

A G E N D A
Board of Supervisors
Regular Business Meeting
September 12, 2011

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements: Fall Clean up October 8 through October 15, 2011
4. Consider the Minutes of: July 11, 2011 Regular Business Meeting
5. Consider the Treasurer's Report: \$512,554.91
6. Solicitor Report:
7. New Business:
 - A. Consider acknowledging the Fiscal Year 2012 Minimum Municipal Obligation to the Township of Tobyhanna Non-Uniformed Employees Pension Plan
 - B. Designation of EMS-Thornhurst Bridge Status
 - C. Consider Resolution No. 2011-023 Appropriations
 - D. PSVFC-New Fire Police Officers
 - E. Consider Resolution No. 2011-024 Berkheimer-EIT Collector
 - F. Consider Resolution No. 2011-025 Berkheimer-LST Collector
 - G. Consider Resolution No. 2011-026 building number signs compliance date
 - H. Consider Resolution No. 2011-027 support the proposed special tax amendment
 - I. Declaration of Disaster Emergency
 - J. Keith Knauer, Lots 4 & 5 Beech Spring Drive, Lake Naomi-well isolation distance waiver request
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, September 12, 2011, beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
DONALD MOYER, Board Member
ANNE LAMBERTON, 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
2 welcome everyone here this evening for the board of
3 supervisors meeting, September 12, 2011. Could we
4 call the meeting to order with the pledge of
5 allegiance, please.

6 (Pledge of allegiance was
7 recited.)

8 MR. KERRICK: First item of
9 business, announcements.

10 MS. PICKARD: We will have fall
11 cleanup scheduled October 8, Saturday, through
12 Saturday, October 15, that will be at the transfer
13 station on Sullivan Trail Road and that would be
14 Monday through Friday, eight to four; Saturday,
15 eight to three. The prices are the same as last
16 year.

17 And we received a fax from the
18 county late this afternoon that if there's any
19 residents that wanted to come to the township to
20 document and report flood related damages, they
21 should do so and we have a log that we're keeping
22 track of for the county.

23 That's it.

24 MR. KERRICK: Next item of
25 business, consider the minutes of July 11, 2011,

1 regular business meeting.

2 What's the board's pleasure?

3 MS. PICKARD: I'll make a motion
4 that we approve the July 11, 2011 regular business
5 meeting minutes.

6 MR. MOYER: Second.

7 MR. KERRICK: Motion and second.
8 Questions or comments from the
9 board?

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

12 Call the vote. Anne?

13 MS. LAMBERTON: 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

19 favor. Motion carried.

20 Next item, bill pack dated
21 September 12, 2011, total amount for board approval
22 \$512,554.91.

23 What's the board's pleasure?

24 MS. PICKARD: I make a motion
25 we approve the September 12, 2011 bill back in the

1 amount of \$512,554.91.

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

4 MR. MOYER: Second.

5 MR. KERRICK: Motion and second.
6 Questions or comments from the
7 board?

8 Questions or comments from the
9 public on the motion? Bills are up front in case
10 anybody wants to take a look.

11 Call the vote. Anne?

12 MS. LAMBERTON: I'll abstain.

13 MR. KERRICK: Donny?

14 MR. MOYER: I vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in
18 favor. Motion carried.

19 Solicitor's report.

20 MR. ARMSTRONG: There's nothing
21 under my report. The only thing I do have to
22 report is more of a status. After your meeting
23 last month I prepared a drainage maintenance
24 agreement for the New Ventures Park application. I
25 submitted it to their attorney shortly after the

1 meeting. I still haven't heard back or received
2 signed copies back. I'm going to probably give
3 them a call sometime this week to see what the
4 status of that is.

5 But other than that, there's
6 nothing to report. I thought I would have that for
7 you to execute tonight, but I do not.

8 MR. KERRICK: I have a question.
9 Was that New Ventures Park or was it the owner or
10 the --

11 MR. ARMSTRONG: It's with
12 Arcadia. Arcadia. I think their land development
13 plan applications are New Ventures Park.

14 MR. KERRICK: Okay. Anything
15 else?

16 MR. ARMSTRONG: That's all I
17 have to report.

18 MR. KERRICK: Okay. Next item
19 of business. Under new business, consider
20 acknowledging fiscal year 2012 minimum municipal
21 obligation to the Township of Tobyhanna
22 Nonuniformed Employees Pension Plan.

23 Heidi?

24 MS. PICKARD: The 2012 minimum
25 municipal obligation is \$44,358.14. We just need

1 to announce that --

2 MR. KERRICK: You don't need a
3 motion to approve it.

4 You need a motion for that, Pat?

5 MR. ARMSTRONG: It wouldn't hurt
6 to entertain a motion to approve it.

7 MR. KERRICK: Is that your
8 motion, Heidi?

9 MS. PICKARD: That will be my
10 motion.

11 MR. KERRICK: Do we have a
12 second?

13 MR. MOYER: Second.

14 MR. KERRICK: Motion and second.
15 Questions or comments from the
16 board on the motion?

17 Questions or comments from the
18 public on the motion?

19 Call the vote. Anne?

20 MS. LAMBERTON: I vote in favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I vote in favor.

23 MS. PICKARD: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: And I vote in

1 favor. Motion carried.

2 Next item on our agenda,
3 designation of EMS due to the Thornhurst Bridge.

4 Do we want to address that at
5 this meeting or we want to --

6 MS. PICKARD: We said at the
7 work session we wanted to.

8 MR. KERRICK: Okay. Did we
9 notify Coolbaugh Township?

10 MS. PICKARD: No. We were going
11 to notify them after.

12 MR. KERRICK: After this
13 meeting? Okay.

14 MS. PICKARD: So if you want to
15 make a motion, I will make a motion that we
16 designate Pocono Mountain Regional EMS as first due
17 for basic life support for the duration of the
18 bridge replacement, Thornhurst.

19 MR. KERRICK: That's only in the
20 Tobyhanna Township area?

21 MS. PICKARD: In the Tobyhanna
22 Township.

23 MR. KERRICK: What about fire?

24 MS. PICKARD: You had said we're
25 dually dispatched now, so I don't -- did you want

1 to --

2 MR. KERRICK: I think it should
3 be noted until the bridge is repaired.

4 MS. PICKARD: Did we want
5 Tunkhannock Township to be notified or would --

6 MR. KERRICK: At this time I
7 would just do -- I would personally just do Station
8 41 and then with the backup of Thornhurst. And if
9 that doesn't work, then we have to do Tunkhannock.

10 MS. PICKARD: Okay. So I'll
11 amend my motion to include that we will designate
12 Station 41, Tobyhanna Township Volunteer Fire
13 Department, as first due and Thornhurst as second
14 due for Tobyhanna Township in the Arrowhead Lakes
15 area for the duration of the bridge replacement.

16 MR. KERRICK: We have a motion.
17 Do we have a second?

18 MR. MOYER: Second.

19 MR. KERRICK: Questions or
20 comments?

21 Questions or comments from the
22 public?

23 Call the vote. Anne?

24 MS. LAMBERTON: I vote in favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MS. PICKARD: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: And I'll vote in
5 favor. Motion carried.

6 Next item on agenda, consider
7 Resolution No. 2011 dash 023, appropriations.

8 MS. PICKARD: I make a motion
9 that we approve Resolution 2011 dash 023, that's
10 reappropriation from one account to the other.
11 These are all from the sewer fund and are largely
12 as a result of the refinancing that we just did on
13 the sewer note.

14 MR. KERRICK: We have a motion
15 on the floor.

16 Do we have a second?

17 MR. MOYER: Second.

18 MR. KERRICK: Questions or
19 comments from the public on the motion?

20 Call the vote. Anne?

21 MS. LAMBERTON: I vote in favor.

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: And I vote in
2 favor.

3 Next item on our agenda, Pocono
4 Summit Volunteer Fire Company new fire police
5 officers.

6 Do we just have to name those?

7 MS. PICKARD: I had received a
8 letter from Pocono Summit's chief, George
9 Tallmadge, he is looking to install himself, George
10 F. Tallmadge, III; Grace Durso; and Tyler Rispoli
11 as fire police officers for their fire company.
12 They have all completed the requisite
13 certifications. I make a motion.

14 MR. KERRICK: Do we have to make
15 a motion? I forget what the obligation is.
16 They're going to a magistrate to get sworn in,
17 correct?

18 MR. ARMSTRONG: Right. Right.
19 You just need to confirm that you're okay with the
20 --

21 MR. KERRICK: Okay. You want to
22 do that in motion form?

23 MS. PICKARD: That's fine.

24 MR. KERRICK: Do we have a
25 second for Heidi's motion?

1 MS. LAMBERTON: I'll second.

2 MR. KERRICK: Questions or
3 comments from the board?

4 Questions or comments from the
5 public?

6 Call the vote. Anne?

7 MS. LAMBERTON: I vote favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote favor.

12 MR. KERRICK: And I'll vote in
13 favor.

14 Next item on our agenda,
15 consider Resolution No. 2011 dash 024, Berkheimer
16 EIT tax collector.

17 MS. PICKARD: Did you want to
18 talk about this a little?

19 MR. ARMSTRONG: Sure. As you're
20 aware Monroe County contracted with Berkheimer
21 Associates or actually Berkheimer Tax
22 Administrators now for the collection of the EIT
23 tax, as well as -- it's my understanding, as well
24 as the LST tax.

25 MS. PICKARD: Correct.

1 MR. ARMSTRONG: And what these
2 resolutions in essence doing is they're appointing
3 Berkheimer as your EIT and LST collectors starting
4 January 1, 2012 and also terminating the agreement
5 that you currently have with Centax effective
6 December 31, 2011.

7 MR. KERRICK: Was there anything
8 with Centax -- we're allowed to do that --

9 MR. ARMSTRONG: Yeah. There was
10 a 90 day notification for termination required
11 under your contract with Centax. My understanding
12 is the letter went out --

13 MS. PICKARD: The contract
14 expired anyway with them because of the renewal.

15 MR. ARMSTRONG: It's my
16 understanding Centax is aware that this is
17 happening because about a year ago probably the
18 negotiations with the county took place.

19 MR. KERRICK: Do we need to do
20 those separate?

21 MR. ARMSTRONG: Yes.

22 MR. KERRICK: The LST and the
23 EIT?

24 MR. ARMSTRONG: They're two
25 separate resolutions, yes.

1 MR. KERRICK: Okay.

2 MS. PICKARD: I make a motion
3 that we approve Resolution 2011 dash 024 appointing
4 Berkheimer as our earned income tax collector.

5 MS. LAMBERTON: Second.

6 MR. KERRICK: Motion and second.
7 Questions or comments from the
8 public?

9 Call the vote. Anne?

10 MS. LAMBERTON: I vote in favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. KERRICK: I vote in favor.

16 Motion carried.

17 Next item, consider Resolution
18 No. 2011 dash 025, Berkheimer LST as the tax
19 collector.

20 MS. PICKARD: I make a motion we
21 approve Resolution 2011 dash 025 appointing
22 Berkheimer as our LST collector.

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

25 MS. LAMBERTON: Second.

1 MR. KERRICK: Questions or
2 comments from the public on the motion?

3 Call the vote. 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'll vote in
10 favor. Motion carried.

11 Next item, consider Resolution
12 No. 2011 dash 026, building number compliance date.

13 MR. ARMSTRONG: Now, what these
14 -- if you recall from the work session, we
15 discussed Ordinance 470 and the amending Ordinance
16 479 with respect to the building name signs or the
17 building number signs. The compliance date was not
18 set in those ordinances because we didn't know when
19 the county was going to finish their 911
20 addressing.

21 They have since completed their
22 -- the county has since completed their addressing
23 and the way it's termed in the ordinance is, it
24 would be one -- a compliance date would be 180 days
25 from the date determined by the township.

1 And the way this resolution is
2 worded is that it would be 180 days from today's
3 date, the date of the resolution being passed,
4 which would take them to a March 12, 2012
5 compliance date.

6 And again --

7 MR. KERRICK: Are you all right
8 with that?

9 You okay with it?

10 MS. LAMBERTON: Do you want it
11 longer?

12 MR. KERRICK: No. I'm okay with
13 that.

14 MS. LAMBERTON: Okay.

15 MR. KERRICK: Our concern was
16 that it was a lot of people that still don't have
17 the signs out.

18 MS. LAMBERTON: Right.

19 MR. KERRICK: Some of the people
20 are leaving for the summer or slash winter.

21 MS. LAMBERTON: Right. So
22 should we make it like June?

23 MR. KERRICK: Well, I thought we
24 said at our work session we'd give it a try and --

25 MS. LAMBERTON: And see what

1 happens. Okay.

2 MS. PICKARD: We could always
3 extend it --

4 MR. ARMSTRONG: You'd have to do
5 another resolution, but you could arguably extend
6 it, yep. It's going to be an enforcement thing
7 from the township.

8 MR. KERRICK: I hope they get
9 them up, that's what they're there for.

10 Do we have a motion?

11 MS. PICKARD: I'll make a motion
12 we approve Resolution 2011 dash 026.

13 MR. KERRICK: Do we have a
14 second?

15 MS. LAMBERTON: Second.

16 MR. KERRICK: Questions or
17 comments from the board?

18 Questions or comments from the
19 public?

20 Yes, Anne -- or, excuse me,
21 Wendy.

22 MS. WENDY FREEMAN: Is that the
23 both types of signs, the number signs on the house
24 and the number signs by the driveway?

25 MR. KERRICK: You mean the road

1 signs?

2 MS. WENDY FREEMAN: The number
3 signs --

4 MR. KERRICK: Or did you mean
5 street signs?

6 MR. ARMSTRONG: The identifying
7 number signs for the property, not the street
8 signs.

9 MS. WENDY FREEMAN: Okay.

10 MR. ARMSTRONG: The street signs
11 identifying the street, this compliance date does
12 not apply to that.

13 MS. WENDY FREEMAN: Thank you.

14 MR. KERRICK: Any other
15 questions?

16 Sorry, Wendy. I had to do it.
17 Call the vote. Anne?

18 MS. LAMBERTON: I vote in
19 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
25 favor. Motion carried.

1 Next item, consider Resolution
2 No. 2011 dash 027, support the proposed special tax
3 amendment.

4 Heidi, that's your --

5 MS. PICKARD: This was a
6 resolution we were putting forth to the county
7 association meeting next month to amend the Second
8 Class Township Code to allow special taxes to be
9 broken out for both police and for road projects.

10 And with that I'll make a motion
11 that we approve Resolution 2011 dash 027. We do
12 have them combined in the one resolution.

13 MR. KERRICK: Do we have a
14 second?

15 MS. LAMBERTON: I'll second it.

16 MR. KERRICK: Questions or
17 comments from the board?

18 Questions or comments from the
19 public?

20 Call the vote. Anne?

21 MS. LAMBERTON: I vote in favor.

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: I'll vote in
2 favor.

3 Next item, declaration of
4 disaster emergency.

5 Do you have those dates?

6 MS. PICKARD: I put them in the
7 declaration.

8 MR. KERRICK: You put them in
9 the declaration?

10 MS. PICKARD: Yes.

11 MR. KERRICK: August 28?

12 MS. PICKARD: Yeah, that's what
13 she told me.

14 MR. KERRICK: On or about August
15 28, 2011 -- you want me to read the first sentence
16 there? -- has caused or threatened to cause
17 injury, damage and suffering to the persons or
18 property at Tobyhanna Township.

19 Do we have a motion?

20 MS. PICKARD: I make a motion
21 for the declaration of the disaster emergency on
22 August 28, 2011.

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

25 MS. LAMBERTON: What does this

1 do?

2 MS. PICKARD: I had a question,
3 though, if the emergency took us into the next
4 couple of days or the next week --

5 MS. LAMBERTON: That was just
6 the start of it.

7 MR. KERRICK: We're supposed to
8 have a second before you discuss it.

9 MS. LAMBERTON: Oh, sorry.

10 MR. KERRICK: Do we have a
11 second?

12 MS. LAMBERTON: I'll second it.

13 MR. KERRICK: Okay. Now we can
14 discuss it.

15 MS. LAMBERTON: Okay.

16 MR. KERRICK: I think --

17 MR. ARMSTRONG: No, I think the
18 the whereas clause --

19 Go ahead.

20 MR. KERRICK: No, no. Go ahead.

21 MR. ARMSTRONG: The whereas
22 clause just identifies the date of the event. The
23 emergency declaration, if you look at the last
24 paragraph, the last meaty paragraph, we authorize
25 the officials of Tobyhanna Township to act as

1 necessary to meet the current exigencies of this
2 emergency, namely -- and then it goes on to specify
3 what the township's able to do in the event of an
4 emergency like this.

5 MR. KERRICK: Do you have any
6 other questions on the declaration?

7 Anyone from the public?

8 Call the vote. 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 Next item, Keith Knauer, Lot 4
16 and 5 Beech Spring Drive, Lake Naomi, well
17 isolation distance waiver request. Item J.

18 MS. PICKARD: This is a repair
19 of a failure of a septic system so he is going to
20 locate the septic within 57 feet from his -- his
21 own personal existing well, which is the only
22 (inaudible) on the system.

23 I'll make a motion that we
24 approve the waiver request for Mr. Knauer and that
25 will be Lots 4 and 5 and a portion of 3, Unit 3,

1 Section 1 in Lake Naomi.

2 MR. KERRICK: Motion.

3 Do we have a second?

4 MS. LAMBERTON: I'll second it.

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

7 Questions or comments from the
8 public?

9 You're aware of it?

10 MS. WENDY FREEMAN: I am, thank
11 you.

12 MR. KERRICK: Call the vote.
13 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 Do we have anything else?

22 Do you have anything else?

23 MR. ARMSTRONG: It could be a
24 record.

25 MR. KERRICK: No, not yet.

1 We're not done yet. Never say that.

2 Anyone from the public?

3 Anybody? Wow.

4 I have one other item, with
5 regret I have a resignation from Jamie Keener
6 effective October 15, 2011, explaining that he's
7 moving out of the area.

8 Do we have a motion to accept
9 his resignation? You don't have to.

10 MALE VOICE: Make him stay.
11 Yeah, make him stay.

12 MS. LAMBERTON: I'm opposed.

13 MR. ARMSTRONG: Since it's dated
14 --

15 MR. KERRICK: Should we wait
16 until the meeting?

17 MR. ARMSTRONG: You may want to
18 wait until the October meeting when he's present
19 and --

20 MR. KERRICK: I was going to
21 wait for the whole thing but --

22 MR. ARMSTRONG: There's nothing
23 preventing you from moving forward to start
24 considering other potential supervisors at this
25 time.

1 MR. KERRICK: You have 30 days
2 from that date.

3 MR. ARMSTRONG: Right. Right.

4 MR. KERRICK: Okay. Anyone
5 else?

6 We're adjourned. Thank you.

7 (Meeting concluded at 7:20
8 p.m.)

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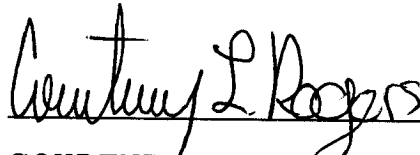
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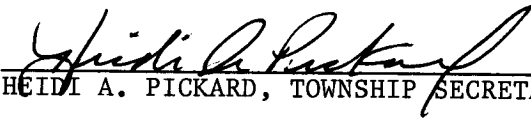
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I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.

ORIGINAL


COURTNEY L. ROGERS

Respectfully submitted:


HEIDI A. PICKARD, TOWNSHIP SECRETARY