



POCONO TOWNSHIP COMMISSIONERS

AGENDA

April 6, 2020 7:00 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

- Since we are hosting a virtual meeting tonight, we ask that any residents making public comments please identify yourselves and provide the spelling of your name when addressing the Commissioners.
- All PennDOT construction projects in Monroe County are currently suspended. Updates regarding existing projects, including the Route 611 Reconstruction Project, will be provided when received from PennDOT.
- Controlled burns at the Cranberry Bog were completed by the Nature Conservancy on March 16, 2020. The burns were conducted in partnership with the PA Game Commission.
- The PSATS Executive Board has postponed the 2020 Annual Conference originally scheduled for May 3-6, 2020. Further information will be forthcoming regarding a rescheduled conference.

Hearings – None

- Discussion regarding re-advertising and re-scheduling of hearings (**Possible Action Item**)

Presentations

- Bid Letting – Discussion and action on bids received. Actions to award bids – in whole or in part – or reject bids, in each category below:
 - Spring and Fall Clean-Up
 - Seal Coat
 - Paving
 - Road Materials

Resolutions

- Resolution 2020-08 – Motion to approve Resolution 2020-08 granting conditional approval of the Running Lane, LLC Preliminary/Final Land Development Plan (**Action Item**)

OLD BUSINESS

- Motion to approve the minutes of the March 16, 2020 regular meeting of the Board of Commissioners **(Action Item)**

NEW BUSINESS**1. Personnel**

- a. Discussion and decision on part-time employee Jack Manuel. Proposal to increase compensation to \$16.50/hour (current rate of \$15.37/hour) **(Action Item)**
- b. Discussion and possible decision on number of hours per week for seasonal park workers. 40 hours per week for five (5) employees would put the park payroll line item approximately \$8,000 over budget **(Possible Action Item)**
- c. Motion to approve MOU with Teamsters 773 to create position of Assistant Foreman on road crew at \$1.00/hour, approve other items as agreed to in the MOU and authorize the position to be posted for one week **(Possible Action Item)**

2. Ratification of COVID-19 Related Decisions & Expenditures per Declaration of Disaster Emergency (Action Items)

- a. Extension of local Declaration of Disaster Emergency (3/23/20 & 3/30/20)
- b. Action to delay public hearings indefinitely over public access concerns (3/19/20)
- c. Approval of proceeding with repairs to jointly-owned street sweeper – Pocono and Hamilton to share equally in cost of repairs totaling \$19,853.86 (3/25/20)
- d. Approval to finalize paperwork for pick-up of leased Dodge 5500 from Ray Price (3/25/20)
- e. Approval to add Taylor Muñoz as administrator for federal grants system and MetLife pension plan (3/26/20)
- f. Approval to purchase three (3) car sanitizing units for the Police Department (4/2/20)
- g. Purchase of COVID-19 emergency supplies:

DATE	ITEM	TOTAL
3/16/2020	RESPIRATOR KIT & DISPOSABLE GLOVES	\$ 314.84
3/18/2020	CHAINS, HOSES, CHAINS	\$ 327.96
3/18/2020	EYE BOLT	\$ 15.87
3/19/2020	PROTECTIVE SUITS	\$ 365.00
3/20/2020	DUCT TAPE	\$ 89.85
3/24/2020	TYVEK GEAR	\$1,203.49
3/25/2020	FRESH AIR DISINFECTANT & PHENO D DISINFECTANT	\$ 360.00
3/25/2020	FILTER & TECHNICIAN	\$ 208.25
3/25/2020	BOOT COVERS	\$ 84.12
3/27/2020	TERMINEX DISINFECTANT	\$ 80.00
3/30/2020	WIRE THERM BULK	\$ 48.99
Total		\$3,098.37

3. Financial Transactions

- a. Motion to ratify vouchers payable received through April 2, 2020 in the amount of \$3,511.86 **(Action Item)**

- b. Ratify gross payroll for pay period ending March 22, 2020 in the amount of \$106,934.05 **(Action Item)**
- c. Motion to approve vouchers payable received through April 2, 2020 in the amount of \$87,626.27 **(Action Item)**
- d. Motion to approve the capital purchases received through April 2, 2020 in the amount of \$24,425.46 **(Action Item)**
- e. Motion to approve capital budget expenditures in the amount of \$5,596.00 to convert PTPD Unit #91 to an Office of Emergency Services (OES) vehicle **(Action Item)**

4. Travel/Training Authorizations – None

Report of the President

Richard Wielebinski

- TLC Park Drainage Basins Update – Public Comment mandatory if applicable
 - Phone call with PennDOT engineer on 3/26 to discuss drainage basin design alternatives to minimize impact on TLC Park recreation area
 - Motion to approve De Minimis Use Determination letter for PennDOT, approving drainage basin designs outlined in proposed design alternative **(Action Item)**
- Update - LED Speed Signs **(Possible Action Item)**
- Motion to approve and finalize full terms of offer letter for Taylor Muñoz, Pocono Township Manager **(Action Item)**

Commissioner Comments

Jerrold Belvin – Vice President

- COVID-19 Update
- Motion to extend Declaration of Disaster Emergency **(Action Item)**

Ellen Gndt – Commissioner

Jerry Lastowski – Commissioner

- Update – Special allocation to fire company for costs incurred at Pocono Manor fire
- Discussion regarding broken pipes and fixtures in MVP restroom facility
 - Motion to approve purchase of three new toilets not to exceed \$1,500.00 **(Action Item)**
- Pension plan 2016-2019 Audit Follow-Up
 - Motion to authorize Beyer-Barber to calculate total interest owed due to underpayment of Township's pension obligations for Paola Razzaq for the period October 2018 through February 2019 **(Action Item)**

Keith Meeker – Commissioner

Reports

Zoning

- Discussion regarding dangerous structure report for 229 Hemlock Road
 - Motion to declare building a "public nuisance" and order it be secured from entry and repaired **(Action Item)**
- March 2020 Issued Permits Report
- Discussion regarding Short Term Rental enforcement

Emergency Services

- Police – Monthly report for March 2020
- EMS
- Fire

Public Works Report

- Update - Road Crew Projects
- Update – Ice Rink
- Update – LED Lighting for Township Complex
- Update – Lighting at Park at Heritage Center
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant
- Update – Street Lights at Learn Road and Pigeon Way
- Update – Roof Replacement on Maintenance Building
- Update – Quotes for Well Work at MVP (**Possible Action Item**)
- PennDOT request for Township to assume responsibility for flashing light on Sullivan Trail as part of bridge rehabilitation project (**Possible Action Item**)

Administration – Manager’s Report

- PSATS 2020 Conference – Confirmed that cancellations have been processed for Pocono Township attendees
- Motion to approve Taylor Muñoz as signatory for Township bank accounts (**Action Item**)
- New township website is ready to go live. Discussion and action needed on website hosting.
 - Motion to approve moving forward with CreativeWorks as provider of hosting services subject to solicitor’s review (**Action Item**)
- Discussion regarding request from private company to buy TLC field (**Action Item**)
- Discussion regarding establishing regular BOC work session meetings (**Possible Action Item**)
- Update regarding Sunlite Lane drainage ditch complaint – property of Ms. Marie Cardone
- Update – Regional Comprehensive Plan – meeting rescheduled for May 14 at 6:00 p.m.
- Update – 2017 Green Light Go project currently on hold due to COVID-19
- Update – MS4 requirements – Continued mapping of stormwater facilities to proceed

Township Engineer Report

- Update – White Oak Culvert replacement project (**Possible Action Item**)
- Update – Right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Avenue (**Possible Action Item**)
- Update – TLC Bridge
- Update – TLC Dam
- Update – Well at MVP
- Update – Master sidewalk plan Multimodal grant

Township Solicitor Report

- Discussion regarding Pocono Jackson Joint Water Authority (PJJWA) Small Water & Sewer Grant application.
 - Motion for Pocono Township to serve as co-guarantor on loan match for grant application not to exceed \$75,000.00 (**Action Item**)
- Update – Response to Pocono Mountain School District Right-to-Know (RTK) Appeal
- Update – ZHB – Johnson Appeal for Transient Dwelling Unit postponed from March 24, 2020
- Update – Electric contract discussion – further research needed regarding limitation of liability

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

**POCONO TOWNSHIP
CLEAN UP BIDS
2020**

	SPRING	PRICE PER YARD	TOTAL	BID BOND
1	Waste mgmt	40.00 c/y	\$28,000.	Spring yes
2		May 7-9		
3				
4	County waste	47.86 c/y	33,500. ⁿ	Fall Spring - yes
5		May 7-9		
6				
7				
8				
9				
10				

	FALL	PRICE PER YARD	TOTAL	BID BOND
1	Waste mgmt	40. ⁿ c/y	\$16,000. ⁿ	Fall - no
2		Oct 2+3		
3				
4	County Waste	NO BID		Fall - yes
5				
6				
7				
8				
9				
10				

NO
Complete
Bid

**POCONO TOWNSHIP
SEAL COAT BID SUMMARY
2020**

COMPANY NAME	TOTAL	UNIT PRICE	LINE STRIPE PRICE	BID BOND
ASPHALT MAINTENANCE SOLUTIONS, LLC	\$95,675.00	\$1.58	\$0.30	YES
MIDLAND ASPHALT MATERIALS, INC.	\$114,785.09	\$1.924	\$0.280	YES
POCONO SPRAYPATCHING, INC.	\$92,271.50	\$1.52	\$0.30	YES
SHIFFER BITUMINOUS SERVICE CO.	\$127,314.75	\$2.12	\$0.35	YES
WAYCO, INC.	\$170,778.20	\$2.84	\$0.48	YES

**POCONO TOWNSHIP
ROAD PAVING BIDS SUMMARY
2020**

COMPANY NAME	TOTAL	BID BOND
H&K GROUP, INC. LOCUST RIDGE	\$1,239,008.75	YES
HANSON AGGREGATES PA, LLC	\$1,256,436.50	YES
JAMES D. MORRISSEY, INC.	\$1,283,675.25	YES
M & J EXCAVATION, INC.	\$1,295,822.95	YES
SHOULD BE \$1,326,436.43 - \$30,613.48 DIFFERENCE		
WAYCO, INC.	\$2,093,765.08	YES
SHOULD BE \$2,146,754.94 - \$52,989.86 DIFFERENCE		

2020 MATERIALS BID

[illegible]

TOWNSHIP OF POCONO, MONROE COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-08

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE RUNNING LANE, LLC PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

WHEREAS, the applicant, Running Lane, LLC, has submitted a preliminary/final land development plan (the “Plan”). The applicant proposes a land development existing property located along State Route 0611, approximately 0.7 miles south of the intersection with Lower Swiftwater Road (SR 0314). The existing property (Tract 1) is located with the C Commercial Zoning District and consists of the Pocono Brewing Company with associated parking, stormwater management and on-lot water and sewer services. The existing property is split by SR 0611 and has a total gross area of 5.47 acres, with 0.507 acres located on the eastern side of SR 0611. The proposed land development will occur on Tract 1 and will consist of a 4-story, 90 room hotel with a pool.

WHEREAS, the Township Engineer has reviewed the Plan and offered comments in his letters dated August 25, 2017, February 22, 2018, May 10, 2018, July 5, 2018, and March 19, 2020; and

WHEREAS, the Pocono Township Planning Commission recommended the conditional plan approval of the Plan at a meeting held on July 23, 2018; and

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

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

That the following requests for modification and deferral from the Subdivision and Land Development Ordinance are hereby granted:

1. SALDO Sections 301.1 and 301.6: Required Plans and Action. *The applicant shall be permitted to submit a preliminary/final land development plan.*
2. SALDO Section 406.2: Site Context Map. *The applicant shall be permitted to provide an aerial photograph of the project site and surrounding properties.*
3. SALDO Section 406.3: Existing Resources and Site Analysis. *The applicant shall be permitted to provide an aerial photograph of the project site and surrounding properties.*
4. SALDO Section 406.3.G: Viewshed Analysis. *A 20-foot wide buffer with 9 evergreen trees is proposed on the southern neighboring property, which have common ownership with the project site.*
5. SALDO Section 406.4.A: Resource Impact and Conservation Analysis. *The applicant*

shall not be required to provide a Resource Impact and Conservation Analysis as this is a previously developed property with no resources of interest on site.

6. SALDO Section 601.1.F.5.b.1: Ground Cover Disturbance. *The applicant shall be permitted to utilize the steep slope delineation and preservation shown on the plan as the steep slopes are man-made.*
7. SALDO Section 607.23: Sidewalks. *The installation of sidewalks along the road right-of-way shall be deferred.*
8. SALDO Section 615.3.B.5: Planting Islands. *The applicant shall be permitted to install the planting shown on the plan.*
9. SALDO Sections 615.6, Table 615-1 and Table 615-2: Property Line and Road Right-of-Way Buffers. *The applicant shall be permitted to install the trees shown on the plan.*
10. SALDO Section 620.H.1: Off-street Loading and Unloading Spaces. *The applicant shall be permitted to install five (5) 12-foot wide by 35-foot long loading spaces.*
11. SALDO Section 622.C.4: Traffic Impact Study. *The applicant shall be permitted to submit a traffic impact study as approved by the Township Engineer.*

That the “Running Lane, LLC Land Development Plan” as shown on the plan prepared by Bue-Morris Associates, LLC, dated December 20, 2019, as revised, be hereby approved with the following conditions and provided the plan is revised as follows, subject to the review and approval of the Township Engineer and/or Township Solicitor:

1. The applicant shall comply with all of the conditions and requirements identified in the Township Engineer’s letter dated March 19, 2020.
2. The applicant shall enter into an Improvements Agreement with the Township and provide appropriate security, if deemed necessary by the Township.
3. The applicant shall enter into a Maintenance Agreement with the Township and provide appropriate security, if deemed necessary by the Township.
4. The applicant shall enter into a Stormwater Management and Maintenance Agreement with the Township, if deemed necessary by the Township.
5. The applicant shall pay all necessary fees associated with the Plan, including, but not limited to any outstanding plan account charges and all professional services fees, prior to the recording of the Plan.
6. The applicant shall obtain all required permits and approvals from other governmental and regulatory agencies prior to presenting the Plan for signatures.

7. The applicant shall provide three (3) mylars for recording the plans and eight (8) sets of paper prints which are signed and notarized by the owner and sealed by the engineer.
8. The applicant shall meet all conditions of the preliminary/final plan approval, and Plan shall be recorded within twelve (12) months of Conditional Preliminary/Final Plan approval, and agrees that if such conditions are not met, the Conditional Preliminary/Final Plan approval will be considered void.
9. The applicant shall accept these conditions in writing within five (5) days of receipt of the Board of Commissioners Resolution, otherwise the Plan is denied.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the _____ day of _____, 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Taylor Munoz
Title: Township Manager

By: _____
Print Name: Richard Wielebinski
Title: President

**REGULAR MEETING
MINUTES
March 16, 2020 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, March 16, 2020 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Rich Wielebinski at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Jerrod Belvin, present; Ellen Gandt, present; Jerry Lastowski, present; Keith Meeker, present; Rich Wielebinski, present.

IN ATTENDANCE:

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Taylor Munoz, Township Manager; and Dee Ackerman, Administrative Assistant.

PUBLIC COMMENT:

- John Fagliarone, Township Resident, stated he put in a Right-to-Know request regarding the phone system quote. He commented on the current quote that was approved and expressed concern that it will not work well with the current system wiring that is in place now.
- Victoria Kresge thanked the Commissioners for continuing the police contract negotiations and hoped for a signed contract by the end of the month. She also thanked our Police Officers for going above and beyond during the COVID-19 pandemic.

ANNOUNCEMENTS:

R. Wielebinski, announced the following:

- Please remember to sign in as you enter the meeting room.
- The Nature Conservancy will be conducting controlled burns at the Cranberry Bog between March 1st and May 31st, 2020.
- PennDOT will be closing Scotrun Avenue at Route 611, with a detour to the Scotrun Avenue closest to Great Wolf. Detour to begin March 30, 2020 through June 30, 2020.
- New township hours are 8 a.m. – 4:30 p.m.
- An executive session was held on Monday, March 16, 2020 at 6:30 p.m. for personnel issues.

HEARINGS: None

Leo asked the Commissioners when he should advertise for the hearings that were postponed from tonight's meeting. April 6th will be new hearing date.

PRESENTATIONS:

RESOLUTIONS:

Resolution 2020-06 E. Gandt made a motion, Seconded by J. Belvin to adopt Resolution 2020-06 authorizing and securing the issuance of a debt obligation in the form of a non-appropriation lease in the maximum principal amount of \$89,341.00 to finance a 2019 Dodge Ram 5500 Single Axle Dump truck and related equipment; accepting a bank lease proposal; setting forth the terms and substantial form of the lease; and containing related provisions. This motion will also authorize the President of the Board of Commissioners to execute all documents related to this transaction. Roll Call Vote: Jerrod Belvin, yes; Ellen Gandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried

OLD BUSINESS:

MINUTES:

J. Lastowski, Made a motion, Seconded by J. Belvin, to approve the minutes of the February 24, 2020 work session of the Board of Commissioners and Planning Commission. Roll Call Vote: Jerrod Belvin, yes; Ellen Gandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

J. Belvin, Made a motion, Seconded by K. Meeker, to approve the minutes of the March 2, 2020 regular meeting of the Board of Commissioners. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, Abstain. Motion carried.

NEW BUSINESS:

Personnel –

Discussion regarding numbers of hours/week/pay for seasonal park workers. No action taken. Will discuss again in April due to park closure.

E. Gndt tabled the motion, seconded by R. Wielebinski, to rehire Jack Manuel as a part-time public works employee, under the current Public Works CBA. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by R. Wielebinski, to rehire Derek McMaster as a seasonal park worker at \$12.36/hour (3% increase) beginning April 6, 2020 with number of hours per week to be determined as recommended by Bob Sargent. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Acknowledgement that Michael Kresge, a seasonal park worker, approved at the March 2, 2020 meeting to start work on March 9, 2020, has declined the position with Pocono Township.

Financial Transactions –

Ratify vouchers payable

R. Wielebinski, made a motion, seconded by J. Lastowski, to ratify vouchers payable for a period ending March 12, 2020 in the amount of \$34,754.33. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ratify gross payroll -

R. Wielebinski made a motion, seconded by E. Gndt, to ratify the gross payroll for the pay period ending March 8, 2020 in the amount of \$89,760.47. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Vouchers Payable

R. Wielebinski, made a motion, seconded by K. Meeker, to approve vouchers payable received through March 12, 2020 in the amount of \$236,781.42. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Capital Expenditures -

R. Wielebinski, made a motion, seconded by J. Belvin, to approve the capital expenditures received through March 12, 2020 in the amount of \$1,637.24. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Travel/Training Authorizations – None

REPORT OF THE PRESIDENT:

R. Wielebinski, President – Made a motion, seconded by Keith Meeker, to terminate Ms. Donna Asure without cause as per the signed termination agreement, signed by Ms. Asure on March 15, 2020.

Public Comment by Ramona Shupp, who questioned the reason why Donna was terminated. It was considered a moot point as Taylor Munoz was already hired. Commissioner Wielebinski stated they had interviews and found Mr. Munoz was the qualified candidate. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, no; Jerry Lastowski, no; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker to appoint Taylor Munoz to the position of Township Manager, pursuant to the terms of agreement signed March 2, 2020 at a salary of \$90,100.00 with family health benefits provided with a 3% employee contribution of total premium, coverage effective April 1, 2020. Benefit package to include 15 vacation days, with the ability to carry over 5 per year, 10 sick days, bereavement for immediate family 5 days, 1 day for all others with board approval, effective at 8 a.m. on March 16, 2020. No public comment. Roll Call Vote: Jerrod Belvin, yes; Ellen

Gnandt, no; Jerry Lastowski, no; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

COMMISSIONERS COMMENTS

Jerrold Belvin - Vice President – Census bureau will be out in Pocono Township for the next few weeks. Look for their green jacket or their census identification.

National Emergency and State Emergency have been declared, due to the Coronavirus. Motion made by J. Belvin, seconded by R. Wielebinski, requesting a Declaration of Disaster Emergency for Pocono Township effective immediately. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to appoint Taylor Munoz as Township Secretary and Right to Know Officer for Pocono Township effective immediately. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ellen Gnandt - Commissioner – No report

J. Lastowski – Commissioner – Reported that there is no update regarding the fire company and Pocono Manor for reimbursement of expenses due to the November 1, 2019 fire.

Asked how the pipes were broken at Mt. View Park. R. Sargent responded that residual water in pipes froze and broke the fixtures.

Reported on the draft report regarding pension plans for Uniformed and Non-Uniformed. Report on file at township.

Keith Meeker - Commissioner – No report

REPORTS:

Zoning – No report

Public Works

Well at Mountain View Park – R. Sargent reported he has gotten 3 quotes for the outside work. R. Wielebinski, made a motion, seconded by J. Lastowski to award the contract to Leon Clapper for the installation of Well pump at Mt. View Park at a cost of \$9,845.50 based on the specs being reviewed by John Tresslar submitted by Leon Clapper. No public comment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Administration - Manager's Report

BCRA water rate at TLC Park- J. Belvin, made a motion seconded by J. Lastowski, to ratify the water service installed at Pump Station #2, 1 EDU at \$43.95 per quarter plus usage as per Patrick Briegel's recommendation. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to approve a pressure release valve located at Valve Station # 1, at a cost of \$11,470.00 including freight, plus one day start up at \$750.00, to MKL and Associates and installation labor in the amount of \$3,200.00 to A.C. Shultes Inc. as recommended by Sanitary Engineer Mike Gable of Boucher and James. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Resolution 2020-07- J. Lastowski, made a motion, seconded by R. Wielebinski, to adopt Resolution 2020-07 to approve the submission of a Community Conservation Partnership Program grant application by Penn Strategies to the Pennsylvania Department of Conservation & Natural Resources for the TLC Park enhancements not to exceed \$250,000. The grant will include construction and renovation costs associated with the previously referenced project. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

TOWNSHIP ENGINEER REPORT: No report

TOWNSHIP SOLICITOR REPORT: No report

PUBLIC COMMENT:

Angela Tullo, Township Resident, thanked J. Belvin for his comments and actions regarding the COVID-19 Pandemic. Also thanked Taylor Munoz for accepting the position of Manager for Pocono Township.

ADJOURNMENT:

R. Wielebinski, made a motion, seconded by J. Lastowski, to adjourn the meeting at 8:13 pm. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes Motion carried.



U.S. MUNICIPAL

SERVING THOSE WHO SERVE THE PUBLIC

SERVICE ESTIMATE

461 GLENNIE CIRCLE
KING OF PRUSSIA, PA 19406

Ph: 610-292-9450

Service Order Number	
1152772	
Order Date	Page
3/13/2020 09:06:21	1 of 2

Quote Expires On 4/12/2020

Bill To:

POCONO TOWNSHIP, MONROE
112 TOWNSHIP DRIVE
TANNERSVILLE, PA 18372

Ship To:

POCONO TOWNSHIP, MONROE
112 TOWNSHIP DR
PUBLIC WORKS
TANNERSVILLE, PA 18372

570-629-1922

Customer ID: 11628

PO Number					Taker			
ESTIMATE JNA VT605 3/13/20					DMA			
Quantities					ItemID			
To Service	Requested	Allocated	UOM	Unit Size	Item Description	Pricing UOM	Unit Price	Extended Price
						Unit Size		

Order Note: HOURS MILES

JNA VT605
EQ# 33981
VIN# 1FVAB6BV14DM70681

BOB 570-242-7137 RSARGENT@POCO

*****SERVICE ESTIMATE DOES NOT
INCLUDE SHIPPING CHARGES*****

CHECK FAN ASSEMBLY AND WHEEL
FAN ASSEMBLY GASKETS IN AREA

*****Service Item*****

1	EA	JNA 605		
	1.0	JOHNSTON STREET SWEEPER 605	19,853.860	19,853.86

Serial Number: 1FVAB6BV14DM70681

*****Service Part*****

1.000	0.000 EA	282397-1	EA	299.970	299.97
	1.0	**SEAL - COWL MAKE/BREAK 95 (WAS 217-43 SIDE VT	1.0		
1.000	0.000 EA	62260-2	EA	303.950	303.95
	1.0	RUBBERS - NOZZLE SET WAS 62260-33 605/610	1.0		
1.000	0.000 EA	93875-1	EA	2,473.530	2,473.53
	1.0	FANCASE COVER W/ASSY	1.0		

Hamilton Township Approves The Proposed
Repairs For The Sweeper Machine
Cost of Repairs To Be Shared
Between Hamilton and Pocono



U.S. MUNICIPAL
SERVING THOSE WHO SERVE THE PUBLIC

SERVICE ESTIMATE

461 GLENNIE CIRCLE
KING OF PRUSSIA, PA 19406

Ph: 610-292-9450

Service Order Number	
1152772	
Order Date	Page
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Quote Expires On 4/12/2020

Quantities				ItemID Item Description	Pricing UOM	Unit Price	Extended Price
To Service	Requested	Allocated	UOM Unit Size		Unit Size		
	1.000	0.000	EA	42401-1-B	EA	180.220	180.22
			1.0	**TRANSITION RING W/ASSY	EA	1.0	
	3.000	0.000	EA	285-2	EA	8.130	24.39
			1.0	**SPRING-COMP. 15.88X2.34X50.8 LG	EA	1.0	
	3.000	0.000	EA	62770-1	EA	2.870	8.61
			1.0	SLEEVE - SPARES	EA	1.0	
	3.000	0.000	EA	93300510-0	EA	2.300	6.90
			1.0	PLAIN LARGE WASHER M10 - REPLACES 457-5	EA	1.0	
	3.000	0.000	EA	93085806-0	EA	3.070	9.21
			1.0	NYLOC HEX NUT M10C - 8 WAS 425-15	EA	1.0	
	3.000	0.000	EA	93212012-0	EA	2.380	7.14
			1.0	PLAIN WASHER M10	EA	1.0	
	1.000	0.000	EA	7033091-SP	EA	3,401.670	3,401.67
			1.0	**FAN IMPELLER ASSEMBLY 800 DIA. SPARES	EA	1.0	
				HIGH POWER ENGINES			
				8 BLADE - 800MM WHITE			
				INCLUDES:			
				(3) 148-3 SCREW-CAP HD TUFLOK			
				M10X1.25X40 G12.9			
				(1) 7028456 CLAMP PLATE			
				(1) 94-24 KLUBER PASTE 46 MR 401 30			
				GRAM SACHET			
	2.000	0.000	EA	29284-2	EA	1,150.020	2,300.04
			1.0	CYLINDER - WSB PNEU. ASSY 217	EA	1.0	
	1.000	0.000	EA	42230-1-H	EA	7,337.660	7,337.66
			1.0	FANCASE - W/ASSY 600	EA	1.0	
	1.000	0.000	EA	MISC SHOP MATLS	EA	196.570	196.57
			1.0	MISC	EA	1.0	
				*****Service Labor*****			
	28.000	28.000	HR	LABOR KOP SERVICE	HR	118.000	3,304.00
			1.0	LABOR - KING OF PRUSSIA SERVICE	HR	1.0	

Total Lines: 4

SUB-TOTAL: 19,853.86

TAX: 0.00

AMOUNT DUE: 19,853.86

U.S. Dollars

Disclaimer on Estimate to Repair:

Written authorization for repairs is needed from owner of unit before any parts are ordered and before any work is started. Occasionally additional damage / repair are discovered after the vehicle/unit is torn down. **This estimate is based on our initial inspection and does not cover any additional parts and labor which may be required after the vehicle/unit is in the repair facility and is torn down.** If supplemental charges happen, USM will notify the owner of the unit that additional repairs are needed to restore the vehicle/unit to its pre-loss condition.

Signing below gives U.S. Municipal authority to work on and repair your equipment.

Sign: _____

Date: _____

POCONO TOWNSHIP
Monday, April 6, 2020

SUMMARY

Ratify

General Fund	\$	109,851.40
Sewer Operating	\$	594.51
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	74,263.36
TOTAL Sewer <u>OPERATING</u> Fund	\$	13,362.91
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	586.50
TOTAL Capital Reserve Fund	\$	23,425.46
Liquid Fuels	\$	-

<u>Budget Adjustments</u>	\$	-
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<u>Budget Appropriations</u>	\$	-
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Interfund Transfer

To transfer grant moneys deposited into general fund to Capital Fund

General Fund

Federal Grant for Police Vests

01.395.000 REFUND OF PRIOR YEAR EXPENSES	\$	4,600.00
--	----	----------

Capital Fund

355.009 - Federal Grant	\$	4,600.00
-------------------------	----	----------

Notes:

POCONO TOWNSHIP CHECK LISTING

Monday, April 6, 2020

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund				
04/02/2020	59535	Nationwide - 457	PAY 6 2020 EE & ER CONT	\$ 4,078.94
04/02/2020	59539	ADP, LLC	PAYROLL SERVICES	\$ 693.81
04/02/2020	59540	Advanced Collision	POLICE VEHICLE MAINTENANCE	\$ 228.68
04/02/2020	59541	Banks Vacuum	TOWNSHIP SUPPLIES	\$ 119.99
04/02/2020	59542	Beyer-Barber Company	PROFESIONAL SERVICES	\$ 5,050.00
04/02/2020	59543	Boucher & James, Inc.	ENGINEERING SERVICES	\$ 5,527.77
04/02/2020	59544	Cooper Electric	PW SUPPLIES	\$ 76.36
04/02/2020	59545	D.G. Nicholas Co.	PW SUPPLIES	\$ 397.41
04/02/2020	59546	DES	Feb 2020 Recycling	\$ 24.00
04/02/2020	59547	Donna Kenderdine Reporting	PROFESIONAL SERVICES	\$ 459.82
04/02/2020	59548	Eric A. Moses Co.	PW SUPPLIES	\$ 320.68
04/02/2020	59549	Eureka Stone Quarry, Inc.	ROAD MATERIALS	\$ 2,047.57
04/02/2020	59550	Francis Smith & Sons Inc	Acct POCT1; PA A/B UST Operator Fee	\$ 250.00
04/02/2020	59551	Fry's Plastic	PW OPERATION SUPPLIES	\$ 492.62
04/02/2020	59552	Galls	POLICE OPERATION SUPPLIES	\$ 66.70
04/02/2020	59553	General Marking Devices, LLC	PW SUPPLIES	\$ 57.00
04/02/2020	59554	H. M. Beers, Inc.	March 2020 SEO Services	\$ 3,000.00
04/02/2020	59555	Hanson Aggregates Pennsylvania LLC	ROAD MATERIALS	\$ 1,430.76
04/02/2020	59556	J & B Auto	POLICE VEHICLE MAINTENANCE	\$ 663.16
04/02/2020	59557	J. P. Mascaro & Sons	WASTE REMOVAL	\$ 482.61
04/02/2020	59558	JNK Hydrotest & Extinguisher Supply Co.	EXTINGUISHER ANNUAL SERVICE	\$ 602.20
04/02/2020	59559	Leddy Telecom Services	PROFESIONAL SERVICES	\$ 520.00
04/02/2020	59560	Marshall Machinery	PW SUPPLIES	\$ 124.86
04/02/2020	59561	MetLife - Non Uni. Pen. Plan	March 2020 ER Contribution	\$ 5,361.80
04/02/2020	59562	MG Appearance Products	Terminex Disinfectant	\$ 80.00
04/02/2020	59563	Miller, Larry	Uniform Allowance	\$ 59.00

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
04/02/2020	59564	Monroe County Control Center	ER Dispatch Services	\$ 12,116.18
04/02/2020	59565	Nauman Mechanical Inc.	Job 16804 HVAC Filters	\$ 208.25
04/02/2020	59566	PAPCO, Inc.	VEHICLE FUEL	\$ 3,250.20
04/02/2020	59567	PENTELEDATA	MODEM RENTAL	\$ 317.08
04/02/2020	59568	PENTELEDATA	MODEM RENTAL	\$ 164.90
04/02/2020	59569	Pitney Bowes	EQUIPMENT RENTAL	\$ 117.00
04/02/2020	59570	Pocono Township	Petty Cash Replenishment	\$ 187.65
04/02/2020	59571	Powerco, Inc	HEAVY EQUIPMENT REPAIR	\$ 2,269.65
04/02/2020	59572	PPL Electric Utilities	TRAFFIC LIGHT ELECTRIC SERVICE	\$ 51.21
04/02/2020	59573	Praxair Dist Mid-Atlantic	PW OPERATION SUPPLIES	\$ 28.14
04/02/2020	59574	PSATS	CONTRACTED SERVICES	\$ 60.00
04/02/2020	59576	Steele's Hardware	OPERATION SUPPLIES	\$ 1,103.07
04/02/2020	59577	Steele's Hardware	OPERATION SUPPLIES	\$ 601.40
04/02/2020	59578	Stephenson Equipment, Inc.	EQUIPMENT REPAIR	\$ 3,227.99
04/02/2020	59579	Tulpehocken Mountain Spring Water Inc	WATER	\$ 186.68
04/02/2020	59580	UNIFIRST Corporation		624119 \$ 152.02
04/02/2020	59581	US BANK - Lockbox CM9722	MAR 2020 EE CONTRIBUTION	\$ 5,704.38
04/02/2020	59582	SFM Consulting LLC	BUILDING CODES & ZONING SERVICES MAR 2020	\$ 9,638.82
04/02/2020	59583	Suburban Testing Labs	PARK WATER TESTING	\$ 100.00
04/02/2020	59584	Teamster Local 773 - Non-Uniform	016346990-01	\$ 786.00
04/02/2020	59585	Teamster Local 773 - Police	016346990-02	\$ 1,412.00
04/02/2020	59586	Sargent, Robert	ER Mgmt Op Supplies	\$ 365.00
				\$ 74,263.36

Sewer Operating Fund

04/02/2020	1557	Boucher & James, Inc.	GENERAL ENGINEERING SERVICES	\$ 3,480.07
04/02/2020	1558	BRODHEAD CREEK REGIONAL AUTHORITY	BILLS	\$ 204.20
04/02/2020	1559	Cramer, Swetz, McManus & Jordan	LEGAL SERVICES	\$ 42.00
04/02/2020	1560	J P Mascaro & Sons	WASTE REMOVAL PUMP STATIONS	\$ 194.00
04/02/2020	1561	PENTELEDATA	CABLE MODEM RENTAL PUMP STATIONS	\$ 299.75

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
04/02/2020	1562	Pocono Management Associates LLC	3/2 - 3/29 CONTRACTED SERVICES	\$ 8,612.11
04/02/2020	1563	Steele's Hardware	OPERATION SUPPLIES	\$ 50.78
04/02/2020	1564	SUBURBAN TESTING LABS	MONTHLY NPDES TESTING	\$ 480.00
TOTAL Sewer Operating				\$ 13,362.91
Sewer Construction Fund				
04/02/2020	660	BOUCHER & HAMES	ENGINEERING SERVICES	\$ 586.50
TOTAL Sewer Construction Fund				\$ 586.50

Capital Reserve Fund

04/02/2020	1114	COOPER ELECTRIC	RETROFIT LED LIGHTS TWP COMPLEX	\$ 5,258.87
04/02/2020	1115	BOUCHER & JAMES INC	ENGINEERING SERVICES CAP PROJECTS	\$ 1,626.64
04/02/2020	1116	CLEVELAND BROTHERS EQUIP. CO	MT VEW WELL PROJECT	\$ 2,603.00
04/02/2020	1117	LOCUST RIDGE QUARRY	MT VEW WELL PROJECT	\$ 920.50
04/02/2020	1118	P&D Emergency Services	2020 POLICE VEHICLE OUTFITTING	\$ 12,872.95
04/02/2020	1119	STEELE'S HARDWARE	MT VEW WELL PROJECT	\$ 143.50
TOTAL Capital Reserve Fund				\$ 23,425.46

LIQUID FUELS**ESSA**

TOTAL General Fund	\$	74,263.36	
TOTAL Sewer Construction Fund	\$	586.50	Authorized by: _____
Sewer Operating	\$	13,362.91	
Capital Reserve	\$	23,425.46	
Liquid Fuels	\$	-	
TOTAL ESSA TRANSFER	\$	111,638.23	Transferred by: _____



5265 Glenbrook RD
Stroudsburg PA 18360

Phone: (570)350-8141

Fax: (570)992-3528

Bill To:

Pocono Township
P.O. Box 197, 112 Township Drive
Tannersville, PA 18372

Date:

1/18/2020

Estimate #

20-000012

End User: (Hand Delivery)

Jerrold D. Belvin
Cell: 570-982-2419
JBelvin@poconopa.gov

Job Description: 2017 Ford Interceptor Utility: Convert PTPD Unit #91 into an OES Vehicle. Purchase and Installation of below equipment. (1) Remove rear partition and cover seat, leaving front partition in place for safety & mounting purposes. (2) Reprogram Pushbar LEDs and Rear HAWs to flash Red only, if possible. (3) Reprogram UHF Mobile Radio MDC ID/TX ability & add a VHF CDM1250 for EMS Frequencies. (4) We can't guarantee that the removal of old lettering will not cause damage to the current paint job as it has been installed for many years.

Qty	Stock #	Description	Unit Price	Total
1	Misc.	Pods to convert Lightbar from Red/Blue to Red, while keeping white flood and ally features	\$675.00	\$675.00
1	TLB420C	Flood Bar Replacement: 22" Double Row LED Light Bar	\$175.00	\$175.00
1	U-8915	6" LED Flood Lamp Replacement for A Pillar Spot Light	\$195.00	\$195.00
2	ENT2B3W	Intersector Under Mirror LEDs - White (Flood Only)	\$145.00	\$290.00
1	FN-0616	Feniex Fusion 600 LED Stick - RED (Out back window)	\$289.00	\$289.00
2	ECVCSMLEDF	SoundOff LED Light to Mount to Rear Hatch	\$45.00	\$90.00
1	MOTVHF	Used Motorola CDM1250 VHF Mobile Radio	\$250.00	\$250.00
1	C-EB25-CDS-1P	Havis Face Plate for CDM1250 Mobile Radio	\$28.00	\$28.00
1	461756	VHF Unity Gain Antenna & Wire	\$65.00	\$65.00
1	254795	Drive Reach Fleet Vehicle Cell Signal Booster Kit	\$499.00	\$499.00
1	PB34	34 Series Optima Red Top Battery - Replace Factory	\$265.00	\$265.00
1	VILT	Remove Old Material & Install New Vinyl Lettering	\$600.00	\$600.00
1	Misc.	Misc. Install Parts (Wire, Con., Ties, Etc)	\$55.00	\$55.00
35	LABOR	Installation Labor	\$68.00	\$2,380.00

Make all checks payable to P&D Emergency Services, LLC

Payment is accepted net 30. Please note there is a 2%

There are no warranties expressed nor implied unless otherwise stated by the manufacture. All Wiring done by P&D is warranted for a period of 90 days following installation. If you should have any questions please feel free to

Subtotal \$5,856.00

Shipping \$100.00

Subtotal \$5,956.00

Sales tax NA

Total \$5,956.00

Purchase Approved By:

Print Name: _____

Signature: _____

Title: _____

Date: _____

This document is confidential and is intended solely for the use and information of the Pocono Twp. OES. It is not to be relied upon by, nor disclosed to third parties without prior written consent of PD Emergency Services.



April 2, 2020

Mr. Taylor Muñoz
Pocono Township Manager
112 Township Drive
Tannersville, Pennsylvania 18372

Re: S.R. 715 and S.R. 611 Improvements,
Pocono Township, Monroe County
Section 4(f) De Minimis Use Finding

Dear Mr. Muñoz:

The Pennsylvania Department of Transportation (PennDOT), Engineering District 5-0, proposes to improve the State Route (S.R.) 715 and S.R. 611 intersection as well as the S.R. 715 and Sullivan Trail intersection and make improvements to both roadways (see enclosed Project Location Map).

Implementation of the proposed project will result in a small right-of-way take from Pocono Township's TLC Park located west of S.R. 611 and south of S.R. 715. Required right-of-way will total approximately 1.27 acres (see enclosed plan sheet). Construction easements totaling 0.42 acre will be needed as well as a drainage easement of 0.10 acre.

Two basins are proposed in TLC Park to manage stormwater for the project. The first is located in the northern part of the park and lies primarily in the existing S.R. 715 legal right-of-way. The emergency spillway would discharge behind the pump station toward Pocono Creek. The second basin is situated in a wooded area to the south of the baseball field (i.e., behind home plate) and is provided to reduce the size of the first basin and, therefore, minimize the encroachment on the usable open space in the northern part of the park (i.e., beyond the outfield fence). The emergency spillway would discharge into Channel 10, which is an intermittent watercourse associated with Wetland K and ultimately flows into Pocono Creek. The single access from the driveway shared with the sewage pump station off S.R. 715 would extend to the berm of the first basin, then along the bottom of the proposed roadway embankment, and finally to the second basin without impacting Channel 10 or Wetland K. The baseball field will not be permanently or temporarily impacted by project implementation.

It is PennDOT's position that the proposed roadway and intersection improvements will not adversely affect the recreational activities, features, or attributes of TLC Park. If the Township agrees with this De Minimis Use determination, we ask that you issue your concurrence in the

Skelly and Loy, Inc., A Terracon Company 449 Eisenhower Boulevard, Suite 300 Harrisburg, PA 17111-2302
P (717) 232 0593 F (717) 232-1799 skellyloy.com terracon.com

Environmental

Facilities

Geotechnical

Materials



Mr. Taylor Muñoz
Page 2
April 1, 2020

signature block below. If you have any questions or need additional information, please contact me (717-574-3527 or alynd@skellyloy.com) at your convenience. Thank you for your time and attention to this matter.

Sincerely yours,

SKELLY and LOY, Inc.

Alyssa Lynd
Environmental Scientist

**S.R. 715/S.R. 611 – Intersection and Roadway Improvements
Pocono Township De Minimis Use Concurrence:**

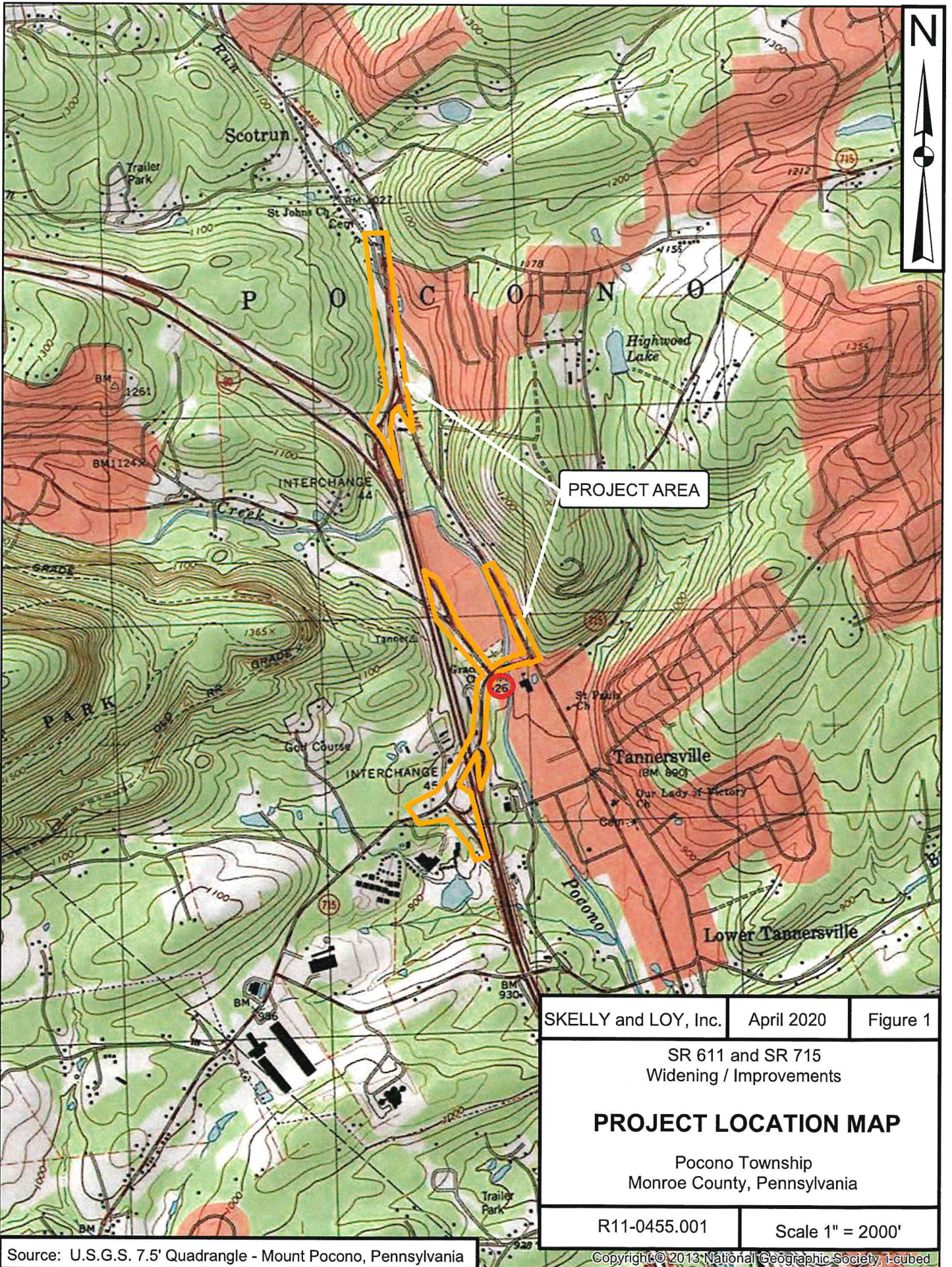
Pocono Township

Date

Enclosures

cc: R11-0455.001

File: Pocono Twp De Minimis Concurrence Letter 040120





Mr. Taylor Munoz
351 Rossmor Drive
Saylorsburg, PA 18353

Re: **Offer Letter**

Dear Munoz:

Pocono Township is pleased to offer you a job as its Township Manager. If you accept this offer in accordance with this letter, you will be able to receive:

Salary

- An annual salary of \$90,100.00, paid in equal installments every two weeks. The annual salary will increase on April 1, 2020 to \$96,000 per year.

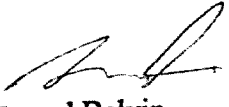
Benefits

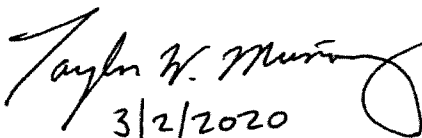
- Health Benefits: Standard Pocono Township – provided insurance benefits for you and your family with a 3% contribution of the total premium amount for family coverage from you effective April 1, 2020;
- Vacation: 15 days this year – you may carry over 5 vacation days this year to be used by April 30 of the following year. The Board must be notified of the days off before they are taken and no more than 5 consecutive days may be taken off without Board approval;
- Sick days: 10 days per year which may accumulated with no maximum and will be paid out at 50% upon retirement;
- Bereavement: 5 days for immediate family, and 1 day for all others with Board approval.

In order to accept this offer you need to report to work on March 16, 2020.

If you accept this offer of your job with Pocono Township, you understand that your employment will be at-will, which means that your employment may be terminated at any time, for any reason, with or without cause, by either you or Township.

Best regards,


Jerrod Belvin
Vice President


3/2/2020

DECLARATION OF DISASTER EMERGENCY

WHEREAS, on or about March 1, 2020 the COVID-19 (Coronavirus) outbreak began to spread through the Commonwealth of PA and in March 2020 the first confirmed case was announced in Monroe County. This pandemic outbreak threatens to cause injury – both physical & mental, damage – financial and societal, and long suffering to the persons and property of Pocono Township – Monroe County; and

WHEREAS, the COVID-19 (Coronavirus) outbreak has endangered the health, safety and welfare of some, if not all, persons residing in and visiting Pocono Township, and threatens to create problems greater in scope than Pocono Township may be able to resolve on its own; and

WHEREAS, emergency management measures are required to reduce the severity of this public health disaster and to protect the health, safety and welfare of all affected residents in Pocono Township;

NOW, THEREFORE, I, the undersigned President of the Board of Commissioners of Pocono Township pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA C.S., Section 7501), as amended, do hereby declare the existence of a disaster emergency in Pocono Township.

FURTHER, I direct the Pocono Township Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in maintaining essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

STILL FURTHER, I authorize officials of Pocono Township to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public works as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This Declaration shall take effect immediately.

Richard Wielebinksi, President

Name:

Secretary:

Attest: _____

Taylor Muñoz
Township Manager

Date: 04/06/2020

GERBER

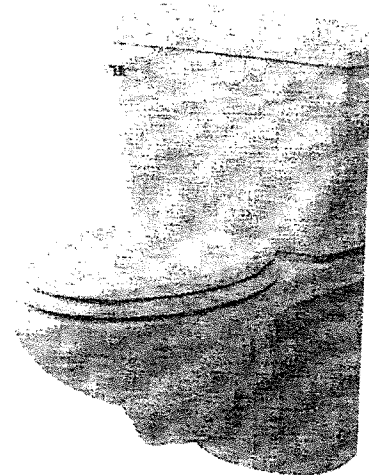
Ultra Flush™ 1.28GPF (4.8) Wall Hung Pressure Assist

Features:

4 1/4" Vertical

□ HE-20-370

- Two-piece toilet
- Wall-Hung ErgoHeight ADA installable, elongated bowl
- Large 2" fully glazed trapway
- Chrome, metal front tank lever
- Sloan Flushmate Pressure Vessel inside
- Dual fed siphon jets
- 1.28gpf (gallons per flush)
- Industry MaP Rating 1000g
- Double nut, multi-point tank-to-bowl mounting system for easy installation without breakage
- Toilet seat not included
- Bolt caps not included



Technical Information:

Included Components:

- | | |
|---------------|-----------|
| □ Combination | HE-20-370 |
| □ Bowl | HE-21-370 |
| □ Tank | HE-28-370 |

Fixtures:

Configuration	Two-piece, Elongated Wall-Hung Toilet
Water per Flush	1.28 gpf (4.8 lpf)
Rough-In	4 1/4" (108mm)
Height	30 7/16" (773mm)
Width	18 3/4" (476mm)
Depth	28 3/4" (730mm)
Trapway	2" (51mm)
Large Water Surface	10" x 7" (254mmx178mm)
Shipping Weight	75 lbs

Accessories: (to be purchased separately)

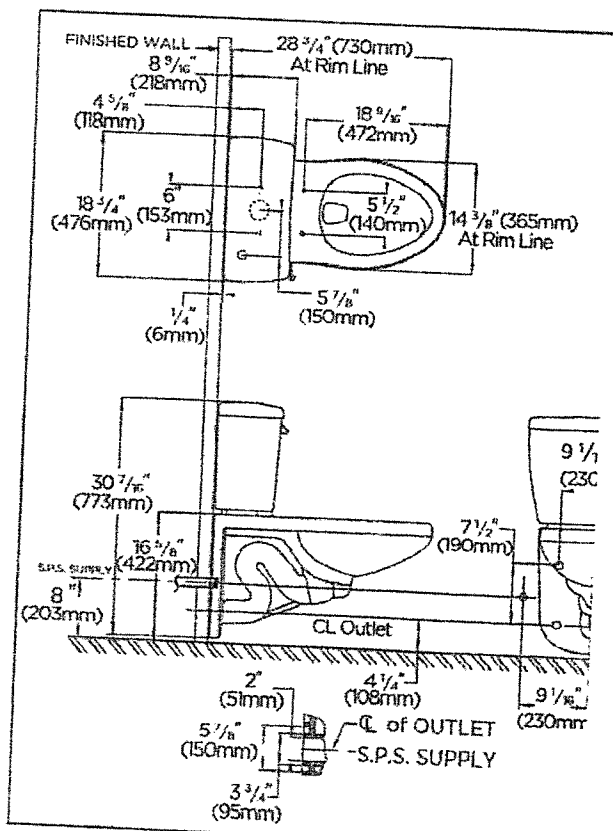
Soft Close Toilet Seat	99-213
------------------------	--------

Colors:

- White only

Warranty:

- 10 year warranty on Pressure Vessel, Limited Lifetime Warranty on Vitreous China



NOTES: All dimensions are in inches and millimeters. Illustrations may not be drawn to scale.



Quota

477 EPSCO STROUDSBURG
1332 N 9TH STREET
STROUDSBURG PA 18360-7478
570-424-6161 Fax 570-424-6139

QUOTE DATE	
02/12/20	SC
QUOTED BY:	
477 EPSCO STROUDSBURG	
1332 N 9TH STREET	
STROUDSBURG PA 18360-74	
570-424-6161 Fax 570-4	

Printed : 09:49:

QUOTE TO:
LEON CLAPPER
425 NEYHART RD
STROUDSBURG, PA 18360-8102

SHIP TO:
LEON CLAPPER
425 NEYHART RD
STROUDSBURG, PA 18360-8102

570-629-2833

570-629-2833

QUOTED FOR	CUSTOMER PURCHASE ORDER NUMBER	CUSTOMER RELEASE NUMBER	SAGE
LEON	gerber		
QUOTED BY	SHIP TO	TERMS	EXPIRATION DATE
Kim Pensyl	PKR PICKUP NO RF	2% 10TH PROX NET 25TH	03/28/20
QUANTITY	UNIT PRICE	DESCRIPTION	NET PRICE
1ea	1969298	GERBER HE-28-370 ULTRA FLUSH 1.28GPF TANK 12 ROUGH-IN FOR WALL HUNG BACK OUTLET BOWL (HE-21-370) WHITE	173.333/ea
1ea	1919181	GERBER HE-21-370 ULTRA FLUSH 1.28GPF WALL HUNG BACK OUTLET ELONGATED BOWL WHITE	217.333/ea
TAXES NOT INCLUDED			
Subtotal			390.66

Prices contained in this quote are the prices in effect at the time of quotation, and are subject to change at any time. We are not responsible for inaccurate quantities or descriptions. Conditions should

Prices contained in this quote are the prices in effect at the time of quotation, and are subject to change at any time. We are not responsible for incorrect quantities or descriptions. Quantities should

Subtotal

390.66

2/12/2020 2:00 PM

INTEROFFICE MEMORANDUM

TO: POCONO TOWNSHIP BOARD OF COMMISSIONERS

FROM: SHAWN MCGLYNN, ZONING AND CODE ENFORCEMENT OFFICER

SUBJECT: DANGEROUS STRUCTURE REPORT, 229 HEMLOCK, PIN#12637304805102, TAX I.D. #12/7C/1/46

DATE: MARCH 25, 2020

CC: TAYLOR MUNOZ, TOWNSHIP MANAGER

Board of Commissioners:

Pursuant to §382-5 of Chapter 382 of the Pocono Township Code of Ordinance, *Pocono Township Dangerous Structure Ordinance*, this document shall serve as the investigation report for the dangerous and unsafe structure situated at 229 Hemlock Road, Pocono Township, Monroe County PIN# 12637304805102, Tax Assessment Code #12/7C/1/46 (the Property). The Code Enforcement Office inspected the Property on March 12, 2020 and made the following observations:

1. The primary structure on the Property, the subject building (the Building) appears to be a two-story, wood-frame, single-family detached dwelling with full basement and attached garage (photos attached).
2. County records indicate construction of the Building began in 1988.
3. It appears construction was never completed, and the Building never occupied.
4. The Building is not entirely secure from entry due to several windows missing or broken.
5. The Building does not show any extensive structural damage.
6. The roof covering appears in good condition.
7. The Building needs significant investment to complete. Including, but not limited to, exterior siding and finishes, new windows and doors, electrical, plumbing, HVAC, and interior finishes.
8. The Building has no electrical service, running water, or heating system.
9. The Building cannot be occupied or inhabited without significant investment of resources.
10. The Building is not structurally compromised or at risk of collapse.
11. The Building is unsightly because it is unfinished and has broken-out or boarded-up windows, and because the property is unoccupied and not maintained.

ZONING OFFICE RECOMMENDATION

The Building is unsecure from entry, unsightly, unsafe, uncopiable, and dangerous to the health, morals and general welfare of the people of Pocono Township. The Zoning Office requests that the Board of Commissioners declare the Building as a “public nuisance” and order it to be secured from entry and repaired.

Pocono Township-All Permits Issue Date: 3/1/2020 - 3/31/2020

Permit Type / SubType		Est Cos	Fee
Building			
Addition			
	Total Addition 3	\$158,300	\$1,427.36
Alteration			
	Total Alteration 5	\$66,970	\$1,841.28
C - Electrical			
	Total C - Electrical 1	\$7,000	\$249.00
C - Fit Out			
	Total C - Fit Out 1	\$35,300	\$999.90
Electrical			
	Total Electrical 2	\$8,400	\$273.00
Roof			
	Total Roof 1	\$17,850	\$278.70
	Total Building 13	\$293,820	\$5,069.24
Demo			
C- Demolition			
	Total C- Demolition 1	\$300	\$370.50
	Total Demo 1	\$300	\$370.50
Electrical			
Commercial Service			
	Total Commercial Service 1	\$37,500	\$979.50
	Total Electrical 1	\$37,500	\$979.50
Rental			
TDU			
	Total TDU 1	\$0	\$500.00
	Total Rental 1	\$0	\$500.00
Sewage			
ESM			
	Total ESM 1	\$0	\$0.00
Repair			
	Total Repair 1	\$0	\$0.00
	Total Sewage 2	\$0	\$0.00
SewerTap			
Commercial			
	Total Commercial 1	\$0	\$0.00
	Total SewerTap 1	\$0	\$0.00
Sign			
DIGITAL SIGN			
	Total DIGITAL SIGN 1	\$7,000	\$200.00
FACE CHANGE			
	Total FACE CHANGE 3	\$2,500	\$500.00
	Total Sign 4	\$9,500	\$700.00
Soliciting			
FOOD SALES KIOSK			

Permit Type / SubType		Est Cos	Fee
Soliciting			
	Total FOOD SALES KIOSK 1	\$0	\$100.00
	Total Soliciting 1	\$0	\$100.00
Zoning			
Accessory structure			
	Total Accessory structure 2	\$1,750	\$48.00
ADDITION			
	Total ADDITION 1	\$50,500	\$96.00
C - Accessory Structure			
	Total C - Accessory Structure 1	\$17,000	\$87.00
Interior Alteration			
	Total Interior Alteration 1	\$11,500	\$50.00
NON-CONFORMANCE			
	Total NON-CONFORMANCE 1	\$0	\$50.00
TENANT FITOUT			
	Total TENANT FITOUT 2	\$0	\$200.00
TENANT FIT-OUT			
	Total TENANT FIT-OUT 1	\$0	\$100.00
Use			
	Total Use 1	\$0	\$100.00
	Total Zoning 10	\$80,750	\$731.00
Total Permits: 34		\$421,870	\$8,450.24

Police Report for March 2020

The following are the recorded activities of the Pocono Township Police Department for the month of March 2020. Also listed are the available recorded activities for 2020 year to date, previous month, and Year-end total 2019.

	March 2020	Y-T-D 2020	Feb 2020	Y-T-D 2019	March 2019
Incidents Investigated	620	2506	854	10756	929
Burglary / Fire Alarms Answered	50	185	55	803	84
Motor Vehicle ACC	26	117	38	552	57
Assaults	5	16	5	77	7
Narcotics	16	48	18	120	10
Criminal Arrests	30	86	32	280	15
Theft	16	40	11	164	17
DUI alcohol/drug impaired	6	33	16	116	6
Mental Health	4	13	5	75	8
Drug Overdose	3	6	2	21	1
Death Investigations	2	4	1	15	2
Assisting other agencies	30	91	24	370	29
Disorderly Conduct/Harassment	24	76	25	294	0
Traffic Citations Issued	63	414	125	1745	161
Written Warnings	75	418	162	2281	187
Traffic & Parking issues	16	62	23	384	27
911 Hang-up Calls	99	376	144	1016	90
Nuisance short Term Rental (ordinance viol) 2536	0	1	1	8	n/a

Mileage all Vehicles: 14,219

Income from Report Fees: \$338.50

Taylor Munoz

To: Jess Cemelli Smith ~ CreativeWorks Outsourcing
Subject: RE: Follow Up

From: Jess Cemelli Smith ~ CreativeWorks Outsourcing <jess.smith@creativeworks.us>
Sent: Wednesday, April 1, 2020 5:26 PM
To: Taylor Munoz <tmunoz@poconopa.gov>
Subject: Re: Follow Up

Hey,

Sure.. So when we first were about to launch the site our Developers were migrating all our sites we host to a new VPS and there was a lot going on so I suggested they try to combine the hosting package with where their Domain was, to keep everything in the same place.

We only have one hosting option- What the other provider is offering in Option 2 is an actual hardware based server which is why he mentions Bandwidth restrictions.

CW Hosting \$800/yr:

- VPS Hosting
- We use GCloud- so no limits on bandwidth and we can customize to growing needs.
- SSL certificate (Auto renewed on our end each year)
- The VPS backs itself up daily and keeps up to a week worth of backups. We keep a monthly backup up to 3 months. The monthly backup runs on the 1st of every month.

This does not include any Wordpress plug in updates, maintenance, bug fixes, content updates (that you can't do inhouse) etc. That would be a separate monthly type of contract OR "on call" as I mentioned to you in our meeting, which might be more economical having our team on call to do those periodic updates/fixes only when required or something breaks. Only concern with that is it's reactive, and not preventative. We could have a monthly website maintenance plan in place for something like 5-6 hours of work at \$35/hr rate. Which is like sub \$200 a month roughly. Now If something were to break because of something you guys did in house we would need to assess the work to fix that and proceed accordingly.

Attached is the sign off sheet I sent to Paula which explains that a bit more.

Let me know what other questions you have.

Best,

Jessica Cemelli Smith
Business Development Manager
CREATIVEWORKS



570-977-0394

Taylor Munoz

To: Jess Cemelli Smith ~ CreativeWorks Outsourcing
Subject: RE: Follow Up

From: Jack Reager <jack@blackout-design.com>
Sent: Tuesday, March 3, 2020 10:16 AM
To: Rodney Smith <rodney.smith@argstech.com>
Subject: Follow Up

Rodney,

Sorry I have one more question – once the site is deployed what is the game plan for patching and updates? Our model isn't typically geared to giving external access to the environment as we manage over 100 sites in our two environments and the stability of the environment is something that is obviously important to our clients.

If this is a scenario where you will have the current vendor continue to maintain the site (this should include patching any plugins, ensuring the WP core is up to date, and general requests/client up keep) we would need to get a little better feel for what all is going to be running with the site.

That said we still have some options:

- We can get a separate environment setup that they can deploy the site into, your vendor would maintain as they would typically, and we can be available if there is a hardware or environment issues (outside of the code and plugins) – This would track at \$750 per year. If you don't already have an SSL cert for the domain assume another \$100 per year for that to be added (there is a number of reasons to deploy one and I can get you a detailed explanation if that will help on the cert). We will provide monthly external backups as part of this outside of whatever your current vendor will apply. This environment will house only your site/URL and any supporting content.
- If you'd like us to maintain and manage the site post launch I can break that out separately.

One separate note – We do the hosting and web support for Middlesmithfield and I do notice there is quite a bit of traffic to that site as the population has become more comfortable with transacting with government services digitally. As a result the box I specced is slightly less horsepower than theirs to keep things cost conscious. If you would like to start with something more powerful based on the size of the site and supporting materials we would be looking at \$1100 per year. This moves all of the hardware to solid-state drives with additional redundancies for performance as well as scale as needed. .gov domains have proven to be a little bit of a target for denial of service of late so we would have another layer of compacity if that ends up happening.

With either the option of the wordpress fixed capacity option 1 - \$750 per year or the higher capacity solid state option 2 - \$1100 per year we can deploy the environment by tomorrow and they can start their deployment and testing. This can be billed quarterly and is not a contract based service so we can terminate the box at any point for any reasons if you decide to. We would deploy a clean instance of wordpress for them and the supporting databases and get them the FTP access to deploy (as well as an admin account).

Let me know if you have any additional questions or thoughts.

Jack Reager, President
570.341.3466 ext. 228
BlackOut Design, Inc
[527 South Blakely Street](#)
[Dunmore, PA 18512](#)

Taylor Munoz

From: Leo Devito <leodevito@broughal-devito.com>
Sent: Thursday, April 2, 2020 12:17 PM
To: Taylor Munoz
Subject: FW: offer to buy TLC park

Leo V. DeVito, Jr., Esquire
Broughal & DeVito, L.L.P.
38 West Market Street
Bethlehem, PA 18018
(O): (610)-865-3664
(F): (610)-865-0969
leodevito@broughal-devito.com

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From: Donna Asure <dasure@poconopa.gov>
Sent: Monday, March 9, 2020 2:49 PM
To: Richard Wielebinski <Rwielebinski@poconopa.gov>; Jerrod Belvin <JBelvin@poconopa.gov>; Gerald Lastowski <jlastowski@poconopa.gov>; Keith Meeker <kmeeker@poconopa.gov>; E. Gnant <egnant@poconopa.gov>
Cc: Leo Devito <leodevito@broughal-devito.com>
Subject: offer to buy TLC park

I received a phone call from Dan Klingerman, CEO of The Liberty Group, a private equity firm who would like to speak to the board about buying the ball field at TLC park.
He stated he is not interested in the front half of the park just the existing field. He will buy the field and then buy a piece of land in the area and build the township a new field.
He would like to speak to the BOC about this.
I will place this on Monday's agenda.

Donna M. Asure
Pocono Township Manager
dasure@poconopa.gov
Please note new address
112 Township Drive
Tannersville, PA 18372
570-629-1922 X212

Taylor Munoz

From: Leo Devito <leodevito@broughal-devito.com>
Sent: Wednesday, April 1, 2020 11:53 AM
To: Taylor Munoz
Subject: FW: Re: RE: PJJWA - High Importance

Taylor—Please place this on my agenda under my report

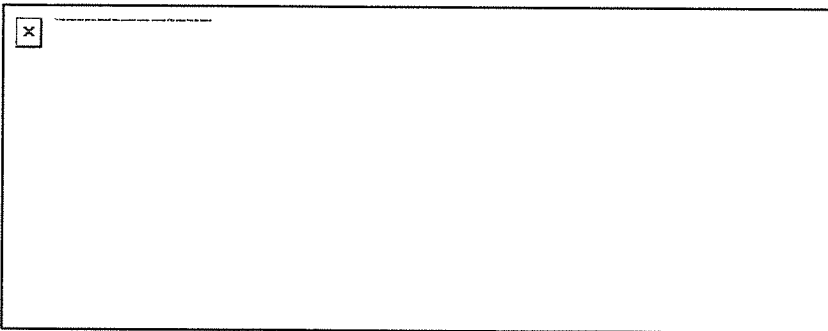
Leo V. DeVito, Jr., Esquire
Broughal & DeVito, L.L.P.
38 West Market Street
Bethlehem, PA 18018
(O): (610)-865-3664
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leodevito@broughal-devito.com

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From: Todd Weitzmann <tw@weitzmannlaw.com>
Sent: Wednesday, April 1, 2020 11:49 AM
To: Leo Devito <leodevito@broughal-devito.com>
Subject: Fwd: Re: RE: PJJWA - High Importance

Have you gotten any response from the Pocono Commissioners about whether Pocono will agree to co-guarantee (with Jackson Township) the \$75,000 loan to PJJWA?

It's almost crunch time.



----- Forwarded message -----

From: Todd Weitzmann <tw@weitzmannlaw.com>
Date: Mar 26, 2020, 10:14 AM -0400
To: Leo Devito <leodevito@broughal-devito.com>
Subject: Re: RE: PJJWA - High Importance

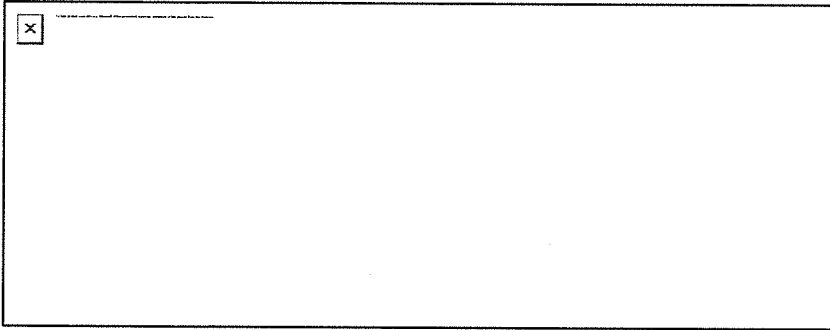
Leo,

I contacted the Jackson Supervisors and got assurance that there has been no change in direction, either by PJJWA's board or by them. Their goal is to sell, although at this juncture it's important not to emphasize that in the context of the grant.

I know Chris Ortolan believed otherwise, but what does Pocono's PJJWA board rep, Bruce Kilby, have to say? I understand that he's been attending meetings.

Let me know if you need any other information.

Thanks.



On Mar 24, 2020, 6:21 PM -0400, Leo Devito <leodevito@broughal-devito.com>, wrote:

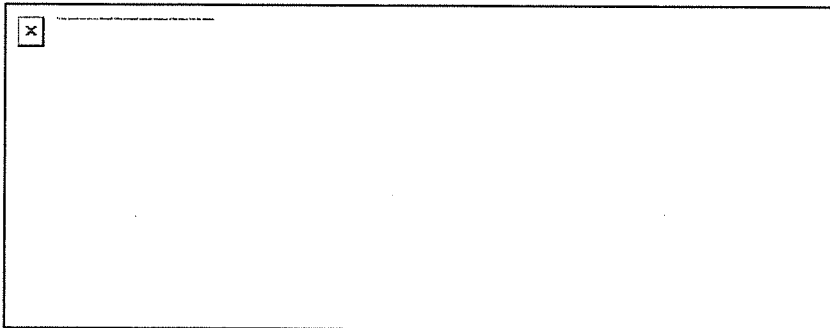
Roger

Get [Outlook for iOS](#)

From: Todd Weitzmann <tw@weitzmannlaw.com>
Sent: Tuesday, March 24, 2020 6:18:56 PM
To: Leo Devito <leodevito@broughal-devito.com>
Subject: Re: RE: PJJWA - High Importance

Sounds good. Call when its convenient. If I miss you, I'll get back ASAP.

(570) 807-3235.



On Mar 24, 2020, 6:14 PM -0400, Leo Devito <leodevito@broughal-devito.com>, wrote:

Todd—Let's talk tomorrow.

Get [Outlook for iOS](#)

From: Todd Weitzmann <tw@weitzmannlaw.com>
Sent: Tuesday, March 24, 2020 5:47:29 PM
To: Leo Devito <leodevito@broughal-devito.com>

Cc: Jacqueline Elliott <jelliott@jacksontwp-pa.gov>; Mark Major <mmajorjts@gmail.com>; Mark Werkeiser <godwnhl@icloud.com>

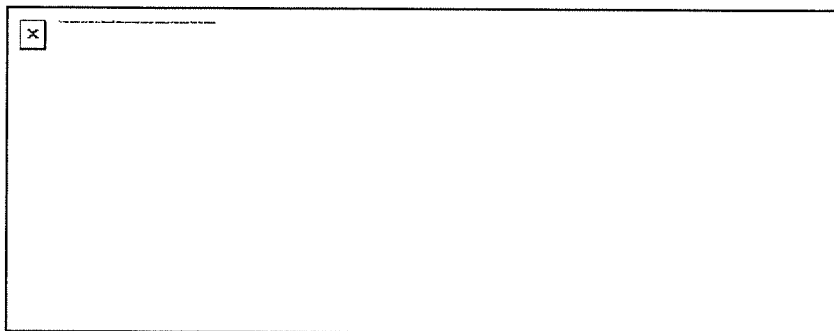
Subject: Fwd: RE: PJJWA - High Importance

Hi again Leo,

Just a quick clarification. I think it's important to remember that the grant is for repairs to a rapidly declining system. It is not to get the system fixed up to sell. I probably shouldn't have added that comment to my email.

If the grant analyst believes that PJJWA is fixing its system so it can be sold, the grant will be denied.

Thanks.



----- Forwarded message -----

From: Todd Weitzmann <tw@weitzmannlaw.com>

Date: Mar 24, 2020, 5:16 PM -0400

To: Leo Devito <leodevito@broughal-devito.com>

Cc: Jackie Elliott <jelliott@jacksontwp-pa.gov>, Mark Major <mmajorjts@gmail.com>, Mark Werkeiser <godwnhl@icloud.com>

Subject: RE: PJJWA - High Importance

Leo,

This is what I have been able to piece together:

The grant application is complete except for the local share obligation/contribution of 15% in the amount of \$75,000. That needs to be in place by April 9th when the grant analyst looks at the application for approval or denial.

PJJWA, with the assistance of Jackson Township, has approached FNB bank for a loan. The bank is prepared to loan PJJWA \$75,000 for the local match, but the bank is requiring that loan to be guaranteed by the townships.

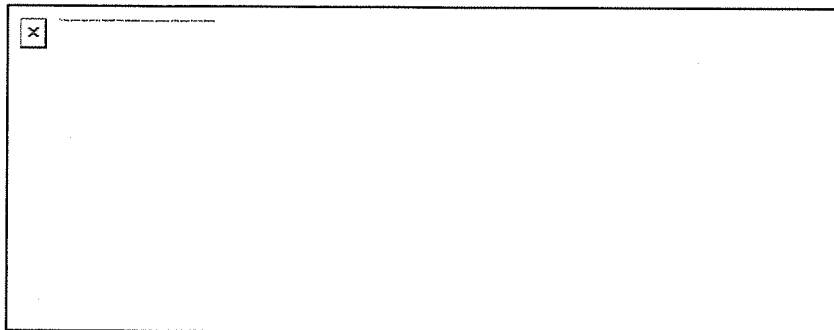
Jackson Township is willing to sign the guarantee and the question now is whether Pocono Township will do likewise. The expectation is that neither township would be paying any of the loan, but obviously if PJJWA defaults the bank will be looking to the townships to repay the loan.

Without editorializing too much, this loan appears to be the only path forward for PJJWA to continue functioning without intervention by the townships. With the money from the grant and the local match, PJJWA would make the necessary repairs to its system so it can be sold.

Please feel free to email me with any other questions. Or you can call my cell phone: (570) 807-3235.

Thanks.

Todd



On Mar 23, 2020, 10:31 AM -0400, Leo Devito <leodevito@broughal-devito.com>, wrote:

Todd—I had not heard about this. During the last conversation I had, there seemed to be a thought that the PJJWA was not pursuing the sale to BCRA, but rather was looking to make a go of it themselves. Regardless, the grant is necessary for the continued operation of the Authority. I will forward this the Board and ask for their comments. I will let you know. What is your understanding of the timing to get the loan in place? Please let me know.

Leo V. DeVito, Jr., Esquire

Broughal & DeVito, L.L.P.

38 West Market Street

Bethlehem, PA 18018

(O): (610)-865-3664

(F): (610)-865-0969

leodevito@broughal-devito.com

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From: Todd Weitzmann <tw@weitzmannlaw.com>

Sent: Monday, March 23, 2020 8:28 AM

To: Leo Devito <leodevito@broughal-devito.com>

Cc: Jackie Elliott <jelliott@jacksontwp-pa.gov>

Subject: PJJWA - High Importance

Good morning Leo,

If you recall from the meeting we had at Pocono Township a month or two ago regarding PJJWA, Chris Ortolan asked the Townships if they would jointly provide a funding match for a sewer grant. I believe the amount needed was \$60,000 (or \$30,000 from each township).

In one of his last acts as chair of the PJJWA board, Chris submitted that grant application. Len Barthold has taken over as chair and he's trying to finalize the grant.

At this point the local funding has changed somewhat. PJJWA is looking to get \$75,000 in bank financing and has requested the townships to co-sign on a loan for that amount. The money is to be used for critical and DEP-mandated repairs to the system.

Jackson is willing to approve co-signing the loan. The question is will Pocono agree as well?

It's probably better if someone from Pocono talks to someone from Jackson directly for further details. Jackie Elliott is Jackson's point-person. She can be reached at (570) 629-0153.

Can you ask the appropriate person in Pocono to contact Jackie? Or provide a name and Jackie will make the call.

I know there are a million things happening now but I understand this is somewhat urgent or the grant could be lost.

Thanks.

Todd

OFFICE OF OPEN RECORDS RIGHT-TO-KNOW -LAW APPEAL

Joseph P. Colozza/ Pocono Mountain School District Appellant	:	
	:	
v.	:	Appeal Docket # AP 2020-0528
	:	
Pocono Township, Monroe County, Pennsylvania Appellee	:	
	:	

APPELLEE RESPONSE

AND NOW comes Appellee Pocono Township by and through its Solicitor, Broughal and DeVito, L.L.P. files this response in opposition to the Appeal of Joseph P. Colozza/Pocono Mountain School District and states the following:

I. BACKGROUND

On February 12, 2020 Joseph P. Colozza/Pocono Mountain School District (“Appellant”) with a mailing address of 135 Pocono Mountain School District Road, Swiftwater, Pennsylvania 18370 submitted to Pocono Township (“Appellee”) a Pennsylvania Office of Open Records (“OOR”) Standard Right-to-Know (“RTK”) Law Request Form attached hereto as “Exhibit 1.” Appellee RTK Officer Donna M. Asure (“Officer”) responded to and denied Appellant’s request in a letter to Appellant dated February 18, 2020 attached hereto as “Exhibit 2.”

On March 10, 2020 Appellant, by and through Rebecca A. Young, Esquire of King Spry, Herman, Freund & Faul, LLC, Counsel for Pocono Mountain School District, submitted to OOR an OOR Standard RTK Law Appeal of Denial, Partial Denial, or Deemed Denial Form attached hereto as “Exhibit 3” (the “Appeal”). Copied on the correspondence was Appellee RTK Officer Donna M. Asure as well as Appellant Joseph P. Colozza.

II. Question Presented

A. Whether Appellant's denial of the records sought is lawful and appropriate pursuant to 65 P.S. §§67.101 , *et seq.*?

Suggested Answer: YES

III. DISCUSSION

The Pennsylvania legislature established The Right-to Know Law to ensure transparency of an agency and to allow the public to obtain an agency's public records. With regard to appeals, § 67.1101. Filing of appeal, provides the following:

a) Authorization.

(1) If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d)1 within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

(2) Except as provided in section 503(d), in the case of an appeal of a decision by a Commonwealth agency or local agency, the Office of Open Records shall assign an appeals officer to review the denial. Pa. Stat. Ann. tit. 65, § 67.1101 (West 2019.)

In its Appeal, Appellant merely repeats the language contained in Appellant's original Request Form (see "Exhibit 1"); namely "Engineering Facility Study report prepared by D'Huy Engineering, Inc. for the former Northampton Community College-Monroe Campus facility located at 205 Old Mill Road, Tannersville, Pennsylvania." In Appellant's cover letter to their Appeal, Appellant simply notes the following: "The District believes that the requested record is a public record and that no exemptions apply."

Nowhere in Appellant's Appeal is there any listed basis to support their argument. There is no case law, nor any other precedential support to their assertions. Appellant simply notes that

it is their belief which allows them to obtain the documents sought and that exemptions do not apply. Appellant's argument is devoid of any legal reasoning nor does it contain any factual basis-; rendering it baseless, and as such their appeal must be dismissed.

"The objective of the Right to Know Law is to empower citizens by affording them access to information concerning the activities of their government." *SWB Yankees L.L.C. v. Wintermantel*, 45 A.3d 1029, 1041 (Pa. 2012) and it is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions." *Bowling v. Office of Open Records*, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010), *aff'd* 75 A.3d 453 (Pa. 2013).

Appellee does not dispute that it is a local agency subject to the RTKL that is required to disclose public records. *See* 65 P.S. § 67.302. Records in possession of a local agency are presumed public unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Section 708 of the RTKL places the burden of proof on the public body to demonstrate that a record is exempt. Section 708(a) states: "(1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence." 65 P.S. § 67.708(a)(1) or "such proof as leads the fact-finder... to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

As to the applicability of the exception relied upon by Appellee § 67.708. Exceptions for public records provides the following:

(b) Exceptions- Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:

(22)(i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:

(A) The leasing, acquiring or disposing of real property or an interest in real property.

(B) The purchase of public supplies or equipment included in the real estate transaction.

(C) Construction projects.

(ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project. Pa. Stat. Ann. tit. 65, § 67.708 (West 2020.)

Appellee contracted D'Huy Engineering, Inc. to prepare a report in contemplation of and as part of performing the Township's due diligence investigating whether or not to purchase the former Northampton Community College-Monroe Campus facility located at 205 Old Mill Road, Tannersville, Monroe County, Pennsylvania (the "Property") for use as a new municipal building. After receiving the report and upon further consideration, Appellee decided not to purchase and has, in fact, not purchased the Property. See Affidavit attached hereto as "Exhibit 4." This is evidenced in the Monroe County Tax Records for the Property attached hereto and made a part hereof as "Exhibit 5." As noted in Exhibit 5, the Property owner is Northampton County Community College, 3835 Green Pond Road, Bethlehem, Pennsylvania 18017.

In this case, Appellee investigated the feasibility of purchasing the Property and contracted a company to assess the Property's feasibility for municipal use (See "Exhibit 4"). Appellant seeks a report prepared for Appellee as part of its investigation as to whether or not to purchase the Property. Appellant is not entitled to this report because it was created relative to the leasing, acquiring or disposing of real property. Further, the required release of this report required by §67.708(b)(22)(ii) does not apply because Appellee decided not to proceed with the acquisition of the Property. In fact, Appellee determined that it would not purchase the Property (See "Exhibit 4").

In *The Matter of Clayton Leister v. Boyertown Borough* 2017 WL 4785887 (Pa.Off.Open Rec.) 1 (West 2020.), a requester submitted a RTKL request to a respondent borough, seeking an appraisal of the borough's water and sewage systems which respondent contemplated selling. The respondent denied the RTKL request citing 65 P.S. § 67.708(b)(22)(i)(A). On appeal, the OOR determined the following:

The Requester acknowledges that the Borough has decided not to proceed with the sale. Accordingly, because the Borough has made a decision not to proceed with the sale of the property, the Borough has met its burden of proving that the requested appraisal is exempt from disclosure under the RTKL. *Id.* at 3

In Boyertown Borough, the OOR determined that the record was exempt because the municipality did not proceed with the sale of the property for which the appraisal was prepared. Similarly, Appellee has not proceeded with the purchase of a Property for which the report was prepared. For this reason, the D'Huy engineering report is exempt. Therefore, the document requested by Appellant is not subject to disclosure under the RTK Act. To the contrary, it is expressly protected from disclosure under the Act.

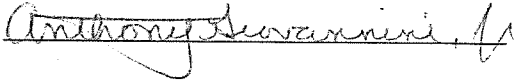
IV. CONCLUSION

Based on the foregoing, Appellee respectfully requests that OOR deny Appellants appeal for relief in production of records both in the failure of Appellant to present, let alone support any argument that the sought report is a public record as well as for the exemption of records noted in 65 P.S. § 67.708(b)(22)(i).

Respectfully submitted,

BROUGHAL & DeVITO, L.L.P.

Date: March 27, 2020

By: 

ANTHONY GIOVANNINI, JR., ESQUIRE

Attorney I.D. No. 326345

Solicitor for Pocono Township

38 West Market St.

Bethlehem, Pennsylvania 18018

(610) 865-3664 – Telephone

(610) 865-0969 – Facsimile

anthonygiovannini@broughal-devito.com

EXHIBIT 1



pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Pocono Township (Attn: AORO)

Date of Request: 02/12/2020 Submitted via: ☒ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Name: Joseph P. Colozza Company (if applicable): Pocono Mountain SD

Mailing Address: 135 Pocono Mountain School Road

City: Swiftwater State: PA Zip: 18370 Email: jcolozza@pmsd.org

Telephone: (570)839-7121 Fax: How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail ☒ Email

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.*

Engineering Facility Study report prepared by D'Huy Engineering, Inc. for the former Northampton Community College-Monroe Campus facility located at 205 Old Mill Road, Tannersville, Pennsylvania.

DO YOU WANT COPIES? ☒ Yes, electronic copies preferred if available

☐ Yes, printed copies preferred

☐ No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? ☐ Yes (may be subject to additional costs) ☒ No

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than ☐ \$100 (or) ☐ \$ _____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: 2-13-2020 Response Due (5 bus. days): 2-20-2020

30-Day Ext.? ☐ Yes ☒ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☒ Denied Cost to Requester: \$ _____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.
More information about the RTKL is available at <https://www.openrecords.pa.gov>

EXHIBIT 2



POCONO TOWNSHIP

www.poonopa.gov

February 18, 2020

Joseph P. Colozza
Pocono Mountain School District
135 Pocono Mountain School road
Swiftwater, PA 18370

RE: Right to Know request dated 02/12/2020

Mr. Colozza -

Thank you for writing the Pocono Township Office of Open Records.

We received your request on February 13, 2020 for the following information -

- Engineering Facility Study report prepared by D'Huy Engineering, Inc, for the former Northampton Community College - Monroe Campus facility located at 205 Old Mill Road, Tannersville, Pennsylvania.

Your request is denied for the following reasons, as permitted by Section 708 "Exceptions for Public Records" subsection (b)(22)(i)(A) provides:

(b) Exceptions.—Except as provided in subsections (c) and (d), the following are exempt from access by a requestor under this act:

(22)(i) The contents of real estate appraisals engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:

(A) The leasing, acquiring or disposing of real property or an interest in real property.

(ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property....

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the Right-to Know Law is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

If you have any questions, please feel free to contact me. This correspondence will serve to close this record with our office as permitted by law.

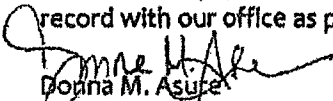
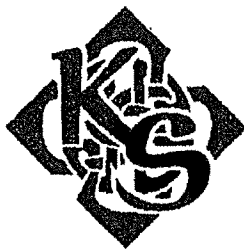

Dorena M. Asuncion
Right-to-Know Officer

EXHIBIT 3



KINGSPRY

JEROME B. FRANK
DONALD F. SPRY II
KIRBY G. UPRIGHT, LLM, CPA
KENT H. HERMAN
TERENCE L. FAUL
JOHN E. FREUND, III
NICHOLAS NOEL, III
GLENN M. HAZELTINE*
ALAN S. BATTISTI
KEVIN C. REID*
PAUL S. FRANK
BRIAN J. TAYLOR**
MICHAEL A. GAUL
ELLEN C. SCHURDAK
KRISTINE RODDICK
REBECCA A. YOUNG
DOROTA GASINICA-KOZAK
JESSICA F. MOYER
SCOTT J. GAUGLER
MATTHEW T. TRANTER*
AVERY E. SMITH*
KEELY J. COLLINS
KARLEY BIGGS SEBIA*
JONATHAN M. HUERTA
RYAN K. FIELDS*

March 10, 2020

Commonwealth of Pennsylvania
Office of Open Records
333 Market St., 16th Floor
Harrisburg, PA 17101-2234

RE: Appeal

Dear OOR:

Attached for filing on behalf of the Pocono Mountain School District are the following:

1. Completed appeal form
2. RTK request dated 2/12/20
3. Agency denial letter dated 2/18/20

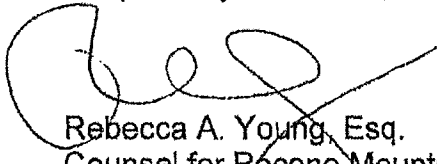
OF COUNSEL:
E. DRUMMOND KING
DOMENIC P. SBROCCHI
JAMES J. RAVELLE, Ph.D., JD.
KATHLEEN CONN, Ph.D., JD.,
LLM

The District believes that the requested record is a public record and that no exemptions apply.

AFFILIATED WITH:
WEISS BURKARDT KRAMER, LLC
PITTSBURGH, PA 15219

Respectfully submitted,

*LICENSED IN PA AND NJ
**LICENSED IN PA AND NY


Rebecca A. Young, Esq.
Counsel for Pocono Mountain School District
King Spry, Herman, Freund & Faul, LLC
1 W. Broad St., Ste. 700
Bethlehem PA 18018

Enclosures

cc: Donna M.ASURE, Right to Know Officer via email only:
asure@poconopoa.gov
Joseph P. Colozza via email only: jcolozza@pmsd.org



**RIGHT-TO-KNOW LAW ("RTKL")
APPEAL OF DENIAL, PARTIAL DENIAL, OR DEEMED DENIAL**

Office of Open Records ("OOR")

Email: openrecords@pa.gov

Fax: (717) 425-5343

333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Today's Date: March 10, 2020

Requester: Joseph P. Colozza

Company (if applicable): Pocono Mountain School District

Address/City/State/Zip: 135 Pocono Mountain School Road, Swiftwater PA 18370

Email: jcolozza@pmsd.org Phone: (570) 839-7121

Request Submitted to Agency Via: ☒ Email ☐ Mail ☐ Fax ☐ In-Person (*check only one*)

Date of Request: 2/2/20 Date of Response: 2/18/20 ☐ Check if No Response

Agency: Pocono Township

Name & Title of Person Who Denied Request Donna M. Asure, Right-to-Know Officer

Address/City/State/Zip: 112 Township Dr., Tannersville PA 18372

Email: dasure@poconopoa.gov Phone: (570) 629-1922

Records at Issue in this Appeal (*use additional pages if necessary*): Engineering Facility Study report prepared by D'Huy Engineering, Inc. for the former Northampton Community College-Monroe Campus facility located at 205 Old Mill Road, Tannersville, Pennsylvania

I requested the listed records from the Agency named above. By submitting this appeal, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

Please complete the following:

- ☐ I have attached a copy of my request for records.
- ☐ I have attached a copy of all responses from the Agency regarding my request.
- ☐ I have attached any letters or notices extending the Agency's time to respond to my request.
- ☐ I hereby agree to permit the OOR an additional 30 days to issue a final determination.
- ☐ I am interested in resolving this issue through OOR mediation. *This stays the initial OOR deadline for the issuance of a final determination by 7 business days. If mediation is unsuccessful, the OOR has 30 days from the conclusion of the mediation process to issue a final determination.*

EXHIBIT 4

COMMONWEALTH OF PENNSYLVANIA :
 : ss.
COUNTY OF MONROE :

AFFIDAVIT

I, Richard Wielebinski, President of the Pocono Township Board of Commissioners and take this Affidavit, on behalf of the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, being duly sworn according to law, do hereby verify the following:

1. That I am a duly elected Commissioner of the Pocono Township Board of Commissioners and I have served in that capacity from January 2018 through present. In January 2020, I was elected President of the Board.
2. That in that capacity, my four fellow Board members and I have met in executive session on more than one occasion to investigate the feasibility of various properties within the Township for the relocation and construction of a new municipal building and complex for the Township. One of the properties investigated was the former Northampton County Community College Monroe campus facility.
3. Pocono Township (the "Township") contracted D'Huy Engineering, Inc. to prepare an engineering report concerning the status of the facility (e.g. HVAC, roof, physical structure and the like) in contemplation of and as part of performing the Township's due diligence investigating whether or not to purchase the former Northampton Community

College-Monroe Campus facility located at 205 Old Mill Road, Tannersville, Monroe County, Pennsylvania (the "Property") for use as a new municipal building.

4. On January 22, 2019 the Pocono Township Board of Commissioners announced that an Executive Session would be held on January 30, 2019 to discuss the acquisition of property. The Property was part of the discussion of this executive session.
5. On February 4, 2019 the Pocono Township Board of Commissioners announced that an Executive Session was held on January 30, 2019 to discuss the acquisition of property. The Property was part of the discussion of this executive session.
6. On March 18, 2019 the Pocono Township Board of Commissioners announced that an Executive Session was held on March 13, 2019 to discuss the acquisition of property. The Property was part of the discussion of this executive session.
7. On April 17, 2019 the Pocono Township Board of Commissioners announced that an Executive Session was held on April 8, 2019 to discuss the acquisition of property. The Property was part of the discussion of this executive session.
8. After receiving the D'Huy report and upon further consideration, the Township decided not to purchase and has, in fact, not purchased the Property, nor does the Township intend to pursue the acquisition at this time. No offer, nor were any negotiations pursued concerning the acquisition of the Property.

Further, the facts set forth in the foregoing Appellee, Pocono Township's Response to Appeal of Joseph P. Colozza / Pocono Mountain School District are true and correct to the best of Commissioner's knowledge, information, and belief.

By: Richard Wielebinski

Richard Wielebinski – President
Pocono Township Board of Commissioners

SWORN TO and subscribed
before me this 27th day of March 2020.

Denise D. Ackerman
Notary Public

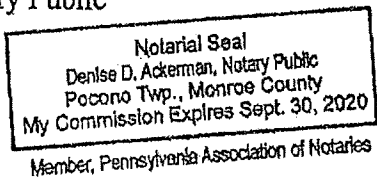


EXHIBIT 5

Monroe County

Parcel # 12/8/2/32 - PIN: 12637201269814

Property Owner: NORTHAMPTON CO AREA COMMUNITY

Address: COLLEGE
3835 GREEN POND RD
BETHLEHEM PA 18017

Township: Pocono Township

Property Location: 205 OLD MILL RD

Acreage: 6.04

Legal Description:

Land Use: EDUCATIONAL SERVICES

Class: Exempt

Deed Book/Page: 1886-84

Sale Date: 5/11/1993

Sale Amount: \$974,307.00

Homestead:

Land Value: \$25,140.00

Building Value: \$269,820.00



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

JOSEPH COLOZZA,
Requester

v.

POCONO TOWNSHIP,
Respondent

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Docket No: AP 2020-0528

INTRODUCTION

Joseph Colozza (“Requester”), Chief Financial Officer of the Pocono Mountain School District, submitted a request (“Request”) to Pocono Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking an engineering facility study report. The Township denied the Request, arguing the report is an engineering or feasibility evaluation regarding real property that is not subject to disclosure. The Requester appealed to the Office of Open Records (“OOR”). For the reasons set forth in this Final Determination, the appeal is **denied**, and the Township is not required to take any further action.

FACTUAL BACKGROUND

On February 12, 2020, the Request was filed, seeking the “[e]ngineering facility study report prepared by D’Huy Engineering, Inc. for the former Northampton Community College-Monroe Campus facility....” On February 18, 2020, the Township denied the Request, arguing

that the requested record constitutes the contents of an engineering or feasibility evaluation regarding the possible acquisition of real property by the Township. 65 P.S. § 67.708(b)(22)(i).

On March 10, 2020, the Requester appealed to the OOR, challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Township to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On March 27, 2020, the Township submitted a position statement reiterating its grounds for denial, as well as the sworn affidavit of Richard Wielebinski, President of the Township's Board of Commissioners. The Requester did not submit any additional information during the appeal.

LEGAL ANALYSIS

“The objective of the Right to Know Law ... is to empower citizens by affording them access to information concerning the activities of their government.” *SWB Yankees L.L.C. v. Wintermantel*, 45 A.3d 1029, 1041 (Pa. 2012). Further, this important open-government law is “designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions.” *Bowling v. Office of Open Records*, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010), *aff'd* 75 A.3d 453 (Pa. 2013).

The OOR is authorized to hear appeals for all Commonwealth and local agencies. *See* 65 P.S. § 67.503(a). An appeals officer is required “to review all information filed relating to the request” and may consider testimony, evidence and documents that are reasonably probative and relevant to the matter at issue. 65 P.S. § 67.1102(a)(2). An appeals officer may conduct a hearing to resolve an appeal. The law also states that an appeals officer may admit into evidence testimony,

evidence and documents that the appeals officer believes to be reasonably probative and relevant to an issue in dispute. *Id.* The decision to hold a hearing is discretionary and non-appealable. *Id.*; *Giurintano v. Pa. Dep't of Gen. Servs.*, 20 A.3d 613, 617 (Pa. Commw. Ct. 2011). Here, the parties did not request a hearing; however, the OOR has the necessary information and evidence before it to properly adjudicate the matter.

The Township is a local agency subject to the RTKL that is required to disclose public records. 65 P.S. § 67.302. Records in the possession of a local agency are presumed public unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Upon receipt of a request, an agency is required to assess whether a record requested is within its possession, custody or control and respond within five business days. 65 P.S. § 67.901. An agency bears the burden of proving the applicability of any cited exemptions. *See* 65 P.S. § 67.708(b).

Section 708 of the RTKL places the burden of proof on the public body to demonstrate that a record is exempt. In pertinent part, Section 708(a) states: “(1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence.” 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The Township denied access to the requested report pursuant to Section 708(b)(22) of the RTKL, which exempts from disclosure “the contents of real estate appraisals, engineering or

feasibility estimates ... made for the agency relative to ... (A) [t]he leasing, acquiring or disposing of real property or an interest in real property ... [and] (C) [c]onstruction projects.” 65 P.S. §§ 67.708(b)(22)(i)(A), (C). However, this exemption “shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property ... or construction project.” 65 P.S. § 67.708(b)(22)(ii).

In support of the Township’s argument, Mr. Wielebinski attests as follows:

...my four fellow Board members and I have met in executive session on more than once occasion to investigate the feasibility of various properties within the Township for the relocation and construction of a new municipal building and complex for the Township. One of the properties investigated was the former Northampton County Community College Monroe campus facility.

[The Township] contracted D’Huy Engineering, Inc. to prepare an engineering report concerning the status of the facility (e.g.,] HVAC, roof, physical structure and the like) in contemplation of and as part of performing the Township’s due diligence investigating whether or not to purchase the former Northampton Community College-Monroe Campus facility ... for use as a new municipal building....

After receiving the D’Huy report and upon further consideration, the Township decided not to purchase and has, in fact, not purchased the Property, nor does the Township intend to pursue the acquisition at this time. No offer [was made], nor were any negotiations pursued concerning the acquisition of the Property.

Under the RTKL, a sworn affidavit is competent evidence to sustain an agency’s burden of proof. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any competent evidence that the Township acted in bad faith, “the averments in [the affidavit] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)). Here, the Township has established, through Mr. Wielebinski’s affidavit, that it decided not to proceed with the purchase of the real property referenced in the Request after reviewing, among

other things, the responsive engineering facility study report. Therefore, based upon the evidence provided, the Township has met its burden of proving that the report is exempt from disclosure under Section 708(b)(22) and that the exception to the exemption does not apply in this case. 65 P.S. § 67.708(a)(1); *see also Leister v. Boyertown Borough*, OOR Dkt. AP 2017-1759, 2017 PA O.O.R.D. LEXIS 1505 (concluding that an appraisal was exempt from disclosure because the agency stated that it would take no action to proceed with the sale in question); *Fryer v. Pa. Dep't of Transp.*, OOR Dkt. AP 2018-1060, 2018 PA O.O.R.D. LEXIS 809 (finding that engineering and feasibility estimates for a construction project are exempt under Section 708(b)(22) of the RTKL).

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Township is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Monroe County Court of Common Pleas.¹ 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.² This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

¹ Regarding the deadlines in this section, note that the Supreme Court has suspended all time calculations and deadlines relevant to court cases or other judicial business through April 30, 2020. *See* <http://www.pacourts.us/assets/files/page-1305/file-8846.pdf> (last accessed April 1, 2020).

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

FINAL DETERMINATION ISSUED AND MAILED: 3 April 2020

/s/ Joshua T. Young

JOSHUA T. YOUNG
APPEALS OFFICER

Sent to: Rebecca Young, Esq. (via email only);
Anthony Giovannini, Esq. (via email only);
Taylor Munoz, AORO (via email only)