

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
February 19, 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:

HJP Park Meeting on February 21, 2013 at 2:00 p.m.

Planning Commission Meeting on February 21, 2013 at 7:00 p.m.

Planning Commission Meeting on February 25, 2013 at 7:00 p.m.

Zoning Hearing Board Meeting/Hearings on February 26, 2013 at 5:00 p.m. (Bangiyev), 6:00 p.m. (Sleightholm) and 6:30 p.m. (Trap Enterprises)

Board of Supervisors Meeting on March 4, 2013 at 7:00 p.m.

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

None.

SOLICITOR'S REPORT:

Zoning Hearing Board Applications. J. Durney advised that the Board may take a position or otherwise participate with respect to all matters scheduled before the Zoning Hearing Board. J. Durney provided a brief overview of the matters that were pending and advised that Board is always able to participate in the hearings before the Zoning Hearing Board or otherwise offer its position in support of or opposition to any application. The Board may participate personally or by sending the Zoning Officer or Solicitor. The Board may also send a letter to the Zoning Hearing Board. There were several questions from the residents in attendance regarding the proposed digital sign at issue in the Trap Enterprises variance application. Several concerns were raised about the number of signs in the Township and specifically the growing number of digital signs.

International Truck – Legal Fees. In response to a question raised by H. Werkheiser at the previous Board meeting, J. Durney advised that he reviewed his billing records related to the Hunter Truck matter to determine how much the Township had paid in legal fees with respect to the matter. J. Durney advised that the fees incurred were \$3,430. The work performed included: (i) J. Durney advised that his was initially requested to provide an opinion letter to First National Bank in connection with the financing that was arranged to purchase the truck. He reviewed the financing papers and the proposed opinion letter. In conducting the due diligence in order to provide the legal opinion letter, he was unable to find any proof that the truck purchase was approved at a public meeting. As part of this work, the minutes and other records were reviewed to determine how the purchase was approved and made; (ii) Once it was determined that the truck purchase was apparently never properly approved at a public meeting, he researched the Township’s options, along with the implications concerning the unauthorized purchase; (iii) He also researched the financing options that might be available to the Township if the truck was to be purchased. He also reviewed the consequences to the Township if the Township opted to return the truck; (iv) There were numerous discussions with Hunter Truck and the company’s attorney in an effort to negotiate a resolution to the issue; and (v) the Resolution to authorize the purchase of the truck was prepared.

Insurance Coverage – Non-Township Employees in Township Vehicles. In response to a question raised at the prior Board meeting, J. Durney advised that the Township’s insurance carrier had been contacted concerning the insurance coverage issues related to a non-Township employee who might be injured when riding in a Township vehicle. The insurance agent recommend that the Township not permit non-Township employees to ride in Township vehicles. While there would in most instances be insurance adequate to cover any injuries sustained, there would be a possibility that the Township could be exposed to liability.

ADMINISTRATOR’S REPORT:

None.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by F. Hess, to approve payment of the semi-monthly bills on the Bill Payment List dated February 19, 2013 (GENERAL FUND: \$197,523.15; PARK FUND: \$12,259.99; DEBT SERVICE: \$3,477.01). H. Werkheiser stated that he was concerned about a few of the bills, but declined to identify the items about which he was concerned. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

F. Hess advised that one of the bills payable to Milham was for 2 police cars. The price of these police cars will be covered by a grant received by the Township. There was a discussion concerning the plan for replacement of police vehicles going forward.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the February 4, 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:

H. Bengel read a prepared statement announcing his decision to resign from position of Director of Public Works. He suggested that the Board develop a job description for the position and then advertise the position. H. Bengel suggested that a group of 3 citizens assist in the development of the job description. H. Bengel stated that he would not seek the position. H. Bengel advised that he would remain in the position on an interim basis until his successor was hired by the Board.

H. Bengel made a motion, seconded by F. Hess, to develop a job description for the position of Director of Public Works. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

A question was raised as to whether H. Werkheiser would be permitted to apply for the position. H. Bengel advised that H. Werkheiser was free to apply.

H. Bengel confirmed that he did not intend to seek any other paid position within the Township.

There was a discussion concerning the development of the job description and the duties to be performed by the Director of Public Works. A suggestion was made to consult with other municipalities concerning the nature of the position. Judi Coover discussed the differences between a Roadmaster and a Director of Public Works. J. Coover suggested that the public be permitted to have input on the development of the job description. H. Bengel offered his support for having a small group of residents participate in the development of the job description. There was a discussion about the nature of the position and qualifications that would be sought in a candidate. There were several other comments and suggestions concerning the process, including the responsibilities the Director of Public Works would have concerning the sewer system.

Monica Gerrity asked about the Pocono Ambulance situation. F. Hess stated that a meeting with officials from Hamilton and Jackson Townships was to be scheduled.

H. Bengel made a motion, seconded by F. Hess, that once the job description has been adopted by the Board, to publicly advertise the position and accept applications. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

Mark Vultaggio asked the Board to keep an open mind concerning the position and seek to determine how the duties should best be assigned and handled.

H. Bengel also suggested that the Township should focus on long-range planning and asked for residents to participate in the planning process.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:00 p.m., until March 4, 2013, 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.