

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
February 6, 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; David Horton, Township Engineer; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

Board of Supervisors Work Session February 8, 2012 at 8:30 a.m.

Park Board meeting February 8, 2012 at 7:30 a.m.

Planning Commission meeting on February 13, 2012 at 7:00 p.m.

Board of Supervisors Regular Meeting February 21, 2012 at 7:00 p.m. (Meeting is on Tuesday due to the President's Day holiday)

Monthly Sewer Meetings will be held on the 1st Wednesday of each month at 6:00 p.m.

F. Hess announced that Boy Scouts from Troop 85, sponsored by the Pocono Township Volunteer Fire Department, were in attendance in connection with fulfilling their obligations toward a merit badge.

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

Classic Quality Homes – Waiver Request: D. Horton described the request for a waiver from the wetland buffers for Maeve Manor Lot 13, Section 2, Bon Sher Drive. Mr. Horton indicated that further review of the request and a site visit was necessary before a recommendation could be issued.

H. Werkheiser made a motion, seconded by H. Bengel, to table the request pending further review by the Township Engineer. Roll call: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Kotretsos – Consideration of Final Land Development Plan (39 Learn Road) – D. Horton provided comments in a review letter. D. Horton expressed his opinion that the plan required a few minor modifications, but was otherwise in good order. Mr. Horton

reviewed the comments to plan contained in his review letter. The applicant, represented by Attorney Marc Wolfe, addressed the comments and indicated his willingness to make the requested revisions to the plan. D. Horton recommended that the plan be granted conditional final approval subject to the applicant satisfactorily addressing the comments contained in Mr. Horton's comment letter dated February 3, 2012.

H. Werkheiser made a motion, seconded by H. Bengel, to grant conditional final approval to the plan subject to the applicant satisfactorily addressing the comments set forth in the Township Engineer's comment letter dated February 3, 2012. Roll call: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

SOLICITOR'S REPORT:

Consideration of Appointment of Township Administrator – J. Durney advised that the Board wished to consider the appointment of Frank Froio as Township Administrator. The appointment would be made on a short-term trial basis in order to assist the Township through the transition to the new Board and to assist in training the supervisors with respect to newly-assumed duties. F. Hess stated that Mr. Froio, who had been recommended to the Township by Richard Manfredi, the Township's management consultant, has already been extremely helpful. Mr. Froio provided his background and work history. In response to a question, Mr. Froio indicated that he has been a Supervisor in Plumstead Township for 13 years and that Plumstead is very comparable to Pocono Township in terms of size and issues faced. Jane Cilurso raised the issue of why the Township needed an administrator when there have been prior claims that a Township Manager was not necessary. Questions were raised regarding the amounts to be paid to Mr. Froio and whether he would be a long-term contractor. F. Hess advised that Mr. Froio would be a subcontractor who would not be eligible for any benefits. If Mr. Froio came to the Township as a contractor through Richard Manfredi, the rate would be \$85 per hour. In an accommodation to the Township, Mr. Manfredi agreed to permit Mr. Froio to negotiate directly with the Township without any compensation to Mr. Manfredi. Mr. Hess indicated that Mr. Froio would be paid \$45 per hour for 30 hours per week. Mr. Froio indicated that he was willing to dedicate an additional 10 hours per week at no charge. Questions were raised as to whether Mr. Hess would relinquish any portion of his pay as Secretary/Treasurer to the extent Mr. Froio would be performing any of these duties.

H. Bengel made a motion, seconded by F. Hess, to enter into an independent contractor arrangement with F. Froio as Township Administrator at an hourly rate of \$45.00 for 30 hours per week. H. Werkheiser expressed his opposition on the grounds that he wanted a RFP for the position. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

Appointment of Pennoni as Interim Zoning Officer – J. Durney advised that the Board had terminated the full-time Zoning Officer position at a Special Meeting held on January 28, 2012. The Board discussed the appointment of Pennoni Associates, the Township Engineer, to the position of Interim Zoning Officer. Pennoni would serve until such time

as the Township entered into a new arrangement, whether by way of a part-time independent contractor, a shared arrangement with another municipality or otherwise.

H. Bengel made a motion, seconded by F. Hess, to appoint Pennoni Associates as Interim Zoning Officer. H. Werkheiser expressed his opposition. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

Appointment of Pennoni as Interim Sewage Enforcement Officer – J. Durney advised that the Board had terminated the full-time Sewage Enforcement Officer position at a Special Meeting held on January 28, 2012. The Board discussed the appointment of Pennoni Associates, the Township Engineer, to the position of Interim Sewage Enforcement Officer. Pennoni would serve until such time as the Township entered into a new arrangement, whether by way of a part-time independent contractor, a shared arrangement with another municipality or otherwise.

H. Bengel made a motion, seconded by F. Hess, to appoint Pennoni Associates as Interim Sewage Enforcement Officer. H. Werkheiser expressed his opposition. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

Consideration of Appointment of Special Counsel for Labor Matters – J. Durney advised that at its reorganization meeting, the Board tabled the appointment of Special Counsel for labor matters. Mr. Durney advised that there are several issues that need to be addressed by labor counsel. Mr. Durney provided background information and hourly rates on two labor lawyers, Thomas Heimbach and Patrick Harvey, that he had been requested to contact. Discussion followed. The Supervisors indicated that they would like to further review and consider the appointment of labor counsel.

H. Werkheiser made a motion, seconded by H. Bengel, to table the appointment of Special Counsel for labor matters. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates – Request for Time Extension -- H. Bengel made a motion, seconded by H. Werkheiser, to approve the time extension for Tanalo Estates Major Subdivision in accordance with 1/23/12 waiver letter from Bue-Morris Associates. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

The Reserve at Bryson’s Farm – Request for Time Extension -- H. Bengel made a motion, seconded by H. Werkheiser to approve the time extension for The Reserve at Bryson’s Farm Major Subdivision in accordance with 1/17/12 waiver letter from Frank J. Smith. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

Sewer Project – Payment of Bills:

H. Werkheiser made a motion, seconded by H. Bengel, to approve Contract No. 5 – PACT Construction – Payment Request No. 9 in the amount of \$109,869.78. 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 Contract No. 14 – PACT Construction – Payment Request No. 2 in the amount of \$638,979.12. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by H. Bengel, to approve Contract No. 11 – PACT Two – Payment Request No. 6 in the amount of \$27,080.55. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the semi-monthly bills subject to the correction of a Staples bill on which there appeared to be a double charge. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Werkheiser made a motion, seconded by H. Bengel, to approve the minutes of the 1/17/2012 Regular Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by H. Bengel, to approve the minutes of the 1/28/2012 Special Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by H. Bengel, to approve the minutes of the 2/1/2012 Conditional Use Hearing. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Pat Ross asked about hook-ups to the central sewer line. Russ Scott, Sewer Project Engineer, advised that the Township is analyzing and will be adopting procedures regarding hook-ups and anticipated fees.

A concern was raised about the condition of Railroad Avenue. H. Werkheiser indicated that the Township had been waiting to see how the road was being addressed in the Northampton Community College land development application. H. Werkheiser further indicated that the road crew would cold-patch the problem areas.

A question was raised concerning when new street signs would be available. It is anticipated that the signs will be available in the near future.

EXECUTIVE SESSION:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn to Executive Session to discuss personnel matters and potential litigation matter. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes.

The Board adjourned to Executive Session at 8:20 p.m.

The meeting reconvened at 9:58 p.m.

H. Werkheiser was not present when the meeting reconvened.

J. Durney announced that a potential litigation matter was discussed in executive session.

ADJOURNMENT:

H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 10:00 p.m., until 2/21/2012, at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, absent; F. Hess, yes. Motion carried.