

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
January 17, 2012**

MINUTES

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

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: F. Hess, Chairman; H. Werkheiser, Vice Chairman; H. Bengel, Supervisor; Dennis Keesler, Sewage Enforcement Officer; Steven Maylach, Zoning Officer; Jeffrey Durney, Solicitor

ANNOUNCEMENT AND PUBLIC COMMENT ON AGENDA ITEMS:

Announcements: Northampton Community College Conditional Use Hearing originally scheduled for January 12, 2012 rescheduled to February 1, 2012 at 7:00 p.m.

Public Work Session regarding 2012 Budget scheduled for January 24, 2012, at 7:00 p.m.

H. Bengel reminded the audience that the Regular Supervisors meetings are scheduled for the 1st and 3rd Mondays of the month and invited everyone to attend.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the 1/3/2012 Reorganizational Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the 1/3/2012 Regular Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

BILLS: H. Bengel made a motion, seconded by H. Werkheiser to approve the semi-monthly bills. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

COMMUNICATIONS: None

BIDS: None

REPORTS:

Sewage Enforcement Officer: Dennis Keesler reported that the sewage reimbursement for 2009 in the amount of \$18,800 has been received. Mr. Keesler advised that the 2010 reimbursement should be received in approximately 6 months and is projected to be in the approximate amount of \$23,000. The 2011 reimbursement is being worked on. Mr.

Keesler reported that he waived his right to reimbursement for cell phone and mileage to assist the Township with its financial problems.

Zoning Officer: Steve Maylach reported that there were 9 associated permits between 1/3/12 to 1/17/12. Mr. Maylach advised that he has been assisting with transition issues. Mr. Maylach discussed the negative impact Senate Bill 1042 has had on the Township's ability to collect permit fees for signs.

SEWER PROJECT:

a) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 4 – Pioneer Construction – Payment Request No. 21 in the amount of \$115,300.78 for work completed through 11/28/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

b) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 8 – Pioneer Construction – Payment Request No. 9 in the amount of \$18,914.50 for work completed through 12/25/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

c) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 9 – Pioneer Construction – Payment Request No. 8 in the amount of \$47,616.38 for work completed through 12/25/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

d) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 10 – Doli Construction Corporation – Payment Request No. 7 in the amount of \$132,220.91 for work completed through 11/18/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

e) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 11 – PACT Two, LLC – Payment Request No. 5 in the amount of \$271,173.24 for work completed through 12/31/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

f) H. Werkheiser made a motion, seconded by H. Bengel to approve Contract No. 15 – JOAO & Bradley Construction Company, Inc. – Payment Request No. 5 in the amount of \$264,092.69 for work completed through 12/28/11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

g) H. Bengel made a motion, seconded by H. Werkheiser to approve H2O PA Grant – authorization to submit a time extension request to the Department of Community & Economic Development for H2O Grant. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

h) H. Bengel made a motion, seconded by H. Werkheiser to approve H2O PA Grant – authorization to submit H2O PA Reimbursement Application No. 3 to Department of Community & Economic Development on or about 2/1/2012 . Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

i) H. Werkheiser made a motion, seconded by H. Bengel to approve Capital Contribution to the Joint Municipal Wastewater Treatment Plant – RKR Hess recommended the Board approve the invoice from Brodhead Creek Regional Authority, dated November 22, 2011, in the amount of \$211,711.00, for construction costs related to the Regional WWTP. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

OLD BUSINESS:

H. Werkheiser made a motion, seconded by H. Bengel to approve the request of Sheldon Kopelson to refer his application for zoning ordinance changes to the Planning Commissions of Pocono Township and Monroe County for review and comment. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

NEW BUSINESS:

Application of Classic Quality Homes for waiver from the 50’ wetland buffer zone. The SEO and Zoning Officer both raised concerns about the lack of a jurisdictional delineation for the wetlands and the extent of the proposed encroachment on the wetland buffer. H. Werkheiser made a motion, seconded by H. Bengel to deny the request from Classic Quality Homes for a waiver from the 50’ wetland buffer zone on Lot 13, Section 2, Bon Sher Drive. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes.

H. Werkheiser made a motion, seconded by H. Bengel to appoint Frank Hess the Township’s Fire Escrow Officer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

F. Hess made a motion, seconded by H. Werkheiser to approve Resolution 607 – Adoption of Monroe County Hazard Mitigation Plan. Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

F. Hess made a motion, seconded by H. Werkheiser to approve Resolution 608 – Designated Frank Hess as Application Agent (FEMA/PEMA). Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser to approve the time extension for time extension for Sanofi Discovery Drive Widening Land Development Plan in accordance with 1/9/2012 waiver letter from Borton-Lawson Engineers. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser to approve Boucher & James to continue and complete work on all development plans on which it had dedicated

substantial time as of 12/31/2011. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

PUBLIC COMMENT:

Jane Cilurso asked about the Kopelson application and the proposed changes in the zoning ordinance.

Jane Cilurso also asked Attorney Durney's prior experience in municipal matters.

Mark Vultaggio asked for further information on the transition of engineering firms and the impact on the Northampton Community College project.

A question was raised regarding the nature of the personnel matters being discussed.

EXECUTIVE SESSION:

H. Bengel made a motion, seconded by H. Werkheiser to adjourn to Executive Session. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. The Board adjourned to Executive Session to discuss personnel matters and a pending litigation matter (Horninger v. Gupko, et al., Docket No. 3:10-CV-2559 (U.S.D.C. M.D. Pa.)).

The meeting reconvened at 8:42 p.m.

H. Bengel made a motion, seconded by H. Werkheiser to instruct the Township Solicitor to contact special labor counsel regarding outstanding personnel issues. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:45 p.m., until 2/6/2012, at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.