

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
February 4, 2013**

MINUTES

Chairman Frank Hess opened the meeting at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Frank Hess, Chairman; Harold Werkheiser, Vice Chairman; Henry Bengel, Supervisor; Frank Froio, Township Administrator; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

Sewer Meeting on February 6, 2013 at 6:00 p.m.

Planning Commission Meeting on February 11, 2013 at 7:00 p.m.

Pocono Township Park Board Meeting on February 13, 2013 at 7:30 a.m.

F. Froio advised that since the next regularly scheduled Board meeting would fall on the President's Day holiday, the Board needed to reschedule the meeting and advertise the new date. H. Bengel made a motion, seconded by H. Werkheiser, to reschedule the next Board of Supervisors meeting from February 18, 2013 to February 19, 2013 at 7:00 p.m. due to the President's Day holiday. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Board of Supervisors Meeting on February 19, 2013 at 7:00 p.m. (Regularly scheduled meeting for February 18, 2013 moved because of President's Day holiday)

PUBLIC COMMENT:

None.

SPECIAL PRESENTATION:

F. Hess announced that Pocono Township Police Officer Aaron Anglemyer had been selected as Officer of the Year for 2012 in Monroe County. The award is presented annually by the Monroe County District Attorney's Office to a Monroe County Police Officer based on nominations submitted by the Department Chiefs of Monroe County Drug Task Force members. Eric Kerchner from the Monroe County District Attorney's Office presented the award to Officer Anglemyer. The Supervisors congratulated Officer Anglemyer on the award and thanked him for his service.

ENGINEER'S REPORT:

None.

SOLICITOR’S REPORT:

Mitchel Garfinkel – Indemnity Agreement for Application for Highway Occupancy Permit Concerning Subsurface Stormwater Facilities. J. Durney advised that Mitchel Garfinkel had executed the Indemnity Agreement in favor of the Township in connection with his HOP application for the property located at 3437 Route 715 in Henryville. The Township Engineer reviewed the required security for the Agreement and determined that it was acceptable. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Indemnity Agreement for Mitchel Garfinkel in connection with the stormwater management work on his property. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Mitchel Garfinkel – Authorization for Agent to Apply for Highway Occupancy Permit. Based upon the approval of the Indemnity Agreement, Mitchel Garfinkel requested that the Township execute the necessary PennDOT form authorizing his engineer to apply for the Highway Occupancy Permit on behalf of the Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Applicant’s Authorization for Agent to Apply for Highway Occupancy Permit and to have the Chairman sign on behalf of the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates Major Subdivision Plan – Time Extension Request. J. Durney advised that a time extension request had been received from Bue-Morris Associates seeking to extend the time to April 30, 2013 or thereabout. J. Durney advised that the applicant is continuing to work on addressing the comments of the Township Engineer and obtaining outside agency approvals. H. Werkheiser made a motion, seconded by H. Bengel, to approve the time extension request to April 30, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Proposed Floodplain Ordinance – Authorization to Advertise. J. Durney advised that the proposed floodplain ordinance had been reviewed and approved by both MCCD and DCED and was now ready to be advertised for consideration for adoption by the Board. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the Floodplain Ordinance for consideration and adoption by the Board. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR’S REPORT:

Resolution No. 2013-02 – Consideration of Tax Collector Compensation. F. Froio advised that the Board must establish the compensation for the Tax Collector for the 2014-17 term by February 15, 2013. F. Froio presented a spreadsheet documenting the manner in which other municipalities in Monroe County compensate their tax collectors. There was an extended discussion regarding the manner in which the Tax Collector should be paid. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Tax Collector’s compensation at \$5.00 per tax bill. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. RESOLUTION 2013-02.

CBCInnovis – Consideration of Approval of Agreement. F. Froio advised that the Police Department was seeking to utilize the services of CBCInnovis for purposes of conducting certain background checks on prospective police officers. Chief Phil Riley explained the need for the services. H. Bengel made a motion, seconded by H. Werkheiser, to approve the contract with CBCInnovis. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Planning Commission Vacancy – Consideration of Appointment. F. Froio advised that several letters of interest had been received to fill the vacancy on the Planning Commission. The Planning Commission requested that the Board permit the Planning Commission to review the candidates and provide its input prior to an appointment by the Board. H. Bengel made a motion, seconded by H. Werkheiser, to table the appointment to the Planning Commission pending review and input from the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 2013-04 – Appointment of Accounting Firm to Replace Elected Auditors. F. Froio stated that the Township had received a proposal from Julian Kirk, C.P.A. to conduct an examination of all of the Township’s accounts for 2012. F. Froio advised that the Board should consider appointing an accounting firm to replace the elected auditors for this function. The project was advertised. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Julian Kirk, C.P.A. to replace the elected Auditors to conduct an examination of the Township’s accounts for 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION NO. 2013-04.**

Julian Kirk, C.P.A. – Consideration of Engagement Agreement. F. Froio advised that Julian Kirk had submitted a proposed engagement agreement in connection with the audit of the Township’s financial statements for 2012. The agreement provides that the services would not exceed \$8,700. This is the same fee that J. Kirk charged in 2011. H. Werkheiser expressed his concern that the project had not been advertised. H. Bengel made a motion, seconded by H. Werkheiser, to table the consideration of the engagement letter of Julian Kirk for the audit of the Township’s financial statements for 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

PSATS Conference – Policy on Payment for Spouses. F. Froio asked the Board for guidance on its policy concerning whether the Township would pay for Supervisors’ spouses to attend the PSATS Conference. There was a brief discussion. H. Bengel made a motion, seconded by F. Hess, to provide that the Township will not pay for spouses to attend the PSATS Conference. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises – Contract for Professional Services. F. Froio advised that Trap Enterprises had submitted a Contract for Professional Services. The agreement establishes an escrow that permits the Township’s professionals to review the plan and be compensated therefore. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Contract for Professional Services for Trap Enterprises. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Central Pocono Ambulance – Request for Payment. F. Froio advised that Central Pocono Ambulance had requested a payment of \$10,000. F. Froio advised that a representative from the Ambulance Corps indicated that it was awaiting this promised reimbursement for 2012. H. Bengel made a motion, seconded by H. Werkheiser, to table the request from Central Pocono Ambulance pending further review. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Financial Update – F. Froio advised that the transition to QuickBooks had been completed and that regular updates would begin being posted on the Township website. F. Froio reviewed the deficits run by the Township in 2009, 2010 and 2011. The early 2012 budget had shown expenses exceeding revenues by approximately \$100,000. The preliminary results in operations for 2012 show the Township’s revenues exceeding its expenses by approximately \$1 million. F. Froio stated that the positive results for 2012 were a credit to the Board and its diligence in finding ways to cut expenses and improve operational efficiencies.

Central Pocono Ambulance – Request for Payment. The Board further considered the contribution to the Ambulance Corps. F. Hess advised that part of the concern had been that Hamilton Township has not been contributing to the Ambulance Corps, nor has Jackson Township been contributing its fair share. As a result, Pocono Township has been paying more than its fair share of the expenses. F. Hess advised that the current situation has Pocono Township subsidizing the residents of Hamilton and Jackson Townships. F. Hess advised that he is seeking a meeting with Hamilton and Jackson Townships to further review the situation. H. Bengel made a motion, seconded by H. Werkheiser, to rescind the prior vote tabling the request from Central Pocono Ambulance. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Werkheiser made a motion, seconded by F. Hess, to provide the \$10,000 contribution to the Ambulance Corps. H. Bengel advised that he would abstain from the vote because his son works for the Ambulance Corps. Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; F. Hess, yes. Motion carried.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the semi-monthly bills on the Bill Payment List dated February 4, 2013 (GENERAL FUND: \$78,546.40; PARK FUND: \$31.54; DEBT SERVICE: \$8,164.24) subject to final review by the Board. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of \$159,933.50 for the 2011 International Truck from existing Township funds (GENERAL FUND: \$79,966.75; DEBT SERVICE FUND: \$42,480.28; ROAD EQUIPMENT FUND: \$37,486.47). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the January 23, 2013 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:

A question was asked about the light being out on the sign near the street. H. Bengel advised that the Township has been working on a repair to address an electrical issue.

Monica Gerrity stated that she submitted a Right to Know request seeking a job description for the position of Director of Public Works. She specifically sought to know where the job description that was reviewed by the Board of Auditors came from. She indicated that Pat Ross advised that he obtained the job description from the Township. The response to the Right to Know request stated that no such documents existed. H. Bengel advised that he was not aware of any official document regarding an approved job description. F. Hess advised that he was unaware of where the job description came from. M. Gerrity expressed concern that an answer could not be provided to her question and stated that the document was used by the Board of Auditors to determine the salary for the Director of Public Works. F. Hess advised that he would look into where the job description came from.

Diane Zweifel stated that she attended the Board of Auditors meeting and confirmed that Pat Ross indicated that the job description came in papers from the Township.

M. Gerrity questioned why H. Werkheiser was not on the road crew. She stated that it would appear to be a waste of Township resources to pay H. Werkheiser to sit behind a desk.

Several residents stated that H. Bengel does not have the qualifications for a roadmaster.

There was a discussion regarding the Township's prior decision to change the position of Roadmaster to Director of Public Works.

A question was raised about how to best take advantage of H. Werkheiser's experience. F. Hess advised that H. Werkheiser's status is in the hands of lawyers, as H. Werkheiser has retained counsel to address his status.

Judi Coover stated that she had asked the Board to consider putting the Director of Public Works position out to bid. J. Coover stated that the Board had previously listened to the will of the people concerning the Township Manager issue and encouraged the Board to

do the same here. She advised of a petition signed by many residents encouraging the Board to rethink its position. F. Hess advised that he had not changed his mind regarding the appointment. H. Bengel also advised that he had not changed his mind.

J. Coover further discussed the salary granted to H. Bengel by the Board of Auditors and expressed her concerns regarding the manner in which this decision was reached. She questioned why H. Bengel, given his lack of relevant experience, was worth more than F. Hess. F. Hess advised that his salary was set by his choice. J. Coover advised that H. Bengel could use his skill set as a manager in his role as Supervisor and did not need to be Director of Public Works in order to offer his input. J. Coover advised of her concern that the Board is turning a deaf ear to public input.

Michelle Turnbull stated that in addition to salary H. Bengel was provided with a Township vehicle. Several residents questioned why the Township vehicle was apparently being used for personal matters and why H. Bengel's wife was riding in the vehicle. H. Bengel advised that he stopped at a restaurant on his way home from work on one occasion and was checking on the Township building on another occasion. Diane Zweifel asked about the insurance coverage should a family member of H. Bengel's be injured in a Township vehicle. J. Durney advised that he would review the issue with the Township's insurance company.

M. Gerrity stated that she was concerned that residents are reluctant to express their opinions because they don't think it will matter or because they are concerned about retaliation. M. Gerrity requested clarifications on the qualifications for the various Township positions. M. Gerrity questioned the duties being performed by F. Froio and why he could not perform some of the administrative duties of the Director of Public Works.

Several residents questioned the manner in which the roads were handled during the most recent snow storm.

Bob Turnbull asked whether H. Bengel he was collecting disability from another state. Another question was raised as to any disabilities H. Bengel might have that would prevent him from performing the job. H. Bengel advised that these areas of inquiry were private matters that he would not discuss.

A resident asked about the manner in which snow was being plowed and the mix of the anti-skid.

A resident again questioned why the job was not put out to bid so that someone with better qualifications could be obtained. Residents also questioned H. Bengel's experience for the job. F. Hess stated that he feels that it is an administrative job and that H. Bengel could handle the job.

Dennis Schmoyer questioned H. Bengel's qualifications for the position.

Maxine Gribalski asked about the new software and whether F. Hess was trained in its use. F. Hess stated that he used QuickBooks in his business and is familiar with the software. M. Gribalski suggested that H. Bengel should have been placed in F. Froio's job.

A question was raised about the Township road crew repairing stop signs at the Dunkin Donuts property, given that it is private property. H. Bengel stated that he was concerned about the public safety issues and thought it best to repair the signs in order to avoid an accident.

There was a further discussion regarding the Memo of Understanding with H. Werkheiser. J. Bramley stated that the intent of the memo was that if H. Werkheiser ever decided to leave the position of Roadmaster and go back to road crew, he could go back to his job and maintain his seniority. H. Bengel read aloud the Memorandum of Understanding. There was a further discussion concerning the interpretation of the document and the fact that it was now in the hands of H. Werkheiser's attorney and the Township's labor counsel.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 9:13 p.m., until February 19, 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.