

PUBLIC NOTICE OF INTENTION TO ENACT ORDINANCE

THE BOARD OF SUPERVISORS OF CHESTNUTHILL TOWNSHIP hereby gives public notice of its intention to enact the following Ordinance at a meeting of the Board of Supervisors to be held on Tuesday, October 18, 2022, at 7:00 o'clock P.M., at the Chestnuthill Township Municipal Building, 271 Route 715, Brodheadsville, Pennsylvania. Any and all interested persons are hereby given notice to attend the meeting and offer such comments in relation to the proposed Ordinance as they may desire.

The proposed Ordinance is entitled:

AN ORDINANCE OF THE TOWNSHIP OF CHESTNUTHILL, MONROE COUNTY, PENNSYLVANIA, TO APPROVE AN INTERGOVERNMENTAL COOPERATION AGREEMENT TO DISSOLVE THE WEST END PARK AND OPEN SPACE COMMISSION; TO AUTHORIZE THE DOING OF ALL THINGS NECESSARY AND APPROPRIATE TO EFFECTUATE AND CARRY OUT THAT AGREEMENT; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; REPEALING OR RESCINDING ALL ORDINANCES OR RESOLUTIONS OR PARTS THEREOF WHICH ARE INCONSISTENT HERewith; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

The following is a brief summary of all of the provisions of the proposed Ordinance:

Article I incorporates the preamble as part of the Ordinance; **Article II** approves an Intergovernmental Cooperation Agreement to Dissolve the West End Park and Open Space Commission substantially in the form attached to the Ordinance, but conditions the effectiveness thereof upon approval by Ross Township and the Pleasant Valley School District; **Article III** authorizes designated Township officers to execute and deliver duplicate counterpart originals of that Agreement; **Article IV** contains severability provisions; **Article V** contains repealer provisions; and **Article VI** provides that the ordinance shall take effect five (5) days after enactment.

COPIES OF THE PROPOSED ORDINANCE MAY BE EXAMINED WITHOUT CHARGE, AND COPIES OF THE SAME MAY BE OBTAINED FOR A CHARGE NOT GREATER THAN THE COST THEREOF, AT THE CHESTNUTHILL TOWNSHIP MUNICIPAL BUILDING, 271 ROUTE 715, BRODHEADSVILLE, PENNSYLVANIA, DURING REGULAR BUSINESS HOURS. A COPY OF THE PROPOSED ORDINANCE HAS ALSO BEEN PROVIDED TO THE POCONO RECORD AT 511 LENOX STREET, STROUDSBURG, PENNSYLVANIA.

If you are a person with a disability and wish to attend this public meeting and require auxiliary aid, service, or other accommodation to participate in the proceedings, please contact Cathy Martinelli at (570) 992-7247 to discuss how Chestnuthill Township may best accommodate your needs.

Cramer, Swetz, McManus & Jordan, P.C.
By: Timothy J. McManus, Esq
Chestnuthill Township Solicitor
711 Sarah Street
Stroudsburg, PA 18360

**TOWNSHIP OF CHESTNUTHILL
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE TOWNSHIP OF CHESTNUTHILL, MONROE COUNTY, PENNSYLVANIA, TO APPROVE AN INTERGOVERNMENTAL COOPERATION AGREEMENT TO DISSOLVE THE WEST END PARK AND OPEN SPACE COMMISSION; TO AUTHORIZE THE DOING OF ALL THINGS NECESSARY AND APPROPRIATE TO EFFECTUATE AND CARRY OUT THAT AGREEMENT; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; REPEALING OR RESCINDING ALL ORDINANCES OR RESOLUTIONS OR PARTS THEREOF WHICH ARE INCONSISTENT HERewith; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the governing boards of Chestnuthill Township, Ross Township and the Pleasant Valley School District previously entered into an Intergovernmental Cooperation Agreement Establishing The West End Park And Open Space Commission in 2006; and

WHEREAS, the West End Park and Open Space Commission was established and has been operating pursuant thereto; and

WHEREAS, the members of the West End Park and Open Space Commission have formally recommended to Chestnuthill Township, Ross Township and the Pleasant Valley School District, that the Commission be disbanded in light of the retirement of the executive director for the Commission, and the inability to find a replacement for that position; and

WHEREAS, Chestnuthill Township, Ross Township and the Pleasant Valley School District, after due consideration, desire to accept the recommendation of the Commission and dissolve the Commission; and

WHEREAS, Chestnuthill Township, Ross Township and the Pleasant Valley School District desire to enter into an agreement formally effectuating said dissolution and providing for the distribution of the assets of the Commission; and

WHEREAS, the Board of Supervisors of Chestnuthill Township deems it to be in the best interest, and for the general welfare and safety, of the citizens and residents of Chestnuthill Township, to enter into an agreement formally dissolving the Commission and providing for the distribution of its assets.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Chestnuthill Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted pursuant to the above authority, as follows:

ARTICLE I: Preamble. The preamble of this Ordinance is incorporated herein by reference and approved as part hereof.

ARTICLE II: The Intergovernmental Cooperation Agreement to Dissolve the West End Park and Open Space Commission (the "ICA"), in substantially the form attached to this Ordinance as Exhibit "1" and incorporated herein by reference, is hereby approved, such approval to be conclusively evidenced by the execution thereof, but which ICA shall only become binding and effective in accordance with its terms

if and when Ross Township and the Pleasant Valley School District, all, by appropriate action, approve, adopt, authorize, execute and deliver the same.

ARTICLE III: The Chairman or Vice Chairman and the Secretary or Assistant Secretary of the Board of Supervisors of Chestnuthill Township are hereby authorized to execute duplicate, counterpart originals of the ICA and deliver the same to the other parties to the same.

ARTICLE IV: The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason ultimately found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared it is the intent of the Board of Supervisors, that such remainder shall be, and shall remain, in full force and effect.

ARTICLE V: Repealer. All ordinances, or parts thereof, in conflict or inconsistent herewith, are hereby repealed or rescinded, but only insofar as the same are in direct conflict or directly inconsistent with this Ordinance; provided, however, that the repealed ordinances or parts thereof shall remain effective for, and applied to, any matters prior to the effective date of this Ordinance.

ARTICLE VI: Effective Date. This Ordinance shall take effect five (5) days after enactment.

ORDAINED AND ENACTED this ____ day of _____, 2022.

BOARD OF SUPERVISORS CHESTNUTHILL TOWNSHIP

BY: _____
Carl B. Gould II, Chairman

BY: _____
Eric Snyder, Vice-Chairman

BY: _____
Robert Baxter, Supervisor

ATTEST:

Cathy Martinelli, Township Secretary

(TOWNSHIP SEAL)

**INTERGOVERNMENTAL COOPERATION AGREEMENT TO DISSOLVE
THE WEST END PARK AND OPEN SPACE COMMISSION**

THIS AGREEMENT made this _____ day of _____, 2022, by and among CHESTNUTHILL TOWNSHIP, Monroe County, a Second Class Township under the laws of the Commonwealth of Pennsylvania; ROSS TOWNSHIP, Monroe County, a Second Class Township under the laws of the Commonwealth of Pennsylvania (hereinafter collectively referred to as "Participating Municipalities") and the PLEASANT VALLEY SCHOOL DISTRICT, a School District existing under the laws of the Commonwealth of Pennsylvania (the "Participating School District"), the Participating Municipalities and Participating School District are hereinafter referred to collectively as the "Public Bodies".

WITNESSETH

WHEREAS, in 2006, the Public Bodies entered into an Agreement entitled "INTERGOVERNMENTAL COOPERATION AGREEMENT ESTABLISHING THE WEST END PARK AND OPEN SPACE COMMISSION" to, *inter alia*, provide for planning, development, operation, maintenance and programming for the West End Regional Park, and management, implementation, oversight, operation and administration of the West End Open Space and Recreation Plan adopted by the Participating Municipalities in January, 2003, as well as other park facilities and recreation programs, the Public Bodies have or may sometime in the future expressly assign to the West End Park and Open Space Commission (the "Commission"); and

WHEREAS, as a result of the retirement of the Commission's executive director, and an inability to find a replacement, largely due to financial constraints, the Commission has recommended to the Public Bodies that the Commission be disbanded; and

WHEREAS, the Participating Municipalities and the Participating School District have all separately considered this recommendation, concur with the same, and believe it is in the best interests of all to formally dissolve the Commission.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, for and in consideration of the mutual covenants herein contained, do hereby covenant and agree as follows:

1. Effective the 31st day of December, 2022 ("the "Effective Date"), (a) the Intergovernmental Cooperation Agreement establishing the West End Park and Open Space Commission shall terminate, and (b) the West End Park and Open Space Commission shall be formally and officially disbanded and dissolved.

2. On or before the Effective Date, the Commission shall take all necessary actions to wind up its affairs, and distribute the Commission assets to the Public Bodies in accordance with the WEPOSC Dissolution Funds Summary attached hereto as Exhibit "A" and incorporated herein by reference, which the Public Bodies agree is a fair and equitable distribution

of the same.

3. The Public Bodies hereby agree to execute and deliver such additional documentation, and to take such further actions, as may be reasonably necessary to implement and effectuate the provisions of this Agreement.

4. Each Participating Municipality has adopted an ordinance, and the Participating School District has adopted a resolution, approving and authorizing this Agreement and the execution thereof by their respective duly authorized officer(s).

5. This Agreement may be executed in any number of identical counterparts, all of which shall evidence only one Agreement and only one of which need be produced for any purpose.

6. This Agreement contains the whole agreement among the Public Bodies with respect to the subject matter hereof, and there are no other terms, obligations, covenants, representations, statements or conditions, oral or otherwise, of any kind whatsoever not set forth herein.

7. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto, and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto, by their respective duly authorized officers, have executed this Agreement to be effective as of the day and year first above written.

Attest:

Township Secretary

BOARD OF SUPERVISORS
CHESTNUTHILL TOWNSHIP

By:

Chairman of the Board of Supervisors

Attest:

Township Secretary

BOARD OF SUPERVISORS
ROSS TOWNSHIP

By:

Chairman of the Board of Supervisors

Attest:

Secretary

PLEASANT VALLEY SCHOOL DISTRICT

By:

President of School Board

WEPOSC Dissolution Funds Summary

The IGA states "Upon dissolution of the Commission the equipment, property, materials, supplies and capital assets of the Commission that remain shall be distributed to the participants in proportion to the cumulative cash contributions of the participants from the date of this agreement to the time of dissolution"

*The dissolution of WEPOSC exclusively includes WEPOSC Finances, it does **not** include the "Friends of" Accounts.

WEPOSC Current Funds:	\$ 77,659.85
WEPOSC Fund Distribution to PVSD:	\$ 5,377.52
WEPOSC Fund Distribution to Chestnuthill Twp.:	Remaining Funds as of 12/31/22 * Current Estimate \$17,488.01*
WEPOSC Fund Distribution to Ross Twp.:	\$ 54,794.32

*Chestnuthill Township shall receive ownership of the equipment (Dump Trailer), Materials, and Supplies, to offset unbalanced fund distribution.