

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

ANNOUNCEMENTS/CALENDAR:

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

HJP Park Meeting on March 7, 2013 at 11:00 a.m.

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

Board of Supervisors Meeting on March 18, 2013 at 7:00 p.m.

F. Hess announced that the Board held an Executive Session at 8:00 a.m. on March 4, 2013 to discuss a personnel matter.

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

Cargill Preliminary/Final Land Development Plan – D. Horton advised that the Cargill Facility Expansion and Upgrade plan was ready for consideration by the Board. D. Horton advised that Cargill sought four (4) Requests for Modification as part of the plan submittal: (1) SALDO Section 2.106 requesting Preliminary and Final Approval; (2) SALDO Sections 2.304.C.3 and 2.400 requesting a waiver from the Development Agreement and Performance Guarantee; (3) SALDO Section 3.212.C requesting waiver from open space, recreation areas and in-lieu fee requirements; and (4) SALDO Sections 2.303.B.22 and 3.603 requesting a waiver from providing existing monuments and/or lot markers at property corners. Alan Koza appeared on behalf of Cargill and explained the proposed land development plan, which represents an expansion of the flour mill operation. The Planning Commission recommended approval of the plan. D. Horton advised that he was satisfied that all previous engineering comments had been satisfactorily addressed and had no issue with the Requests for Modification and final plan approval being granted. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Requests for Modification. Roll call vote: H. Bengel, yes; H. Werkheiser,

yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to provide Preliminary/Final Plan Approval. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Winchell/Griffiths & Sager Lot Line Adjustment – The Applicant was not in attendance. The Board took no action.

The Reserve at Bryson’s Farm – Time Extension Request. D. Horton advised that the engineer for the Applicant had submitted a time extension request seeking a 90 day extension to May 27, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to approve the time extension request to May 27, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Iroquois Ridge Partners – Preliminary Plan Status. D. Horton advised that the engineer for the applicant requested an acknowledgement that the conditions of the preliminary plan approval have been satisfied. D. Horton advised that the only two outstanding issues were payment of all professional fees and receipt of copies of approvals from all outside agencies. D. Horton advised that all outside agency approvals had been received.

SOLICITOR’S REPORT:

None.

ADMINISTRATOR’S REPORT:

Planning Commission – Consideration of Appointment. F. Froio advised that three (3) applications had been received for the vacancy on the Planning Commission. The Planning Commission recommended that the Board appoint Marie Guidry. H. Bengel stated that he wanted to get some additional information regarding the Planning Commission’s recommendation. H. Bengel made a motion, seconded by H. Werkheiser, to table the appointment pending further review. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Local Share Account Grant – Consideration of Contract Approval. F. Froio advised that the contract for the grant received by the Township in the amount of \$95,069 for two police vehicles had been reviewed and was ready for approval. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Local Share Account Grant contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

DEP Section 902 Recycling Grant – Consideration of Agreement Approval. F. Froio advised that the contract for the grant received by the Township in the amount of \$185,015 had been reviewed and was ready for approval. The grant would, in part, pay for equipment previously acquired by the Township. There was an extended discussion regarding the Township’s requirement to adopt a recycling program and the potential costs associated therewith. H. Werkheiser expressed his concern regarding the costs that may be associated with the recycling program, specifically any potential curbside pick-up. H. Bengel made a motion, seconded by F. Hess, to approve the DEP Section 902

Recycling Grant Agreement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Julian Kirk, CPA, LLC – Consideration of Engagement Letter. F. Froio advised that after the last meeting he had solicited quotes from other CPAs. A resident made the recommendation that the Board do more to solicit proposals for professional services to achieve the best pricing. H. Bengel made a motion, seconded by H. Werkheiser, to approve the engagement letter submitted by Julian Kirk, CPA, LLC to audit the Township’s 2012 financial statements with a fee not to exceed \$8,700. 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 advised that based upon the approval of the engagement letter, the Board needed to rescind the prior Resolution adopted at the Board’s February 19, 2013 meeting and re-adopt a Resolution with the current date appointing Julian Kirk, CPA, LLC to replace the elected auditors. H. Bengel made a motion, seconded by H. Werkheiser, to rescind Resolution 2013-04 adopted at the Board’s February 19, 2013 meeting. 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 Resolution No. 2013-04 and appoint Julian Kirk, CPA, LLC to replace the elected Auditors. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION NO. 2013-04.**

Trap Enterprises – Professional Services Contract. F. Froio advised that the Professional Services Contract for the Trap Enterprises hotel project had been submitted and was ready for Board approval and signature. H. Bengel made a motion, seconded by H. Werkheiser, to approve Professional Services Contract for Trap Enterprises. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Appointment of Executive Assistant and Bookkeeper. F. Froio advised that while the police and unit members were appointed at the Reorganization meeting, the Board did not appoint the Executive Assistant, Pam Finkbeiner, or the Bookkeeper, Regina Zubich, neither of whom are members of the unions. There was an extended discussion about the need to adopt job descriptions and the responsibilities each person performs. There was also a discussion about the salaries and benefits to be paid. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Pam Finkbeiner as Executive Assistant and Regina Zubich as Bookkeeper at the salaries set forth in the 2013 budget. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Council of Governments (COG) – Appointment of Member. F. Froio advised that the Board needed to appoint a Member to the Council of Governments. H. Bengel made a motion, seconded by H. Werkheiser, to table the appointment of a member to the Council of Governments. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Budget Update – 2013 Year-to-Date. F. Froio provided an update on the budget results through February. By consensus, the Board agreed to post the year-to-date budget results on the Township’s website.

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 March 4, 2013 (GENERAL FUND: \$92,414.69; DEBT SERVICE: \$20,936.47). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the February 19, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

SEWER ISSUES:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the February 19, 2013 Sewer Meeting. 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 the following bills: phone bill for Pump Station #5 \$47.38; PPL for Pump Station #2 \$187.49; PPL for Pump Station #1 \$187.94; Cramer, Swetz & McManus \$6,522.77. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Manor and Kalahari Resorts Sewer Planning Modules. Pocono Manor Investors and Kalahari Resorts asked the Township to request a postponement of the hearing for consideration of the Delaware River Basin Commission Docket Amendment for Brodhead Creek Regional Authority. H. Bengel made a motion, seconded by H. Werkheiser, to request postponement of the DRBC Docket Amendment with respect to the Pocono Manor Investors and Kalahari Resorts application and to ratify the proposed letter to BCRA making this request. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

F. Hess advised that the Township had received a proposal from EHD, the Township’s insurance carrier, to add the 5 sewer pump stations and 2 valve stations to the Township’s insurance policy at a cost of \$5,628 for the year. This would add a total of \$4,833,958 to the Township’s property insurance coverage. H. Bengel made a motion, seconded by H. Werkheiser, to approve the insurance proposal from EHD to add the 5 sewer pump stations and 2 valve stations to the Township’s existing insurance policy. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Phase II Sewer Collection System Construction – Contract No. 5, Change Order No. 6 – F. Hess advised that the “final” is in order for approval by the Board. The Change Order represents a decrease in the contract price of \$259,396.44, reflecting consideration for the 24” pipe material cost differences and final reconciliation of contract quantities. The

Change Order also included a time extension of 306 days to reflect the actual date of substantial completion as of October 31, 2012. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Change Order No. 6 to Contract No. 5. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Phase II Sewer Forcemain and Pump Station Construction – H2O PA Grant. RKR Hess requested authorization to submit the next H2O PA Grant Payment Application (#11) on or before March 15, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to approve the submission of the H2O PA Grant Payment Application #11 on or before March 15, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Linde Construction – Mediation. F. Hess advised that the parties involved in the Linde litigation related to the problem in the sewer line have agreed to seek mediation of the dispute in an effort to seek a resolution in a cost-effective manner. The Township's portion of the mediation costs, which are split among all parties, is \$4,465. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Mediation Agreement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

There was a general discussion on the progress of the sewer project and the rates and costs associated with the system.

OLD BUSINESS:

None.

NEW BUSINESS:

Judi Coover, Mark Vultaggio, Roger Hanna and John Conahan were the citizens committee that volunteered to help draft a job description for the position of Director of Public Works. J. Coover reported on the job description and explained the process by which the group developed the description. J. Coover explained that the group utilized an industry template and job descriptions from Plumstead and Tobyhanna Townships to come up with a general description which was then further tailored toward the needs of Pocono Township. The group encouraged the Board to develop job descriptions for all Township positions. J. Coover further advised that the group believed that the Township's sewer project deserved separate management with the unique skills that would be necessary for the sewer system. J. Coover asked the Board continue the process of permitting active citizen involvement and discussion as the process moves forward. J. Coover suggested that the Board review the draft job description and consult with others as they deem appropriate. She also suggested that the Board hold a workshop to permit further participation and discussion from residents. The group's hope was that the Board would thereafter approve a final job description and post the position for hiring.

The Board thanked the citizens committee for its time and efforts. F. Hess stated that it was clear that the committee had put forth a great deal of effort in the project.

There was a general discussion regarding the hiring process for the Director of Public Works position.

Jane Cilurso asked whether a township manager ordinance had been drafted. F. Hess answered that no such ordinance had been drafted.

M. Vultaggio offered further comments on the process of the citizens committee that drafted the job description and suggested that the Board schedule a workshop to discuss not only the job description but the overall management flow chart for the Township.

Monika Gerrity asked about the installation of timeclocks. F. Hess advised that the timeclocks would be installed in the near future once all system compatibility issues have been resolved and a new server installed.

PUBLIC COMMENT:

Daisy Ellerbee approached the Board about water problems she is experiencing at her home. She provided the history of the problems she has had for years and the complaints she has previously made to the Township. She showed photos and videos on her cell phone. She requested that the Township fix her problems. The Board suggested that they would have the Township Engineer review the issue.

ADJOURNMENT/EXECUTIVE SESSION:

J. Durney announced that the Board needed to meet in Executive Session in order to discuss several litigation matters and a personnel matter. The Board announced that there would be no further business conducted after the Executive Session. H. Bengel made a motion, seconded by H. Werkheiser, to adjourn at 8:55 p.m., until March 18, 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.