

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
June 3, 2013**

**MINUTES**

Chairman Frank Hess opened the meeting at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**ANNOUNCEMENTS/CALENDAR:**

Zoning Hearing Board (Dehaven) on June 4, 2013 at 5:00 p.m.

Sewer Meeting on June 5, 2013 cancelled

HJP Park Board Meeting on June 6, 2013 at 1:00 p.m.

Planning Commission Meeting on June 10, 2013 at 7:00 p.m.

Park Board Meeting on June 12, 2013 at 7:30 a.m. at Mountain View Park

Board of Supervisors Meeting on June 17, 2013 at 7:00 p.m.

**SPECIAL PRESENTATION:**

Michael Valentine Sabon, IV – Eagle Scout Resolution. Harold Erzenberger advised that Michael had completed a new educational trail at Mountain View Park in connection with his Eagle Scout project. The Board recognized Michael's accomplishment and thanked him for his service. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Resolution No. 2013-09 congratulating and commending Michael Valentine Sabon, IV for earning the rank of Eagle Scout. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. RESOLUTION NO. 2013-11.

**PUBLIC COMMENT:**

None.

**ENGINEER'S REPORT:**

None.

**SOLICITOR'S REPORT:**

Ryan Possinger – Consideration of Conditional Use Application Referral to Planning Commission. J. Durney advised that the conditional use application filed by Ryan Possinger with respect to the construction of a billboard on his property should be

referred to the Planning Commission for its recommendation. H. Bengel made a motion, seconded by H. Werkheiser, to refer the Possinger Conditional Use Application to the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

NID Intergovernmental Cooperative Ordinance – Authorization to Advertise. J. Durney advised that a hearing on the NID Intergovernmental Cooperative Ordinance related to the Kalahari project was to be scheduled and advertised. H. Bengel made a motion, seconded by H. Werkheiser, to approve the advertisement of a hearing for the NID Intergovernmental Cooperative Ordinance on June 17, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

J. Durney advised that a brief Executive Session would be necessary to discuss a pending litigation matter involving the appeal of a Zoning Hearing Board decision.

#### **ADMINISTRATOR’S REPORT:**

Sanofi Pasteur, Inc. Professional Services Agreement (Dengue Building). F. Froio advised that a Professional Services Agreement was submitted by Sanofi in connection with its Dengue Building. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Professional Services Agreement for the Dengue Building project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises – Consideration of Forwarding Proposed Zoning Ordinance Amendments to the Planning Commission. F. Froio advised that Trap Enterprises had submitted a request to amend the zoning ordinance in connection with its Route 611 project. F. Froio advised that it would be appropriate to forward the proposed amendments to the Planning Commission for its recommendation. H. Bengel made a motion, seconded by H. Werkheiser, to refer the proposed amendments to the Zoning Ordinance to the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises, LLC (Route 611 Project) – Consideration of Conditional Use Application Referral to Planning Commission. F. Froio advised that Trap Enterprises had submitted a conditional use application with respect to its Route 611 project. F. Froio advised that it would be appropriate to forward the conditional use request to the Planning Commission for its recommendation. H. Bengel made a motion, seconded by H. Werkheiser, to refer the Conditional Use Application to the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Stadden Road Bridge Project – Authorization to Prepare Bid Specifications and Advertise. F. Froio advised that Township Engineer Jon Tresslar was prepared to issue bid specifications and advertise for bids in connection with the Stadden Road Bridge repair project. The Township had previously obtained a LSA grant for the work. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the preparation of bid specifications and to advertise for bids for the Stadden Road Bridge Project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Central Pocono Ambulance Association – Authorization to Send Letter of Support for House Bill 179. F. Froio advised that the Board had previously sent a letter in support of a House bill that would require insurance payments to be made directly to ambulance service providers rather than to the persons who received services. The intent of the legislation was to support the payment of emergency service providers. Because the bill did not pass during the last session, a new bill was introduced in the legislature in the current session. H. Bengel suggested that the letter should be signed by all 3 supervisors rather than just the Chairman as a further show of the Board’s support for the legislation. H. Werkheiser made a motion, seconded by H. Bengel, to send a letter in support of House Bill 179. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2013 Financial Update – Actual vs. Budget Comparison Through May. F. Froio provided an update regarding the Township’s finances through May. Both the revenues and expenses were within expectations. F. Froio advised that both the EIT and LST taxes were trending upward, which was a good sign for the local economy.

Payment of Bills – Sewer Project. F. Froio advised that the Township Sewer Engineer recommended the payment of certain bills from Met-Ed, MetTel and PPL. H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the following bills: **Met-Ed (Pump Station #4): \$240.80; MetTel (Pump Station #5): \$47.34; PPL (Pump Station #1): \$111.82; and PPL (Pump Station #2): \$85.89.** Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Joint Municipal WWTP Capital Contribution. F. Froio advised that the Township Sewer Engineer recommended the payment of the Township’s share of construction contract costs for April 2013 to BCRA in the amount of \$626,821.72. The Township Engineer further recommended that the Board approve Requisition No. 14 to be drawn from the ESSA \$4.5M Guaranteed Sewer Revenue Note Series of 2010 to make the payment. H. Bengel made a motion, seconded by H. Werkheiser, to approve payment the Township’s share of construction costs for April 2013 to **BCRA** in the amount of **\$626,821.72** and to approve Requisition No. 14 that such payment be drawn from the ESSA \$4.5M Guaranteed Sewer Revenue Note Series of 2010. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Police Report – May 2013. F. Froio reviewed the report on Police Department recorded activities for May 2013, which also contained year-to-date figures and a comparison to 2012.

**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 June 3, 2013 (**GENERAL FUND: \$42,506.96; PARK FUND: \$1,476.90; DEBT SERVICE: \$31,373.75; EMERGENCY SERVICES FUND: \$34,000.00**). 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 May 20, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

F. Hess announced that interviews for the position of the Director of Public Works would be held on June 5, 2013.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

F. Hess requested that the Township Solicitor research and prepare a resolution that would prohibit Supervisors from holding other paid positions within the Township. A lengthy discussion followed concerning the proposal and issues related to the possible transition of the Township to a First Class Township.

Monica Gerrity asked about the installation of time clocks. F. Hess advised that the clocks had not yet been installed.

Wayne Daubert asked about the process for having a speed limit sign installed on Alger Road. H. Bengel explained the process and the difficulty in gaining approval for speed limit signs.

Joe Folsom asked about the status of the Friendly's trailer and other illegal signs in the Township.

Jack Swersie stated that he applauded F. Hess's proposal that Supervisors not be employed by the Township. He asked for the opinions of the Board members on the prospect of the Township becoming a first class township. The Board members each stated that they were reviewing the issue and had not come to any final conclusions.

Marie Guidry asked about the update to the comprehensive plan. A brief discussion followed. She stated that the Township should take better care of the appearance of the building. She pulled weeds in front of the Township building and no one had cleaned them up. H. Bengel volunteered to take care of the clean-up.

Jane Cilurso asked about when an ordinance, agreement or RFP would be forthcoming with respect to F. Froio. F. Hess stated that the matter was under consideration. J. Cilurso also stated that she believes the requirement that residents come to the podium and identify themselves before speaking is intimidating. F. Hess stated that the podium is being used to make the meetings more orderly.

Maxine Tripolsi asked when the sewer system would be up and running. F. Hess advised that there was a problem in the line and that the matter was now in the hands of the

parties' respective attorneys. M. Tripolsi also asked about the forensic audit on the sewer project. F. Hess advised that the audit was ongoing. M. Tripolsi asked how many part-time police officers had been hired since the police contract was approved. F. Hess advised that no part-time officers had been hired, as the Police Department had not received a satisfactory applicant.

M. Tripolsi stated that the interview of the Department of Public Works applicants should be performed by an outside agency rather than the Board itself. F. Hess and H. Bengel advised that they both had supported an outside group conducting the interviews, but that H. Werkheiser objected. H. Werkheiser acknowledged that he objected to having someone other than the Board conduct interviews. F. Hess advised that because H. Werkheiser was not comfortable utilizing an outside interviewer, the Board agreed to forego that process.

The Board adjourned to Executive Session at 7:47 p.m.

The meeting reconvened at 7:55 p.m. J. Durney advised that the Board discussed a litigation matter in Executive Session. J. Durney explained that the decision of the Zoning Hearing Board in the Bangiyev dog kennel matter had been appealed by the applicant. J. Durney recommended that the Township file a Notice of Intervention in order that the Township could participate in the appeal as the Board may see fit. J. Durney provided an explanation of the procedure that the matter would take now that an appeal had been filed. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Township Solicitor to file a Notice of Intervention in the Bangiyev Land Use Appeal. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn at 8:00 p.m., until June 17, 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.