

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
October 15, 2012**

MINUTES

Chairman Frank Hess opened the meeting at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: F. Hess, Chairman; H. Werkheiser, Vice Chairman; H. Bengel, Supervisor; Frank Froio, Township Administrator; Jeffrey Durney, Township Solicitor; Jeffrey Stewart, Township Labor Counsel

ANNOUNCEMENTS/CALENDAR:

Sewer Meeting on October 16, 2012 at 6:00 p.m.

Planning Commission Meeting on October 22, 2012 at 7:00 p.m.

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

None.

SOLICITOR'S REPORT:

Police Contract – Consideration of Approval – J. Stewart provided an overview of the Police contract. The contract will cover a 4 year period (2012-2015). The increase in wages is 2% for 2012; 2% for 2013; 3% for 2014; and 3% for 2015. The contract permits the use of part-time officers, which will result in a savings on overtime costs and allow the police officers to utilize their days off. No additional sick or vacation time was provided. The contract provides one additional personal day per year. The contract also contains a change in health insurance plans that will result in savings to the Township. Reaching an agreement on the contract also allowed the Township to avoid the cost and uncertainty of arbitration. The contract was adopted unanimously by the police officers. Judy Coover and others expressed concern that the officers are not required to make any contributions toward their health insurance coverage. F. Hess stated that he supported the approval of the contract, which was a very fair compromise for both sides. H. Werkheiser expressed his concern that he had not been provided with a projection regarding the savings that the Township would see as a result of utilizing part-time officers. F. Hess advised that a projection was not possible at this time since the Township has never utilized part-time officers previously and does not know how they will be scheduled. H. Bengel advised that he supported adoption of the contract and expects the use of part-time officers to be a significant benefit to the Township in controlling overtime costs. H. Bengel made a motion, seconded by F. Hess, to approve

the Police Contract for 2012-2015. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by F. Hess, to provide the Police Chief and Assistant Police Chief the same benefits to which the uniformed officers are entitled under the contract. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

TDQ Land Equities – Conditional Use Hearing – PUBLIC HEARING. J. Durney advised that the Board held a Conditional Use Hearing on October 1, 2012. J. Durney provided a summary of the proceedings, which concluded with the record being closed and the Board opting to deliberate at its October 15th meeting. There was a brief discussion. H. Werkheiser made a motion, seconded by F. Hess, to approve the application for a conditional use for the Dairy Queen sign plaza subject to the following conditions: (1) all non-conforming signs existing on the property shall be removed; (2) the sign plaza and the LED display shall comply with all federal and PennDOT regulations; (3) the Township shall be permitted to use the LED display in the event of emergencies; (4) no off-premises advertising shall be permitted; (5) no animation, flashing or blinking shall be permitted on the sign plaza; (6) motion on the LED display shall be limited to transition of one message to another; (7) sign to be equipped with light sensor capable of measuring ambient light levels and dimming device that will lower the brightness level required to make the sign visible; illumination shall be maintained at the lowest level necessary to make the sign reasonably visible during both daytime and nighttime hours; and (8) transitions on the LED display shall fade and content shall not change more than once every 8 seconds. Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 630 – Consideration of Appointment of Berkheimer as LST Collector – J. Durney advised that the Township had been contacted by Centax, the Township’s current LST collector, and Berkheimer regarding Berkheimer assuming the LST collection. J. Durney further advised that he had not yet received sufficient information in order to recommend the adoption of the resolution. J. Durney recommended that the issue be revisited at the Board’s November 5, 2012 meeting.

ADMINISTRATOR’S REPORT:

Cafeteria Plan – Consideration of Adoption of Plan Document – F. Froio advised that the Board needed to adopt a cafeteria plan document that would permit employees to opt out of the medical coverage in exchange for receiving a portion of the premiums that would otherwise have been paid. This change was negotiated as part of the police contract. A brief discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to adopt the Cafeteria Plan Document. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 632 – Cafeteria Plan Amendment/Restatement – F. Froio advised that based upon the adoption of the Plan Document it was necessary to adopt a resolution amending the Cafeteria Plan. H. Bengel made a motion, seconded by H. Werkheiser, to

adopt Resolution No. 632 Cafeteria Plan Amendment/Restatement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. RESOLUTION NO. 632.

Long Term Disability – Authorization to Make Payroll Deductions – F. Froio advised that a long term disability policy with Assurity Life Insurance Company was available for purchase by employees. There will be no contributions by the Township. The Company requested that the Township permit payroll deductions for any employee who opts to purchase the disability plan. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the optional payroll deductions for employees who elect to purchase a long term disability policy with Assurity Life Insurance Company. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Municipal Pension System State Aid – Distribution Authorization – F. Froio advised that the Township received the 2012 Commonwealth allocation of General Municipal Pension System State Aid in the amount of \$185,957.70. The Township’s pension consultant recommended distribution of \$144,066.00 to the Uniform Pension Plan Fund and \$41,891.70 to the Non-Uniform Pension Fund. H. Bengel made a motion, seconded by H. Werkheiser, to acknowledge receipt of the 2012 Commonwealth allocation of General Municipal Pension System State Aid and authorize the distribution of \$144,066.00 to the Uniform Pension Plan Fund and \$41,891.70 to the Non-Uniform Pension Fund. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Frantz Hill Road Culvert – Change Order – F. Froio advised that a change order for additional scratch overlay was required in the amount of \$9,120.00. H. Werkheiser advised that the change order was necessary to complete paving. H. Bengel made a motion, seconded by H. Werkheiser, to approve the change order in the amount of \$9,120.00 for additional paving on the Frantz Hill Road project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2011 Financial Statements – Consideration of Approval of Audited Financial Statements – F. Froio advised that the 2011 audited financial statements had been received. There were a few deficiencies. F. Hess advised that the deficiencies would be referred to the Township Auditors. H. Bengel made a motion, seconded by H. Werkheiser, to accept the audit of the 2011 financial statements and approve the 2011 audited financial statements. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Mountain View Park Board – Letter of Resignation – F. Froio advised that Dee Ackerman had submitted her letter of resignation to the Mountain View Park Board. F. Hess presented Resolution No. 631 in recognition and appreciation for D. Ackerman’s many years of service on the Park Board. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Resolution No. 631 in recognition and appreciation of Dee Ackerman’s service on the Park Board. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. RESOLUTION NO. 631.

Mountain View Park Board – Letter of Interest – F. Froio advised that the Township had received a letter from Charlie Lynn Trapasso expressing her interest in serving on the

Mountain View Park Board. H. Bengel made a motion, seconded by H. Werkheiser, to refer C. Trapasso's letter of interest to the Park Board. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Discussion of Projected Results of 2012 Operations for General Fund – F. Froio provided an overview of the projected results of the General Fund budget for year end 2012. F. Froio advised that from 2009 through 2011, the Township's expenses exceeded its revenues by \$1,078,827.00. In this regard, the deficit for 2009 was \$431,760.00; the deficit for 2010 was \$221,825.00; and the deficit for 2011 was \$425,242.00. The Township covered these deficits by using monies from the capital reserve fund, resulting in a significant reduction in the fund. F. Froio advised that through the current Board's efforts in controlling expenses, among other things, there is a projected budget surplus for 2012.

HJP Park – Approval of Payment -- H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the budgeted amount of \$11,976.63 to HJP Park. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

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 October 15, 2012 (GENERAL FUND: \$79,838.24; PARK FUND: \$7,901.70; ROAD EQUIPMENT: \$1,014.30). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Werkheiser made a motion, seconded by F. Hess, to approve the minutes of the October 1, 2012 Board of Supervisors Meeting. Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

International Truck – J. Durney advised that there has been no change in Hunter's position with respect to the truck. F. Hess called for a motion to approve the purchase of the truck. No motion was made.

NEW BUSINESS:

Jeff Snyder presented a copy of a letter from Benchmark regarding the sight distances at the proposed driveways for the 6 lots in Tanalo Estates.

PUBLIC COMMENT:

Pat Ross asked a question regarding the completion of the sewer project and whether a forensic audit would be performed. Jan Depuy also asked about an audit. F. Hess advised that an audit may be performed.

F. Hess thanked Pocono Farm Stand for its generous donation in decorating the Township building at no cost to the Township.

F. Hess also thanked Jan Depuy for her generous donation of file cabinets.

EXECUTIVE SESSION:

F. Hess announced that the Board had met in Executive Session prior to the meeting to discuss labor issues.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:42 p.m., until November 5, 2012, 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.