

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
July 2, 2012**

MINUTES

Chairman Frank Hess opened the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: F. Hess, Chairman; H. Werkheiser, Vice Chairman; H. Bengel, Supervisor; Frank Froio, Township Administrator; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

Planning Commission Meeting on July 9, 2012 at 7:00 p.m.

Sewer Meeting on July 10, 2012 at 6:00 p.m.

Board of Supervisors Regular Meeting on July 16, 2012 at 7:00 p.m.

PUBLIC COMMENT:

Rex D'Agostino made a presentation and recommendation to the Board regarding the Township's electrical usage. Mr. D'Agostino stated that the Township could achieve cost savings by entering into a fixed rate contract for electricity. He recommended that the Board consider entering into a contract with Liberty Power. Several residents indicated that they have received reduced rates from their residential providers. F. Froio advised that he was soliciting quotes from other electricity providers for the Township's requirements.

SOLICITOR'S REPORT:

Dangerous Structures Ordinance – Authorization to Advertise – J. Durney advised that the Township does not currently have a dangerous structures ordinance and that this has limited the Township's ability to address problem structures in the Township. J. Durney specifically mentioned the Yugas property and DEP's request to remove the dangerous structure on the property, which DEP would like to be addressed as part of its remediation efforts. A draft of the ordinance was provided to the Board. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the Township's intent to adopt the dangerous structures ordinance. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Frantz Hill Road Culvert Replacement Project – Bid Award – J. Durney advised that the bids for the project had been opened at the Board's June 18, 2012 meeting. The Township Engineer, Jon Tresslar, had requested several days to review the bids for completeness after which he would make a recommendation regarding award of the contract. J. Tresslar subsequently reviewed the bids and advised that Northeast Site

Contractors, the low bidder, had submitted a complete bid package and confirmed that they were the lowest responsible bidder. Based upon this information, J. Tresslar recommended that the Frantz Hill Road Culvert Replacement Project be awarded to Northeast Site Contractors in the amount of \$202,287.70. Jane Cilurso asked about the amount of grant monies received for the project. F. Hess advised that the grant money was \$194,800.00 and that through deducts contained in the bid alternatives with the Township assuming responsibility for a few tasks, the total cost to the Township for the project would be approximately \$521.70. H. Bengel made a motion, seconded by H. Werkheiser, to award the contract to Northeast Site Contractors. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: Authorization to Make Application to PennVEST (Payment Application No. 5) – J. Durney advised that R.K.R. Hess, the Township Sewer Engineer, requested authorization to submit PennVEST Payment Application No. 5 in the amount of \$1,158,981.10. This payment application relates to the Township's share of the capital contribution to the Joint STP Upgrade for the month of May 2012. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the submission of PennVEST Payment Application No. 5. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: Authorization to Approve BCRA Invoices Dated 6/20/12 – J. Durney advised that R.K.R. Hess, the Township Sewer Engineer, recommended payment of the invoices submitted by the Brodhead Creek Regional Authority in the amounts of \$432,390.00 (construction costs) and \$92,430.00 (soft costs) in connection with the Regional WWTP costs. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the payment of the BCRA Invoices dated 6/20/12. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: Authorization to Draw Funds from ESSA Bond to Pay BCRA Invoices (Requisition No. 7) – J. Durney advised that R.K.R. Hess, the Township Sewer Engineer, recommended that the Township draw the funds necessary to pay the BCRA Invoices dated 6/20/12 and totaling \$524,820.00 from the ESSA Bond. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the the submission of Requisition No. 7 to draw \$524,820.00 from the ESSA Bond in order to pay the BCRA Invoices dated 6/20/12. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Kopelson Project – Authorization to Advertise Public Hearing – J. Durney advised that as a result of the discussions at the Board's meeting on June 18, 2012, Mr. Kopelson's attorney had requested the Board consider a draft ordinance amending certain sections relating to height and density limitations and a boundary line adjustment. Discussion ensued regarding the procedure and the nature of the relief sought by Mr. Kopelson. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of a public hearing regarding the proposed ordinance. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR'S REPORT:

Planning Commission Vacancies – F. Froio advised that the Planning Commission had provided its recommendations regarding the applicants for the 2 open positions on the Planning Commission. H. Bengel advised that he would like to review the recommendations along with all letters of interest received. H. Bengel made a motion, seconded by H. Werkheiser, to table the consideration of appointments to the Planning Commission until the next Board meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Grant Writing Proposal – F. Froio advised that the Township had received an updated proposal from Joyce Zogott-Onsted, who would write grants on behalf of the Township. The compensation would be based upon a percentage of the grant monies received. H. Bengel expressed his support for the grant writer stating that it was important that the Township aggressively pursue any grant monies that might be available and that since the grant writer would only receive a percentage of the grant monies actually received, the risk to the Township was minimal. H. Werkheiser expressed his opposition to the agreement stating the F. Hess and/or F. Froio should be doing this work. J. Cilurso commented that F. Froio was hired to perform these tasks. F. Hess advised that F. Froio was not retained to be a grant writer. F. Hess also advised that Ms. Zogott-Onsted had been engaged by at least two other municipalities to perform similar services. H. Bengel made a motion, seconded by F. Hess, to approve the agreement with Joyce Zogott-Onsted for grant writing services. Roll call vote: H. Bengel, yes; H. Werkhesier, no; F. Hess, yes. Motion carried.

PAYMENT OF BILLS:

F. Hess requested a motion regarding the payment of the bills set forth on the Bill Payment List dated June 29, 2012. H. Bengel advised that he was not prepared to make the motion as there were several bills from the Maintenance Department for which he needed some clarification. H. Werkheiser stated that he also had questions about certain bills and whether the expenses were within budget. No motion was made.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the 6/18/2012 Regular Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

PUBLIC COMMENT:

J. Cilurso asked for an update regarding the police contract negotiations. F. Hess advised that the negotiations were progressing and being handled by the Township's labor counsel.

Mary Frantz and another resident urged the Board to set aside their differences and move forward with running the Township.

H. Bengel made a motion, seconded by H. Werkheiser to adjourn to Executive Session to discuss certain litigation and personnel issues. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. The Board adjourned to Executive Session at 7:55 p.m.

F. Hess reconvened the meeting at 8:23 p.m. No action was taken during the Executive Session.

H. Bengel made a motion, seconded by F. Hess, to approve the semi-monthly bills on the Bill Payment List dated June 29, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:25 p.m., until 7/16/2012, at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.