

DRAFT

Pocono Township

PENNSYLVANIA

POCONO TOWNSHIP COMMISSIONERS

AGENDA

May 21, 2018 5:30 p.m.

Open Meeting

Pledge of Allegiance

Roll Call

Public Comments

Comments are for any issue. Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.

Announcements –

Executive Session – April 30, 2018 – personnel

Executive Session – May 16, 2018 – personnel, union negotiations, litigation

Hearings –

Presentations –

Gold Award – flag retirement ceremony – Bella Fisher – June 9th – requesting drop in box at Township building

OLD BUSINESS

1. Motion to approve minutes of the April 30, 2018 Meeting of Board of Commissioners (action item*)

NEW BUSINESS

1. Personnel
 - a. Motion to ratify the hiring of Alyssa Bullis as seasonal park employee, beginning May 12, 2018 at a rate of \$12.00 per hour.

2. Financial Transactions

- a. Motion to ratify vouchers payable received through May 18, 2018 in the amount of \$ 3054.43 (action item*)
- b. Ratify gross payroll for pay period ending May 6, 2018 in the amount of \$ 76,975.01 (action item*)

(Action Item*)

*A matter listed as an “Action Item” on the Agenda is a matter that the Board of Commissioners will discuss and may deliberate or take official action on. A matter listed on the Agenda as an “Action Item” does not require the Board of Commissioners to deliberate or take official action on that matter.

** Change to agenda versus draft posted on website

- c. Motion to approve vouchers payable received through May 18, 2018 in the amount of \$ 299,049.85 (action item*)
- d. Motion to approve capital expenditure received through May 18, 2018 in the amount of \$ 36951.00 (action item*)

Report of the President

Commissioners Comments

Bob De Young – Vice President

Harold Werkheiser – Commissioner

Rich Wielebinski – Commissioner

Jerrold Belvin – Commissioner

Reports

1. Administration – Manager's Report

- a. Leeward request to provide police coverage (possible action item*)
- b. Notify board of the resignation of Nathan Laubach from the Park Board, letter of thanks sent and vacancy posted
- c. Motion authorizing submittal of letter guaranteeing matching funds of 15% for TLC Bridge repair grant – approximately \$18,646.00 (action item*)

2. Public Works Report

- a. Paving project update

3. Township Solicitor Report

- a. Formal Introduction of the Code Adoption and Codification Hearing
- b. Motion to execute the Second Supplement to the inter-municipal agreement with BCRA as approved by Ordinance 2017-04 (action item*)

Resolutions

- **Resolution 2018- - resolution in support of the GTRP grant application for the pedestrian bridge repair

Public Comment

Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.

Executive Session – if necessary

Adjournment

(Action Item*)

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** Change to agenda versus draft posted on website

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 30th, 2018 7:00 P.M.

DRAFT
Revised 5/4/2018

The sewer meeting of the Pocono Township Commissioners was held on Tuesday, 04/30/2018 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Gerald Lastowski, present; Bob M. DeYoung, absent; Harold Werkheiser, absent; Richard Wielebinski, present; and Jerrod Belvin, present.

IN ATTENDANCE:

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

ANNOUNCEMENTS:

- A) This meeting replaces the May 7th, 2018 Regular Board of Commissioners' meeting.
- B) Regular May 21th, 2018 Board of Commissioners' meeting will be held May 15th, 2018.
- C) Spring Cleanup is May 3rd, 4th, and 5th from 7:30 a.m. to 3:00 p.m.
- D) Peace Officers Memorial Day will be held May 15th from 4:00 p.m. to 8:00 p.m. at the TLC park.
- E) An executive session was held on April 19th, 2018 to discuss personnel and union negotiations.
- F) An executive session was held on April 26th, 2018 to discuss personnel and union negotiations.

PRESENTATION:

Resolution 2018-40 Eagle Scout Jared Thomas Cziko - J. Lastowski read the Resolution and commended Jared Cziko on behalf of the Board for his project and his dedication to the community.

J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2018-40 congratulating Jared Thomas Cziko for earning the rank of Eagle Scout. J. Lastowski opened the floor to public comment. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

PUBLIC COMMENT:

Diane Zwiefel, Twp. resident, spoke in favor of not expanding the burning hours. She provided the Board with information on the dangers of burning. J. Belvin, Commissioner, noted several residents requested additional times since they worked and/or were unable to burn at night or Saturday. Diane Zwiefel, Twp. resident, questioned if any changes to the ordinance would be by public hearing. L. DeVito, Twp. Solicitor, noted it would require a public hearing for adoption by the Board. Ellen Gnandt, Twp. resident, questioned why a comment she made on the sunshine law at the last meeting was not included in the 04/16/2018 minutes.

PUBLIC COMMENT CONT:

Ellen Gndt, Twp. resident, questioned the continuing purchase of Bioxide. J. Tresslar, Twp. Engineer, explained once an enclosure is put in for Pump Station #5, the bioxide may not be reduced.

Ellen Gndt, Twp. resident, questioned why the same number was used for the Short Term Rental Ordinance as the Park Resolution.

MINUTES:

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 04/16/2018 regular meeting with the addition of Ellen Gndt's comment added to the minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the minutes of the 04/25/2018 Work session meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 04/26/2018 Work session meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Ertle ZHB Appeal-

J. Lastowski made a motion, seconded by J. Belvin, to authorize Leo DeVito, Twp. Solicitor and Jon Tresslar, Twp. Engineer, to attend the Tuesday, May 29th, 2018 at 5:00 p.m., Zoning Hearing Board appeal of Ertle Enterprises, Inc. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

NEW BUSINESS:PersonnelConditional Employment offer -

J. Lastowski made a motion, seconded by R. Wielebinski, to offer conditional employment to two police officer candidates pending positive outcome of additional testing. Should the next two candidates on the eligibility list be unavailable, the Chief of Police will be authorized to go down the list of eligible candidates. R. Wielebinski questioned if the Township should consider an additional hire. J. Lastowski questioned the cost to hire additional officers. D. Asure, Twp. Manager, explained with an additional officer the cost would be approximately \$140,000.00 for the remainder of 2018 or \$125,000 per officer, per year for a full year's employment. J. Belvin noted he was concerned it may raise taxes if an additional hire was made and none of the current officers retired. Discussion followed on future needs, budget, and cost to create eligibility list. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to extend an offer of employment to Jeremiah Johnson and Brian Bird, pending a positive outcome of additional testing. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Financial Transactions-

R. Wielebinski made a motion, seconded by J. Lastowski, to ratify vouchers payable for the period ending 04/27/2018 in the amount of \$1,311.43. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for pay period ending 04/22/2018 in the amount of \$74,955.74. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve voucher payables received through 04/27/2018 in the amount of \$77,361.95. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve Capital expenditures received through 04/27/2018 in the amount of \$14,504.39. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Capital Purchases

Mt. View Park project

R. Wielebinski made a motion, seconded by J. Belvin, to award the rubberized flooring project at Mountain View Park to the Playground Pros as the lowest of three quotes at \$12,375.00 for approximately 900 sq.ft., 2.5" deep rubberized flooring extending the Crossing Abilities play area, pending review of final agreement by the Twp. Solicitor. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Travel/Training Authorizations - None

REPORT OF THE PRESIDENT

Gerald Lastowski, President - No report

COMMISSIONERS COMMENTS

Robert M. DeYoung, Vice-President - absent

Harold Werkheiser, Commissioner - absent

Richard Wielebinski, Commissioner - No report

Jerrold Belvin, Commissioner -

Change of Burning times

J. Belvin made a motion, seconded by J. Lastowski, to table the revision to Ordinance #139 until the presented information is reviewed. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Dangerous Structures - 2975 Bartonsville Ave -

J. Belvin made a motion, seconded by J. Lastowski, to authorize the Zoning Officer to proceed with the dangerous structure process at 2975 Bartonsville Ave., which includes three dangerous structures.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

ACT 26 - J. Tresslar, Twp. Engineer, explained under the current Act 537 new developments are limited to three types of sewage systems - in ground, sand mounds and spray irrigation. Act 26 expands the choices to allow three additional alternates - micro mounds, drip, and at grade bed.

J. Belvin made a motion, seconded by J. Lastowski, to authorize the Twp. Engineer and Twp. Solicitor to prepare compliance documents to amend the Act 537 plan to adopt new changes from Act 26 into the Township Sewage Management Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

TLC Ball Fields

J. Belvin made a motion, seconded by J. Lastowski, to table repairs to the TLC ball field in the approximate amount of \$6,000 utilizing volunteers and offering road crew overtime, with money from the in-lieu fund. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

REPORTS:

Finance Committee

R. Wielebinski noted a work session with PFM was held on 4/25/2018 with Jens Damgaard, Eckert Seamans. J. Damgaard is recommending the Board consider reviewing phase two of the sewer service area.

Administration - Manager's Report

Medical Leave for Ed Getz has been postponed

ADMINISTRATION CONT:

Eckert Seamans

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the President of the Board to sign the document to authorize continued representation by Jens H. Damgaard, whom is now with Eckert Seamans, Cherin & Mellott, LLC. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Public Works

D. Asure, Twp. Manager, noted Sanofi Pasteur is holding a charity event on 09/15/2018 at Mt. View Park, and the Township has waived the fees for the event.

Township Engineer Report

Status Report on Sewer Redesign - J. Tresslar, Twp. Engineer, noted Valve Station No. 1 is operating and is working as predicted.

Route 611 Sewer Line Relocation Work Update - J. Tresslar, Twp. Engineer, noted a meeting was held with PennDOT and discussion occurred on the lack of progress by the contractor. J. Lastowski requested J. Tresslar reach out to PennDOT to note the Township's disappointment with the lack of progress.

Sanofi Sanitary Sewer Easement - No report.

Enclosure for Valve Station #5 - J. Tresslar, Twp. Engineer, noted a pre-bid meeting was held. Bid opening will be 05/23/2018.

White Oak Culvert replacement project - The permit application was sent to DEP for review.

Fish Hill Road Storm System Notice of Violation from MCCD - J. Tresslar, Twp. Engineer, explained a contractor was contacted to vacuum the stilling basin and culvert. R. Wielebinski questioned if additional quotes were received. J. Lastowski asked if additional culverts should be included with the quote. Discussion followed. J. Tresslar noted it is estimated to take 10 hours at a cost of approximately \$2,500.00.

TLC Bridge - J. Tresslar, Twp. Engineer, noted a grant with a 15% match is available for the project through DCED. He estimates the cost to be approximately \$100,000 to \$125,000 to repair. He noted the abutment has lost a large piece, decking to be replaced, steel support beams need to be sand blasted and painted, etc. Discussion followed. J. Lastowski questioned PennDOT's plans and the possible impact on the TLC bridge. J. Lastowski made a motion, seconded by J. Belvin, to authorize the Township Engineer to proceed with the submittal of a DCED grant for the repair of the TLC bridge with a 15% match and engineering fees of approximately \$4,000 to \$5,000. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

TWP. ENGINEER REPORT CONT:

R. Wielebinski questioned the status of the interrupters. J. Tresslar noted they will go out to bid in August with installation expected in the fall.

Township Solicitor Report

Exxon Monitoring Wells Agreement - no report.

Host Compliance - L. DeVito, Twp. Solicitor, he had reviewed the agreement for Host Compliance.

R. Wielebinski made a motion, seconded by J. Belvin, to enter into a one-year agreement with Host Compliance for assistance in compiling data on Short Term Rental Properties in Pocono Township in the amount of \$5,843.00 contingent upon the Twp. Solicitor's review and changes.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Master Service Agreement - Site2 - L. DeVito, Twp. Solicitor, thanked Chris Ortolan for his assistance with the agreement. The company backs up the Township computers to a Cloud base system.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the President of the Board to sign Master Service Agreement with Site 2 entering into a one-year agreement for backup IT service at \$210.00 per month. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Pocono Highlands Section 5 - L. DeVito, Twp. Solicitor, noted a request from John Dunn, Solicitor for Pocono Highlands to allow the land development plan to be 're-approved'. L. DeVito noted he met with J. Tresslar, Twp. Engineer, and the concern is the improvements were to be made within 5 years of the original approval. New development requires stormwater management which was not required in 1973. L. DeVito noted in essence the original plan is null and void since improvements were not completed. Joe Folsom, stake holder in Pocono Highlands, noted some lots were sold to private individuals. J. Lastowski suggested Pocono Highland's attorney reach out to L. DeVito.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to send a letter to Attorney John Dunn to note the Board considers the LDP for Pocono Highlands Sec 5 is null and void since the improvements were not completed within the 5 year after original approval. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

RESOLUTIONS

Resolution 2018-38 - Ertle Enterprises, Inc.

J. Lastowski made a motion, seconded by J. Belvin, to adopt Resolution 2018-38 - denying preliminary/final plan approval of Ertle Enterprises, Inc. Land Development Plan. L. DeVito, Twp. Solicitor, explained Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

RESOLUTIONS CONT:

Resolution 2018-39 - Amending Resolution 2017-03 Park Board
L. DeVito, Twp. Solicitor, explained the Recreation Committee was established by Ordinance - 2014-10. In 2017 a Park and Recreation Board was created by Resolution 2017-03. L. DeVito, Twp. Solicitor noted since the establishment of a Recreation Committee was adopted by Ordinance, the proposed amendment is required to be by Ordinance. Discussion followed. J. Lastowski directed L. DeVito to include the original Ordinance, changes from Resolution 2017-03, and proposed amendment, to prepare a draft Recreation Board ordinance.

PUBLIC COMMENT:

Maxine Turbolski, Twp. resident, questioned if the Township is considering hiring a Road Master. J. Lastowski noted they have hired a Road Supervisor.

Maxine Turbolski, Twp. resident, noted damage to yards and driveways from the snow plows on Pippin Way.

Maxine Turbolski, Twp. resident, questioned if time clocks are being used by employees. D. Asure, Twp. Manager, noted they are.

Maxine Turbolski, Twp. resident, questioned the proposed development in Tobyhanna that is requesting sewer. She stated she felt the sewer should be kept for Pocono residents, first.

Christopher Ortolan, Twp. resident, questioned the architect review of the buildings. J. Lastowski noted a meeting will be held with the architect on 05/16/2018.

Ellen Gndt, Twp. resident, questioned when the financial statements will be presented. D. Asure noted they are working on it.

Ellen Gndt, Twp. resident, questioned why public comment was not allowed on the TLC Ballfields item. L. DeVito, Twp. Solicitor, noted it was tabled and no action was taken.

ADJOURNMENT INTO EXECUTIVE SESSION:

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting into executive session to discuss a personnel matter at 8:25 p.m.
Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

POCONO TOWNSHIP
Monday, May 21, 2018

SUMMARY

Ratify

General Fund	\$	79,275.04
Sewer Operating	\$	754.40
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	194,445.04
TOTAL Sewer <u>OPERATING</u> Fund	\$	104,604.81
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	-
TOTAL Capital Reserve Fund	\$	36,951.00

<u>Budget Adjustments</u>	\$	-
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<u>Budget Appropriations</u>	\$	-
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Notes:

POCONO TOWNSHIP CHECK LISTING

RATIFY

Monday, May 21, 2018

General Fund	Date	Check	Vendor	Memo	Amount
Payroll	05/11/2018			PAY 9	76,975.01
				TOTAL PAYROLL	<u>\$76,975.01</u>
General Expenditures					
	05/03/2018	57039	PENTELEDATA	INTERNET HERITAGE CENTER	70.07
	05/03/2018	57040	PENTELEDATA	INTERNET TOWNSHIP	59.95
	05/03/2018	57041	PENTELEDATA	INTERNET POLICE	124.95
	05/03/2018	57042	2018 PSATC	6/22 -6/23 PSATC ANNUAL CONFERENCE	138.00
	05/04/2018	57043	EHD	SURPLUS LINE FEE FOR 2017	20.00
	05/09/2018	57044	KIMBALL MIDWEST	SHOP SUPPLIES (RATIFIED TO RECEIVE DISCOUNT)	373.98
	05/11/2018	57063	AFLAC	INV 506512	291.26
	05/11/2018	57065	Brodhead Creek Regional Authority	Sewer	176.99
	05/11/2018	57072	Metropolitan Telecommunications	Phones - Police	306.36
	05/11/2018	57073	Metropolitan Telecommunications	Phones - Park/Twp	584.38
	05/11/2018	57088	Staples Business Credit	Office Supplies	154.09
				TOTAL General Fund Bills	<u>\$ 2,300.03</u>
Sewer Operating Fund					
	05/03/2018	2146	PENTELEDATA	INTERNET SEWER PUMP STATIONS	299.75
	05/11/2018	2147	BRODHEAD CREEK REGIONAL AUTHORITY	WATER USAGE SEWER PUMP STATIONS	272.80
	05/11/2018	2148	BLUE RIDGE COMMUNICATIONS	PHONE/INTERNET PUMP STATION	120.92
	05/11/2018	2155	METROPOLITAN TELECOMMUNICATIONS	UTILITIES SEWER PUMP STATIONS	60.93
					<u>\$ 754.40</u>
				TOTAL Sewer Construction Fund	<u>\$ -</u>
Capital Reserve					
				TOTAL Capital Reserve Fund	<u>\$ -</u>
TOTAL General Fund					
TOTAL Sewer Operating				\$79,275.04 Transferred by:	
TOTAL Sewer Construction				754.40	
Total Capital Reserve				-	
				-	
				-	
				<u>\$80,029.44</u>	
				Authorized by:	

POCONO TOWNSHIP CHECK LISTING

Monday, May 21, 2018

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund				
05/10/2018	57045	NATIONWIDE 457 PLAN	PAY 9 CONTRIBUTIONS	2,714.53
05/10/2018	57046	Acroprint Time Recorder Co.	Time Clocks - April	56.00
05/10/2018	57047	American Computing Services	Cable for copier	135.00
05/10/2018	57048	ARGS Technology, LLC	IT Services - Police/Twp	3,923.00
05/10/2018	57049	B&B Real Estate General Partnership	Refund prior year Taxes	892.11
05/10/2018	57050	Belvin, Jerrod	Training Mileage/PSATS room balance	296.18
05/10/2018	57051	BIU of PA, Inc.	ZO/SEO/Permits	34,916.20
05/10/2018	57052	Brodhead Creek Regional Authority	Water	177.08
05/10/2018	57053	Cardmember Service	MSLicenses/Worksessions	356.75
05/10/2018	57054	Cardmember Service	.GOV registration/PW's Cones	624.95
05/10/2018	57055	Cardmember Service	Amazon/Safe Kids/Training expenses	791.23
05/10/2018	57056	Dunne Manning Stores, LLC	Car Washes	28.00
05/10/2018	57057	Eureka Stone Quarry, Inc.	Surge	2,538.04
05/10/2018	57058	Flamm, Walton Heimback & Lamm, PC	Labor Law	6,076.00
05/10/2018	57059	Francis Smith & Sons Inc	UST Operator - Admin	250.00
05/10/2018	57060	Fry's Plastic	Piping	378.00
05/11/2018	57061	Teamster Local 773 - Non-Uniform	016346990-01/MAY DUES	425.00
05/11/2018	57062	Teamster Local 773 - Police	016346990-02/MAY DUES	1,142.00
05/11/2018	57064	Unum Life Insurance	E0316406	1,797.22
05/11/2018	57066	D.G. Nicholas Co.	Shop Supplies	37.50
05/11/2018	57067	Gotta Go Potties, Inc	Rental - 03/28 to 04/25/2018	85.00
05/11/2018	57068	Goucher, Shawn	Uniform Allowance - Case	176.45
05/11/2018	57069	Highmark Inc.	Administration Fee - April	89.10
05/11/2018	57070	J. P. Mascaro & Sons	Mt. View Garbage	46.34
05/11/2018	57071	MCIDA	Sanofi TIF	22,622.20
05/11/2018	57074	Otto, Jamie Lynn	Cleaning - 05/03 to 05/10	550.00
05/11/2018	57075	PAPCO, Inc.	Diesel/Gasoline	3,353.86
05/11/2018	57076	Papke's Custom Repairs	Berettas, trace grips, transfer fees	5,625.00

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
05/11/2018	57077	PMHIC	Health Insurance - June	54,821.62
05/11/2018	57078	Pocono Farmstand & Nursery	Margnolia Tree for Park	104.25
05/11/2018	57079	Pocono Garden Club	Refund for taxes paid - Margnolia Tree - Park	6.25
05/11/2018	57080	Pocono Management Associates LLC	Contracted Services 04/23 to 04/29/2018	33.67
05/11/2018	57081	PPL Electric Utilities	Twp/Park/Traffic Signals	2,211.39
05/11/2018	57082	Praxair Dist Mid-Atlantic	Cylinder Rental	25.64
05/11/2018	57083	Prosser Laboratories, Inc.	Water Testing - TLC/Mt. View	320.00
05/11/2018	57084	Recyle Logistics and Transport LLC	Spring Cleanup - Tires	497.00
05/11/2018	57085	Royal Security Services, Inc	Trouble Shoot camera	15.00
05/11/2018	57086	Rubin, Barth	Refund for application	25.00
05/11/2018	57087	Sparkle Car Wash	Vehicle Wash and interior clean	12.00
05/11/2018	57089	State Workers Insurance Fund	2017 Audit Premium	15,688.00
05/11/2018	57090	Steele's Hardware	Supplies	398.37
05/11/2018	57091	Stroudsburg Electric Motor Service	Lights	93.99
05/11/2018	57092	STTC Service Tire Truck Centers, INC.	Tires - Hudson Trailer	329.04
05/11/2018	57093	The Pennsylvania State University	Training - Ackerman - Rath	900.00
05/11/2018	57094	Tulpehocken Mountain Spring Water Inc	Water	94.50
05/11/2018	57095	UNIFIRST Corporation	Carpet/Uniforms	128.84
05/11/2018	57096	Waste Management of Pennsylvania, Inc.	Twp. Dumpster	599.82
05/11/2018	57097	Wilson Products Compressed Gas Co.	Supplies	7.00
05/11/2018	57098	Witmer Public Safety Group	Ammo	3,391.94
05/11/2018	57099	Wittel, Jason	Road Signs lettering	165.00
05/11/2018	57100	Zelenkofske Axelrod LLC	2017 Audit	3,500.00
05/11/2018	57101	DES	Recycling	30.00
05/11/2018	57102	Broughal & DeVito, L.L.P.	Legal - Twp/Police/Planning	4,583.46
05/16/2018	57103	Highmark	HRA Fees	719.70
05/16/2018	57104	Carl Howarth	Coffee and supplies	90.00
05/16/2018	57105	PAPCO	Vehicle fuel	2,886.54
05/16/2018	57106	Pocono Record	Advertisment	373.69
05/16/2018	57107	Sander Power Equipment	Generator Rental	422.19
05/16/2018	57108	Commonwealth Financing Authority	GTRP grant application fee	100.00
05/18/2018	57109	BUJ	ZO & SEO services	2,165.00

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
05/18/2018	57110	CCP Industries	Cherry asphalt release	1,103.19
05/18/2018	57111	Cefali & Associates	Treasurer's services	1,055.00
05/18/2018	57112	Nauman Mechanical Inc.	Diagnose AC Police	408.53
05/18/2018	57113	The Pennsylvania State University	Training Anglemeyer & Goucher	1,430.00
05/18/2018	57114	Unifirst Corp	Carpet & Uniforms	60.98
05/18/2018	57115	Verizon Wireless	Phone- Police	527.81
05/18/2018	57116	Verizon Wireless	Ipads	70.06
05/18/2018	57117	Verizon Wireless	Phones- Township	357.06
05/18/2018	57118	JP Mascaro	Garbage/Township	257.55
05/18/2018	57119	Nauman Mechanical Inc.	Spring maintenance & HVAC repair	4,333.22
TOTAL General Fund \$				194,445.04

Sewer Operating Fund

05/11/2018	2149	BRODHEAD CREEK REGIONAL AUTHORITY	O & M COST JUNE	84,015.00
05/11/2018	2150	BROUGHAL & DEVITO, L.L.P.	LEGAL FEES/PROFESSIONAL SERVICES	255.00
05/11/2018	2151	Cramer, Swetz, McManus & Jordan	LEGAL FEES/PROFESSIONAL SERVICES	231.00
05/11/2018	2152	EEMA O&M Services Group, Inc.	SEWER OPERATIONS & MAINTENANCE FOR MAY 2018	5,904.90
05/11/2018	2153	ESSA Bank & Trust	LEGAL FEES/PROFESSIONAL SERVICES	2,862.00
05/11/2018	2154	LRM, Inc	ANNUAL CALIBRAITONS FOR PUMP SATIONS 1 - 5 MAGMETER	960.60
05/11/2018	2156	ONYX VALVE CO	EQUIPMENT REPAIR	325.00
05/11/2018	2157	PA One Call System, Inc	SEWER MAPPING	87.11
05/11/2018	2158	Pocono Management Associates LLC	CONTRACTED SERVICES 4/23/2018-5/6/2018	2,448.25
05/11/2018	2159	PPL Electric Utilities	UTILITIES SEWER PUMP STATIONS	2,569.98
05/11/2018	2160	Prosser Laboratories, Inc.	PA ONE CALL MARKING MARCH 2018	1,300.00
05/16/2018	2161	Pocono Management Associates LLC	CONTRACTED SERVICES 5/7/2018-5/13/2018	1,704.25
05/16/2018	2162	Pocono Record	Advertisment	251.96
05/16/2018	2163	Blue Ridge Communications	Phone/Internet Pump Stations	60.46
05/16/2018	2164	Prosser Laboratories, Inc.	PA One Call marking April 2018	1,454.70
05/18/2018	2165	JP MASCARO	Waste removal sewer station 5 (5/1 -5/3)	94.50
05/18/2018	2166	Verizon	Sewer modem connections	80.10
				TOTAL Sewer Operating \$ 104,604.81

Sewer Construction Fund

Date Check Vendor Memo Amount

TOTAL Sewer Construction Fund \$ -

Capital Reserve Fund

05/11/2018	201	DAVIDHEISER'S	EQUIPMENT FOR NEW CARS	\$	310.00
05/11/2018	202	NEW HOLLAND AUTO GROUP	F150 POLICE SSV 2018 TRUCK	\$	32,499.00
05/11/2018	203	STOPSTICK	EQUIPMENT FOR NEW CARS	\$	587.00
05/18/2018	204	Watchguard Video	Vista XLT body cam and software (2 grant cars/1 reg. car)		3,555.00
TOTAL Capital Reserve Fund				\$	36,951.00

ESSA

TOTAL General Fund				\$	194,445.04
TOTAL Sewer Construction Fund				\$	-
TOTAL ESSA TRANSFER				\$	194,445.04

Transferred by: _____

Wayne Bank

Sewer Operating				\$	104,604.81
Capital Reserve				\$	36,951.00
TOTAL WAYNE TRANSFER				\$	141,555.81

Authorized by: _____



"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

May 1, 2018

Pocono Township
Police Department
110 Township Drive
Tannersville, PA 18372

Attention: Chief Kent Werkheiser

RE: SR611 Pocono Township Construction Project

Chief Werkheiser,

As discussed with our Superintendent, Leeward would like to procure Pocono Township Police services for the purposes of traffic control on our SR611 project.

We have entered into similar agreements with both municipal and State Police in the past and if agreeable to the Township, we will enter into a services agreement with your department. Essentially, our Superintendent would contact you or your assigned designee to schedule a police officer/patrol car in advance, specific lead times would be up to you. Although the fluid nature of our project will necessitate varying times, we are planning towards having a police officer/patrol car on site for 3-4 hours at a time for specific work activities.

If you find this request acceptable, please forward a proposed contract/purchase agreement with terms & conditions to us for review. Thank you in advance for your consideration and assistance.

Regards,

A handwritten signature in cursive script that reads 'Patrick S. Hearn'.

Patrick S. Hearn, CCM
Project Manager

cc: Aaron Pickarski; Danny McConnell; Gary Linde

Nathan R Laubach, DC

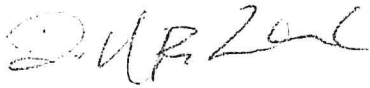
2551 Rt 611 Scotrun Plaza, PO Box 396, Scotrun PA 18355
(570)629-9507 phone • (570)629-9705 fax

5/8/18

Dear Pocono Township Board of Commissioners,

Please consider this letter as my formal notice of resignation from the Park and Recreation Board. While I am proud of our accomplishments in the past, I have found the last few months to be unproductive. I appreciate the opportunity I had to serve my community. I am confident the Board of Commissioners along with the remaining park board members will be able to successfully execute planned events for the 2018 season. However, if there is anything required of me to this regard, please do not hesitate to contact me any time.

Respectfully,



Dr. N R Laubach

POCONO TOWNSHIP



www.poconopa.gov

May 21, 2018

Daniel P. Farley, Manager Traffic Signal and Operational Analysis
Pennsylvania Department of Transportation
Bureau of Maintenance and Operations Traffic Operations Section
400 North Street
Harrisburg, PA 17120-0064

Re: Greenways, Trails and Recreation Program Grant Application
Pocono Township
TLC Park Bridge

Dear Mr. Farley –

With regards to the referenced application for Greenways, Trails and Recreation Program grant funding submitted by Pocono Township, please be advised that Pocono Township commits to providing matching funds equaling 15% of the total project cost – currently estimated at \$18, 646.00. Matching funds will be provided by the township's general fund.

An Engineering Opinion of Probable Cost dated May 14, 2018 prepared by Boucher & James, Inc Consulting Engineers estimated the total project cost to be \$124, 309.00. A copy is attached with this letter.

Thank-you for consideration of our project.

Donna M. Asure
Township Manager

**Boucher & James, Inc.**

Consulting Engineers
2738 Rimrock Drive
Stroudsburg, PA 18360
Telephone: 570-629-0300 Fax: 570-629-0306

Engineer's Opinion of Probable Costs**Pocono Township - TLC Park Pedestrian Bridge Repairs**

Web Application No. 8083001

	Total Project Cost	Required 15% Match	Grant Request
Proposed Improvements			
Repair Abutments/Footings	\$ 20,000	\$ 3,000	\$ 17,000
Repair Wingwalls	\$ 5,200	\$ 780	\$ 4,420
Sandblast and paint superstructure	\$ 57,000	\$ 8,550	\$ 48,450
Remove and replace concrete deck	\$ 12,000	\$ 1,800	\$ 10,200
Sandblast and Paint Railings, and replace wire mesh	\$ 3,500	\$ 525	\$ 2,975
Total Construction Costs	\$ 97,700	\$ 14,655	\$ 83,045
PADEP GP-11 and Erosion Control Permitting	\$ 10,000	\$ 1,500	\$ 8,500
Contingencies (5% of Total Construction Costs)	\$ 4,885	\$ 733	\$ 4,152
Engineering, Design, & Inspection (10% of Total Construction Costs)	\$ 9,770	\$ 1,466	\$ 8,305
Administrative Services (2% of Total Construction Costs)	\$ 1,954	\$ 293	\$ 1,661
Total Grant Request			\$ 105,663
15% Required Match			\$ 18,646
Total Project Cost			\$ 124,309

LAW OFFICES
BROUGHAL & DeVITO, L.L.P.

38 WEST MARKET STREET
BETHLEHEM, PENNSYLVANIA 18018-5703

JAMES L. BROUGHAL
LEO V. DeVITO, JR.
JOHN S. HARRISON
JAMES F. PRESTON*
WENDY A. NICOLosi
LISA A. PEREIRA*
KEVIN H. CONRAD

*ALSO MEMBER NEW JERSEY BAR

TELEPHONE
(610) 865-3664
FAX
(610) 865-0969
E-MAIL
lawyers@broughal-devito.com
WEBSITE
www.broughal-devito.com

April 25, 2018

VIA EMAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Patricia Meadus, Legal Clerk
Pocono Mountains Media Group
511 Lenox Street
Stroudsburg, PA 18360

**RE: Pocono Township- Advertisement of Legal Notice
Ordinance: Introduction of Code Adoption Ordinance**

Dear Ms. Meadus:

With respect to the above matter, enclosed please find a Legal Notice to be advertised one (1) time in your periodical on **Monday, April 30, 2018**.

Please send proof of publication and the invoice to:

Pam Tripus, Township Secretary
112 Township Drive
PO Box 197
Tannersville, PA 18372

Also, enclosed is a certified copy of the proposed Ordinance for your records only (**not to be advertised**). Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Lisa A. Pereira

Enclosures

cc: Donna Asure, Township Manager (Via Electronic Mail, w/encl.)

LEGAL NOTICE

NOTICE is hereby given that the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, will consider at a Public Meeting to be held at 7:00 p.m. on the 15th day of May 2018, at the Pocono Township Municipal Building, 112 Township Drive, Tannersville, Pennsylvania 18372, the proposed codification and proposed Code Adoption Ordinance for Pocono Township's Code of Ordinances. Copies of the proposed codification and Code Adoption Ordinance are available for review at the Pocono Township Municipal Building located at 112 Township Drive, Tannersville, Pennsylvania 18372, during normal business hours.

Leo V. DeVito, Jr., Solicitor
Pocono Township
38 West Market Street
Bethlehem, PA 18018

Township of Pocono Code Adoption Ordinance

Schedule A Specific Revisions at Time of Adoption of Code

Standard Summary Offense Penalty

Throughout this Schedule A, references to “standard summary offense” indicate that penalty wording is revised to reflect substantially the following provisions as authorized by statute:

This ordinance shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this ordinance shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days.

Chapter 28, Officers and Employees.

Article I, Tax Collector.

Section 28-6B is amended, in part, as indicated “... for providing certification of payment or nonpayment of Township taxes a fee as established from time to time by resolution of the Board of Commissioners.”

Chapter 37, Planning Commission.

- A. Section 37-1 is amended as indicated: “This chapter shall be known as the “Township Planning Commission Ordinance.””
- B. Section 37-2B is added to read as follows: “The Planning Commission shall be comprised of seven members who shall be appointed for terms of office of four years, except that no more than two members shall be reappointed or replaced during any future calendar year.”

Chapter 41, Police Department.

Section 41-1 is amended, in part, as indicated: “In accordance with ~~Section 590-53 P.S.~~ § 56505 of the Second-First Class Township Code,...”

Chapter 129, Burning, Open.

- A. Section 129-3 is amended, in part, as indicated: "...under the authority granted by ~~§ 1506, § 1529 and § 1601 of the Pennsylvania Second Class Township Code in~~ 53 P.S. ~~§ 66506, § 66529 and § 66601~~ 56566."
- B. Section 129-8C is amended to reflect the standard summary offense penalty.

Chapter 145, Construction Codes, Uniform.

Article I, Building Construction.

Section 145-4A is amended to change "municipal code official" to "Building Code Official."

Chapter 164, Drug Paraphernalia.

Section 164-5 is amended to reflect the standard summary offense penalty.

Chapter 197, Fire Lanes.

Section 197-8A is amended to reflect the standard summary offense penalty.

Chapter 205, Floodplain Management.

- A. Section 205-14B(1) is amended to reflect the standard summary offense penalty.
- B. In § 205-37, the definition for "pre-FIRM structure" is amended as indicated: "A structure for which construction or substantial improvement occurred on or before ~~December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated August 5, 1986, whichever is later,~~ and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program."

Chapter 212, Furnaces, Outdoor.

Section 212-3 is amended, in part, as indicated: "...under the authority granted by ~~§ 1506, § 1529 and § 1601 of the Pennsylvania Second Class Township Code, 53 P.S. § 66506, § 66529 and § 66601~~ 53 P.S. § 55101 et seq."

Chapter 230, Insurance Proceeds, Emergency Responses and Alarms.

- A. Section 230-4E is added to read as follows: "This chapter shall not be construed to require reimbursement to the Township for those municipal services normally provided to the Township residents and others as a matter of the Township's

general operating procedure and for which the levying of taxes or for which the demand for reimbursement is normally made under the provisions of other Township ordinances.”

- B. Section 230-5F(2) is amended to change “six-month period” to “twelve-month period” where appearing.
- C. Section 230-5G(1) is amended to reflect the standard summary offense penalty for violations of § 230-5.
- D. Section 230-5G(2) is amended to revise references to a six-month time frame throughout to refer to 12 months.

Chapter 288, Peddling and Soliciting.

- A. Section 288-1, Definitions, is added to read as follows:

As used in this chapter, the following terms shall have the meanings indicated:

***PEDDLING, SOLICITING AND HAWKING** — Transient merchants engaging in peddling, canvassing, soliciting, hawking or taking of orders, either by sample or otherwise, for any goods, wares, services or merchandise from any property, upon any of the streets or sidewalks or from house to house within the Township of Pocono; provided, however, that the words “peddling, soliciting and hawking” shall not apply to farmers selling their own produce; or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose; or the transaction of business by insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania.*

***PERSON** — Any natural person, association, partnership, firm, corporation or other legal entity.*

- B. Section 288-2 is amended to delete the phrase “door to door” therefrom.
- C. Section 288-6 is amended to reflect the standard summary offense penalty.

Chapter 324, Secondhand Dealers.

- A. Section 324-2A(3) is added to read as follows: “Notwithstanding the foregoing, any business required by state law under 63 P.S. § 281-1 et seq. will still be required to obtain a license from the Secretary of Banking and conform to other requirements under that Act in addition to the requirements in this chapter.”

- B. Section 324-3A and B are amended to change "Township Zoning Officer/Codes Enforcement Officer" to "Township Zoning Officer."
- C. Section 324-4A is amended to reflect the standard summary offense penalty.

Chapter 333, Sewers and Sewage Disposal.

Article I, Sewage Systems.

Article I is amended in its entirety to read as follows:

ARTICLE I Sewage Systems

§ 333-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGGREGATE — Coarse material manufactured from stone, gravel or slag, having Type B characteristics as described in Department of Transportation specifications, Form 408, Section 703.3, Table B, and uniform size and grading equivalent to American Association of State Highway and Transportation Officials No. 57, as described in Form 408, Section 703.3, Table C.

AGRICULTURAL AREAS — Areas used primarily for the production of crops and where the soil is without vegetative cover during certain periods of the year.

ALTERNATE SEWAGE SYSTEM — A method of demonstrated on-lot sewage treatment and disposal not described in this part.

BONDED DISPOSAL SYSTEM — An individual sewage system located on a single lot serving a single-family residence, where soil mottling is within 20 inches of the mineral soil surface, the installation, operation and replacement of which is guaranteed by the property owner.

BUILDING SEWER — Piping carrying liquid wastes from a building to the treatment tank or holding tank.

BURIED SAND FILTER — A system of piping, sand media, aggregate and collection piping in a buried liner used for the intermittent filtration and biochemical treatment of sewage.

CLEAN STREAMS LAW — The Clean Streams Law (35 P.S. § 691.1 to 691.1001).

CONVENTIONAL SEWAGE SYSTEM — A system employing the use of

demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by this article. The term does not include alternate or experimental sewage systems.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DOSING PUMP — The pump housed in a dosing tank which provides a measured volume of sewage effluent to the pressurized distribution system in an absorption area.

EQUIVALENT DWELLING UNIT — For the purpose of determining the number of lots in a subdivision only as it relates to the determination of planning exemptions and fees for planning module reviews under this article, that part of a multiple-family dwelling or commercial or industrial establishment with flows equal to 400 gallons per day (GPD). These flow figures are not intended to be used for the calculation of flows for the design of community sewerage systems or for the allocation of flows related to community sewerage systems. Community sewerage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's Domestic Wastewater Facilities Manual (DEP-1357).

EXPERIMENTAL SEWAGE SYSTEM — A method of on-lot sewage treatment and disposal not described in this article which is proposed for the purpose of testing and observation.

FILTER TANK — The tank housing the piping and sand of the free-access sand filter.

FORESTED AREAS — Areas where the predominant vegetative cover is comprised of trees with a closed canopy.

FREE-ACCESS SAND FILTER — An accessible system of tanks, dose piping, sand media, aggregate and collection piping used for the intermittent filtration and biochemical treatment of sewage.

GEOTEXTILE — Material consisting of mesh polypropylene, polyester, nylon or similar material, used to prevent migration of fine aggregate into coarser aggregate.

GRASSED AREA — An area where the predominant vegetative cover is comprised of grasses, bushes or trees not forming a closed canopy.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM — An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in

whole or in part into the soil or into waters of this commonwealth or by means of conveyance to another site for final disposal.

INDUSTRIAL WASTE — A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The term includes substances whether or not generally characterized as waste.

LIFT PUMP — A submersible pump used to convey effluent to the sand filter and from the sand filter to the chlorine/retention tank.

LIMITING ZONE — A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

A. A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.

B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

C. A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

LOCAL AGENCY — A municipality (or any combination of municipalities acting cooperatively or jointly under the laws of the commonwealth), county, county department of health or joint county department of health.

LOT — A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple-family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by estimated sewage flows.

MUNICIPALITY — A city, incorporated town, township, borough or home rule municipality other than a county.

NSF — National Sanitation Foundation.

OFFICIAL PLAN — A Comprehensive Plan for the provision of adequate sewage systems adopted by a municipality possessing authority over the provision of the systems and submitted to and approved by the Department as provided by the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1 et seq.) and 25 Pa. Code Ch. 71 (relating to administration of sewage facilities program).

PERMIT ISSUANCE

A. *No person may install, award a contract for construction or construct an individual or community on-lot sewage system or install, construct, occupy or use a building to be served by that system without first obtaining a permit from the local agency, except as provided in Subsections C through E.*

B. *A permit shall be required by the local agency for alterations or connections to an existing individual or community on-lot sewage system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field or the soil within or under the soil absorption area or spray field.*

PERSON — Includes an individual; association; public or private corporation for profit or not for profit; partnership; firm; trust; estate; department; board; bureau or agency of the United States or the commonwealth; political subdivision; municipality; district; authority; or other legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for-profit or not-for-profit.

QUALIFIED REGISTERED PROFESSIONAL ENGINEER — A person registered to practice engineering in this commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems.

QUALIFIED REGISTERED PROFESSIONAL GEOLOGIST — A person registered to practice geology in this commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems.

QUALIFIED SOIL SCIENTIST — A person certified as a sewage enforcement officer and who has documented two years' experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems and either a bachelor of science degree in soils science from an accredited college or university or certification by the American Registry of Certified Professionals in Agronomy, Crops and Soils.

RETAINING TANK — A watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes the following:

A. *CHEMICAL TOILET — A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.*

B. *HOLDING TANK* — A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

C. *PRIVY* — A tank designed to receive sewage where water under pressure is not available.

D. *INCINERATING TOILET* — A device capable of reducing waste materials to ashes.

E. *COMPOSTING TOILET* — A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

F. *RECYCLING TOILET* — A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SEWAGE — A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER — An official of the local agency who reviews permit applications and sewage facilities planning modules and issues permits as authorized by the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1 et seq.) and conducts the investigations and inspections that are necessary to implement the Act and regulations thereunder.

SEWAGE FACILITIES — A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

A. *INDIVIDUAL SEWAGE SYSTEM* — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this commonwealth or by means of conveyance to another site for final disposal.

(1) *INDIVIDUAL ON-LOT SEWAGE SYSTEM* — An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

(2) *INDIVIDUAL SEWERAGE SYSTEM* — An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

B. COMMUNITY SEWAGE SYSTEM — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

(1) COMMUNITY ON-LOT SEWAGE SYSTEM — A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.

(2) COMMUNITY SEWERAGE SYSTEM — A publicly or privately owned community sewage system, which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SEWAGE PERMIT — A written permit issued by the Sewage Enforcement Officer, permitting the construction of an individual sewage system under this article.

SMALL FLOW TREATMENT FACILITY — Individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 GPD for final disposal using a stream discharge or other methods approved by the Department.

SOIL HORIZON — A layer of soil approximately parallel to the soil surface with characteristics produced by soil-forming processes.

SOIL MOTTLING (REDOXIMORPHIC FEATURES) — A soil color pattern consisting of patches of different colors or shades of color interspersed with the dominant soil color which results from prolonged saturation of the soil.

SOIL PROFILE — The collection of soil horizons, including the natural organic layers on the surface.

SOLIDS RETAINER — A deflection device at the outlet tee or baffle of a septic tank designed to deflect buoyed solids from escaping the tank.

SPRAY FIELD — Piping, spray heads and ground surface to the outside edges of the wetted perimeter, used for the application and treatment of the sewage effluent in an individual residential spray irrigation system.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TREATMENT TANK — A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place.

The term includes the following:

A. **SEPTIC TANK** — *A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.*

B. **AEROBIC SEWAGE TREATMENT TANK** — *A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.*

UNDISTURBED SOIL — *Soil or soil profile, unaltered by removal or other man-induced changes, except for agricultural activities, that would adversely affect the siting or operation of on-lot systems.*

WATERS OF THIS COMMONWEALTH — *Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this commonwealth.*

§ 333-2. Requirements for individual properties.

A. *No raw sewage, treatment tank effluent or seepage from a subsurface absorption system shall be discharged to the surface of the ground or into waters of the commonwealth, nor shall it be discharged, except as hereinafter provided, into any rock formation, the structure of which is not conducive to purification of water by filtration.*

B. *From and after the effective date of this article, no person or persons shall commence the construction, alteration or extension of any kind or of any nature whatsoever of an individual or community sewage system without first making application for a sewage permit to the Sewage Enforcement Officer and receiving approval of the same. Sewage permits are required for residential structures requiring sewerage systems.*

C. *A department sewage permit is required for the disposal of industrial waste and some classes of community sewerage systems which are subject to approval of the Pennsylvania Department of Environmental Protection.*

D. *Minimum specifications regarding soil percolation test procedures, septic tank capacities and other data pertaining to individual sewage disposal systems are available from the Department and are minimum requirements of the Township also, unless otherwise made more stringent in this article. This data may first be requested from the Sewage Enforcement Officer, and if he has additional copies, they will be made available for general use.*

E. *In the event that a sewage permit is issued by the Sewage Enforcement Officer, it is specifically required that the disposal system constructed upon the premises noted on the permit shall not be closed and operation of said sewage system permitted until said system has been*

inspected by the Sewage Enforcement Officer. The applicant may cover the installation upon receipt of written approval by the Sewage Enforcement Officer or, in the absence of written approval or disapproval, at the expiration of 72 hours, excepting Sundays and holidays, after the system has been inspected by the Sewage Enforcement Officer.

F. If, upon inspection, the Sewage Enforcement Officer determines that the installed system does not meet specifications, he shall so specify the deficiencies in said installed system, in writing, to the applicant. The applicant shall not put the system into operation until such deficiencies have been corrected and until such system has been reinspected and approved by the Sewage Enforcement Officer. There shall be an additional fee charged for each reinspection of an installed system where such reinspection is necessary for the reason set forth above.

G. It shall be the duty of the owner or occupant of a premises to give the Sewage Enforcement Officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this article.

H. Holding tanks and related sewage disposal systems are individual sewage systems and require sewage permits. Because such systems do not provide for final on-lot treatment and disposal of the sewage and require regular service and maintenance to prevent their malfunction and overflow, they shall only be used where the Department finds and gives written notice to the approving body that the requirements of the Department have been met, and the following:

- (1) Holding tanks shall be large enough to hold a minimum of three days' sewage waste or 1,000 gallons, whichever is larger.*
- (2) Holding tanks shall be constructed of durable material and shall be completely watertight.*
- (3) The holding tank shall be equipped with a warning device to indicate when the unit is within 75% of capacity. Such warning device shall create an audible or visible signal at a location frequented by the homeowner or responsible individual.*
- (4) Disposal of waste from a holding tank must be to a site approved by the Department.*

§ 333-3. Individual sewage permit data requirements.

A. All applications for permits shall be made to the Sewage Enforcement Officer who shall issue a permit upon compliance by the applicant with provisions of this article and by regulations adopted hereunder.

B. The Sewage Enforcement Officer may refuse to grant a permit for the construction of an individual sewage disposal system where public or

community sewerage system is reasonably available.

C. Application for permits shall be in writing, shall be signed by the applicant and shall be made on a form supplied by the Township.

D. Any person whose application for a permit under this article has been denied may request and shall be granted a hearing on the matter before the Township Commissioners within 30 days after receipt of the request (in writing).

E. All installations covered by an approved sewage permit shall be completed within three years after the issuing date of the sewage permit. If installations are not completed within the stated period, application must be made for a new sewage permit. Applicant will be required to install the sewage system in accordance with latest Department and/or Township regulations in effect at the date of each permit issued. Should changes in the installation be required, the standard fee schedule for new sewage permit will be issued without charge.

F. All designs submitted for permit issuance shall conform to the following; failure to do so will require additional fees:

Site Plan Information

- 1. Property dimensions and bearings.*
- 2. Easements to be shown.*
- 3. Perc holes and probe(s).*
- 4. Septic location and size in regard to surveyed or flagged property lines.*
- 5. North arrow.*
- 6. Direction of slope.*
- 7. Delineated wetlands or bodies of water.*
- 8. Outline of berm.*
- 9. Adjoining wells and septic.*
- 10. Lot number and site location.*
- 11. Location of applicant's well and house (minimum 1,000 square feet), existing or proposed.*
- 12. Location of proposed driveway.*
- 13. Elevations at proposed septic bed corners.*
- 14. Septic and dosing tank locations.*
- 15. Setbacks for zoning.*
- 16. Establish benchmark elevation.*
- 17. System to be staked in field.*
- 18. Current survey of property.*

Design Criteria

- 1. Number of holes in laterals, system flow, friction loss to be shown and calculated.*

2. *Number of bedrooms.*
3. *Limiting zone, perc rate and required depth of deer sand.*
4. *Length of laterals, delivery line and the required (design) dose volume.*
5. *Diameter of piping used in all aspects of the septic system design and construction pump curve.*
6. *Recommended septic tank specifications.*
7. *Diagram of piping and lateral sizing.*
8. *Profile of septic showing berm, sand, stone and piping.*
9. *Name, address and phone number of designer.*
10. *Show height of system after construction using established bench mark.*

§ 333-4. Powers and duties of Sewage Enforcement Officer.

A. *A sewage enforcement officer shall be employed by the local agency who is qualified and certified by examination of the Department of Environmental Protection of the Commonwealth of Pennsylvania and who has been issued such certification by the Certification Board. The Sewage Enforcement Officer shall have the power to:*

- (1) *Issue permits for individual and some community sewage systems, including alternate systems, as per current Department regulations.*
- (2) *Issue permits only within the jurisdiction of the local agency in which he is employed, provided that he may issue permits within the jurisdiction of other local agencies upon written approval of such local agencies.*

B. *The duties of the Sewage Enforcement Officer shall be as follows:*

- (1) *He shall not install an individual or community sewage system in any area under his jurisdiction.*
- (2) *No fee for services or work performed shall be accepted by the Sewage Enforcement Officer other than the fee established by the local agency.*
- (3) *No test shall be conducted or permit issued by the Sewage Enforcement Officer for an individual or community sewage system for any lot in which such officer has a financial interest, or for any lot in which any person is related to such officer by blood or marriage or has a financial interest, or for any lot in which an employee or business partner of such officer, other than the local agency has a financial interest, unless the Sewage Enforcement Officer has received prior written approval by the Department of Environmental Protection.*
- (4) *He shall either observe, conduct personally or otherwise confirm, in a manner approved by the Department, all tests used to determine the*

suitability of a site for the utilization of an individual or community sewage system before a permit for such system is issued. All percolation test results performed by authorized persons other than the Sewage Enforcement Officer before a permit can be issued.

(5) *He shall give written notice to applicants or permittees of any approval, denial or revocation of a permit.*

(6) *He shall provide the Department of Environmental Protection with the pink copy of Form ER-BCE-128, Application for Sewage Disposal System, upon approval or disapproval of each such application, and shall submit, following final inspection of each system, the completed green copy of said copy, in accordance with current Department regulations.*

§ 333-5. Fees.

A. *The Township Commissioners shall establish, by resolution, a schedule of fees to be paid by the applicant for services rendered with respect to processing of applications, inspections, review of plans, performance of percolation tests by authorized Township representatives and other services related to new sewage systems or extensions, alterations, modifications or changes to existing systems.*

B. *The schedule of fees in effect at any period of time shall be posted in the Township Municipal Building and shall be available to interested persons upon request. All fees must be paid in full, in accordance with the official schedule of fees, at the time application is made for the required services.*

C. *The Sewage Enforcement Officer shall prepare and submit to the Township Commissioners a record of all fees paid by applicants for services rendered with respect to this article.*

§ 333-6. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this article shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days.

Article II, Holding Tanks.

Section 333-14 is amended to reflect the standard summary offense penalty.

Article III, On-Lot Sewage Disposal Systems.

Section 333-32A is amended to reflect the standard summary offense penalty.

Article IV, Sewer Connections and Use Regulations.

- A. Section 333-36E is amended to revise the first sentence as indicated: "...and, if applicable, ~~BCRA~~, DRBC, DEP and BCRA."
- B. Section 333-38A is amended to reflect the standard summary offense penalty.

Chapter 356, Solid Waste.

- A. Original Part IV, Section 17C, Subsection 1.e.1., regarding annual licensing fees, is repealed.
- B. Section 356-17C(2)(a) is amended to revise the second sentence to delete the reference to a permit fee.
- C. Section 356-24 is amended to reflect the standard summary offense penalty.

Chapter 365, Stormwater Management.

- A. Section 365-3 is amended to delete the reference to the Second Class Township Code.
- B. In § 365-7, the defined terms are amended as follows:
 - (1) In the definition of "as-built drawings," the wording at the end is revised as indicated: "...turned over to the ~~Applicant's~~ Township's Engineer at the completion of the project."
 - (2) The definition of "impervious surface" is revised, in part, as indicated: "A surface that ~~greatly minimizes~~ prevents the percolation of water..."
 - (3) The definition of "record drawings" is revised, in part, as indicated: "...subsequently provided to the ~~Applicant's~~ engineer. The ~~Applicant's~~ engineer takes..."
- C. Sections §§ 365-21E and 365-35A and B are each amended to change the term "codes officer(s)" to "Zoning Officer," and § 365-32 is amended to change the term "Codes Official" to "Zoning Officer."
- D. Section 365-34A is amended to reflect the standard summary offense penalty.

Chapter 371, Street Names and Addresses.

- A. So as to delete references to the several specific sections of the Second Class Township Code, § 371-2 is amended to read as follows: "This chapter is adopted pursuant to the provisions of the Pennsylvania First Class Township Code, Act of June 24, 1931 (P.L. 1206, No. 331), as amended; 53 P.S. § 55101 et seq., for the proper management, care and control of the Township and for the health and welfare of the Township and its citizens; to require and regulate the numbering of buildings; to secure the safety of persons or property within the Township; for ensuring that fire and emergency medical services are provided within the Township by the means and to the extent determined by the Township; and to provide for and regulate the naming of streets, roads and highways."
- B. Section 371-6 is amended as follows:
- (1) The former lead-in paragraph is deleted as indicated: "~~All street, road and highway name (collectively "street name") sign standards in this ordinance are intended to conform to the recommendations of the National Committee on Uniform Traffic Control Devices published in March 2001 and meet or exceed PennDOT requirements per 67 Pa. Code 211.841 including the use of the term 'street name sign.'~~"
 - (2) Subsection B(2) is revised as indicated: "Building numbers/address markers shall be depicted in Arabic numerals in four inch tall reflective white lettering on a green background or alphabet letters, a minimum of four inches high, with a minimum stroke width of 0.5 inch, and of contrasting color."
- C. Section 371-7A is amended to revise "Township Codes Officer" to "Township Zoning Officer."
- D. Section 371-10 is amended to reflect the standard summary offense penalty.

Chapter 375, Streets and Sidewalks.

Article I, Permits for Street Work.

Article I is amended in its entirety to read as follows:

ARTICLE I *Permits for Street Work*

§ 375-1. Permit required.

No railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions

be erected upon or in any portion of a Township road except under conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the Township for such purpose.

§ 375-2. Application for permit.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in duplicate. The application shall be accompanied by all fees for permit application and inspection as determined by the Department of Transportation for processing the application and making the inspection. In addition, the applicant shall submit two copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 375-3. Issuance of permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been satisfied.

§ 375-4. Notice of completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 375-5. Inspections; enforcement.

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. In addition to that inspection, the Township may reinspect the work not more than two years after its completion. Where any settlement of the road surface or other defect in the work appears, if the applicant shall fail to rectify and such settlement or other defect which presents an immediate or imminent safety or health problem within 48 hours, or any other settlement or defect within 60 days after written notice from the Township to do so, the Township or its agents may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of the cost, which may be recovered by an action in assumpsit in the Monroe County Court of Common Pleas.

§ 375-6. Emergencies.

Nothing in this article shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for a permit and the required fees shall be submitted within five days after the work, after which time the remaining provisions of this article apply.

§ 375-7. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this article shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days. Each day or portion thereof that a violation exists or continues shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

Article II, Snow and Ice Removal.

Section 375-9 is amended to reflect the standard summary offense penalty.

Article III, Driveways and Road Encroachments.

- A. Section 375-10 is amended, in part, as indicated: "... pursuant to the Second-First Class Township Code, as amended, ~~and including, but not limited to, § 2320, § 2322, § 2325 and § 2326, of the said Act § 53 P.S. § 55101 et seq.~~
- B. Section 375-13A is amended, in part, to revise the order of the wording as indicated: "...and similar encroachments and obstructions (hereinafter referred to as "facility") within Township road rights-of-way (~~hereinafter referred to as "facility"~~) for the purpose of security,"
- C. Section 375-19A(3) is amended to reflect the standard summary offense penalty.
- D. Section 375-21E is amended to reflect the standard summary offense penalty.

Chapter 382, Structures, Dangerous.

Section 382-8B is amended to reflect the standard summary offense penalty.

Chapter 390, Subdivision and Land Development.

- A. In § 390-13, the definition of "sewage facility" is amended to revise the parenthetical sentence at the end of the definition as indicted: "(See ~~sewage~~

~~disposal, off-site' and 'sewage disposal, on-site.'~~ 'on-site sewage disposal' and sewage disposal, central.')"

- B. Section 390-29E(4) is amended to revise the first sentence as indicated: "The sheet size shall be no smaller than 11 inches by 17 inches ~~12 inches by 18 inches~~ and no larger than 24 inches by 36 inches.
- C. Section 390-43A(6)(e)[2] is amended to revise the reference phrase at the end to read as follows: "[See also §§ 390-43A(6)(e) and 390-47C.]"
- D. Section 390-47C(1) is amended to revise the parenthetical reference phrase at the end to read: "(See § 390-31G for commercial and industrial lots.)"
- E. Section 390-48X(7) is amended in part, as indicated: "Alternative designs. Alternative roadbed designs may be imposed, ~~proposed and shall be considered in accord with Section 1003.~~ The alternate design... ."
- F. Section 390-49A(1)(c) is amended, in part, to delete the word "by" as indicated: "...four inches by four inches ~~by~~ and 48 inches in length."
- G. Section 390-52G(1)(c)[6] is amended, in part, as indicated: "...flow angle is not more ~~less~~ than 90°."
- H. Section 390-56A(2)(a) is amended to add wording at the end as indicated: "...except Subsections A(6) and (7), which apply to all uses except for outdoor athletic facility lighting fixtures. [See § 390-56A(8)(c).]"
- I. Section 390-68B is amended to revise the second-to-last sentence as indicated: "Placement in a storage area in the campground ~~shall to comply~~ complying with the required relocation or removal shall be permitted."
- J. Appendix A of this chapter is amended, in part, to include missing text as indicated:

.....
B. *Evergreen trees: minimum eight feet high, four-foot minimum spread,* single leader, symmetrically branching to the ground.*

Abies balsamea — Balsam fir
Ilex opaca — American holly
*Juniperus virginiana — Eastern redcedar***
Picea glauca — White spruce
Picea mariana — Black spruce
*Picea pungens — Colorado spruce***
Pinus echinata — Shortleaf pine
Pinus resinosa — Red pine
*Pinus rigida — Pitch pine***
Pinus strobus — White pine
*Pinus Virginiana — Virginia scrub pine***

Pseudotsuga menziesii — Douglas fir**Tsuga Canadensis — Eastern hemlock*NOTE: Spread may be less than four feet for upright or columnar varieties.**Species considered to be salt-tolerant.C. Ornamental/flowering trees: minimum eight feet high, five feet minimum spread, symmetrically branched to within four feet from the ground.Acer Pennsylvanicum — Striped mapleAlnus serrulata — Smooth alderAmelanchier Canadensis — Shadblow serviceberry**Asimina trilobum — Common pawpawBetula lenta — Sweet birchBetula nigra — River birchBetula papyrifera — Paper birchCarpinus Caroliniana — American hornbeamCercis Canadensis — Eastern redbudChionanthus Virginicus — FringetreeCornus Florida — Flowering dogwoodCrataegus crusgalli — Cockspur hawthorne**Crataegus mollis — Downy hawthorneCrataegus phaenopyrum — Washington hawthorneDiospyros Virginiana — Common persimmonHamamelis Virginiana — Common witch hazel**Larix laricina — American larch**Magnolia acuminata — Cucumber tree magnoliaMagnolia Virginiana — Sweetbay magnoliaMalus sp. — Crabapple — native species onlyOstrya Virginiana — IronwoodOxydendrum arboreum — SourwoodPrunus Pennsylvanica — Pin cherryPrunus serotina — Black cherryPrunus Virginiana — Common chokecherryPtelea trifoliata — Wafer ashRobinia pseudoacacia — Black locustSassafras albidum — Common sassafrasTaxodium distichum — Baldcypress**Species considered to be salt-tolerant.D. Deciduous shrubs: thirty-inch minimum height, twenty-four-inch minimum spread, and symmetrically branched to the ground.Aesculus parviflora — Bottlebrush buckeyeAronia arbutifolia — Red chokeberryAzalea sp. — native species onlyCatycanthus Florida — Sweetshrub

.....

Chapter 398, Taxation.**Article I, Earned Income Tax.**

- A. Section 398-4F is amended to update the reference as indicated: "~~... Section 9 of the Act, 53 P.S. § 6924.101 et seq., ...~~"
- B. Section 398-10 is amended to read as follows:

§ 398-10. Collection of delinquent taxes.

The Tax Collector shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individuals employing persons owing delinquent earned income taxes, or whose spouse owes delinquent earned income taxes, or having in possession unpaid commissions or earnings belonging to any person or persons owing delinquent earned income taxes, or whose spouse owes delinquent earned income taxes, upon the presentation of a written notice and demand certifying that the information contained therein is true and correct and containing the name of the taxable or the spouse thereof and the amount of tax due. Upon the presentation of such written notice and demand, it shall be the duty of any such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees then owing or that shall within 60 days thereafter become due or from any unpaid commissions or earnings of any such taxable in its or his possession or that shall within 60 days thereafter come into its or his possession a sum sufficient to pay the respective amount of the delinquent earned income taxes and costs, shown upon the written notice or demand, and to pay the same to the Tax Collector of the taxing district in which such delinquent tax was levied within 60 days after such notice shall have been given. No more than 10% of the wages, commissions or earnings of the delinquent taxpayer or spouse thereof may be deducted at any one time for delinquent earned income taxes and costs. Such corporation, political subdivision, association, firm or individual shall be entitled to deduct from the moneys collected from each employee the costs incurred from the extra bookkeeping necessary to record such transactions, not exceeding 2% of the amount of money so collected and paid over to the Tax Collector. Upon the failure of any such corporation, political subdivision, association, company, firm or individual to deduct the amount of such taxes or to pay the same over to the Tax Collector, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, such corporation, political subdivision, association, company, firm or individual shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over, or that are withheld and not paid over together with a penalty of 10% added thereto, to be recovered by an action of assumpsit in a suit to be instituted by the Tax Collector or by the proper authorities of the taxing district as

debts of like amount are now by law recoverable, except that such person shall not have the benefit of any stay of execution or exemption law. The Tax Collector shall not proceed against a spouse or his employer until he has pursued collection remedies against the delinquent taxpayer and his employer under this section.

C. Section 398-11 is amended to read as follows:

§ 398-11. Payment of tax to other political subdivisions or states.

A. *Payment of any tax to any political subdivision pursuant to an ordinance or resolution passed or adopted prior to the effective date of the Act shall be credited to and allowed as a deduction from the liability of taxpayers for any like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities and for any income tax imposed by any other political subdivision of this commonwealth under the authority of the Act.*

B. *Payment of any tax on salaries, wages, commissions, other compensation or on net profits of business, professions or other activities to a political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of the Act shall be credited to and allowed as a deduction from the liability of such persons for any other like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities imposed by any other political subdivision of this commonwealth under the authority of the Act.*

C. *Payment of any tax on income to any political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of the Act shall, to the extent that such income includes salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities, but in such proportion as hereinafter set forth, be credited to and allowed as a deduction from the liability of such persons for any other tax on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities imposed by any other political subdivision of this commonwealth under the authority of the Act.*

D. *Payment of any tax on income to any state or to any political subdivision thereof by residents thereof, pursuant to any state or local law may, at the discretion of the Pennsylvania political subdivision imposing such tax, to the extent that such income includes salaries, wages, commissions or other compensation or net profits of businesses, professions or other activities but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities*

imposed by any political subdivision of this commonwealth under the authority of the Act, if residents of the political subdivision in Pennsylvania receive credits and deductions of a similar kind to a like degree from the tax on income imposed by the other state or political subdivision thereof.

E. Payment of any tax on income to any state other than Pennsylvania or to any political subdivision located outside the boundaries of this commonwealth by residents of a political subdivision located in Pennsylvania shall, to the extent that such income includes salaries, wages, commissions or other compensation or net profits of businesses, professions or other activities, but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed by any political subdivision of this commonwealth under the authority of the Act.

F. Where a credit or a deduction is allowable in any of the several cases hereinabove provided, it shall be allowed in proportion to the concurrent periods for which taxes are imposed by the other state or respective political subdivisions, but not in excess of the amount previously paid for a concurrent period.

G. No credit or deduction shall be allowed against any tax on earned income imposed under authority of the Act to the extent of the amount of credit or deduction taken for the same period by the taxpayer against any income tax imposed by the Commonwealth of Pennsylvania under Section 314 of the Act of March 4, 1971 (P.L. 6), known as the "Tax Reform Code of 1971," on account of taxes imposed on income by other states or by their political subdivisions.

Article II, Local Services Tax.

Section 398-14 is amended to add the phrase: ", and as revised and renumbered in 53 P.S. § 6924.101 et seq."

Article III, Realty Transfer Tax.

Article III is adopted to read as follows:

ARTICLE III Realty Transfer Tax

§ 398-30. Imposition of tax.

The Township of Pocono adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations

therein. The tax imposed under this section shall be at the rate of 1%.

§ 398-31. Administration.

The tax imposed under § 398-30 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Pocono, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 398-32. Interest.

Any tax imposed under § 398-30 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Chapter 404, Tires.

- A. Section 404-3 is amended as indicated: "This chapter is ~~authorized by, and adopted under the authority provided to Pocono Township by the Commonwealth of Pennsylvania pursuant to, Sections 1517, 1527 and 1529 of the Second First Class Township Code, Act of May 11, 1933 (P.L. 103, No. 69), reenacted and amended November 9, 1995 (P.L. 350, No. 60), as amended, 53 P.S. § 55101 et seq.~~"
- B. Section 404-9 is amended to reflect the standard summary offense penalty.

Chapter 425, Vehicles and Traffic.

Article II, Snow Emergencies.

Section 425-6A is amended to reflect the standard summary offense penalty.

Chapter 439, Water.

Article III, Areas Served by Brodhead Creek Regional Authority.

Section 439-27F is amended to revise the reference at the end as indicated: "... provisions of 53 P.S. § ~~68303~~ 55101 et seq."

Chapter 470, Zoning.

A. In § 470-8:

- (1) The definition of "Administrator" is repealed.
- (2) The definition of "planned residential development" is amended to read as follows: " An area of land not less than 20 acres in size controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, use, density, intensity, type of dwelling, lot coverage and required open space to the regulations established in any one zoning district under the provisions of this chapter. A planned residential development shall not include mobile home parks."
- (3) The definition of "public meeting" is amended to revise the ending as indicated: "...under 65 Pa.C.S.A. ~~Ch. 7~~ § 701 et seq. (October 15, 1998, P.L. 729, No. 93) (relating to open meetings), known as the 'Sunshine Act.'"
- (4) Under the definition of "street," the definition of "connector street" in Subsection B is amended, in part, as indicated: "... and between villages. Connector streets do not normally provide direct access to individual uses. Connector streets serve an unlimited number of dwelling units and unlimited average daily traffic."

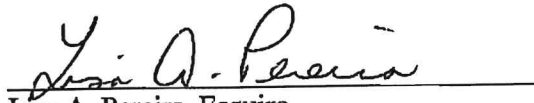
B. Section 470-48E is amended to change the reference to "Article VI" to read "Article VIII."

C. Section 470-61A(2) and B(2) are each amended to revise "Code Enforcement Officer" to "Building Code Official."

D. Section 470-99L is amended, in part, as indicated: "...the Township may, in its discretion, continue to maintain said common open space during the next succeeding year, and the decision of the Township shall be subject to appeal"

E. Section 470-101E(3)(d) is amended to change "Design Standards for Streets" to "Table 390-48.1, Minimum Design Standards by Type of Road."

I hereby certify that the within is a true and correct copy of the proposed Ordinance in this matter.

A handwritten signature in cursive script, reading "Lisa A. Pereira", is written over a horizontal line.

Lisa A. Pereira, Esquire

Solicitor

Pocono Township, Monroe County

SECOND SUPPLEMENT
Dated August 1, 2017
To
AMENDED AND RESTATED
INTERMUNICIPAL COOPERATION AGREEMENT

Dated as of May 1, 2010

Among

The Borough of Stroudsburg
The Township of Hamilton
The Township of Pocono
The Township of Smithfield
The Township of Stroud
Stroud Township Sewer Authority
and
Brodhead Creek Regional Authority

SECOND SUPPLEMENT
TO
AMENDED AND RESTATED
INTERMUNICIPAL COOPERATION AGREEMENT

THIS SECOND SUPPLEMENT dated as of August 1, 2017 (this "**Supplement II**") to that Amended And Restated Intermunicipal Cooperation Agreement dated as of May 1, 2010 (the "**Original Agreement**"), as previously amended and supplemented by that certain First Supplement to Amended and Restated Intermunicipal Cooperation Agreement dated as of November 1, 2010 (the "**Supplement**"), entered into by and among the following municipal corporations located in Monroe County, Pennsylvania: the Borough of Stroudsburg ("**Stroudsburg**") and the following townships: the Township of Hamilton ("**Hamilton**"), the Township of Pocono ("**Pocono**"), the Township of Smithfield ("**Smithfield**"), and the Township of Stroud ("**Stroud Township**"), and the Brodhead Creek Regional Authority, formerly known as the Stroudsburg Municipal Authority (the "**Authority**"). Stroud Township, Hamilton, Pocono and Smithfield are collectively referred to herein as the "**Townships**"; and Stroudsburg and the Townships are collectively referred to herein as the "**Municipalities**". The Stroud Township Sewer Authority, a municipal authority incorporated by Stroud Township (the "**Stroud Authority**"), has joined in this Agreement solely in its capacity as owner and operator of the Stroud Collection System (as defined herein) and shall have no rights, title or interest in the governance or assets of the Authority.

Background. The background of this Agreement is as follows:

- A. The Municipalities, the Stroud Authority and the Authority entered into the Original Agreement in order to establish and delineate responsibilities and rights of such parties in connection with the acquisition and expansion by the Authority of the Existing Treatment Plant and the ownership and operation of the Treatment Plant by the Authority and the ownership, operation and maintenance of the Collection Systems by the Wastewater Municipalities.
- B. Subsequent to the execution and delivery of the Original Agreement, the parties entered into the Supplement to amend the Original Agreement in order to (i) clarify certain provisions therein relating to Hamilton and Smithfield, (ii) correct an erroneous exhibit relating to the shared costs of the expansion and capacity upgrade of the Existing Treatment Plant, (iii) make certain other technical corrections and additions, and (iv) clarify and confirm the allocation of funding sources for the payment of Capital Costs. The Original Agreement, as amended and supplemented by the Supplement, is herein referred to as the "**Existing Agreement**".
- C. On January 23, 2015, the Authority received Stroudsburg Borough approval signifying completion of the 4.5 mgd upgrade to the WWTP in accordance with the permits issued and plans approved by the Borough of Stroudsburg. The Subdivision and Land Development Plans for the 4.5 mgd WWTP upgrade were recorded in the Office for the

Recording of Deeds, etc., at Stroudsburg, Pennsylvania, in and for the County of Monroe, on September 23, 2015, in Map Book 87, Page 119 and Map Book 87, Page 120.

- D. On April 5, 2013, DEP approved the Pocono and Hamilton Townships Regional Act 537 Special Study Plan Revision (the "Plan Revision") dated December 26, 2012 and revised February 26, 2013, which, among other things, removed the following condition applicable to both Pocono and Hamilton from the Act 537 Plan:

"In order to promote water reuse and to encourage the use of on-lot wastewater disposal as much as practical, the Plan requires that any developed lot in the service area may connect to the system for its existing flow. If a developed lot proposes a change in flow of more than 800 gallons per day, either by conversion of an existing use or redevelopment, sewage planning on an individual basis is required. This shall include an alternatives analysis for potential and possible land disposal opportunities. Any undeveloped lot within the service area may connect to the system if its proposed flow is 800 gallons per day or less. If its proposed flow is more than 800 gallons per day, individual sewage planning will be required including an evaluation of the potential to accommodate all or a portion of the lot's wastewater needs through onsite disposal."

- E. Thereafter, Pocono entered into an Intermunicipal Sewage Collection and Disposal Services Agreement dated as of September 30, 2013 (the "PTSTA") with the Township of Tobyhanna ("Tobyhanna") wherein it was agreed, *inter alia*, that Tobyhanna would become a bulk sewage customer of the Pocono Collection System in order to enable Tobyhanna to provide sewage service to a proposed Kalahari Resort project and a proposed Pocono Manor Commercial project on property located in Tobyhanna in a service area to be known as Tobyhanna Sewer District No. 1 Area; and the Authority, Pocono and Tobyhanna entered into an Intermunicipal Sewage Service Area Agreement effective as of December 30, 2013 (the "ISSAA") wherein, *inter alia*, it was agreed that the Authority would provide sewage treatment services to the newly established Tobyhanna Sewer District No. 1 Area. The Tobyhanna Sewer District No. 1 Area was established by Tobyhanna Ordinance No. 513, dated May 29, 2014.
- F. In conjunction with the PTSTA and the ISSAA, Pocono amended its Official Sewage Facilities Plan via the adoption of a Sewage Planning Module on April 10, 2013 (the "Tobyhanna Plan Revision") to permit the provision of sewer collection and disposal service to Tobyhanna pursuant to the PTSTA.
- G. In order to accommodate the PTSTA, the Authority was required to amend DRBC Docket No. D-1986-011 CP-2 to establish a WWTP service area in Tobyhanna Township as delineated in the PTSTA. The Authority obtained a revised Docket from the DRBC, bearing Docket No. D-1986-011-CP-3 and dated May 8, 2013, which replaced Docket No. D-1986-011 CP-2, approving the expansion of the Authority's WWTP service area to include Tobyhanna Sewer District No. 1 Area and removed the requirements of Condition II.v. of Docket No. D-1986-011-CP-2. Additionally, the amended Docket required in Section C, Decision, subsection II.n. that any further expansion of the WWTP service area would require an amendment of the Authority's Docket.

- H. On December 30, 2013, Pocono, Tobyhanna, and the Authority entered into the ISSAA wherein the parties agreed to establish a Wastewater treatment service area within the boundaries of Tobyhanna to be served by the Pocono Collection System. Pocono adopted the Agreement by Ordinance No. 2013-10 on December 30, 2013, Tobyhanna adopted the Agreement by Ordinance No. 512 on December 20, 2013, and the Authority adopted the Agreement by Resolution No. 2013-16.
- I. The Authority's DRBC Wastewater Docket was renewed on December 10, 2014 to January 31, 2020 via Docket No. D-1986-011 CP-4 with substantially the same conditions.
- J. In addition, the Authority was required to amend its DRBC Water Docket No. D-1991-001 CP-2 as well as its Pennsylvania Department of Environment Protection (PaDEP) Water Allocation Permit No. WA-45-134C, in order to authorize public water service by the Authority to the Tobyhanna service area for the Kalahari Resort project. The Delaware River Basin Commission amended its Docket No. D-1991-001 CP-3. The Docket amendment approved water service to the Tobyhanna water service area. In addition, the amendment adopted the "Brodhead Creek Regional Authority – Water Service Area Map" dated May 3, 2013, revised July 23, 2013. The area served comprises those areas depicted on the Water Service Area Map as the (1) the Present Service Area, (2) the Additional Ten Year Projected Water Service Area (areas reasonably anticipated to be served within at least the next 10 years); including: (3) the Proposed Tobyhanna Township Water Service Area; and (4) the Proposed Pocono-Jackson Joint Water Service Area (PJJWSA), subject to Executive Director approval pursuant to Condition C.II.y.
- K. In Condition C.II.y., the Authority was granted permission to acquire the assets and service area of the PJJWA upon notification and approval of the Executive Director of the DRBC with at least twelve (12) months advance notice thereof.
- L. On September 12, 2013, the PaDEP issued new Water Allocation Permit WA-45-134D to the Authority replacing WA-45-134C. The Water Allocation Permit authorized a water service area, in whole or in part, in Stroudsburg Borough and in the Townships of Stroud, Hamilton, Pocono, Smithfield, Tobyhanna, and Jackson, all of which are located in Monroe County, Pennsylvania. In addition, the PaDEP issued Water Allocation Permit WA-45-1000 which granted the right to the Authority to purchase up to 250,000 gpd, based on daily average and peak month, from the Borough of East Stroudsburg. On November 25, 2013, PaDEP issued to the Authority Public Water Supply Permit No. 4513503, PWS ID #2450034 which authorized the Kalahari Resort water service extension in Tobyhanna Township.
- M. An Intermunicipal Water Service Agreement between Tobyhanna and the Authority was entered into between the parties on May 15, 2013. The Authority adopted the Agreement by Resolution No. 2013-10 on May 15, 2013. Tobyhanna adopted the Agreement by Ordinance No. 500 on May 17, 2013. Tobyhanna established rules and regulations for the water service area pursuant to Tobyhanna Ordinance No. 501.

- N. On January 2, 2014, the Authority adopted the "Brodhead Creek Regional Authority Wastewater Rules and Regulations".
- O. The Board of the Authority (the "**Board**") has approved by resolution Articles of Amendment (the "**2017 Amendments**") to its existing Articles of Incorporation (as so amended and as the same may be further amended from time to time, the "**Authority Articles**"), to change the registered office of the Authority, amend the Board membership provisions and extend the term of existence of the Authority, which 2017 Amendments have been presented to the Municipalities for approval by enactment of an ordinance.
- P. The Municipalities desire to approve the 2017 Amendments.
- Q. In addition, the parties desire to amend the Existing Agreement in order to reflect and conform the same to the matters above referenced; to add: i) a procedure for processing future requests to expand/extend the Wastewater Service Area; ii) a revised set of Standard Definitions and Standard Abbreviations which are attached hereto as exhibits; and iii) make certain other technical corrections.

NOW THEREFORE, the parties hereto, intending to be legally bound hereby, agree separately, and not jointly, as follows:

ARTICLE I - AMENDMENTS

Section 1A. A new Section 2A is hereby added to the Existing Agreement to provide as follows:

"2A. Approval of the 2017 Amendments to the Authority Articles.

2A.1. The 2017 Amendments amend the Board membership requirements, update the list of current Board members, amend its registered address, and extend the term of existence of the Authority to January 1, 2067.

2A.2. Each Municipality has enacted ordinances, which ordinances are in the form attached hereto as Exhibits D-1A, D-2A, D-3A, D-4A, and D-5A, approving the 2017 Amendments and the execution and delivery of this Supplement II. The Authority has adopted resolutions, which resolutions are attached hereto as Exhibit D-6A, approving the 2017 Amendments.

Section 1B. A new Section 3A is hereby added to the Existing Agreement to provide as follows:

"3A. Board of Authority. Under the Articles of Incorporation as amended by the 2017 Amendments, the Board will continue to be governed by a Board composed of the following five members appointed by their representative Municipality, each servicing the remaining period of their five-year terms and eligible for reappointment, as provided in the Act.

<u>Municipality</u>	<u>Person</u>	<u>Term (ending on January 1st)</u>
Borough of Stroudsburg	Eric Scelza	2021
Hamilton Township	John H. Parker, Jr.	2022
Pocono Township	Thomas Wise	2018
Smithfield Township	Charles A. Garris	2019
Stroud Township	Wm. Taylor Wenck	2020

Upon the expiration of the above terms, or upon the creation of a vacancy on the Board, the applicable Municipality shall appoint a person to represent it, meeting the qualifications stated in the act and the provisions of this Article 3. If one or more new municipalities were to join the Authority, additional members of the Board shall be appointed in accordance with the Act and the provisions of this Article 3.

Section 1C. Section 5.4.2.(i) of the Existing Agreement is hereby restated in its entirety to provide as follows:

“5.4.2.(i) A Collection System is discharging one or more of the items specified as a “General Discharge Prohibition” in Section 3.2 of the Authority’s Wastewater Rules and Regulations, or in excess of the “Specific Pollutant Limitations” set forth in Section 3.3 of those Rules and Regulations (each, a **“Prohibited Discharge”**), as those sections may be amended from time to time to comply with Legal Requirements.”

Section 1D. Section 5.9 of the Existing Agreement is hereby deleted in its entirety and amended as follows:

“5.9. RESERVED”

Section 1E. Section 6.3.1 of the Existing Agreement is amended by substituting the following for the existing first sentence:

“6.3.1. The service area of the Water System (the **“Water Service Area”**) shall be coextensive with the Water Service Area established and approved in DRBC Water Docket No. D-1991-001 CP-3 now in effect, which Water Service Area is specifically incorporated herein, and the Water Service Area will automatically be revised to coincide with future Docket amendments, supplements, revisions or replacements thereof or thereto.

Section 1F. Section 6.3.2 of Existing Agreement is hereby restated in its entirety to provide as follows:

“The collection area of the Wastewater System (the **“Wastewater Service Area”**) served by the Treatment Plant will consist of those portions of each Municipality identified in the “Official Act 537 Plan Update Regional Sewage Facilities Plan for Stroud Township, Stroudsburg Borough, Pocono Township, and Hamilton Township, Monroe County,

Pennsylvania dated May, 2009” prepared for the Authority, as well as the “Property” in Tobyhanna Township, as that term is defined in the ISSAA, (collectively the “**Act 537 Plan**”), and constituting the Area Served as set forth in DRBC Project Approval No. D-86-11 CP-4 dated December 10, 2014, which Area Served reference is specifically incorporated herein as if fully set forth. From and after the date of this Agreement, the Wastewater Service Area shall be coextensive with the approved Area Served as set forth in the DRBC Project Approval then in effect (the “**DRBC Project Approval**”), and will automatically be revised to coincide with future amendments, supplements, revisions or replacements thereof or thereto. When required under applicable law to maintain consistency with the Area Served as set forth in the DRBC Project Approval, the parties hereto will cooperate in good faith in the updating of the Act 537 Plan, or any other sewage facilities planning.”

Section 1G. Section 6.4.4 of Existing Agreement is hereby restated in its entirety to provide as follows:

“**6.4.4.** Each Collection System Owner shall establish rules and regulations to enable it to comply with its Treatment Capacity limits and prohibitions on Prohibited Discharges as set forth herein. No Collection System Owner shall amend such rules and regulations as they pertain to such limits or Prohibited Discharges except in conformity with changes to Exhibit F and/or the Prohibited Discharges listed in Sections 3.2 and 3.3 of the Authority’s Wastewater Rules and Regulations, as may be required by applicable law or as otherwise agreed to in writing by the Authority and such Collection System Owner.”

Section 1H. Sub-Sections 6.10.1(i) through (v) are hereby restated and replaced in their entirety by the following:

“(i) written confirmation has been obtained from the DRBC Project Review Section that either (A) a Non-Point Source Pollution Control Plan (“NPSPCP”) approved by the DRBC is in place for the development or that portion of the Wastewater Service Area or (B) the applicable Municipality where the New Connection is proposed has enacted an ordinance conforming to the Act 167 Brodhead-McMichael Creek Watershed Stormwater Management Plan (an “Act 167 Plan”) and the DRBC Project Review Section has confirmed that such Act 167 Plan satisfies DRBC’s NPSPCP requirements for such area per the requirements of the DRBC Project Approval then in effect, or (C) DRBC Project Approval requirements set forth in the foregoing clauses (A) and (B) above are no longer required or have been waived by DRBC with respect to such New Connection;

(ii) when requested by the applicable Wastewater Municipality or Collection System Owner, or required for DEP planning module approval purposes, the Authority has provided written acknowledgement of available Treatment Capacity allocated to the applicable Collection System to accommodate the proposed New Connection and that the additional Wastewater from the proposed New Connection will not create a hydraulic or organic overload or a five (5) year projected overload, subject to such conditions and requirements as may be specified in such acknowledgement;

(iii) the owner/developer submits and obtains approval by the applicable Wastewater Municipality and DEP of a planning module amending the Act 537 Plan or a written exemption or waiver of the requirement for such module; and

(iv) the owner/developer of the proposed New Connection has submitted an application to the applicable Wastewater Municipality/Collection System Owner requesting such proposed new wastewater service connection in the form of application established from time to time by the applicable Wastewater Municipality/Collection System Owner, and that Wastewater Municipality/Collection System Owner has issued a connection permit for the proposed New Connection, subject to such conditions and requirements as may be specified in therein.”

Section 1I. The phrase “Condition II.n of” as contained in both Sections 6.10.2.(i) and (ii) of the Existing Agreement is hereby deleted; and the reference to “clauses (i) through (v)” in Section 6.10.2(ii) is changed to “clauses (i) through (iv)”.

Section 1J. Section 6.10.3 of the Original Agreement, which Section was added by Section 1.10 of the Supplement, is hereby deleted.

Section 1K. A portion of Tobyhanna is being served by the Pocono Collection System and the Treatment Plant pursuant to the terms and provisions of the PTSTA and the ISSAA via a connection of a collection system owned and operated by Tobyhanna, in order to enable Tobyhanna to in turn provide sewer collection and disposal services to Tobyhanna sewage customers located in Tobyhanna Sewer District No. 1 Area. Tobyhanna shall not, for purposes of this Agreement, be considered either a Collection System Owner or a Wastewater Municipality, and shall be solely considered a wastewater customer of the Pocono Collection System.

Section 1L. A new Section 6.11 is hereby added to Article 6 of the Existing Agreement which provides as follows:

“6.11. *Requests to Expand/extend Wastewater Service Area.* Any Wastewater Municipality that desires to expand or extend the Wastewater Service Area that its collection system serves, the sewage treatment service for which is to be provided by the BCRA WWTP, shall make a written request to BCRA to file an application to amend the then current DRBC Docket for the WWTP, which request shall contain, as part thereof, a plan clearly delineating the area with respect to which the request is being made. A copy of that request shall simultaneously be provided to all other Wastewater Municipalities for review and comment. Any and all costs and expenses incurred by the BCRA associated with the Docket amendment process shall be the responsibility of the Wastewater Municipality making the request, unless another party reasonably acceptable to the BCRA agrees to bear responsibility for the same. BCRA will use its best efforts to make an initial determination as to whether it will file the requested application for the Docket amendment within sixty (60) days after receipt of the request. Although the other Wastewater Municipalities can provide such comment or input to the BCRA as they may desire with respect to the request, the ultimate determination of whether to proceed with the

application, and/or withdraw the application at any time after it has been filed, shall be made by the BCRA, in its reasonable discretion, after considering all the circumstances, the possible impact on the WWTP and any possible negative effects associated with opening the then current DRBC Docket.”

Section 1M. Section 10.9 of the Original Agreement is amended in part and restated as to the Authority and Pocono as follows:

Brodhead Creek Regional Authority
410 Mill Creek Road
East Stroudsburg, PA 18301
ATTN: Authority Manager
Tel: (570) 421 3232
Fax: (570) 421-2322
Email: manager2@ptd.net

The Township of Pocono
P.O. Box 197
Tannersville, PA 18372
ATTN: Pocono Township Board of Commissioners
Tel: (570) 629-1922
Fax: (570) 629-7325
Email: Email address to be supplied by Pocono Township pursuant to Notice Section.

ARTICLE II – MISCELLANEOUS

Section 2A. Exhibits.

2A.1. The Schedule of Exhibits to the Existing Agreement is hereby amended by the insertion of the following six (6) Exhibits:

Exhibit D-1A – Township of Hamilton Ordinance approving 2017 Amendments and Supplement II

Exhibit D-2A – Township of Pocono Ordinance approving 2017 Amendments and Supplement II

Exhibit D-3A – Township of Smithfield Ordinance approving 2017 Amendments and Supplement II

Exhibit D-4A – Township of Stroud Ordinance approving 2017 Amendments and Supplement II

Exhibit D-5A – Borough of Stroudsburg Ordinance approving 2017 Amendments and Supplement II

Exhibit D-6A – Authority Resolution adopting 2017 Amendments and Supplement II

Exhibit D-7 – Stroud Authority approving Supplement II only;

and by the deletion of Exhibit E and Exhibit H attached to the Original Agreement.

2A.2. A set of revised Standard Definitions has been developed to promote consistency throughout the existing Sewage Treatment Agreements between the Authority and Stroudsburg Borough, Stroud Township and the Stroud Sewer Authority, and Pocono Township, respectively, and the Authority's Rules and Regulations including Industrial Pretreatment Rules and Regulations. The set of revised Standard Definitions are attached hereto as Exhibit J. Also attached hereto as Exhibit K is a set of Standard Abbreviations used throughout the Original Agreement, the Supplement, and this Second Supplement. The Schedule of Exhibits to the Original Agreement is amended to add Exhibits J and K.

Section 2B. For all purposes hereof, all terms contained in this Supplement II, except as the context may otherwise require or as may be provided herein, shall have the meanings given to such terms in the Original Agreement as previously amended and supplemented by the Supplement and as amended and supplemented hereby.

Section 2C. This Supplement II is executed, and shall be considered as an amendment to the Existing Agreement and shall form a part thereof. All provisions of the Existing Agreement, to the extent not amended, supplemented or superseded hereby, are confirmed and ratified in all respects.

Section 2D. This Supplement II may be executed in any number of counterparts, each of which shall be an original; but such counterparts shall together constitute but one and the same instrument.

Section 2E. All section and subsection references herein shall be deemed to include all enumerated subsections, paragraphs and/or clauses set forth thereunder, unless the context clearly indicates otherwise.

IN WITNESS WHEREOF, the parties hereto have executed this Second Supplement by their duly authorized officer as of the date first set forth above.

BOROUGH OF STROUDSBURG

[SEAL]

Attest:



Borough Secretary

By:



President, Borough Council

TOWNSHIP OF HAMILTON

[SEAL]

Attest: _____
Secretary

By: _____
Chairman, Board of Supervisors

TOWNSHIP OF POCONO

[SEAL]

Attest: _____
Secretary

By: _____
President, Board of Commissioners

TOWNSHIP OF SMITHFIELD

[SEAL]

Attest: Robert Laverle
Secretary

By: Brian E. Bennett
Chairman, Board of Supervisors

TOWNSHIP OF STROUD

[SEAL]

Attest: _____
Secretary

By: _____
Chairman, Board of Supervisors

TOWNSHIP OF HAMILTON

[SEAL]

Attest:

Lerryheese
Secretary

By:

Leon H. Byrd
Chairman, Board of Supervisors

TOWNSHIP OF POCONO

[SEAL]

Attest:

Secretary

By:

President, Board of Commissioners

TOWNSHIP OF SMITHFIELD

[SEAL]

Attest:

Secretary

By:

Chairman, Board of Supervisors

TOWNSHIP OF STROUD

[SEAL]

Attest:

Secretary

By:

Chairman, Board of Supervisors

TOWNSHIP OF HAMILTON

[SEAL]

Attest: _____
Secretary

By: _____
Chairman, Board of Supervisors

TOWNSHIP OF POCONO

[SEAL]

Attest: _____
Secretary

By: _____
President, Board of Commissioners

TOWNSHIP OF SMITHFIELD


[SEAL]

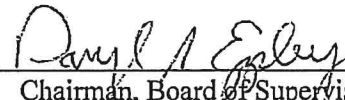
Attest: _____
Secretary

By: _____
Chairman, Board of Supervisors

TOWNSHIP OF STROUD

[SEAL]

Attest:  _____
Secretary

By:  _____
Chairman, Board of Supervisors

STROUD TOWNSHIP SEWER
AUTHORITY

[SEAL]

Attest: _____

Secretary

By: _____

Vice Chairperson

BRODHEAD CREEK REGIONAL
AUTHORITY

[SEAL]

Attest: _____

Assistant Secretary

By: _____

Chairman

STROUD TOWNSHIP SEWER
AUTHORITY

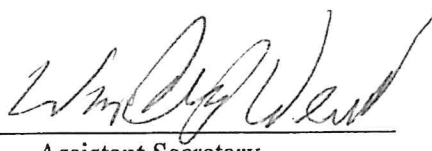
[SEAL]

Attest: _____
Secretary

By: _____
Chairperson

BRODHEAD CREEK REGIONAL
AUTHORITY

[SEAL]

Attest: 
Assistant Secretary

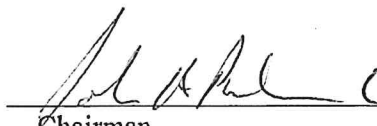
By: 
Chairman

EXHIBIT J

ALL CAPITALIZED TERMS DEFINED HEREIN SHALL HAVE THE SAME MEANING IN THE RESPECTIVE CSOs' STAs, AND THE AUTHORITY'S IPP RULES AND REGULATIONS. A CAPITALIZED TERM WHICH APPEARS IN A DOCUMENT AND IS NOT DEFINED HEREIN SHALL HAVE THE MEANING AS DEFINED IN THAT DOCUMENT (STA OR IPP R&R) IN WHICH IT APPEARS. WHERE TWO DEFINITIONS APPEAR FOR ONE WORD OR TERM, THE SECOND COLUMN WILL DELINEATE WHETHER THE DEFINITION WILL BE UTILIZED IN ALL DOCUMENTS OR IF THERE IS A SEPARATE DEFINITION TO BE UTILIZED IN THE AUTHORITY'S INDUSTRIAL PRETREATMENT RULES AND REGULATIONS.

1.	"Act 167 Plan" shall mean the Act 167 Brodhead-McMichaels Creek Watershed Stormwater Management Plan in effect in each municipality in the Act 537 service area and as approved by the DRBC, as the same may be amended from time to time.
2.	"Act 537 Plan" shall mean the Official Act 537 Plan Update Regional Sewage Facilities Plan for Stroud Township, Stroudsburg Borough, Pocono Township, and Hamilton Township, Monroe County, Pennsylvania, prepared for the Authority, currently in effect as the same may be amended, supplemented, restated or superseded from time to time.
3.	"Ammonia-Nitrogen (NH₃-N)" shall mean ammonia-nitrogen determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.
4.	"Authority" shall mean the Brodhead Creek Regional Authority, a municipality authority existing and governed under the Act, acting by and through its Board, and including any authorized Persons acting on its behalf.
5.	"Authority Wastewater Engineer" shall mean a Person or Persons appointed by Authority as its consulting engineer, qualified to pass upon engineering questions relating to the Treatment Plant, and having a favorable reputation for skill and experience in supervising the design, construction and operation of such facilities. If such Person is an individual, he shall be a professional engineer duly registered under laws of the Commonwealth. If such Person is a partnership, corporation or association, it shall have a partner, officer, employee or member who is a professional engineer duly registered under laws of the Commonwealth.
6.	"BOD-5/Biochemical Oxygen Demand" shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade, which standard laboratory procedure shall be as set forth in the latest publication of 40 CFR Part 136 or any successor regulation.
7.	"Collection Systems" shall mean, collectively, the Stroud Collection System, the Stroudsburg Collection System, the Pocono Collection System and any sewage collection and conveyance systems owned by new Wastewater Municipalities joining the Wastewater System pursuant to the Cooperation Agreement.

EXHIBIT J

ALL CAPITALIZED TERMS DEFINED HEREIN SHALL HAVE THE SAME MEANING IN THE RESPECTIVE CSOs' STAs, AND THE AUTHORITY'S IPP RULES AND REGULATIONS. A CAPITALIZED TERM WHICH APPEARS IN A DOCUMENT AND IS NOT DEFINED HEREIN SHALL HAVE THE MEANING AS DEFINED IN THAT DOCUMENT (STA OR IPP R&R) IN WHICH IT APPEARS. WHERE TWO DEFINITIONS APPEAR FOR ONE WORD OR TERM, THE SECOND COLUMN WILL DELINEATE WHETHER THE DEFINITION WILL BE UTILIZED IN ALL DOCUMENTS OR IF THERE IS A SEPARATE DEFINITION TO BE UTILIZED IN THE AUTHORITY'S INDUSTRIAL PRETREATMENT RULES AND REGULATIONS.

*8.	"Commonwealth/State" shall mean the Commonwealth of Pennsylvania.
9.	"Cooperation Agreement" (ICA) shall mean the Amended and Restated Intermunicipal Cooperation Agreement dated May 1, 2010, the First Supplement to the Amended and Restated Intermunicipal Cooperation Agreement dated November 1, 2010, and the Second Supplement to the Amended and Restated Intermunicipal Cooperation Agreement, dated _____, 2016, all between the Borough of Stroudsburg, the Township of Hamilton, the Township of Pocono, the Township of Smithfield, the Township of Stroud, the Stroud Township Sewer Authority, and the Brodhead Creek Regional Authority, and any subsequent amendment thereto.
10.	"Daily Average Flow" (DAF) shall mean the average quantity of influent Wastewater/treated effluent measured over a twenty-four (24) hour period averaged over a single month, expressed in GPD or MGD.
11.	"DEP" shall mean the Department of Environmental Protection of the Commonwealth or any successor Commonwealth departments or agencies having statutory responsibility for regulating or permitting the Treatment Plant.
13.	"DRBC" shall mean the Delaware River Basin Commission, having regulatory powers over the effluent discharged by the Treatment Plant and its receiving stream.
14.	"DRBC Wastewater Project or Wastewater Docket" shall mean the DRBC Docket No. D-1986-011 CP-4 dated December 10, 2014, as the same may be amended and in effect from time to time. "DRBC Water Project or Water Docket" shall mean the DRBC Permit No. D-1991-001 CP-3 dated September 12, 2013, as the same may be amended and in effect from time to time.
15.	"Dwelling Unit" shall mean any single family home, apartment unit, condominium, room, group of rooms, house trailer or other enclosure occupied or intended for single family residential occupancy.
16.	"Effluent Limit" shall mean the effluent limitations set forth in Exhibit F, as the same may be revised from time to time by applicable Legal Requirements and together with other limitations imposed by Regulatory Authorities from time to

EXHIBIT J

ALL CAPITALIZED TERMS DEFINED HEREIN SHALL HAVE THE SAME MEANING IN THE RESPECTIVE CSOs' STAs, AND THE AUTHORITY'S IPP RULES AND REGULATIONS. A CAPITALIZED TERM WHICH APPEARS IN A DOCUMENT AND IS NOT DEFINED HEREIN SHALL HAVE THE MEANING AS DEFINED IN THAT DOCUMENT (STA OR IPP R&R) IN WHICH IT APPEARS. WHERE TWO DEFINITIONS APPEAR FOR ONE WORD OR TERM, THE SECOND COLUMN WILL DELINEATE WHETHER THE DEFINITION WILL BE UTILIZED IN ALL DOCUMENTS OR IF THERE IS A SEPARATE DEFINITION TO BE UTILIZED IN THE AUTHORITY'S INDUSTRIAL PRETREATMENT RULES AND REGULATIONS.

	<p>time, on Sewage discharged from the Treatment Plant.</p> <p>"Effluent Limit" shall mean the effluent limitations set forth in Exhibits "A" and "E" of the Sewage Treatment Agreements for the purposes of Article III, as the same may be revised from time to time by applicable Legal Requirements as defined and set forth in the Cooperation Agreement and the Sewage Treatment Agreements and together with other limitations imposed by Regulatory Authorities from time to time, on Pollutants discharged from the Treatment Plant; or for an SIU, Effluent Limit shall mean the effluent limitations as set forth in a Wastewater Discharge Permit issued by the Authority, including limits established by Legal Requirements for Commercial Waste Discharged into or from the Treatment Plant.</p>
17.	<p>"EPA" shall mean the United States Environmental Protection Agency or any successor federal department or agency having statutory responsibility for regulating or permitting the Treatment Plant.</p>
18.	<p>"Extra Strength Wastes" shall mean Sewage which exceeds the Influent Limits set forth in Exhibit E and/or Sewage that has a composition in excess of the respective constituent limits set forth on Exhibit E or as otherwise mandated from time to time by any Regulatory Authority.</p>
	<p>"Extra Strength Wastes" shall mean:</p> <p>(a) Wastewater which exceeds the Influent Limits established for a Collection System as set forth in the CSOs' respective Sewage Treatment Agreements and/or Wastewater, which has a composition in excess of the respective constituent limits set forth in their respective Sewage Treatment Agreements, as otherwise mandated from time to time by any Regulatory Authority; or</p> <p>(b) Wastewater Discharged by an SIU which exceeds the Influent Limits established for a Wastewater Discharge Permit and has a composition in excess of the authorized Discharge constituent limits set forth in the SIUs WDP, as otherwise mandated from time to time by any Regulatory Authority.</p>
19.	<p>"Fats, Oils and Grease (FOG)" shall mean fats, oils and grease as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.</p>
20.	<p>"GPD" shall mean gallons of Wastewater discharged during a twenty-four (24) hour period commencing 12:00 midnight, prevailing time, on any particular calendar day and ending at 12:00 midnight, prevailing time the following calendar day.</p>

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21.	"Hamilton" and "Hamilton Township" shall mean the Township of Hamilton, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its governing body, and including any authorized Person acting on its behalf.
22.	"Hydraulic Allocation" shall mean the proportional quantity of Treatment Capacity assigned to each Wastewater Municipality expressed in GPD or MGD as set forth in their respective Sewage Treatment Agreements except as may be adjusted from time to time by the Authority (1) in order to comply with requirements of Regulatory Authorities or as may be necessary to safeguard the continued operation of the Treatment Plant or as the Wastewater Municipalities may otherwise agree; (2) resulting from a Capital Project; or (3) resulting from an increase or decrease in the Rated Capacity.
23.	"Inflow and Infiltration (I&I)" shall mean any surface water, ground water, or precipitation which enters a Collection System by any means.
24.	"Influent Limits" shall mean the influent waste limitations and total dissolved solids limitations set forth in Exhibit E, in both constituent concentration (mg/L) or daily load (ppd), as the same may be revised from time to time by applicable Legal Requirements and together with other limitations imposed by Regulatory Authorities from time to time on Sewage treated at the Treatment Plant.
	"Influent Limits" shall mean the Influent Waste limitations and total dissolved solids limitations as set forth herein in both constituent concentration (mg/L) or daily load (ppd), as the same may be revised from time to time by applicable Legal Requirements and together with other limitations imposed by Regulatory Authorities from time to time on Wastewater treated at the Treatment Plant. Influent Limits for Wastewater Discharge Permittees are set forth in Section F of the WD Permit.
25.	"Instantaneous Peak Flow" shall mean the peak quantity of influent wastewater/treated effluent measured at a single point in time, expressed in GPD or MGD.
26.	"IPP" shall mean the Industrial Pretreatment Program established by the Authority through its Rules and Regulations including its Wastewater Discharge Permits and as adopted by Collection System Owners for their respective Collection Systems, as the same may be amended, supplemented, replaced or superseded from time to time.

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27.	"Legal Requirements" shall mean, collectively, all applicable environmental (including influent, treatment and Discharge standards and permits then in effect), land use or other laws, regulations, orders, ordinances, codes, restrictions, permits and other requirements imposed by Regulatory Authorities or by agreement of the Municipalities including, but not limited to, the Cooperation Agreement and the respective Sewage Treatment Agreements between the Authority and the Collection System Owners.
28.	"Maximum Day Flow" (MDF) shall mean the maximum quantity of influent wastewater/treated effluent measured over a twenty-four (24) hour period, expressed in GPD or MGD.
29.	"MGD" shall mean millions of GPD of Wastewater.
30.	"Municipality" and "Municipalities" shall mean, individually and collectively, Stroud, Stroudsburg, Pocono, Hamilton and Smithfield and each New Member, as approved, pursuant to the Cooperation Agreement.
31.	"Nitrate Nitrogen" shall mean total nitrate nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136, or any successor regulation.
32.	"NPSPCP" shall mean a Non-Point Source Pollution Control Plan.
33.	"PaPUC" shall mean the Pennsylvania Public Utility Commission, and any successor commission or agency thereof.
34.	"Peak Hour Flow" (PHF) shall mean the peak quantity of influent wastewater/treated effluent measured over any one-hour period, expressed in GPD or MGD.
35.	"Person" or "Persons" shall mean an individual, a partnership, an association, a corporation, a joint stock company, a non-profit corporation, a limited liability company, a trust, an unincorporated association, a municipality, a municipality authority or any other group or legal entity recognized as legally existing.

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36.	"Pocono" and "Pocono Township" shall mean the Township of Pocono, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its governing body, and acting on behalf of the users within Pocono and Hamilton attached to the Pocono Collection System, and including any authorized Person acting on its behalf.
37.	"Pocono Collection System" shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties owned, operated, and maintained by or on behalf of Pocono, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by Pocono in connection therewith, serving customers in Pocono, Tobyhanna Township, and certain customers in Hamilton connected thereto (excluding any part of the Stroud Collection System).
38.	"Pocono Service Area" shall be the area served by the Pocono Collection System as described in the Act 537 Plan and co-terminus with the areas served by the Authority in Pocono, Hamilton, and Tobyhanna Townships set forth in the DRBC Wastewater Project.
39.	"Prohibited Discharge" shall mean the discharge to the Existing Treatment Plant or the Treatment Plant of Sewage (i) containing Extra Strength Wastes that limit the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements; (ii) containing any of the pollutants, substances or materials which are prohibited as described in Exhibit J; and/or (iii) that otherwise limits the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements.
	"Prohibited Discharge" shall mean the Discharge to the POTW (i) containing Extra Strength Wastes that limit the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements; (ii) containing any of the pollutants, substances or materials which are prohibited as described in these Rules and Regulations; and/or (iii) that otherwise limits the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements.

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40.	"Rules and Regulations of the Authority" shall mean the rules and regulations promulgated by the Authority pursuant to the authority set forth in the ICA and Sewage Treatment Agreements as amended and in effect from time to time relating to Treatment Capacity limits, Influent Limits, Effluent Limits, I&I remediation, IPP requirements, grease and sand traps, and Prohibited Discharges, as set forth herein.
41.	"Sanitary Sewage" shall mean all Domestic Wastes and Commercial Wastes (but excluding Prohibited Discharges).
42.	"Septage" shall mean any Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks; provided that such term shall not include any Wastewater transported to the Treatment Plant by or at the direction of the Authority due to a New Connection, a temporary reduction or disruption in the flow of Wastewater through a Collection System.
43.	"Sewage Treatment Fee" shall mean the annual fee determined by the Authority and payable by Pocono in monthly increments or otherwise as specified herein in an aggregate annual amount equal to the sum of (a) the Operating Expense Charge, (b) the Debt Service Charge, (c) the Reserve Charge(s), and (d) such other amounts payable by Pocono to the Authority under the terms hereof.
	"Sewage Treatment Fee" shall mean the annual fee determined by the Authority and payable by CSO in monthly increments or otherwise as specified herein in an aggregate annual amount equal to the sum of (a) the Operating Expense Charge, (b) the Debt Service Charge, (c) the Reserve Charge(s), and (d) such other amounts payable by a Collection System Owner to the Authority under the terms of the respective Sewage Treatment Agreements.
44.	"Significant Violation" shall mean either (a) the discharge of one or more Prohibited Discharge(s) into the Pocono Collection System and/or (b) the occurrence of an event or circumstance, caused in whole or in part by Pocono's non-compliance with this Agreement, such that the Authority's ability to fully comply with all Legal Requirements imposed upon it or otherwise relating to its operation of the Treatment Plant may be hindered, delayed or jeopardized as a result of any other non-compliance by Pocono or another Collection System Owner with all Legal Requirements and the terms hereof.
	"Significant Violation" shall mean: (a) The Discharge of one or more Prohibited Discharge(s) into the Collection System and/or

EXHIBIT J

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	<p>(b) The occurrence of an event or circumstance, caused in whole or in part by a User's non-compliance with the applicable Sewage Treatment Agreements, WDPs, and/or Legal Requirements, such that the Authority's ability to fully comply with all Legal Requirements imposed upon it or otherwise relating to its operation of the Treatment Plant such that the occurrence may cause the Treatment Plant processes to be hindered, delayed or jeopardized; or</p> <p>(c) A violation by a User of the POTW of a condition or requirement set forth in a WDP.</p>
45.	"Smithfield" and "Smithfield Township" shall mean the Township of Smithfield, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.
46.	"Stroud" and "Stroud Township" shall mean the Township of Stroud, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.
47.	"Stroud Authority" shall mean the Stroud Township Sewer Authority, a municipality authority incorporated by Stroud Township and governed by the Act, acting by and through its Board, and acting on behalf of the users within Stroud and Hamilton attached to the Stroud Collection System, and including any authorized Person acting on its behalf to collect Wastewater in the Stroud Service Area and transmitting such Wastewater through the Stroud Collection System to the Treatment Plant.
48.	"Stroud Collection System" shall mean that certain Wastewater collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by the Stroud Authority, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by the Stroud Authority in connection therewith, serving customers in Stroud and certain customers in Hamilton connected thereto (excluding any part of the Pocono Collection System).
49.	"Stroudsburg" and "Stroudsburg Borough" shall mean the Borough of Stroudsburg, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Council, including any authorized Person acting on its behalf.

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50.	"Stroudsburg Collection System" shall mean that certain Wastewater collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by Stroudsburg, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by Stroudsburg in connection therewith, serving customers in Stroudsburg.
51.	"TKN" shall mean Total Kjeldahl Nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.
50.	"Total Dissolved Solids (TDS)" shall mean total dissolved solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.
51.	"Total Phosphorous (P)" shall mean total phosphorous as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.
52.	"Total Residual Chlorine (TRC)" shall mean residual chlorine as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.
53.	<p>"Total Suspended Solids (TSS)" shall mean total suspended solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation which currently means the weight of solids retained by a glass fiber (GF/F filters 0.7-um pore-size) dried to constant weight in an oven at 103° - 105° C. The concentration of Total Suspended Solids shall be expressed in units of mg/l using the following formula:</p> <p style="margin-left: 40px;">Total Suspended Solids, mg/l = $\frac{\text{Final (Dry) Filter Weight (mg)} - \text{Initial (Wet) Filter Weight (mg)}}{\% \text{ Volume of Liquid Sample Filtered, in liters}}$</p>
54.	"Treatment Capacity" shall mean the contractual right of each Wastewater Municipality to discharge its respective Hydraulic Allocation and Waste Load Allocation in amounts which do not cause the Existing Treatment Plant or the Treatment Plant, as applicable, to exceed its Effluent Limits, in accordance with the Cooperation Agreement and as memorialized in each Collection System Owner's Sewage Treatment Agreement.

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	<p>"Treatment Capacity" shall mean:</p> <p>(a) for a Collection System – the contractual right of each Wastewater Municipality to Discharge its respective Hydraulic Allocation and Waste Load Allocation in amounts which do not cause the Treatment Plant to exceed its Effluent Limits, in accordance with the Cooperation Agreement and as memorialized in each Collection System Owner's Sewage Treatment Agreement;</p> <p>(b) for a SUI – the allocation of Hydraulic and Waste loadings authorized by the Authority in a WDP (with consent of the applicable CSO) to be Discharged into the POTW in accordance with Legal Requirements and these Rules and Regulations.</p>
55.	<p>"Treatment Plant" shall mean the Existing Treatment Plant, as currently existing, and all other facilities acquired or constructed by Authority for the treatment and disposal of Wastewater conveyed by the Collection Systems, together with any future additions, improvements, expansions, enlargements, and modifications thereto, and replacements thereof; <i>specifically excluding however</i>, the Collection Systems and any property or funds of Authority owned or encumbered as part of Authority's public water system.</p>
56.	<p>"Waste Load Allocation" shall mean the quantity or concentration of influent wastewater assigned to each Wastewater Municipality, expressed in milligrams per liter (mg/L) or pounds per day (ppd) set forth in Tables I and II and Schedule 1 in Exhibit E, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant.</p>

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	<p>"Waste Load Allocation" shall mean the quantity or concentration of influent Wastewater constituents:</p> <p>(a) for a Collection System Owner –assigned to each Wastewater Municipality, expressed in milligrams per liter (mg/L) or pounds per day (ppd) set forth in Tables I and II and Schedule 1 in Exhibit E of the Sewage Treatment Agreements, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant;</p> <p>(b) for an SIU – expressed in milligrams per liter (mg/L) or pounds per day (ppd) as set forth in the WDP issued by the Authority, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant.</p>
57.	<p>"Wastewater Municipality" or "Wastewater Municipalities" shall mean, initially, individually or collectively, Stroud, Stroudsburg and Pocono and any Municipality who shall join the Wastewater System pursuant to the Cooperation Agreement.</p>
58.	<p>"Wastewater Service Area" shall mean, for the purpose of these Rules and Regulations, the collection area served by the POTW including those portions identified in the Regional Act 537 Plan, as amended, and as designated in the DRBC Project.</p>

EXHIBIT K

ABBREVIATIONS	DEFINITIONS	LOCATION
BCRA	Brodhead Creek Regional Authority	2 nd Supp. ICA
DEP	PA Dept. of Environmental Protection	ICA
DMR	Discharge Monitoring Reports	1 st Supp. Exhibit J
DRBC	Delaware River Basin Commission	1 st & 2 nd Supp. ICA
GAAP	Generally Accepted Accounting Principles	1 st & 2 nd Supp. ICA
GAAS	Generally Accepted Auditing Standards for	1 st Supp. ICA
GAS	Government Auditing Standards	1 st Supp. ICA
I & I	Inflow & Infiltration	1 st & 2 nd Supp. ICA
ISSAA - Authority Pocono Twp. Tobyhanna	Intermunicipal Sewage Service Area Agreement 12/30/2013	2 nd Supp. ICA
MCTI	Monroe County Technical Institute	2 nd Supp. ICA
MGD	Million Gallons a Day	ICA
NPDES	National Pollutant Discharge Elimination System	1 st Supp. ICA
NPSPCP	Non-Point Source Pollution Control Plan	1 st & 2 nd Supp. ICA
PADEP	PA Dept. of Environmental Protection	1 st Supp. Exhibit J
PTSTA	Pocono Tobyhanna Intermunicipal Sewage Collection & Disposal Service Agreement 2013	2 nd Supp. ICA
PUC	PA Public Utility Commission	ICA
PWS	Public Water Supply	2 nd Supp. ICA
TDS	Total Dissolved Solids	1 st Supp. ICA
USEPA	United States Environmental Protection Agency	1 st Supp. ICA
WWTP	Waste Water Treatment Plant	1 st (Exhibit J) & 2 nd Supp. ICA



POCONO TOWNSHIP

www.poconopa.gov

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2018-39

BE IT RESOLVED, that Pocono Township, Monroe County, Pennsylvania hereby request a Greenways, Trails, and Recreation Program (GTRP) Grant of \$105,663 from the Commonwealth Financing Authority to be used to repair the existing pedestrian bridge at TLC Park.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate Gerald J. Lastowski, President of the Board of Commissioners, as the official to execute all documents and agreements between Pocono Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Donna M.ASURE, duly qualified Manager of Pocono Township, Monroe County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Pocono Township Board of Commissioners at a regular meeting held May 21, 2018 and remains in effect as of this date.

IN WITNESS THEREFORE, I affix my hand and attach the seal of Pocono Township, this 21st day of May, 2018.

POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA

Gerald J. Lastowski, President

ATTEST:

Township Manager



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

Fountainville Professional Building
1456 Ferry Road, Building 500
Doylestown, PA 18901
215-345-9400
Fax 215-345-9401

2738 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

559 Main Street, Suite 230
Bethlehem, PA 18018
610-419-9407
Fax 610-419-9408

www.bjengineers.com

May 14, 2018

Ms. Donna Asure, Manager
Pocono Township
112 Township Drive
Tannersville, PA 18372

**SUBJECT: TLC PEDESTRIAN BRIDGE INSPECTION
POCONO TOWNSHIP, MONROE COUNTY, PA
PROJECT NO. 1830069**

Dear Ms. Asure:

On February 28, 2018, I made an inspection of the TLC Park pedestrian bridge as requested by the Board. The purpose of the inspection was to one, determine if the bridge was still safe for unrestricted pedestrian use; and two, identify any needed repairs along with an opinion of cost for same.

BACKGROUND

The bridge is located in the TLC Park which, in turn, is located just south of the Route 715/611 intersection in Tannersville. The bridge spans the Pocono Creek connecting playground facilities on the easterly side with ballfields on the westerly side.

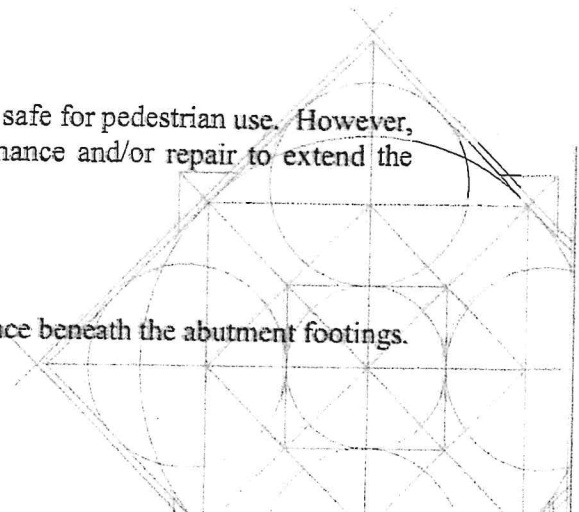
The bridge is a single span steel structure on concrete abutments with stone masonry wingwalls. The deck is concrete with steel handrails. The span is approximately seventy (70') feet and its width is approximately five (5') feet. It is approximately ten (10') feet above normal water flow. It was built in 1940.

OBSERVATIONS

Overall the bridge appears to be structurally sound and remains safe for pedestrian use. However, as detailed below, all components of the bridge need maintenance and/or repair to extend the longevity of the bridge to insure it remains safe for use.

ABUTMENT FOOTINGS

Stream flow was too high to observe if any erosion has taken place beneath the abutment footings.



The westerly abutment has suffered stress. Originally, there was a concrete apron encapsulating and protecting the abutment. A large portion of the center of that apron has broken off and was washed down stream. Right above the deck's original location, the concrete abutment has a large horizontal crack, which appears to go clear through. The easterly abutment is in better condition.

WINGWALLS

The wingwalls are constructed of mortared stone with concrete caps. Various stones are missing and there are cracks in the concrete caps.

STEEL SUPERSTRUCTURE

The steel superstructure is in relatively good condition. It is rusted but has not started to delaminate.

CONCRETE DECK

The concrete deck is in poor condition along its entire length. There are two locations where steel plates have been placed to cover holes. Elsewhere there are many areas of deterioration.

RAILINGS

There are steel railings constructed of angle iron attached to the exterior beams. Railings are covered with a wire mesh similar to chain link fencing, but of a light gauge. There are several holes in the fencing.

DISCUSSION

The bridge as designed and constructed is a very substantial structure. Because of that it has held up well over its 80-year lifespan. However, maintenance has been deferred and should be performed soon to prolong the life of the structure. Safety is not a concern yet although the poor condition of the deck and holes in the railing fabric should be remediated soon.

Our observations addressed five components; abutments (with footings), wingwalls, superstructure (steel beams), concrete deck and railings. Following are our recommended repairs for each component.

Abutments/Footings

Further inspection is required at time of low stream flow to determine if the westerly abutment footing has been undermined. Regardless, the center portion of the concrete deck offering protection to the footing has completely broken loose and washed away. Forces, resulting from either settlement or stream action, have caused a large horizontal crack to develop approximately midway up the abutment. Restoration of the concrete deck is important for the long-term protection of the westerly abutment. The horizontal crack in the abutment should be cleaned and

filled with a non-shrink grout. This will help retain structural integrity by protecting the internal steel reinforcement from damage from outside elements. This repair should be scheduled to be completed in the next two to three years.

Wingwalls

The wingwalls are in relatively good conditions. However, there are some missing stones and concrete caps have cracked. Stone should be replaced, and the caps could be replaced (for better aesthetics) or cracks filled with non-shrink grout. This work could be done at the same time the westerly abutment is repaired.

Superstructure

The steel beams and bracing are in good condition but require sandblasting and painting. This is a high priority and should be done concurrently with deck repairs.

Deck

The deck is the single most deteriorated component of the bridge. There are two holes covered with steel plates and large areas of spalled concrete. Structurally, it remains safe for pedestrian use, but the need to sandblast and paint the bridge superstructure argues for deck replacement at the same time. It is recommended the superstructure and deck be repaired within the next two years.

Railings

The wire mesh should be repaired on the railings. The steel framework should be painted at the same time the superstructure is sandblasted and painted. As stated above for the superstructure and deck, this should occur within the next two years.

In summary, regarding scheduling of repairs, the railings, deck and superstructure should be repaired as soon as practical and, ideally, within the next two years. The westerly abutment may not be as critical, although severe flooding could have negative impacts on the abutment.

COSTS

Following is our estimated cost for repairs. Performing repairs will require the Township to first obtain a general permit (GP-11) from the PADEP. Once obtained, a GP-11 is good for the life of the structure. If other repairs are needed in the future a new permit will not be required.

ABUTMENTS/FOOTINGS

- | | | |
|----|---|-------------|
| A | Replace center portion of concrete apron to protect footing. Provide large riprap with concrete flowable fill | \$15,000.00 |
| B. | Clean horizontal crack and repair with non-shrink grout | \$3,000.00 |

Donna Asure
May 14, 2018
Page 4 of 4

WINGWALLS

A	Replace missing stones in wingwalls and mortar in place	\$2,000.00
B.	Replace concrete caps in-kind	\$1,200.00

SUPERSTRUCTURE

	Sandblast and paint beams, braces, railings with an approved PennDOT three coat system	\$55,000.00
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DECK

	Remove and replace concrete deck in kind	\$10,000.00
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RAILINGS

A	Sandblast and paint (included in superstructure cost)	\$0.00
B.	Replace wire mesh with new vinyl coat chain link	\$1,500.00

	EROSION AND SEDIMENTATION CONTROLS	\$5,000.00
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	MOBILIZATION/DEMObILIZATION	\$5,000.00
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	SUBTOTAL	\$97,700.00
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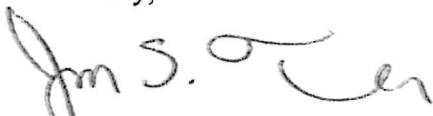
	GP-11 AND E&S PERMITTING	\$10,000.00
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	DESIGN/SPECIFICATIONS/INSPECTION	\$10,000.00
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The above estimate has been prepared without the benefit of permitting and design plans. Estimates could change when detailed information becomes available.

Attached to this report are photographs to help highlight the foregoing commentary.

Sincerely,



Jon S. Tresslar, P.E., P.L.S.
Township Engineer

JST/cg

Enclosure