

POCONO TOWNSHIP COMMISSIONERS  
MEETING AGENDA  
February 6, 2017  
6:00 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call
- 3) Announcements:
  - a. An Executive Session was held on January 17 to discuss litigation matters.
  - b. An Executive Session was held on January 21 to discuss personnel matters.
  - c. An Executive Session was held on January 27 to discuss personnel matters.
  - d. An Executive Session was held on January 30 to discuss personnel matters.
  - e. An Executive Session was held on February 6 to discuss litigation matters.
- 4) Public Comments on matters not on the agenda

Comments are for any item NOT on the agenda. Comments on agenda items will be taken after each item is discussed by the Board of Commissioners, but before formal action is taken. (Please limit individual comments to 3 minutes to allow time for others wishing to speak and direct all questions and comments to the President)

- 5) Approval of Minutes:
  - a. Meeting of January 17, 2017
  - b. Brookdale Presentation of January 19, 2017
  - c. Work Session of January 21, 2017
  - d. Work Session of January 30, 2017
  - e. Work Session of February 2, 2017
- 6) Approval of Bills and Transfers
  - a. Check listing dated February 6, 2017
  - b. Transfers list dated February 6, 2017
  - c. Check Ratification list dated February 6, 2017
- 7) Report of the President
- 8) Commissioners Comments and Reports

Bob DeYoung, Vice President

Jerry Lastowski, Commissioner

Judi Coover, Commissioner  
County Reassessment Meeting

Ellen Gmandt, Commissioner

9) Reports:

- a. Administration – Manager’s Report – See Form Attached.
  - i. Boucher & James Professional Services Agreement approval.
  - ii. PJJWA Board Vacancy.
  - iii. Kettle Creek Donation \$100.
  - iv. Purchasing Policy Revised for 2017 Limits and Reference to McCabe Opinion
  - v. Change of Pay Days from Wednesday-Tuesday to Monday-Sunday.
- b. Public Works Report.
  - i. DCNR Sewer Connection
  - ii. PMSD Sewer Connection EDU Calculation and Cost.
  - iii. Pocono Volunteer Fire Company Sewer Connection.
- c. Finance Committee
  - i. First Keystone Loan
- d. Township Solicitor Report
  - i. PMSD Removal of Underground Tank at TLC Park
  - ii. Adams Conditional Use Application
  - iii. Police Union Arbitration Status
- e. Township Engineer Report
  - i. Boucher & James System Redesign/Repair Report.

10) Presentations:

11) Resolutions and Ordinances:

- a. Kelly Minor Subdivision Conditional Approval Resolution 2017-

12) Public Comments.

Please limit individual comments to 3 minutes to allow time for others wishing to speak and direct all questions and comments to the President.

13) Executive Session (If Necessary)

14) Adjournment

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

JANUARY 17<sup>th</sup>, 2017 6:00P.M.

DRAFT

The Regular meeting of the Pocono Township Commissioners was held on 01/17/2017 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by Vice-President Bob DeYoung at 6:00 p.m., and requested a moment of silence for John Smiley, former Supervisor and employee of Pocono Township, followed by the Pledge of Allegiance.

**ROLL CALL:** Ellen Ghandt, present; Bob DeYoung, present; Harold Werkheiser, absent; Jerry Lastowski, present; and Judi Coover, present.

Leo DeVito, Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; Charles Vogt, Township Manager; and Pamela Tripus, Township Secretary, were present.

**ANNOUNCEMENT:**

- 1) An executive session was held on January 3<sup>rd</sup>, 2017 to discuss personnel matters. No action was taken.

**PUBLIC COMMENTS:**

Maxine Turbolski, Twp. resident, questioned the use of conference calls for absent board members and the marijuana petition.

**MINUTES:**

E. Ghandt made a motion, seconded by J. Coover, to approve the regular meeting minutes of 01/03/2017 with typo correction. Roll call vote: E. Ghandt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Coover made a motion, seconded by E. Ghandt, to approve the work session of 01/12/2017. Roll call vote: E. Ghandt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**BILLS AND TRANSFERS:**

E. Ghandt made a motion, seconded by J. Coover, to approve the check listing and transfers list dated 01/17/2017 excepting T&M's invoice Check # 198 in the amount of \$6,669.27. Roll call vote: E. Ghandt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

E. Ghandt made a motion, seconded by J. Lastowski, to approve the Ratification list dated 01/17/2017. Roll call vote: E. Ghandt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**RATIFICATION OF RFP FOR 2015-2016 AUDIT** E. Ghandt made a motion, seconded by J. Coover, to ratify the inclusion of the 2015 Audit in the Request for Proposal for 2016 Audit. Chris Ortolan, Twp. resident, questioned the cost of an additional audit. Joe Folsom, Twp. resident, Angela Tullo, Twp. resident, questioned the spending of additional funds for a second audit without knowing the issue. Jerrod Belvin, Twp. resident, questioned the delay in time to address the issue. Discussion followed.

## RATIFICATION OF RFP CONT:

Jack Burns, Twp. resident, noted B. DeYoung and J. Lastowski voted in favor of passing the audit.

Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

REPORT OF THE PRESIDENT: Absent

## REPORT OF THE COMMISSIONERS:

Bob DeYoung, Vice President, none.

Jerry Lastowski, Commissioner,

J. Lastowski made a motion, seconded by B. DeYoung, to approve the 2017

Fire Police:

Alvin Kresge Sr. Captain

Kevin Kresge Lieutenant

Richard Shay

Chris Kinsley, Sr.

Patrick Kresge

Gerald Lastowski

Steve Jacobs

Thomas Kresge

Chris Kinsley Jr.

Donald Simpson

Peter Gallagher

William Ward

Robert Gupko

Corey Sayre

Angela Tullo

Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Judi Coover, Commissioner -

J. Coover made a motion, seconded by E. Gndt, to change the BOC By-laws from 7:00 p.m. to 6:00 p.m. (Meeting times), remove sewer meetings, and a typo correction. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Ellen Gndt, Commissioner -

Change of payroll period - no action taken.

Public work session for personnel policies - J. Coover made a motion, seconded by E. Gndt, to authorize the Township Secretary to advertise a public work session on Monday, January 23<sup>rd</sup>, 2017 at 9:00 a.m. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**REPORTS:**

Pocono Township Police Chief Kent Werkheiser, gave his report for December 2016.

Police Force staffing - Police Chief Werkheiser requested the Board of Commissioners consider hiring three new officers. Discussion followed. Angelo Tullo, Rich Wielebinski, Rolland Cheesman, Jerod Belvin, Jack Burns, Joe Shupp, Dean Hartshorn, and Victoria Kresge, Twp. resident, spoke in favor of hiring additional officers.

J. Lastowski made a motion, seconded by B. DeYoung, the Civil Service Commission to make conditional employment offers to three Police Officer candidates. Discussion followed. Roll call vote: E. Gndt, no; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, no. Motion failed. Discussion followed. Angelo Tullo, Twp. resident, spoke concerning police coverage.

J. Coover made a motion, seconded by E. Gndt, the Civil Service Commission to make conditional employment offers to two Police Officer candidates recommended and the flexibility to move on to the next candidate on the list. Discussion followed. Jack Manual, Pocono Township Police Officer spoke concerning an officer that may not come back from injury. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Rolland Cheesman spoke concerning the two Commissioners reason for only two, instead three officers. Discussion followed.

Pocono Township Volunteer Fire Company - J. Lastowski read the Fire Company's report.

St. Luke's Ambulance - Jessica Burns gave St. Luke's report.

**ADMINISTRATION:**

Vacancy Board Chair Position - Discussion followed. J. Coover made a motion, seconded by E. Gndt, to appoint Joe Shupp as Pocono Township Vacancy Board Chair for 2017. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Zoning Hearing Board reappointment - J. Coover made a motion, seconded by J. Lastowski, to reappoint Mark Love to the Pocono Township Zoning Hearing Board for a 3 year term expiring 12/31/2019. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Pocono Jackson Joint Water Authority position-B. DeYoung made a motion, seconded by J. Coover, to appoint Don Simpson to the PJJWA. Discussion followed. L. DeVito noted since Don Simpson served on the Civil Service Commission, he could not serve on any other Township board. B. DeYoung and J. Coover withdrew their motion. No action taken.

**ADMINISTRATION CONT:**

Petition regarding amendment of Light Manufacturing Definition in a Commercial Zone. Discussion followed. J. Lastowski made a motion, seconded by B. DeYoung, to send the Petition regarding amendment of Light Manufacturing Definition in a Commercial Zone to MCPC for review. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Maxine Turbolski, Twp. resident, questioned the status of the Medical Marijuana petition.

American Legion Post 903 TLC Park Events for 2017 - J. Coover made a motion, seconded by J. Lastowski, to approve the American Legion Post 903 TLC Park 2017 events: May 20<sup>th</sup> Armed Forces Day Ceremony, May 29<sup>th</sup> Memorial Day, June 10<sup>th</sup> Flag Retirement Day Ceremony, and August 19<sup>th</sup> 100<sup>th</sup> Anniversary of WWI. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Spruce Lake Request for Use of TLC Park - No action taken.

**2017 Conferences:**

- a) February 13<sup>th</sup>, 2017 PML Capital Conference - Harrisburg.
- b) May 16-18, 2017 Association for Pennsylvania Municipal Management Annual Conference - Bedford.

J. Coover made a motion, seconded by J. Lastowski, to approve Charles Vogt, Twp. Manager, to attend the 02/13/2017 PML Capital Conference and the 05/16/2017 to 5/18/2017 Association for Pennsylvania Municipal Management Annual Conference. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**PUBLIC WORKS REPORT:**

Plaza 611 Update - C. Vogt gave an update on the project.

**FINANCE COMMITTEE:** No report.

**TOWNSHIP SOLICITOR REPORT:**

Boucher & James, Inc. Agreement for Professional Services - L. DeVito noted all was in order. No action taken.

Lamar/Rubin Zoning Hearing Board Sign Application - J. Coover made a motion, seconded by E. Gndt, to not authorize to the Twp. Solicitor to attend the Lamar/Rubin Zoning Hearing Board Sign Application. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

DCNR Agreement - No action taken.

Kleyman/Slice of Life/Feelin' Good - Discussion followed. Chris Ortolan, Twp. resident, spoke concerning creating a Township ordinance to regulate Short Term rentals. J. Lastowski suggested short term rentals be placed on the next work session agenda.

**POCONO TOWNSHIP COMMISSIONERS' REGULAR MEETING, 01/17/2017**

**TOWNSHIP ENGINEER REPORT:**

Jon Tresslar, Twp. Engineer gave a status report on the Sewer redesign.

**PRESENTATION:**

Pocono Heritage Land Trust and Trout Unlimited Pocono Creek Project - Don Miller, Pocono Heritage Land Trust, and Don Baylor, Trout Unlimited updated the Township on future Pocono Creek Stream restoration projects. They requested a letter of support for a Monroe County Mini-Grant. J. Coover made a motion, seconded by J. Lastowski, to authorize the Twp. Manager to write a letter of support for BTU and PHLT's Monroe County Open Space Development Mini-Grant application. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Lastowski made a motion, seconded by B. DeYoung, to support the Pocono Creek Wild Trout Habit Restoration and Stream Access Project Brodhead Chapter of Trout Unlimited requests 1,3,4,5,6,7,& 8 as outlined in document presented at the 01/17/2017 meeting.

1. Permission to complete in stream Wild Trout Habitat Restoration Project - Phases II, III, and IV on Pocono Creek between Rt. 715 Bridge and Warner Road.

3. Permission to temporarily stockpile large boulder material donated by NCC and BCRA on Alger Ave. and possibly TLC park land.

4. Permission to develop a trailhead kiosk and marked single track loop trail on the George and Olive Learn Preserve.

5. Permission to install a small (Two to three car) off road parking area and fishing access nature trail on PHLT Pocono Creek Preserve off Old Mill Road Bridge to be located on/along upstream gravel access road upstream of Old Mill Road Bridge.

6. Permission to post appropriate signage designating the section of Pocono Creek in project area from Rt. 715 Bridge downstream to Lower edge of Learn Preserve.

7. Permission to contact neighboring stream owners about this project related to permissions for stream access as needed to install in-stream habitat restoration features.

8. Approval to identify and list Pocono Township as one of the cooperating partners for this project on project signage and printed literature as appropriate.

Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**RESOLUTIONS:**

Resolution 2017-03 - Establishing the Park and Recreation Board of Pocono Township - J. Coover made a motion, seconded by E. Gndt, to adopt Resolution 2017-03 - Establishing the Park and Recreation Board of Pocono Township. Roll call vote: E. Gndt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**PUBLIC COMMENT:** Ramona Shupp, Twp. resident, thanked the Board.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

J. Lastowski a motion, seconded by J. Coover, to adjourn the meeting into executive session to discuss Werkheiser litigation at 8:50 p.m., until 02/06/2017 at 6:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: E. Ghandt, yes; B. DeYoung, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

\*A recording of the entire meeting will be kept on file at the Township for perpetuity and will be made available to anyone who may wish to obtain the verbatim meeting.



POCONO TOWNSHIP BOARD OF COMMISSIONERS  
PRESENTATION MINUTES

DATE: January 19, 2017

TIME: 7:00pm

PLACE: St. Luke's Ambulance Building

PRESIDING COMMISSIONER: Bob DeYoung, Vice President

ROLL CALL: Ellen Ghandt, Absent  
Bob DeYoung, Present  
Harold Werkheiser, Absent  
Jerry Lastowski, Present  
Judi Coover, Present  
Charlie Vogt, Manager, Present

ATTORNEY DURNEY AND REPRESENTATIVES OF THE PROSPECTIVE PURCHASERS OF THE FORMER BROOKDALE RESORT PRESENTED AN OVERVIEW OF THE NEED IN THE COMMUNITY FOR ADDICTION REHABILITATION FACILITIES AND THEIR REQUEST FOR A ZONING OVERLAY DISTRICT TO PERMIT SUCH FACILITY ON THE FORMER BROOKDALE PROPERTY.

PRIVATE CITIZENS APPEARED OFFICIALLY AND TESTIFIED IN BOTH SUPPORT AND OPPOSITION TO THE PROPOSAL.

NO OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN.

THE SESSION WAS ADJOURNED AT: 10:00 pm

POCONO TOWNSHIP BOARD OF COMMISSIONERS  
WORK SESSION MINUTES

DATE: January 21, 2017

TIME: 9:00am

PLACE: Township Building

PRESIDING COMMISSIONER: Bob DeYoung, Vice President

ROLL CALL: Ellen Gndt, Present  
Bob DeYoung, Present  
Harold Werkheiser, Present  
Jerry Lastowski, Present  
Judi Coover, Present  
Charlie Vogt, Manager, Present

SEVERAL EMPLOYEES ATTENDED.

NO CITIZENS APPEARED OFFICIALLY AND TESTIFIED.

NO OTHER OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN.

Executive Session to discuss personnel matters was held.

THE WORK SESSION WAS ADJOURNED AT: 1:20pm

POCONO TOWNSHIP BOARD OF COMMISSIONERS  
WORK SESSION MINUTES

DATE: January 30, 2017

TIME: 1:00pm

PLACE: Township Building

PRESIDING COMMISSIONER: Bob DeYoung, Vice President

ROLL CALL: Ellen Ghandt, Present  
Bob DeYoung, Present  
Harold Werkheiser, Absent  
Jerry Lastowski, Present  
Judi Coover, Present  
Charlie Vogt, Manager, Present

SEVERAL EMPLOYEES ATTENDED. BRIAN TAYLOR, TEAMSTERS 773, AGENT PARTICIPATED BY TELEPHONE FOR PART OF THE WORKSESSION.

NO CITIZENS APPEARED OFFICIALLY AND TESTIFIED.

NO OTHER OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN.

Executive Session to discuss personnel matters was held.

THE WORK SESSION WAS ADJOURNED AT: 3:20pm

POCONO TOWNSHIP BOARD OF COMMISSIONERS  
WORK SESSION MINUTES

DATE: February 2, 2017

TIME: 9:00am

PLACE: Township Building

PRESIDING COMMISSIONER: Initially Bob DeYoung, Vice President;  
Then Harold Werkheiser, President; Then Bob DeYoung, Vice  
President

ROLL CALL: Ellen Gndt, Present  
Bob DeYoung, Present  
Harold Werkheiser, Present  
Jerry Lastowski, Present  
Judi Coover, Present  
Charlie Vogt, Manager, Present

CHRIS ORTOLAN AND LOU ARANA APPEARED TO DISCUSS SHORT TERM  
RENTALS.

NO OTHER OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN.

Executive Session to discuss personnel matters was held.

THE WORK SESSION WAS ADJOURNED AT: 12:45pm

**POCONO TOWNSHIP CHECK LISTING**

February 6, 2017

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>General Fund</b>				
02/01/2017	55351	Nationwide -457	Voluntary supplemental penslon	5,434.78
02/01/2017	55352	MetLife	Non uniform penslon	4,093.68
02/01/2017	55353	US Bank	Police Penslon	4,920.44
02/01/2017	55354	Pocono Township	Transfer to Capital Fund	1,057,942.00
02/01/2017	55355	Lincoln Life	Voluntary supplemental penslon	300.00
02/01/2017	55356	Best Auto Service Center	Police Vehicle Repairs	1,213.51
02/01/2017	55357	BIU of PA, Inc.	ZO/SEO Services	2,462.50
02/01/2017	55358	Boucher & James, Inc.	General Engineering	4,046.55
02/01/2017	55359	Brodhead Creek Regional Authority	4th Quarter Water use	154.98
02/01/2017	55360	Cargill Incorporated	Salt	8,979.95
02/01/2017	55361	CS-Graphx	Permit Manager Software	1,850.00
02/01/2017	55362	CVA Plumbing/Heating/A/C, Inc.	Heating Unit Repair	2,038.52
02/01/2017	55363	D.G. Nicholas Co.	Supplies/Parts	89.14
02/01/2017	55364	E.M.Kutz, Inc.	Truck Parts	475.19
02/01/2017	55365	Eckert, Seamans, Cherin & Mellott, LLC	Police Arbitration	820.80
02/01/2017	55366	Engle-Hambright & Davies, Inc.	2017 Insurance - Public Officials & EPL, Cyber,	58,398.00
02/01/2017	55367	Fedish, John	Pollution and Law Enforcement	150.00
02/01/2017	55368	Friedman Electric	Workboot Allowance	150.29
02/01/2017	55369	Hanson Aggregates Pennsylvania LLC	Lights	4,021.26
02/01/2017	55370	HUNTER KEYSTONE PETERBILT	1/4" wash	162.48
02/01/2017	55371	J & B Auto	Truck Parts	337.30
02/01/2017	55372	J. P. Mascaro & Sons	Police Vehicles	238.14
02/01/2017	55373	Johanna Distributions	Garbage Township	78.00
02/01/2017	55374	Koch 33 Auto	Coffee Supplies	15.31
02/01/2017	55375	Leddy Telecom Services	#88 repair	70.00
02/01/2017	55376	ODB Company	Troubleshoot phone issues	751.08
02/01/2017	55377	Otto, Carol	Joystick Control Xbox and connections	550.00
02/01/2017	55378	P & D Emergency Services	Cleaning	237.80
02/01/2017	55379	PAPCO, Inc.	Police Vehicles	7,839.90
02/01/2017	55380	PENTELEDATA	Diesel & Gas	184.90
02/01/2017	55381	PMHIC	Internet services	59,994.55
02/01/2017	55382	Pocono Mountain COG	Health Insurance	200.00
02/01/2017	55383	PPL Electric Utilities	COG Membership	51.12
02/01/2017	55384	Signal Service, Inc.	Sullivan Trail & 715	400.00
02/01/2017	55385	SPW Cleaning Services	Signal repairs	150.00
02/01/2017	55386	Staples Advantage	Floor Maintenance	436.52
02/01/2017	55387	Staples Advantage	Office Supplies	390.95
02/01/2017	55388	Staples Credit Plan	Office Supplies - Township	150.21
02/01/2017	55389	Steele's Hardware	Police Office Supplies	264.37
02/01/2017	55390	Stiff Oil Company	Various Supplies	2,575.94
02/01/2017	55391	Tulpehocken Mountain Spring Water Inc	Heating Oil	119.70
02/01/2017	55392	UNIFIRST Corporation	Water	653.74
02/01/2017	55393	Vogt, Charles	Carpet/Uniforms - 4 weeks	164.52
02/01/2017	55394	Teamster Local 773	Mileage	1,139.00
02/01/2017	55395	Teamster Local 773	Police union dues	544.00
			Non uniform union dues	
<b>TOTAL General Fund</b>				<b>\$1,235,241.08</b>

**POCONO TOWNSHIP CHECK LISTING**  
**February 6, 2017**

**Sewer Operating**

02/01/2017 1751	J P Mascaro & Sons	Garbage pickup	90.00
02/01/2017 1752	Pocono Management Associates LLC	Pat Briegle	3,910.02
02/01/2017 1753	Boucher & James, Inc.	Engineering for sewer operations	789.00
02/01/2017 1754	PENTELEDATA	Internet for pump stations	299.75
02/01/2017 1755	BRODHEAD CREEK REGIONAL AUTHORITY	Water charges	248.58
02/01/2017 1756	Steele's Hardware	Chains for Sewer	35.34
<b>TOTAL Sewer Operating Fund</b>			<b><u>\$5,372.69</u></b>

**Sewer Construction**

<b>Fund</b>	<b>ESSA</b>		
02/01/2017 201	Boucher & James	Valve repair	10,646.26
	<b>Citizens Bank</b>		
02/01/2017 1016	Pocono Township	Transfer to ESSA MM	673,428.42
<b>TOTAL Sewer Construction Fund</b>			<b><u>\$684,074.68</u></b>

**ESSA**

<b>TOTAL General Fund</b>	<b>\$1,235,241.08</b>	<b>Transferred by:</b>
<b>TOTAL Sewer Construction Fund</b>	<b><u>\$10,646.26</u></b>	
<b>TOTAL ESSA Transfer</b>	<b><u>\$1,245,887.34</u></b>	

<b>TOTAL Citizens Bank</b>	<b>\$673,428.42</b>
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**Wayne Bank**

<b>TOTAL Sewer Operating Fund</b>	<b><u>\$5,372.69</u></b>	<b>Authorized by:</b>
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Pocono Township Check Listing

Ratify

February 6, 2017

	<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund					
	1/23/2017	55345	Carol Otto	Cleaning	275.00
	1/23/2017	55346	Verizon	Police internet	60.92
	1/23/2017	55347	Verizon	Police phones	652.49
	1/23/2017	55348	Verizon	Township phones	247.22
	1/23/2017	55349	PPL	Township electric	2481.19
	1/23/2017	55350	Aflac	Supplemental insurance	396.08
	02/03/2017	55386	MRM Property & Liability Trust	Commercial package insurance	50,946.00
				TOTAL General Fund	<u>\$55,058.90</u>
Sewer Operating Fund					
	01/23/2017	1747	PPL	Electric for pump stations	1,950.05
	01/23/2017	1748	Blue Ridge Communications	Cable for pump stations	60.44
	01/25/2017	1749	Blue Ridge Communications	Cable for pump stations	120.88
	01/30/2017	1750	Met Ed	Electric for pump stations	113.94
				TOTAL Sewer Operating Fund	<u>\$2,245.31</u>

TOTAL General Fund

\$55,058.90

Transferred by:

TOTAL Sewer Operating Fund

\$2,245.31

Authorized by:

## ENGINEERING CONSULTANT AGREEMENT

THIS AGREEMENT made this 18<sup>Th</sup> day of May 2016, between the Township of Pocono, with its office at 112 Municipal Drive, Tannersville, Pennsylvania 18372 (hereinafter called "Township"), and Boucher & James, Inc., with its office located at 2738 Rimrock Drive, Stroudsburg, Pennsylvania 18360, (hereinafter called "Consultant").

WHEREAS, the Township requires a consultant to perform various engineering and surveying services and studies, and desires to employ Boucher & James, Inc. as its Consultant.

NOW, THEREFORE, the Township and the Consultant, intending to be legally bound, hereby agree as follows:

1. General: Consultant shall perform professional services as directed by the Township Board of Commissioners, and/or designated agents of the Township. Services are expected to include (but not limited to):
  - a) Review of plans submitted to the Township by Applicants seeking required Township approval and/or permits and confer with Applicant, or Applicant's Professional(s) on matters pertaining to their application(s) before the Township.
  - b) Day to day consultation with the Board, Township Manager, Township Public Works Director, or Township Solicitor, on items of an engineering nature;
  - c) Attendance at regularly scheduled Board of Commissioners' meetings, Planning Commission meetings, Zoning Heard Board meetings and Conditional Use Hearings, as directed by the Board and/or its agents;
  - d) Acting as Agent for the Board when directed to do so, at outside agency meetings which may include but not limited to, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Monroe County Conservation District, and Monroe County Planning Commission;
  - e) Design and oversee construction of capital improvement projects on a project by project basis.
2. Conduct of the Work: It is understood Consultant is acting as a consultant for Township to provide advice and consultation. Township shall examine and respond promptly to Consultant submissions (in those instances where required), and give prompt written notice to Consultant whenever Township observes or otherwise becomes aware of any defect in the work or project.
3. Township Responsibility: Township shall make all provisions for the Consultant to enter upon Township property, i.e., parks, pump stations or valve stations, when necessary to perform an assignment.
4. Use of Documents: All documents, including plans, specifications, field notes, reports, computer files, etc., prepared by Consultant shall become the joint property of the Consultant and Township provided the Consultant has been compensated for same under the terms of



this Agreement. Consultant hereby assigns to the Township equal right, title and interest in all said documents, plans, specifications, field notes, reports, computer files, etc. and places no limitation on Township's use of the documents except as set forth herein. Township will indemnify Consultant and its officers and employees as to actual damages, costs to defend and legal expenses from all claims arising out of the township's misuse of said documents, provided Consultant has complied with the duties set forth in this Agreement and any other agreed upon proposal or project agreement.

5. Payment:

- a) Services described in 1.a, b, c & d above will be invoiced on an applied time rate basis in accordance with the Consultant's hourly rate schedule (Exhibit A) approved by the Board for the calendar year.
- b) Time expended by the Consultant on behalf of the Township reviewing plans or attending meetings involving projects brought before the Township requiring formal Township approval, or issuance of permits, will be invoiced in a manner to facilitate passing Consultant's costs onto the Applicant. Nevertheless, Consultant will receive payment for these services from the Township. An invoice will be provided per project, clearly identifying tasks performed during the stated billing period.
- c) In addition to the hourly rate, the Consultant will bill the Township for incidental expenses to include, but not limited to mileage, reproduction charges, copies, postage etc. No mileage will be invoiced for attending Township meetings at the Township Municipal Building. Other mileage charges, when applicable, will be calculated from 2738 Rimrock Drive, Stroudsburg, PA 18360.
- d) For specific projects with a well defined Scope of Services (i.e., above), payment will be made on a lump sum basis for percentage of work complete at time of invoicing pursuant to that specific project statement of work.
- e) Invoices will be submitted monthly. All charges must be submitted for payment within not longer than 60 days from the date service is performed.

6. Changes to Rate Schedule: This Agreement may be amended to allow for changes in the attached rate schedule (Exhibit "A") at the discretion of the Township's Board of Commissioners.

7. Independent Contractor: It is the parties' intention that Consultant will be an independent contractor, for all purposes, and not an employee of the Township. Contractor agrees that it is a separate and independent enterprise from the Township, and that this Agreement shall not be construed as creating any joint business relationship between Consultant and Township.

8. Termination: Township may terminate this Agreement at any time and for any reason upon written notice to Consultant. This agreement is subject to termination by either party should the other fail to perform its obligation hereunder. In the event of any termination, Consultant shall be paid for all services completely rendered to the date of termination, provided those services have been satisfactorily performed.

9. Assigns: Neither Township nor Consultant shall assign, sublet, or transfer interest in this

agreement without the written consent of the other.

10. Term: This Agreement shall be effective as of the date approved on a public Commissioner's Agenda and shall remain in effect until terminated in accordance with the Termination Paragraph 11 above.
11. Subconsultants: Consultant has the right to employ or retain independent consultants, associates and subcontractors as it may deem appropriate to assist in the performance of the services required. Consultant will notify the Township whenever it does employ a third party to perform any work pursuant to this Agreement. The fee for all consultants contracted directly by Consultant will be included in the total fee negotiated for any project or work.
12. Consultant Insurance-See attached Certificate for coverages. Consultant agrees to name Pocono Township as an additional insured under their policy
13. Indemnity and Hold Harmless Clause: The Consultant agrees to defend, indemnify and hold harmless the Township, and all Township employees, from all suits and actions of any name, nature, and description brought against them or any of them for or on account of any damages or loss sustained by any party through the negligence or willful misconduct caused by the direct act of Consultant or its agents, servants, or employees in the performance or subsequent to the completion of the work under the contract. Consultant further agrees to repair any damage to the Township-owned property caused by Consultant's act, error, or omission of its agents, servants, or employees in the performance or subsequent to the completion of the work under the contract...

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

**BOUCHER & JAMES, INC. BY:**

\_\_\_\_\_  
Jon S. Tresslar, Managing Director

**TOWNSHIP OF POCONO BY:  
BOARD OF COMMISSIONERS**

**ATTEST:**

By \_\_\_\_\_  
Charles J. Vogt  
Township Manager

By: \_\_\_\_\_  
Harold Werkheiser  
President

# **Pocono Township Purchasing Policy**

## **I.Purpose**

- a. The purpose of this policy is to provide purchasing guidelines to ensure Pocono Township complies with all legal standards while making the most effective use of taxpayer and rate payer funds in the procurement of supplies, materials, equipment, contracted services and construction projects for the Township.

## **II.Applicability**

- a. This policy shall apply to all employees authorized to make purchases for the Township. This policy shall apply to all expenditures regardless of the source of funding.

## **III.Purchases**

- a. The Township Manager, pursuant to Section 8, part N of Ordinance 2014-1, shall be the purchasing officer for the Township.
- b. The Township Manager may purchase goods and services without prior consent of the Board of Commissioners subject to the restrictions specified in this policy, provided the purchase is provided for in the applicable budget. However, items in the budget are not deemed approved projects or expenditures.
- c. Bills received shall be forwarded to the appropriate department head. Public Works and Sewer bills shall be sent to the Public Works Director. Police bills shall be sent to the Police Chief. All other bills shall be sent to the Township Manager.
- d. The department head will attach a check request form (see Attachment), which the requestor will sign and the Department Head will sign for approval. If packing slips are available, they should be signed by the receiver and attached as well. The document set, with the check request form on top, will be forwarded to the Treasurer.

## **IV.Purchases of Goods**

- a. The purchase of goods including supplies, materials, and equipment may be made with authorization of the Township Manager provided that:
  - i. The Board has approved the project or expenditure,
  - ii. A minimum of verbal or written quotes are received if the threshold specified in the First Class Township code (between \$10,700 and \$19,700 for 2017) for required quotes is exceeded, and
  - iii. Formal bidding was conducted for purchases that exceed the threshold established in the First Class Township code (over \$19,700 for 2017) for requiring quotes is exceeded.

## **V.Purchases of Services**

- a. The purchase of services may be made with authorization of the Township Manager provided that:
  - i. The Board has approved the project or expenditure, and
  - ii. No service, which can reasonably be expected to be greater than \$10,000 but not exceeding \$19,999 over the lifetime of the agreement, will be contracted for without first obtaining three quotes. The manager is required to recommend the lowest cost responsible provider.
  - iii. No service, which can reasonably be expected to be greater than \$20,000 over the lifetime of the agreement, will be contracted for without first going through a bid process. The manager is required to recommend the lowest cost responsible provider.

## **VI.Emergency Purchases**

- a. In emergency situations where jeopardy exists to life or property that requires immediate expenditures or when the operations of the Township are in danger of ceasing, the Township Manager is authorized to make whatever purchases he deems necessary to mitigate the emergency. The Township Manager shall notify the Board of Commissioners by phone and text when taking such actions.

## **VII.Bidding Process**

Note: There are exceptions to bidding requirements set forth in the First Class Township Code at Section 1802(d) with respect to certain matters including public works maintenance, repair and replacement contracts and purchases. See Opinion of Christopher I. McCabe dated December 12, 2016.

- a. Bid Specifications
  - i. Specifications shall be set up to enhance competition, give clear direction to all potential bidders, and be as transparent as possible. Specifications must include the following:
    - 1. Description of the goods or services being bid. The description should be as precise as possible, but not so narrow as to preclude competition. The use of specific brand names is not permitted unless it is used as a guideline for comparable items or if a specific brand must be utilized.
    - 2. A form for submission of pricing.
    - 3. Bid evaluation criteria.
    - 4. If warranted, the requirement that the bid price be provided in a separate, sealed envelope to be opened upon completion of the review of the qualifications and other details of the bidder and the submitted bid.
    - 5. Bid security, warranty, or bond requirements, if any.

6. Insurance requirements, if any.
  7. Method and deadline of submissions.
  8. Anticipated award date.
  9. Reservation of rights to reject any and all bids submitted.
- b. Bid Package Distribution
- i. All bids shall be placed on the Township website.
  - ii. Bids shall be officially distributed in one or more of the following methods:
    1. Advertisement in a newspaper of general circulation
    2. Posting on PennBid
  - iii. The Township may notify qualified vendors of the availability of the bid through other means. Such notification shall not be a substitute for the distribution requirements listed above.
  - iv. The Township must receive bids in a manner which precludes knowledge of the bid price until the bid deadline is met. For paper submissions, sealed envelopes shall be used. For PennBid, the system hides all bid amounts until the deadline is reached.
- c. Bidding Window
- i. Questions asked by bidders shall be answered provided they are relevant and would not harm the integrity of the bidding process. Questions and answers shall be in writing and shall be made available to all current and prospective bidders.
  - ii. If the bid specifications must be amended, it shall be done in writing through an addendum available to all current and prospective bidders.
  - iii. A bidder may withdraw their bid at any time prior to the bid submission deadline provided such withdrawal is received in writing prior to the deadline or is done electronically through PennBid.
  - iv. Bids received after the deadline shall not be accepted.
- d. Bid Opening
- i. Bids submitted via sealed envelope shall be opened publicly at a specified date, time, and location by at least two Township employees
  - ii. Bids submitted through PennBid shall become public after the deadline has passed.

#### **VIII. Acceptable Bidding**

- a. The following methods are recognized as satisfying the bidding requirements of the Township and First Class Township Code and may be utilized in lieu of a Township bidding process:
  - i. Pennsylvania Department of General Services CoStars Program
  - ii. Pocono Mountains Council of Governments group bids.
  - iii. Other organizations/cooperatives that satisfy the First Class Township Code provided it is approved by the Township Solicitor.

## **IX. Commitment Authority**

- a. For non-emergency items in budget, the purchasing manager may commit up to \$5,000 without prior board approval and up to \$10,000 provided that the Board of Commissioners receives immediate notification of the commitment and the justification.

## **X. Conflict of Interest**

- a. No Township employee shall be involved in the decision to award a bid if a real, potential, or perceived conflict of interest exists. If the employee is unsure if a conflict may exist, they should request clarification from the Board of Commissioners.
- b. No member of a Township board, commission, or committee shall be involved in the decision to award a bid if a real, potential, or perceived conflict of interest exists. If the member is unsure if a conflict may exist, they should request clarification from the Board of Commissioners.
- c. No Commissioner shall be involved in the decision to award a bid if a real, potential, or perceived conflict of interest exists. If the member is unsure if a conflict may exist, they should request clarification from the Board of Commissioners.

Adopted by the Board of Commissioners at the February 6, 2017 regular BOC meeting and effective immediately.

## **AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between POCONO MOUNTAIN SCHOOL DISTRICT, P.O. Box 200, Swiftwater, Monroe County, PA ("PMSD") and POCONO TOWNSHIP, a Township of the First Class (the "TOWNSHIP").

### **WITNESSETH:**

**WHEREAS**, by certain Agreement of Sale, dated December 28, 2005, PMSD agreed to sell to the TOWNSHIP certain property now known as "TLC Park" (the "Property") and therein represented that there were no underground storage tanks on the Property; and

**WHEREAS**, the Property was conveyed to the TOWNSHIP by Deed, dated December 28, 2005, said Property designated as Tax Map Parcel 12-6373-01-28-7961; and

**WHEREAS**, in or about June 2016, an underground oil storage tank was discovered on the Property; and

**WHEREAS**, the Pennsylvania Department of Environmental Protection required that the TOWNSHIP remove the tank; and

**WHEREAS**, PMSD and the TOWNSHIP have reached an agreement whereby PMSD has agreed to remove the tank and perform any required remediation.

**NOW, THEREFORE**, PMSD and the TOWNSHIP for themselves and their respective successors and assigns, for and in consideration of the mutual covenants and promises set forth hereinafter, and intending to be legally bound, hereby agree as follows:

1. All "WHEREAS" clauses are incorporated by reference herein and are made a part hereof.

2.a. PMSD hereby agrees that, at its sole cost and expense, it shall contact with a qualified removal company to remove and properly dispose of the tank and take all steps necessary to acquire any permits required for the work.

b. PMSD further agrees that it shall, at its sole cost and expense, be responsible for any remediation to surrounding soil necessitated by any leakage or environmental damage outside of the tank.

c. PMSD shall comply with any and all requirements of the Pennsylvania Department of Environmental Protection relating to the removal of the tank and any remediation that may be required.

d. PMSD shall provide to the TOWNSHIP any required closure letter and clearance from the Pennsylvania Department of Environmental Protection once the tank has been removed and the soil remediated.

e. PMSD shall finish grade and soil stabilize the area disturbed during the course of the tank removal and remediation work in a manner acceptable to TOWNSHIP.

3. The TOWNSHIP hereby consents to PMSD, its employees', agents', consultants', contractors' and materialmen's access onto the Property for the sole and limited purpose of completing, at its sole cost and expense, the tank removal and any remediation.

a. PMSD, its successors and assigns, hereby agree to hold the Township harmless and indemnify the Township, its officers, commissioners, appointees, employees, consultants, agents, independent contractors and assigns (the Indemnified Parties") from and against any and all claims, actions damages, suits, expenses (including reasonable attorney's fees), liabilities and the like, in law or in equity, and of any kind and nature, in connection with loss of like, personal injury and/or damage to Property and/or building or to any person arising from or in



any way, directly or indirectly, associated with or caused by PMSD's access onto the property in furtherance of the purposes outlined above.

b. In the event the Indemnified Parties are made a party to any litigation commenced by or against the Indemnified Parties in connection with this matter, the PMSD shall protect and hold harmless the Indemnified Parties and shall pay all costs, expenses, and reasonable attorney's fees incurred or paid by the Indemnified Parties in connection with any such litigation.

c. PMSD, its contractors, subcontractors and any other agents entering upon the Property, shall, throughout the time of accessing the Property carry with insurance companies acceptable to the Township, comprehensive liability insurance, including where applicable contractual liability insurance, in which the PMSD, its contractors, subcontractors and any other agents entering upon the Property, insure the liability which they have assumed under this Agreement, which coverage shall be at least One Million Dollars (\$1,000,000.00) for property damage, naming the township and the Indemnified Parties as additional insureds in order to protect and insure said parties against any and all liability with respect to PMSD, its contractors', subcontractor's and any other agents' access to the Property, and shall furnish the Township and/or the Indemnified Parties with a Certificate of Insurance evidencing their compliance with this requirement.

4. PMSD hereby releases, waives, discharges, and covenants not to sue the TOWNSHIP and/or the Indemnified Parties and releases and forever discharges the TOWNSHIP and/or the Indemnified Parties for and from any and all loss or damage, and any claim or demands therefore on account of accident, injury, illness, death, or harm of any type arising out of or related to the access to the property and/or building, whether caused by the negligence of any party being released hereunder.

5. This Agreement shall be binding upon PMSD, its successors and assigns, and shall inure to the benefit of the TOWNSHIP, its successors and assigns.

6. This Agreement contains the entire understanding between and among the parties and supersedes any proper understandings and agreements among them respecting the subject matter of this Agreement.

7. The parties hereto covenant, warrant and represent to each other good faith, complete cooperation, due diligence and honesty in fact in the performance of all obligations of the parties pursuant to this Agreement. All promises and covenants are mutual and dependent.

8. The waiver by either party of the breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach.

9. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

10. In the event a suit or action is brought by any party under this Agreement to enforce any of its terms, or in any appeal therefrom, it is agreed that the prevailing party shall be entitled to reasonable attorney's fees to be fixed by the trial court, and/or appellate court.

**IN WITNESS WHEREOF**, the parties hereto have set forth their hands and seals  
on the date first above written.

**ATTEST:**

\_\_\_\_\_

**POCONO MOUNTAIN  
SCHOOL DISTRICT**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

**POCONO TOWNSHIP,  
MONROE COUNTY**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_



January 31, 2017

Hand Delivered

Pocono Township Commissioners  
Attention President  
Pocono Township Municipal Building  
112 Township Drive  
Tannersville, PA 18372

RECEIVED  
JAN 31 2016  
POCONO TOWNSHIP

RE: Anthony and Betsy Casciano

Dear Mr. President,

Anthony and Betsy Casciano, along with Adams Outdoor Advertising, are seeking a conditional use hearing in regards to a proposed billboard structure on the Casciano property. Enclosed, please find and application for a conditional use hearing before the Pocono Township Commissioners, including the following.

- Conditional Use Application;
- Site Plan;
- Reasons for Appeal;
- Ownership and Consent Form;
- Application Fee, Check # 14473 in the amount of \$800.00

Kindly schedule a public hearing at your earliest convenience. If you require any additional information, please do not hesitate to contact our office.

Sincerely,

Kolby Kauffman  
Real Estate Manager, Adams Outdoor Advertising

Enclosures

**POCONO TOWNSHIP**  
P.O. Box 197 Tannersville, PA 18372  
**CONDITIONAL USE APPLICATION**

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Officer or Zoning Hearing Board shall constitute sufficient ground for the revocation of this permit.

Application No. \_\_\_\_\_

Applicant Name Adams Outdoor Advertising, Inc. (Adams) email address kkauffman@adamsoutdoor.com  
 Applicant Address 6053 Rt. 209, Stroudsburg, PA 18360  
 Property Owner Name Anthony & Elizabeth Casciano, h/w (Casciano) email address acasciano@nesitecontractors.com  
 Owner Address 198 Stadden Rd., Stroudsburg, Pa 18360  
 Site Address 198 Stadden Rd., Stroudsburg, PA 18360  
 Township Tax Parcel No.: 12/9/1/10-1 PIN 126372004148205 Zoning District C - Commercial  
 Attorney Name and Address Victor F. Cavacini, Esq., Gross McGinley LLP, 33 S. 7th St., Allentown, PA 18101

Proposed Use, Building, or Structure: V-shaped Digital Billboard Structure  
 Isolation Distance (setback): Front Yard 15 ft. Rear Yard 602 ft. Side Yard 15/114 ft.  
 Lot Dimensions: Total Acreage/SF. 2.46 acres Lot Width 229 ft. Lot Depth 652 ft.  
 Type of Construction Unipole

(X) A Plot Plan of the Property is attached (X) A Written Narrative of the Proposed Use is Attached

Application for a Conditional Use Permit is Requested as per the requirement set forth in:  
 Use Schedule - Billboards

Article \_\_\_\_\_ Section \_\_\_\_\_ Sub-Section \_\_\_\_\_ Page i of the Pocono Township Zoning Ordinance, as amended.

Explanation/Reason For Request:

SEE REASONS FOR APPEAL ATTACHED.

ADAMS OUTDOOR ADVERTISING, INC.

Signature of Applicant BY: Kelly Kauffman Date 1/30/17  
Kelly Kauffman

Official Use Only: Do not write below this line

Dates Advised: \_\_\_\_\_ Date Posted: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Planning Commission Recommendation: Favorable \_\_\_\_\_

Not Favorable \_\_\_\_\_ N/A \_\_\_\_\_

Remarks/Conditions: \_\_\_\_\_

Board of Commissioners Decision: Date \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_

Remarks/Conditions: \_\_\_\_\_

Zoning Officer Review Attached ( ) yes ( ) no Date: \_\_\_\_\_

Application Fee \$800.00 Transcription Fee \_\_\_\_\_ Total Amount Due: \_\_\_\_\_ Paid ( ) Check No. \_\_\_\_\_ ( ) Cash Date \_\_\_\_\_

**BEFORE THE BOARD OF COMMISSIONERS OF POCONO TOWNSHIP**  
**MONROE COUNTY, PENNSYLVANIA**

IN RE: ANTHONY CASCIANO and                     )  
      ELIZABETH CASCIANO, H/W and            )  
      ADAMS OUTDOOR                            )  
      ADVERTISING, INC.                        )

**REASONS FOR APPEAL**

**I.     BACKGROUND**

A billboard is permitted by conditional use under the Use Schedule entitled "Billboards". Adams previously obtained dimensional relief from the Zoning Hearing Board of Pocono Township (Board) related to an "off-premises freestanding advertising sign" for the vacant land requirement, size of sign face ~~and interior angle~~ but the Board required Adams to request conditional use approval from the Township Commissioners to include the request as to height, *and interior angle.*

A site data plan dated June 2, 2016 is attached hereto and incorporated herein by reference.

Anthony Casciano and Elizabeth Casciano ("Casciano") are the record owners of property located at 198 Stadden Road, Stroudsburg, Monroe County, Pennsylvania 18360-7653 which is adjacent to Interstate 80. The Parcel, Tax I.D. Number is 12637200418205 (Alternate Parcel ID number is 12 9 1 10-1) ("the property"). The land is located in the Commercial (C) Zoning District. A residence is now erected on the property occupied by Casciano.

Casciano and Adams propose to erect a new double-faced digital sign on the property which will be directed to motorists traveling on Interstate 80. The sign will observe a height of 80 feet which would be 44 feet above Interstate 80. The proposed sign face is 14 by 48 or a total of 672 square feet.<sup>1</sup> The proposed sign will observe all of the setback requirements. Casciano and Adams request conditional use approval for the proposed digital sign having a sign area of 672 square feet, and a height of 80 feet

## **II. CONDITIONAL USE – SPECIFIC REQUIREMENTS**

Adams does not believe the Ordinance contains any specific requirements relating to the billboard use permitted as a conditional use. The term “billboard” is used in Article II entitled “Definitions” relating to signs and advertising which states as follows:

“Billboards are also considered signs in this definition.”

Thereafter there is no mention of “billboards” in the Ordinance other than the “Use Schedule” appended to the Ordinance which permits billboards as a conditional use in the C & I Zoning Districts.

Indeed, Article IX entitled “Administration” provides no guidance relating to conditional use applications even though other functions of the Commissioners under the Zoning Ordinance are described therein.

Should it be determined there are specific requirements applicable to “billboards” Adams requests zoning relief from such specific requirements to permit the advertising sign herein requested.

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<sup>1</sup> The Board approved 540 square feet facing eastbound traffic and 370 square feet facing westbound traffic. Adams respectfully requests conditional use approval for the 672 square feet which is the standard in the industry for interstate located billboards.

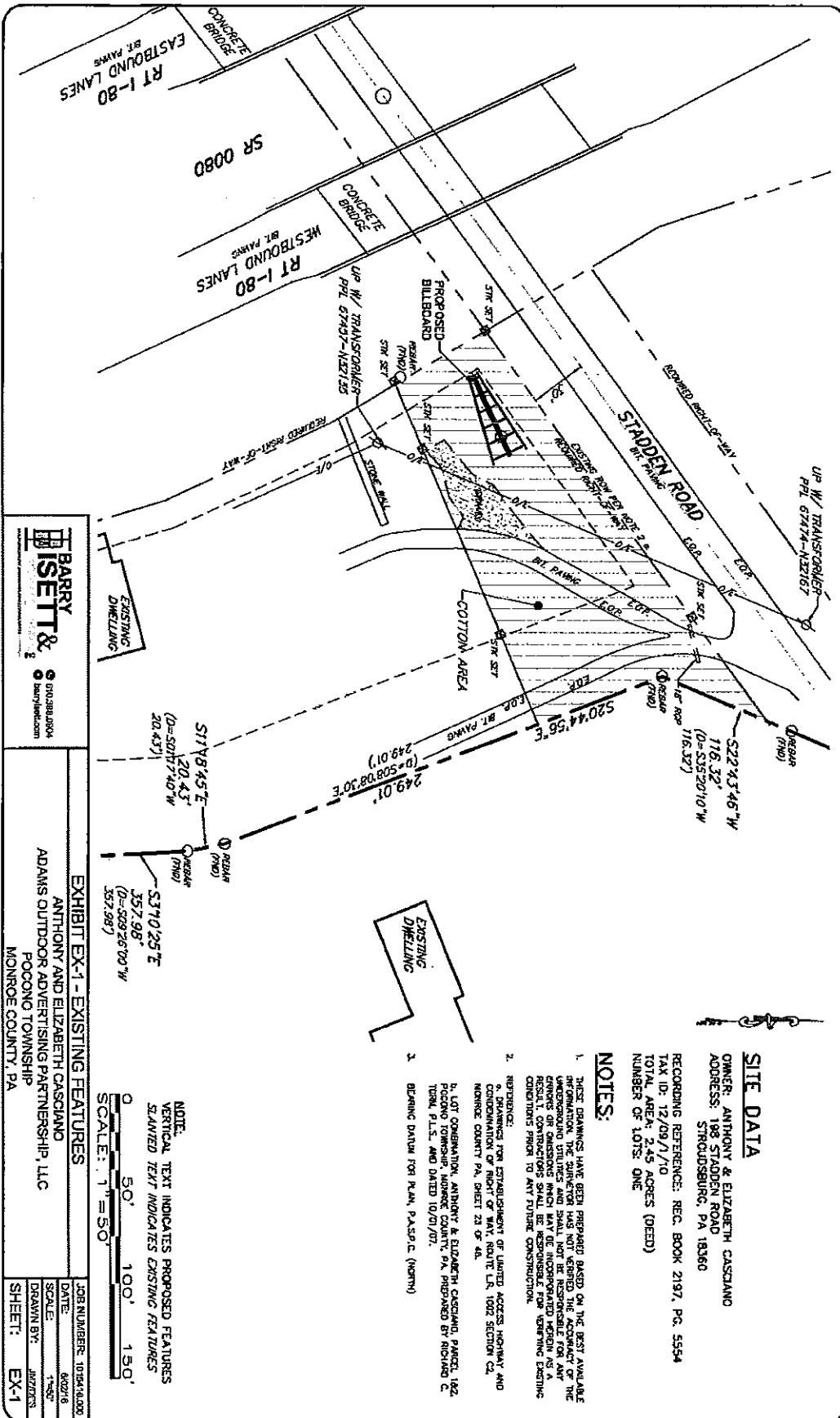
**III. INTERPRETATION**

The Zoning Hearing Board is requested to interpret the Ordinance, and apply regulations in a way which recognize the constitutional rights of Casciano and Adams.

**IV. OTHER ZONING RELIEF**

Casciano and Adams request any other zoning relief as may be necessary to permit the conditional use that is the subject of the within Appeal.





# **SITE DATA**

OWNER: ANTHONY & ELIZABETH CASCIANO  
ADDRESS: 198 STADDEN ROAD  
STROUDSBURG, PA 18360

RECORDING REFERENCE: REC. BOOK 2197, PG. 5554  
TAX ID: 12/09/1/10  
TOTAL AREA: 2.45 ACRES (DEED)  
NUMBER OF LOTS: ONE

## **NOTES:**

1. THESE DRAWINGS HAVE BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION. THE DRAWER HAS NOT ASSURED THE ACCURACY OF THE UNDERGROUND UTILITIES AND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED HEREIN AS A RESULT. CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING EXISTING CONDITIONS PRIOR TO ANY FUTURE CONSTRUCTION.
2. REFERENCES:  
a. DRAWINGS FOR ESTABLISHMENT OF LIMITED ACCESS HIGHWAY AND INTERSECTION OF STADDEN ROAD AND RT 1-80, SECTION 102, MONROE COUNTY PA, SHEET 23 OF 41.  
b. LOT COGNITION, ANTHONY & ELIZABETH CASCIANO, PARCEL 182, POCOINO TOWNSHIP, MONROE COUNTY, PA, PREPARED BY RICHARD C. TRUHL, P.L.S., AND DATED 10/07/07.  
c. BEARING DATUM FOR PLAIN, P.A.S.D.C. (NORTH)

NOTE:  
VERTICAL TEXT INDICATES PROPOSED FEATURES  
SLANTED TEXT INDICATES EXISTING FEATURES

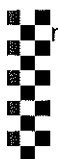
0 50' 100' 150'

SCALE: 1"=50'

**BARRY**  
**ISETT & ASSOCIATES**  
P.O. BOX 100  
POCONO, PA 18344  
610.833.1000  
barryisett.com

**EXHIBIT EX-1 - EXISTING FEATURES**  
ANTHONY AND ELIZABETH CASCIANO  
ADAMS OUTDOOR ADVERTISING PARTNERSHIP, LLC  
POCONO TOWNSHIP  
MONROE COUNTY, PA

JOB NUMBER: 10194/16.000  
DATE: 6/20/16  
SCALE: 1"=50'  
DRAWN BY: JBD/CLS  
SHEET: EX-1



## OWNERSHIP AND CONSENT FORM

This is to certify that the undersigned is/are the record owner(s) of the property known as:

Address: 198 Stadden Road  
Stroudsburg, PA 18360

Tax Parcel Number: 12/9/1/10-1

PIN # 126372004148205

We consent to the filing of the Conditional Use Application by Adams Outdoor Advertising relative to the proposed billboard on our property.

Executed on this, the 31 day of JANUARY, 2017.

By: Anthony Casciano III  
Anthony Casciano III

By: Betsy Casciano  
Betsy Casciano

**TOWNSHIP OF POCONO, MONROE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION GRANTING CONDITIONAL  
APPROVAL OF THE MICHAEL L. & SHIRLEY J. KELLY  
MINOR SUBDIVISION PLAN**

**WHEREAS**, the applicants, Michael L. and Shirley J. Kelly, submitted a plan application titled "Minor Subdivision of Lands of Michael J. Kelly and Shirley J. Kelly" (the "Plan"). The applicant proposes a two (2) lot subdivision of their property located along Manor Drive (S.R. 0314), in the R-1 Residential Zoning District. The parcel is owned by Michael J. Kelly and Shirley J. Kelly and is known as Monroe County Tax Parcel No. 12/112408, PIN 12636402586137; and

**WHEREAS**, the Township Engineer has reviewed the Plan and offered comments in his letters dated October 18, 2016 and January 4, 2017; and

**WHEREAS**, the Pocono Township Planning Commission recommended the conditional plan approval of the Plan at a meeting held on January 9, 2017; and

**WHEREAS**, the Pocono Township Board of Commissioners desires to take final action on this Plan.

**NOW THEREFORE BE IT HEREBY RESOLVED** by the Board of Commissioners of Pocono Township, County of Monroe, and Commonwealth of Pennsylvania:

That the "Minor Subdivision of Lands of Michael J. Kelly and Shirley J. Kelly" as shown on the plan prepared by Frank J. Smith Jr., Inc., dated September 9, 2016, as revised, be hereby approved with the following conditions and provided the plan is revised as follows, subject to the review and approval of the Township Engineer and/or Township Solicitor:

1. The applicant shall comply with all of the conditions and requirements identified in the Township Engineer's letter dated January 4, 2017.
2. The applicant shall pay all necessary fees associated with the Plan, including but not limited to any outstanding plan account charges and all professional services fees, prior to the recording of the Plan.
3. The applicant shall obtain all required permits and approvals from other governmental and regulatory agencies prior to presenting the Plan for signatures.
4. The applicant shall provide three (3) mylars for recording the plans and eight (8) sets of paper prints which are signed and notarized by the owner and sealed by the engineer.
5. The applicant shall meet all conditions of the plan approval, and Plan shall be recorded within twelve (12) months of Conditional Plan approval, and agrees that if such conditions

are not met, the Conditional Plan approval will be considered void.

6. The applicant shall accept these conditions in writing within five (5) days of receipt of the Board of Commissioners Resolution, otherwise the Plan is denied.

**RESOLVED** at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

Township of Pocono  
Board of Commissioners

By: \_\_\_\_\_  
Print Name: Pamela Tripus  
Title: Secretary

By: \_\_\_\_\_  
Print Name: Harold Werkheiser  
Title: President