4,453.47, which would be the
2 contractor's final payment.

3 MR. KERRICK: What's the board's
4 pleasure? Do we have a motion?

5 MR. KEENER: So moved.

6 MR. KERRICK: Motion. Second?

7 MR. MOYER: Second.

8 MR. KERRICK: Questions or comments
9 from the board?

10 MR. KEENER: Heidi, has there been
11 any further movement on the request -- there was a
12 request regarding that project?

13 MS. PICKARD: No, we filed a 30 day
14 extension.

15 MR. KEENER: Okay.

16 MR. KERRICK: Questions or comments
17 from the public on the motion?

18 Call the vote. Jamie?

19 MR. KEENER: 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 vote in favor.

25 MR. ARMSTRONG: Benecon, the

1 insurance -- the health insurance changeover that the
2 board talked about at the work session? If the board is
3 and the township is still interested in switching
4 companies and entering the Benecon, I guess it's a
5 municipal pool, so to speak, you need to advertise an
6 ordinance to authorize the township to enter into that
7 intergovernmental agreement. So I would need a motion
8 from the board authorizing the preparation of the
9 ordinance and advertising of the same.

10 MS. PICKARD: So moved.

11 MR. KEENER: Second.

12 MR. KERRICK: Motion and second.

13 Questions or comments from the board?

14 Questions or comments from the public
15 on the motion?

16 Call the vote. Jamie?

17 MR. KEENER: I vote in 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 vote in favor.

23 Anything else?

24 MR. ARMSTRONG: The planning
25 commission from Tobyhanna Township, as you're aware,

1 they're reviewing the proposed zoning ordinance amendment
2 currently. They met on Thursday of last week and again
3 they wanted to schedule two additional special meetings
4 to discuss and further go through that proposed zoning
5 ordinance amendment.

6 They set two dates. One, June 30, at
7 6 o'clock and the other July 5, at 5 o'clock, which is
8 immediately after your work session. They need approval
9 from the township to advertise for those two additional
10 special meetings and they also requested that I attend
11 those meetings as well, so I would need authorization
12 from the board to attend.

13 MS. PICKARD: Are they having their
14 regular meeting on Thursday, the 7th?

15 MR. ARMSTRONG: I have not heard
16 anything otherwise so --

17 MR. KERRICK: What's the board's
18 pleasure? Do we have a motion?

19 MS. PICKARD: So moved.

20 MR. KEENER: Second.

21 MR. KERRICK: Motion and second for
22 the advertising of the planning commission.

23 Any questions or comments from the
24 public?

25 Call the vote. Jamie?

1 MR. KEENER: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I vote in favor.

7 Motion carried.

8 MR. ARMSTRONG: One additional item
9 and then I do have a brief litigation executive session
10 discussion. But the one other item for the public
11 meeting would be, the Pocono Summit Fire Department again
12 contacted the township, I guess, PennDOT's looking for a
13 letter from the township. I had indicated to the
14 township before that you probably don't want to indemnify
15 anyone with respect for the parade, but Heidi and I did
16 come up with a letter -- I don't think the township --
17 the township's already approved or doesn't have a problem
18 with the parade as long as they get all the permits or
19 whatever approvals they need.

20 So we came up with a letter that if
21 the board's okay sending to Pocono Summit who will then
22 in turn forward it on to PennDOT. No real motion is
23 needed, I just need to make sure everyone's okay.

24 MR. MOYER: Okay.

25 MR. KERRICK: I don't know why it's

1 needed but --

2 MR. ARMSTRONG: I think PennDOT was
3 pushing --

4 MS. PICKARD: I did call PennDOT and
5 the gentleman I talked to said if it's not affecting any
6 traffic in Tobyhanna Township, or that, but the gentleman
7 who was handling that was away until tomorrow so we just
8 wanted to make sure we had it done today.

9 MR. ARMSTRONG: Okay. And that's all
10 I have for my report. Thank you for your time.

11 MR. KERRICK: Thank you.

12 Next item under new business, lot
13 joinder Jeffrey (sic) and Shirley Chanitz, Lots 19, 20
14 and 21, Towanda Trail, Arrowhead Lake.

15 Anyone here? What's the board's
16 pleasure?

17 MR. KEENER: I make a motion we
18 approve the lot joinder application of Lots 19, 20 and 21
19 of Towanda Trail, Arrowhead Lake.

20 MS. PICKARD: I'll second the motion.

21 MR. KERRICK: Motion and second.

22 Questions or comments from the board on the motion?

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

25 Call the vote. Jamie?

1 MR. KEENER: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I vote in favor.

7 Motion carried.

8 Next item, Arcadia Lots 100 and 110.

9 Chris?

10 MR. CHRISTOPHER McDERMOTT: Hi,
11 Chris McDermott of Reilly Associates. I'm here on behalf
12 of Arcadia Properties. I just wanted to comment tonight
13 and just give the board status of where we are in the
14 approval process. I believe you're all familiar with the
15 project.

16 As you know, we need to get an NPDES
17 permit. It was a significant revision to the permit
18 which was already underway. We've met with the
19 conservation district and DEP four times. Bob McHale has
20 been at the meeting. We're progressing very nicely.
21 We're on schedule for a mid-July recommendation from the
22 Monroe County Conservation District, I hope, cross my
23 fingers, which would put us on target for the August
24 permit.

25 We've submitted everything that they

1 would need to see for that permit in one form or in draft
2 form so that they could see it beforehand. We've gotten
3 the preliminary comments and we were able to bundle
4 everything and give it to them as an entire package last
5 week.

6 Bob McHale has gotten the storm water
7 management plan not only for the post construction that
8 the county and the state have to approve but the storm
9 water management plan associated with the land
10 development for the storm -- for the township storm
11 water, so, Bob is looking at those. We will need a
12 letter from Bob for the Act 167 consistency letter and I
13 want to thank the township for allowing Bob to come to
14 the meetings, I think it's very helpful to get his input
15 right there with the conservation district; so thank you
16 very much. Things seem to be progressing nicely there.

17 We have submitted the detailed
18 highway occupancy permit plan to PennDOT. We've received
19 a minor -- some minor comments. They're a little bit
20 voluminous, but none of them are what I would consider
21 major comments. There are some that I think we have to
22 discuss with PennDOT. I don't know if they read their
23 own strike-off letters sometimes but --

24 MR. KEENER: Did they walk down the
25 hall and get plans?

1 MR. CHRISTOPHER McDERMOTT: Comment

2 No. 1 is we have to provide them with their own plans, so
3 -- but I've got those. I actually got them from the
4 contractor because that was the quickest way to get them
5 rather than through the department, but I got them and
6 we're going to be able to submit them their own plans.

7 There weren't many significant
8 comments as far as design changes. There are some on the
9 traffic impact statement, which I didn't expect them,
10 which at least are very easily explainable in my mind.
11 We'll meet with them and discuss it.

12 There are things that we knew would
13 be identified that we'll need township input on.
14 Particularly improvements to Klock Road as we make
15 adjustments to 115 cross section. We're gonna be raising
16 it slightly in the area of Klock Road so we'll have to do
17 an adjustment on the pavement at Klock to blend in.
18 We're gonna ask the township to be the applicant -- well,
19 they need to be the applicant for Klock Road and we need
20 to meet with you and to review those. So that may be
21 best to schedule, I guess, Heidi, to meet directly with
22 Bob and maybe John and review those in details so you're
23 seeing those now because we'll be back hot and heavy
24 asking for the township to be the applicant.

25 Other things with the signal permit,

1 for the signal at Commerce Boulevard. Let's see, traffic
2 -- township traffic comments, I'd like to also discuss
3 those with Bob. There were traffic comments, I think
4 that were forwarded sometime ago. We probably just need
5 to pick those up and make sure that they're all resolved
6 to the township's satisfaction.

7 Our primary focus has been on the
8 NPDES post construction storm water management plan and
9 PennDOT plan and our real deadline as far as the -- the
10 potential user for this project is to have those in place
11 by August; so our primary function has been there.

12 We are working on the land
13 development plan. I would have liked to have that
14 submission in by now, but we're continuing -- Arcadia
15 asked us to mainly focus on those two permits to make
16 sure they're in place by August but we are continuing on
17 that.

18 MS. PICKARD: You don't have a date
19 when you would be submitting that? Because Bob's going
20 to need to review it before the PC --

21 MR. CHRISTOPHER McDERMOTT: Right.
22 And I think it would be -- one thing that they're trying
23 to get some input from the potential user, the identified
24 user, because not that it would change significantly
25 around the plan, but I would imagine that they'll have

1 input regarding some of the detail right around the
2 building. And if we prepare the detail plan and submit
3 it to you right now, we'd likely get revised, so I'd like
4 to try to get that information to you.

5 So the answer to that question is I
6 need more information from them. But the largest portion
7 of that plan is really the storm water and the envelope
8 around the building, so we're talking about the detail
9 around the building. Of course I need to finish off
10 conversation with Phyllis regarding the -- the screen
11 that we spoke of at last month's meeting.

12 That's about where we are in the
13 process. Heidi, is the best thing for me to do is just
14 call you and schedule time to meet with Bob and John,
15 discuss those things in details and if there's any
16 questions I can answer?

17 MR. ARMSTRONG: The attorney gave me
18 -- the applicant's attorney gave me a call and they have
19 copies of the proposed form development -- land
20 development agreements. I'm just waiting to hear back
21 from them.

22 MR. CHRISTOPHER McDERMOTT: Good. I
23 don't have to worry about that. Thank you for adding
24 that.

25 MR. KERRICK: Any questions? The

1 board have any questions?

2 MR. CHRISTOPHER McDERMOTT: Okay.

3 Thank you for your time.

4 MR. KERRICK: Thank you, Chris.

5 MR. CHRISTOPHER McDERMOTT: Thank you
6 for your cooperation.

7 MS. PICKARD: So, Chris, is this
8 still really on target or are we still down to the final?
9 Are they making a --

10 MR. CHRISTOPHER McDERMOTT: As far as
11 I know everything is on target. They have not been short
12 listed any further than I know of, but I don't know if
13 anybody has. There were several other potential sites
14 and I don't know if they have narrowed it down further.
15 I know we're still in the run so -- and therefore I've
16 been directed to run hard.

17 MR. KERRICK: Thank you. At this
18 time we'll entertain public comments or questions? None?

19 Anybody from the board?

20 MR. KEENER: Yeah. Just I had
21 mentioned at the work session, but as you have noticed in
22 the Pocono Record, I am in the process of transitioning
23 out of my position as township supervisor. There's no
24 date certain yet, but I will be transferring to our
25 Harrisburg office whenever my house sells in Tobyhanna

1 Township.

2 Again, I will let you know as soon as
3 I know when the ultimate date will be but the Record had
4 identified the end of the year. I'm not going to say
5 it's the end of the year because I don't know at this
6 point when it will be; but I know I will be
7 transitioning. I will be working in the Harrisburg
8 office several days a week, but I'll still be residing
9 here in the township.

10 MR. KERRICK: Thank you. Anyone
11 else?

12 Pat, do you have any?

13 MR. ARMSTRONG: Just brief litigation
14 executive session.

15 MR. KERRICK: I'd like to thank you
16 for coming this evening. We're adjourned.

17 (Meeting concluded at 7:45 p.m.)

18 ---

19

20

21

22

23

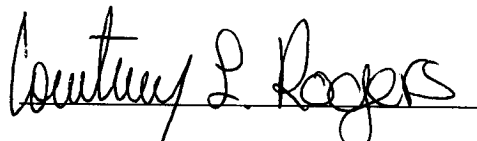
24

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

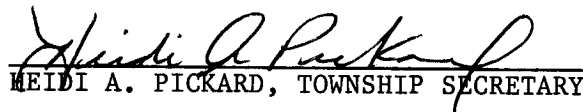
I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.

ORIGINAL



COURTNEY L. ROGERS

Respectfully submitted:


HEIDI A. PICKARD, TOWNSHIP SECRETARY