

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

1) Pledge of Allegiance

2) Roll Call

3) Announcements:

- Mountain View Park – Veteran's Day Program – November 10, 11 and 12
- Route 611 – Detours onto Wiscasset Avenue during day time work hours

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) Presentations

6) Approval of Minutes

- a. Meeting October 16, 2017
- b. Budget Work Session of October 19, 2017
- c. Budget Work Session of October 26, 2017
- d. Work Session of November 2, 2017

7) Approval of Bills and Transfers

- a. Check ratification list for prior period dated November 6, 2017
- b. Check Listing dated November 6, 2017

8) Report of the President

9) Commissioners Comments

Bob De Young – Vice President  
Police municibids

Jerry Lastowski – Commissioner  
Sewer reimbursement  
Fire Police – Veteran's Day

Judi Coover – Commissioner  
Sign Ordinance Public Hearing  
Tobyhanna/Kalahari Meeting approval

Ellen Gmandt – Commissioner  
Finance Committee to review YTD budget adjustments, sewer finances

## 10) Reports

- a. Finance Committee Report
- b. Sewer Committee
- c. Administration – Manager's Report
  - DPW Director
  - Interim Treasurer – VPN access to Quickbooks
  - Bookkeeper Job description
  - Sewer System Manuals for operation, repair and emergency
  - HRA Renewal for 2018
  - Carriage House Letter of Credit
- d. Public Works Report
  - Road paving project update
  - Temporary PW Employee
- e. Township Engineer Report
  - Status Report on Sewer Redesign .
  - Route 611 Sewer Line Relocation Work Update
  - Sanofi Sanitary Sewer Easement
  - Camelback Storm Water Agreement – Tornado Ride
  - Green Light Go grant application
  - Pennvest low interest loans
- f. Township Solicitor Report
  - Pocono Logistics

## 11) Resolutions and Ordinances

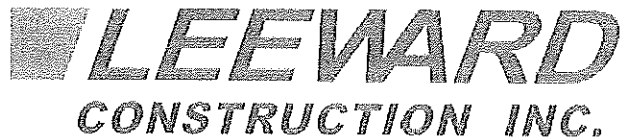
Resolution 2017-50- Acceptance of 2015 Green Light Go Grant

## 12) Further Public Comment

*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

Adjournment



*"Onward and Upward with Leeward"*

9 Collan Park  
Honesdale, Pennsylvania 18431-9655  
Phone: (570) 253-4090  
Fax: (570) 253-4346  
Engineering Fax: (570) 253-4581  
www.leewardconstruction.com

October 31, 2017

Donna Asure  
Pocono Township Municipal Building  
112 Township Drive  
P.O. Box 197  
Tannersville, PA 18372

Attention: Donna Asure – Township Manager/Secretary, [asure@poconopa.gov](mailto:asure@poconopa.gov)

RE: ECMS 11817, Scotrun – Swiftwater, Monroe County, Pocono Township  
Traffic Detours

Dear Ms. Asure,

Leeward Construction, Inc. is installing storm pipes along and across SR0611. We will be detouring traffic during day time work hours onto Wiscasset Avenue utilizing PA DOT PATA Traffic Control Standards.

Regards,

Aaron Pickarski,  
Project Manager

Digitally signed by Aaron  
Pickarski, Project Manager  
Date: 2017.10.31 11:48:53  
-04'00'

Aaron Pickarski  
Project Manager

cc: Gary Linde, Tom Quinnan, Danny McConnell, Anthony Zaloga, Terry Beibleheimer

**POCONO TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
OCTOBER 16, 2017  
6:00 p.m.**

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President Harold Werkheiser called the meeting to order at 6:00 pm with the Pledge of Allegiance.

**Roll call:**

President Werkheiser – Present  
Vice-President DeYoung – Present  
Commissioner Lastowski – Present  
Commissioner Coover – Present  
Commissioner Gndt – Present

**Professional Staff:**

Attorney Leo Devito – Present  
Jon Tresslar – Engineer – Present

**Announcements:**

Executive Session was held on October 12, 2017 for personnel matters.

Mountain View Park – Veteran's Day Program – Charlie Trapasso, Park Board President, indicated the park will have an open house on November 10<sup>th</sup> with artwork created by veterans on display for purchase the 11<sup>th</sup> and 12<sup>th</sup> with 25% of proceeds going towards the Tannersville 611 War Memorial.

**Public Comments on matters not on the agenda:**

Maxine Turbolski, Township Resident, thanked the Township Road Crew for doing a good job with repairing Pippin Way.

**Presentations:**

**Motion** made by Commissioner Coover, seconded by Commissioner Lastowski, to accept Camelback's request for an extension until February 13, 2018 to seek preliminary approval of their plan.

All in favor  
Motion Carried

**Approval of Minutes:**

**Motion** made by Commissioner Coover, seconded by Commissioner Gndt, to accept the October 2, 2017 Regular Meeting Minutes.

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All in favor  
Motion Carried

**Motion** made by Commissioner Gndt, seconded by Commissioner Coover, to accept the October 5, 2017 Work Session Minutes.

EG-Yes; RD-Abstain; HW-Abstain; JL-Abstain; JC-Yes  
Motion Failed

**Motion** made by Commissioner Lastowski, seconded by Commissioner Gndt, to accept the October 12, 2017 Work Session Minutes.

EG-Yes; RD-Yes; HW-Abstain; JL-Yes; JC-Yes  
Motion Carried

**Approval of Bills and Transfers:**

**Motion** made by Commissioner Lastowski, seconded by Commissioner DeYoung, to ratify the check list for the prior period dated October 16, 2017.

All in favor  
Motion Carried

**Motion** made by Commissioner Gndt, seconded by Commissioner DeYoung, to approve the check and transfers dated October 16, 2017.

All in favor  
Motion Carried

**Report of the President:** None

**Commissioner's Comments:**

Bob DeYoung – Vice President: None

Jerry Lastowski – Commissioner – Audit:

Commissioner Lastowski stated from the 10/2/2017 meeting, "I don't think the thousands and thousands and thousands of dollars that were spent on this audit to find out we have to shore up a couple internal controls with regards to how we handle things in this Township; I believe we knew about those before we went into these two new audits, and I think it was a waste of more of the taxpayer's money by having them redone than what we gained from it."

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**REGULAR MEETING MINUTES**  
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Commissioner Lastowski stated, "Everybody on this Board and everybody in the audience knew exactly why the first audit failed, and I don't think it produced any significant difference to justify the cost."

Judi Coover – Commissioner: The County is doing a county-wide reassessment. The County Commissioners, at their next meeting, will be considering a motion to delay implementation on the reassessment until 2020.

Ellen Gndt – Commissioner: Requested the status of the ORI for the Zoning Officer. Discussion followed.

Commissioner Gndt recommended that the township look into NIMS (National Incident Management System) training for Board members and Emergency Management Coordinators. Discussion followed.

Commissioner Gndt requested an update on the Foreign Fire Insurance. Discussion followed.

Commissioner Gndt informed the board that the bookkeeper will be reviewing the reconciliation of the W-2's to pension withholdings. Discussion followed.

**Reports:**

Emergency Services reports were given by Chief Kent Werkheiser, Chris Proulx, PTVFD and Rodney Wolfe of St. Luke's ambulance. Discussion followed.

**Motion** made by Commissioner Lastowski, seconded by Commissioner DeYoung, to allow the Township Public Works department to assist with the excavating of the meter which will allow the fire company to work with BCRA to find the leak.

All in favor  
Motion Carried

**Finance Committee Report:**

The Finance Committee met with Laura Prego, Actuary from Beyer-Barber Company to discuss the Police Pension Plan. According to Ms. Prego, the Police Pension plan is in

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**REGULAR MEETING MINUTES**  
**OCTOBER 16, 2017**  
**6:00 p.m.**

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good shape. The committee should meet to discuss budget recommendations to the Commissioners.

**Sewer Committee:**

Commissioner Coover indicated a decision will have to be made about the individual properties that owe tapping and/or BCRA fees and what action will be taken. She reported the committee is gathering a lot of data and reviewing data for accuracy. A report with all information will be available within the next few weeks. Discussion followed.

**Administration – Manager's Report:**

**Motion** made by Commissioner Lastowski, seconded by Commissioner DeYoung, to extend the services of Pocono Management Associates (PMA) consultant Patrick Briegel until December 4, 2017 with Mr. Briegel providing proof that Pocono Township has been named as additionally insured cost of said insurance document to be reimbursed by Pocono Township.

EG-No; RD-Yes; HW-No; JL-Yes; JC-No  
Motion Failed

Discussion followed.

Maxine Turbolski, Township Resident, suggested one of the problems with getting a CDL license is the upcoming election and the uncertainty surrounding it. It would be a waste of time and money if he's given his walking papers two weeks later. With the election coming up and the possibilities of what can happen, she would not want to be in a position to have a job in this Township.

**Motion** made by Commissioner Coover, seconded by Commissioner Gndt, to extend the services of Pocono Management Associates (PMA) consultant Patrick Briegel for sewer consultant and road crew supervision until November 6, 2017 with Mr. Briegel providing proof that Pocono Township has been named as additionally insured cost of said insurance document to be reimbursed by Pocono Township.

EG-Yes; RD-No; HW-Yes; JL-No; JC-Yes  
Motion Carried

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
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**Motion** made by Commissioner Lastowski, seconded by Commissioner Coover, to approve attending a QuickBooks training on November 27, 2017 at the Hilton Garden Inn Airport Allentown for Donna Asure and Paola Razzaq at a cost of \$149.00 per person, plus travel costs.

All in favor  
Motion Carried

**Motion** made by Commission Coover, seconded by Commissioner Gndt, to approve contract with Unifirst to provide uniforms for the Public Works Department at a base price of \$68.38/week beginning upon receipt of signed contract for five years subject to Township Solicitor's review, paying special attention to escalation clauses, conditioned upon satisfactory work performance and if not, the Township's ability to terminate, and what they do for uniform replacement.

All in favor  
Motion Carried

Discussion followed.

**Public Works Report:**

Jake Singer, Township Resident, inquired why a union member is working in the park.  
Discussion followed.

**Township Engineer Report:**

**Motion** made by Commissioner Coover, seconded by Commissioner Lastowski, to approve the increase of contract with Keystone in the amount of \$10,000.00.

All in favor  
Motion Carried

**Resolutions and Ordinances:**

Record Destruction - Resolution 2017-49

**Motion** made by Commissioner Coover, seconded by Commissioner Gndt, to approve Resolution 2017-49 approving the destruction of identified Township records pursuant to Township Record Retention policy and as listed in Appendix D.

All in favor  
Motion Carried

**Public Comment:** None



POCONO TOWNSHIP BOARD OF COMMISSIONERS  
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The Board announced an executive session, to discuss personnel, will be held and the board will not be reconvening.

Executive Session ended at 8:45pm.

Submitted by: \_\_\_\_\_

Donna M. Asure  
Township Secretary

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**BUDGET WORK SESSION MINUTES**

**DATE:**     October 19, 2017

**TIME:**     9:00am

**PLACE:**    Township Building

**PRESIDING COMMISSIONER:** Robert DeYoung

**ROLL CALL:**

Jerry Lastowski - Present

Ellen Gmandt – Present

Judi Coover – Present

**Public Present –**

No public present

**NO OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN DURING WORK SESSION.**

**THE WORK SESSION ENDED AT 1:00 pm**

Submitted by: \_\_\_\_\_

Donna M. Asure  
Township Secretary

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**BUDGET WORK SESSION MINUTES**

**DATE:** October 26, 2017

**TIME:** 8:00am

**PLACE:** Township Building

**PRESIDING COMMISSIONER:** Robert DeYoung

**ROLL CALL:**

Jerry Lastowski - Present  
Ellen Gmandt – Present  
Judi Coover – Present

**Public Present –**

In attendance during parts of the budget work session were –

- Chief Kent Werkheiser
- Sgt. Shawn Goucher
- Charlie Lynn Trapasso – President, Park Board
- Dottie Telesky – Park Board Member

**NO OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN DURING WORK SESSION.**

**THE WORK SESSION ENDED AT 1:10 pm**

Submitted by: \_\_\_\_\_

Donna M. Asure  
Township Secretary

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**WORK SESSION MINUTES**

**DATE:** November 2, 2017

**TIME:** 8:00am

**PLACE:** Township Building

**PRESIDING COMMISSIONER:** Robert DeYoung

**ROLL CALL:**

Jerry Lastowski - Present

Ellen Ghandt – Present

Judi Coover – Present

**Public Present –**

No public were present

**NO OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN DURING WORK SESSION.**

**THE WORK SESSION ENDED AT 1:00 pm**

Submitted by: \_\_\_\_\_

Donna M. Asure  
Township Secretary

Pocono Township  
November 6, 2017

SUMMARY

Ratify

General Fund	\$	238,099.51
Sewer Operating	\$	2,425.27

Bill List

TOTAL Capital Reserve Fund	\$	3,798.67
TOTAL General Fund	\$	85,772.47
TOTAL SEWER CONSTRUCTION	\$	660.00
TOTAL Sewer Operating Fund	\$	4,762.97

Budget Adjustments

\$	-
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Budget Appropriations

\$	-
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Pocono Township Check Listing  
Ratify  
November 6, 2017

General Fund Payroll	Date	Check	Vendor	Memo	Amount
	10/25/2017			Pay 22 2017	82,005.20
				<b>TOTAL PAYROLL</b>	<b>\$82,005.20</b>
	10/18/2017	56308	AFLAC	Unpaid INV # 110147 ofr October 2016	396.08
	10/18/2017	56309	Teamster Local 773	Non-Police Union Dues	561.00
	10/19/2017	56310	Teamster Local 773	Police Union Dues	1,295.00
	10/19/2017	56311	Network Fleet	GPS Service	325.45
	10/19/2017	56312	PA Municipal Health Insurance	Health Insurance	58,638.72
	10/19/2017	56313	PPL Electric Utilities	Electric bill	1,432.93
	10/19/2017	56314	Verizon Wireless	load bill	90.86
	10/19/2017	56315	Verizon Wireless	Phones Police	1,373.23
	10/19/2017	56316	Verizon Wireless	Phones Township	271.32
	10/25/2017	56317	Highmark Inc	HRA fees	4,434.85
	10/27/2017	56319	US Bank	Payment to cover error on check # 56256	459.64
	10/27/2017	56320	AFLAC	Supplemental Insurance	419.08
	10/27/2017	56321	Pocono Township Fire Relief Assoc.	2017 Foreign Fire Insurance Tax Distribution	84,279.12
	11/02/2017	56377	Philip Riley	Interest Repayment Police Pension	111.47
	11/02/2017	56378	Kent Werkheiser	Interest Repayment Police Pension	241.33
	11/02/2017	56379	Earl Ackerman	Interest Repayment Police Pension	196.88
	11/02/2017	56380	Aaron Anglemeyer	Interest Repayment Police Pension	121.94
	11/02/2017	56381	Austin Anglemeyer	Interest Repayment Police Pension	37.45
	11/02/2017	56382	Robert Furino	Interest Repayment Police Pension	34.67
	11/02/2017	56383	Shawn Goucher	Interest Repayment Police Pension	90.74
	11/02/2017	56384	Christopher Gupko	Interest Repayment Police Pension	59.41
	11/02/2017	56385	Daniel Kresge	Interest Repayment Police Pension	57.61
	11/02/2017	56386	Scott Kresge	Interest Repayment Police Pension	50.30
	11/02/2017	56387	Tom Lynott	Interest Repayment Police Pension	94.16
	11/02/2017	56388	Jack Manuel	Interest Repayment Police Pension	79.56
	11/02/2017	56389	Timothy Mignosi	Interest Repayment Police Pension	154.14
	11/02/2017	56390	Robert Miller	Interest Repayment Police Pension	212.88
	11/02/2017	56391	Eric Rath	Interest Repayment Police Pension	139.68
	11/02/2017	56392	Michael Scicutella	Interest Repayment Police Pension	19.41
	11/02/2017	56393	Doug Smith	Interest Repayment Police Pension	89.42
	11/02/2017	56394	Chris Staples	Interest Repayment Police Pension	214.68
	11/02/2017	56395	James Wagner	Interest Repayment Police Pension	111.30
				<b>TOTAL General Fund</b>	<b>\$156,094.31</b>

Pocono Township Check Listing

Ratify

November 6, 2017

Sewer Operating  
Fund

10/12/2017 1947  
10/12/2017 1949  
10/27/2017 1950  
10/27/2017 1951

Blue Ridge Communication  
PPL Electric Utilities  
Blue Ridge Communication  
Met-Ed

Utility Bill  
Electric Bill

Phone/Internet Pump Station  
Electric Bill Pump Station 4

59.14  
2,081.98  
118.28  
165.87

TOTAL Sewer Operating \$2,425.27

Capital Reserve Fund

TOTAL Capital Reserve Fund \$0.00

TOTAL General Fund  
TOTAL Sewer Operating

\$238,099.51  
\$2,425.27

Transferred by:

Authorized by:

## POCONO TOWNSHIP CHECK LISTING

November 6, 2017

General Fund	Date	Check	Vendor	Memo	Amount
	10/27/2017	56319	Nationwide 457	457 Plan contributions & Loan Payments	5,943.76
	11/01/2017	56322	US Bank	Police Pension October 2017	8,214.26
	11/01/2017	56323	Met Life	Non Police Pension October 2017	3,054.47
	11/01/2017	56324	BNY Mellon	Ancillary Services 7/1/2015-12/31/2017	23.88
	11/01/2017	56325	Avail Business Systems, Inc.	File Cablnet	603.00
	11/01/2017	56326	Howarth, Carl	Replacement check	84.00
	11/01/2017	56327	BIU of PA, Inc.	SEOZO/BIU Permits Service	13,427.27
	11/01/2017	56328	D.G. Nicholas Co.	Parts/Supplse	1,368.01
	11/01/2017	56329	Davidheiser's Inc.	Specr tracker certs	60.00
	11/01/2017	56330	DeAngelo Brothers, LLC	Line Striping - COG Bid	17,928.87
	11/01/2017	56331	DES	Recycling	20.00
	11/01/2017	56332	Eureka Stone Quarry, Inc.	2A for Stockpile	489.96
	11/01/2017	56333	Flamm, Walton Heimbach & Lamm, PC	Labor & Employment Legal	2,989.00
	11/01/2017	56334	HUNTER KEYSTONE PETERBILT	Truck #9	341.97
	11/01/2017	56335	J. P. Mascaro & Sons	Garbage Twp/Park	443.92
	11/01/2017	56336	Keystone Business Products	Copier	1,418.03
	11/01/2017	56337	Mignosi, Timothy	Uniform Allowance	194.96
	11/01/2017	56338	Nauman Mechanical Inc.	HVAC unit repair	2,511.10
	11/01/2017	56339	Otto, Carol	Cleaning	550.00
	11/01/2017	56340	P & D Emergency Services	Siren repair	254.00
	11/01/2017	56341	PAPCO, Inc.	Gasoline	1,707.96
	11/01/2017	56342	PENTELEDA	Internet - Twp/Park	130.02
	11/01/2017	56343	Pocono Management Associates LLC	Contractor Services	2,293.41
	11/01/2017	56344	PSATS	Random Testing	95.00
	11/01/2017	56345	Reliable Sign and Striping	Park Signs	34.75
	11/01/2017	56346	Robert B. Turnbull, Jr.	Tree trimming - Sootrun & Dyson	250.00
	11/01/2017	56347	Schoonheim, Ryk	Live Entertainment - Veteran's Art Show	150.00
	11/01/2017	56348	Soot Lubricants LLC	Grease for equipment	211.00
	11/01/2017	56349	Stadium International Trucks	Truck parts	116.00
	11/01/2017	56350	Staples Advantage	Office Supplies - Township	593.41
	11/01/2017	56351	Staples Credit Plan	Office Supplies - Police	59.15
	11/01/2017	56352	STTC Service Tire Truck Centers, INC.	Front tires Back hoe	413.42
	11/01/2017	56353	Tulpehocken Mountain Spring Water Inc	Water	75.60
	11/01/2017	56354	UNIFIRST Corporation	Carpets/Uniforms	339.07
	11/01/2017	56355	Weitzmann, Weitzmann & Huffman, LLC	ZHB Legal	666.00
	11/01/2017	56356	YIS/Cowden Group Inc	Repair tracker	366.52
	11/01/2017	56357	A-1 Lock & Safe, LLC	New locks	270.00
	11/01/2017	56358	Avail Business Systems, Inc.	Filing supplies	5,705.16
	11/01/2017	56359	Bartonsville Printing	Fliers/Forms	196.00
	11/01/2017	56360	BIU of PA, Inc.	ZO/SEO	1,427.50
	11/01/2017	56361	Brodhead Creek Regional Authority	Water	157.07
	11/01/2017	56362	Cyphers Truck Parts	Truck parts	532.06
	11/01/2017	56363	Highmark Inc.	Spending account	1,105.45
	11/01/2017	56364	Nauman Mechanical Inc.	Fall maintenance	875.00
	11/01/2017	56365	PAPCO, Inc.	Gasoline/Diesel	2,347.16
	11/01/2017	56366	PPL Electric Utilities	Traffic Signal/Parking Lot	69.55
	11/01/2017	56367	Praxair Dist Mid-Atlantic	Supplies	24.65

\*Previously approved -  
replacement check



# POCONO TOWNSHIP CHECK LISTING

## November 6, 2017

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
11/01/2017	56368	Prosser Laboratories, Inc.	Water testing Mt. View	58.00
11/01/2017	56369	Reed and Perrine Sales, Inc.	Fertilizer	645.90
11/01/2017	56370	Soot Lubricants LLC	Grease	675.00
11/01/2017	56371	Staples Advantage	Office Supplies - Township	405.97
11/01/2017	56372	Stroudsburg Electric Motor Service	Parts/Supplies	44.00
11/01/2017	56373	STTC Service Tire Truck Centers, INC.	Truck service	858.54
11/01/2017	56374	UNIFIRST Corporation	Carpets/Uniforms	152.21
11/01/2017	56375	Unum Life Insurance	Life Insurance	1,939.00
11/02/2017	56376	Lincoln Life Insurance	Supplemental Life Insurance	150.00
11/02/2017	56377	Philip Riley	Interest Repayment	111.47
11/02/2017	56396	Steeles Hardware	Park maintenance supplies	601.01
<b>Sewer Operating Fund</b>				<b><u>TOTAL General Fund \$85,772.47</u></b>
10/12/2017	1948	JP Mascaro	Waste pick up	90.00
10/25/2017	1952	Pocono Management & Assoc	Professional Services 10/9/17 - 10/15/17	1,051.33
10/25/2017	1953	Pocono Management & Assoc	Professional Services 10/16/17 - 10/22/17	1,191.64
10/25/2017	1954	Want To Inc	Service Pump Station 1	2,430.00
<b>Sewer Construction Fund</b>				<b><u>TOTAL Sewer Operating Fund \$4,762.97</u></b>
11/01/2017	264	Want To Inc (Brennan Electric)	Sewer System Service Valve Station 1	660.00
<b>Capital Reserve Fund</b>				<b><u>TOTAL Sewer Construction Fund \$660.00</u></b>
11/02/2017	185	Eureka Stone Quarry	Asphalt for Police Parking lot	391.37
11/02/2017	186	Eureka Stone Quarry	Asphalt & bulk stone for police lot	3,407.30
<b>ESSA</b>				<b><u>TOTAL Capital Reserve Fund \$3,798.67</u></b>
<b>TOTAL General Fund</b>				<b><u>\$85,772.47</u></b>
<b>TOTAL Sewer Construction Fund</b>				<b><u>\$660.00</u></b>
<b>TOTAL ESSA Transfer</b>				<b><u>\$86,432.47</u></b>
<b>Wayne Bank</b>				
<b>TOTAL Sewer Operating Fund</b>				<b><u>\$4,762.97</u></b>
<b>Authorized by:</b>				

# NEPMIC POCONO TWP Supervisors

## SPENDING ACCOUNT RENEWAL

Period Beginning 01/1/2018 Through 12/31/2018

Your spending account service agreement is due for renewal. When executed by you and returned to us, this document amends your existing agreement to extend coverage for the period noted above. The fees necessary to provide services are as follows:

ANNUAL FEES	AMOUNT
Plan Set-up and Year-end Processing	NONE
MONTHLY FEES <sup>1</sup>	
Monthly Administration Fee for <b>Medical FSA Account</b> <sup>1</sup>	N/A
Monthly Administration Fee for <b>Dependent Care FSA Account (DFSA)</b> <sup>1</sup>	N/A
Monthly Administration Fee for <b>Transportation Account</b> <sup>2</sup>	N/A
Monthly Administration Fee for <b>Fitness Account</b>	N/A
Monthly Administration Fee for <b>Health Reimbursement Account (HRA)</b>	\$4.95 PAPM
Monthly Administration Fee for <b>Health Savings Account (HSA)</b>	N/A
Monthly Fee for <b>Stored Value Card</b> **	NONE

\*\* The debit card offering may be limited based on employer plan design.

1) FSA Products Include: Medical Reimbursement, Limited Medical Reimbursement and Dependent Care; if participant has multiple FSA products only the Medical FSA fee will apply.

2) Additional charges for the "Wired" Qualified Mass Transportation Account – Transit Pass or Voucher Based and for the Qualified Parking Account – Voucher Based.

- |                           |          |
|---------------------------|----------|
| (a) Annual fee per client | \$400.00 |
| (b) Per account per month |          |
| • Transportation Account  | \$2.50   |
| • Parking Account         | \$2.50   |

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of Authorized Group Representative)

Title: \_\_\_\_\_

Prepared by and Return to:  
Broughal & DeVito, LLP  
38 West Market Street  
Bethlehem, PA 18018

Tax Parcel I.D. No.: 12/10/1/2-6

**DECLARATION OF COVENANT,  
AGREEMENT AND EASEMENT FOR  
MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES**

**CAMELBACK TORNADO RIDE STORMWATER MANAGEMENT PLANS  
POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

THIS DECLARATION OF COVENANT, AGREEMENT AND EASEMENT is made the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between **CBH2O, L.P.**, with an address of 301 Resort Drive, P.O. Box 168, Tannersville, PA 18372 (hereinafter referred to as "Declarant"), **EPT SKI PROPERTIES, INC.**, with an address of 909 Walnut Street, Suite 200, Kansas City, MO 64106 (including any and all successors and assigns, hereinafter referred to as "Fee Owner"), and the **TOWNSHIP OF POCONO**, a municipal corporation organized and existing as a Township of the First Class under the laws of the Commonwealth of Pennsylvania, with an address at 112 Township Drive, Tannersville, PA 18372 (hereinafter referred to as the "Township").

**WHEREAS**, the Fee Owner is the owner of a certain tracts of land situate in the Township of Pocono, County of Monroe, and Commonwealth of Pennsylvania (hereinafter "Subject Premises") as set forth on a stormwater management plan (hereinafter "Plan"), known as the PCSM Plan – Camelbeach Proposed Tornado Ride, prepared by RKR Hess, a Division of UTRS, dated September 13, 2017, last revised \_\_\_\_\_, a copy of which is

attached as Exhibit "A" hereto and made a part hereof. Declarant is the developer of the project located on the Subject Premises; and

WHEREAS, the Declarant proposes to locate, construct, install and maintain certain stormwater management facilities on the Subject Premises in accordance with the Plan (the "Stormwater Management Facilities"); and

WHEREAS, as a condition of approval of the Plan from the Township, the Township has required that the Declarant and Fee Owner execute and record this Declaration of Covenant, Agreement and Easement in the Office of the Recorder of Deeds of Monroe County, Pennsylvania for the purpose of ensuring to the Township, inter alia, that: (1) the Stormwater Management Facilities are located, constructed, installed and maintained by the Declarant in accordance with the Plan; (2) following the completion of the duties of the Declarant and/or Fee Owner pursuant to the Plan the Stormwater Management Facilities are continually and perpetually maintained, repaired, refurbished, reconstructed, and replaced by the Declarant and/or Fee Owner (including, without limitation, any future owners of the Subject Premises) on which the Stormwater Management Facilities are located and shall continually and perpetually perform such maintenance, repair, refurbishment, reconstruction, and replacement of Stormwater Management Facilities, including but not limited to drainage swales, detention and retention basins, stormwater piping systems, headwalls, inlet and outlet structures, and all structures and facilities appurtenant to the foregoing, as shown on the Plan and located on the Subject Premises, as may be necessary or advisable in the opinion of the Township to ensure the structural integrity and the proper functioning thereof, and compliance with all federal, state, and local laws, rules, and regulations pertaining thereto. At no time shall the Stormwater Management Facilities be removed or altered without the prior written approval of the Township.

**NOW, THEREFORE**, in consideration of the approval by the Township of the Plan, and intending to be legally bound, Fee Owner and Declarant, for their successors and assigns, including all future owners of the Subject Premises (hereinafter collectively referred to as "Owners") hereby promise, covenant and agree to and with the Township, its successors and assigns, to faithfully perform all the requirements set forth hereinafter, and does hereby bind the Declarant, the Fee Owner, and the Subject Premises, to the faithful performance of said requirements, to wit:

1. All "**WHEREAS**" clauses are incorporated herein by reference as if the same were set forth here at length.

2. The Owners of the Subject Premises on which Stormwater Management Facilities are located shall continually and perpetually perform such maintenance, repair, refurbishment, reconstruction, and replacement of said facilities, including but not limited to drainage swales, detention and retention basins, stormwater piping systems, headwalls, inlet and outlet structures, and all structures and facilities appurtenant to the foregoing and all Best Management Practices ("BMPs) agreed to be performed by the Fee Owner, as shown on the Plan and located on the lands of the Owners, as may be necessary or advisable in the opinion of the Township to ensure the structural integrity and the proper functioning thereof, and compliance with all federal, state and local laws, rules, and regulations pertaining thereto. At no time shall the Stormwater Management Facilities be removed or altered in any manner without the prior written approval of the Township.

3. All Stormwater Management Facilities, and erosion and sedimentation control facilities, which because of construction activities, grading, stripping of vegetation, or any other

reason, have been damaged or fail to function properly, shall be stabilized and reconstructed by the Owners to approved design grades and specifications.

4. All drainage swales, detention and/or retention basins, and other stormwater easements shown on the Plans shall be maintained in a grassed or otherwise improved condition, in accordance with the grades and designs shown on the Plan. All these easements shall be kept free of all obstructions, including but not limited to, such obstructions as fill, temporary or permanent structures, and plants (other than grass or other Township approved covers). Fences may be constructed within these easements, within the requirements of the ordinances of the Township (and pursuant to any other Township authorizations to the Owners, including any variances granted from Township Ordinances) provided that the fence is of a type and location that will not impede the flow of stormwater, and provided that the Owners shall remove such fence at the expense of the Owners and without compensation to the Owners if determined by the Township to be necessary to allow work within the easement.

5. Whenever sedimentation is caused by stripping vegetation, grading or other earth moving activities, it shall be the responsibility of the Owners to remove the sedimentation from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at the sole expense of the owners.

6. The Owners shall make provision for and be personally responsible for strict compliance with all of the foregoing covenants. Upon failure of the Owners to comply within the time period specified by written notice, or in the event the Township, in its sole and absolute discretion determines the work to be of an emergency nature, the Township may perform such work as may be necessary in its sole and absolute discretion to bring the Owners into compliance at the expense of the Owners and the Owners shall be charged for said expense, plus a 20%

surcharge for the Township's administrative expenses, plus any costs expended by the Township (including reasonable attorney's fees) if a municipal lien or civil action or action in equity is filed, which expense the Owners hereby agree to assume and pay.

7. The Owners hereby grant, bargain and sell to the Township, its successors and assigns, the Township Engineer, and such other persons as may be authorized by them to act on their behalf: (a) a right-of-way and easement on, over, across, under and through the land shown on the Plan for the purposes of inspecting the Stormwater Management Facilities, of curing any default by the Owners, and of exercising its rights under this Agreement; and (b) the free and uninterrupted use, liberty, and privilege of, and passage in and along, and to and from, the land for the foregoing purposes.

8. The duties of any of the Owners under this Agreement shall apply only during the period of fee ownership and/or leasehold ownership of the Subject Premises, and shall terminate upon the sale of the Subject Premises by Owners to a bona fide purchaser for value, upon the assignment to a successor entity, who/which shall thereupon assume the duties of Owners and be responsible for complying with the terms and conditions of this Agreement, or termination or expiration of any lease granting one of the Owners a leasehold interest in the Subject Premises; provided, nevertheless, that nothing contained herein shall be construed as relieving Owners from liability for any default occurring during the period of ownership by such Owners.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Declarant, Fee Owner and the Township have executed  
this Declaration of Covenant, Agreement and Easement the day and year first above written.

**ATTEST:**

**TOWNSHIP OF POCONO**

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

By: \_\_\_\_\_  
Print Name: Harold Werkheiser  
Title: President, Board of Commissioners

**WITNESS:**

**DECLARANT  
CBH2O, L.P.**

\_\_\_\_\_

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

**WITNESS:**

**FEE OWNER  
EPT SKI PROPERTIES, INC.**

\_\_\_\_\_

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



COMMONWEALTH OF PENNSYLVANIA           )  
   )ss.  
COUNTY OF MONROE                          )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned officer, personally appeared Harold Werkheiser, who acknowledged himself to be the President of the Board of Commissioners of the Township of Pocono, a municipal corporation organized and existing as a Township of the First Class, and that he as such President, being authorized to do so, executed the foregoing Agreement for the purposes therein contained by signing the name of the Township of Pocono by himself as President of the Board of Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned officer,  
personally appeared \_\_\_\_\_, and acknowledged himself to be the  
\_\_\_\_\_ of CBH2O, L.P., and acknowledged that he was authorized to execute the  
foregoing instrument on behalf of CBH2O, L.P. for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )ss.  
\_\_\_\_\_ )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned officer, personally appeared \_\_\_\_\_, and acknowledged himself to be the \_\_\_\_\_ of EPT SKI PROPERTIES, INC., and acknowledged that he was authorized to execute the foregoing instrument on behalf of EPT SKI PROPERTIES, INC. for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**



# POCONO TOWNSHIP

www.poconopa.gov

## RESOLUTION 2017-50

**BE IT RESOLVED**, by the authority of the **Board of Commissioners** of the Township of **Pocono, Monroe County, Pennsylvania**, and it is hereby resolved by authority of the same, that the **Township Manager** of said **MUNICIPALITY** is authorized and directed to submit the attached Applications for Traffic Signal Approvals to the Pennsylvania Department of Transportation and to sign these Applications, on behalf of the **MUNICIPALITY**, for the intersections of:

- S.R.611, S.R.3023 Rim Rock Road and Bartonsville Avenue
- S.R.611 and S.R.715 Westbound
- S.R.611 and S.R.715 Eastbound
- S.R.611 and S.R.314 Westbound
- S.R.611, Tannersville Plaza and True Value Access
- S.R.715 and S.R.4004 Sullivan Trail
- S.R.611 and S.R.1001 Cherry Lane Road and S.R.4012 Warner Road
- S.R.611 and Discovery Drive
- S.R.611 and S.R.8006 I-80 Ramp B

**ATTEST:**

**TOWNSHIP OF POCONO**

By: \_\_\_\_\_  
Pamela Tripus, Assistant Secretary

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

I, **Donna M. Asure**, Township Manager/Township Secretary, of the Board of Commissioners, Township of Pocono, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Board of Commissioners, held the 6<sup>th</sup> day of November, 2017.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Donna M. Asure, Twp. Manager/Secretary