

**POCONO TOWNSHIP SUPERVISORS  
REORGANIZATION MEETING  
January 7, 2013**

**MINUTES**

Chairman Frank Hess opened the meeting at 5:00 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:**

Board of Auditors Reorganizational Meeting on January 8, 2013 at 7:00 p.m.

Board of Supervisors Regular Meeting on January 23, 2013 at 7:00 p.m. (moved from January 21, 2013 due to Martin Luther King, Jr. Holiday)

**PUBLIC COMMENT:**

None.

**REORGANIZATION:**

A. Election of Officers

1. Appointment of Temporary Chairperson. H. Bengel made a motion, seconded by H. Werkheiser, to appoint F. Hess as the Temporary Chairperson. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2. Nomination and Election of Chairperson. H. Bengel made a motion, seconded by H. Werkheiser, to nominate F. Hess as Chairperson. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

3. Nomination and Election of Vice Chairperson. F. Hess made a motion, seconded by H. Bengel, to appoint H. Bengel as the Vice Chairperson. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

4. Appointment of Secretary/Treasurer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint F. Hess as Secretary/Treasurer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

5. Appointment of Assistant Secretary/Assistant Treasurer. F. Hess made a motion, seconded by H. Bengel, to nominate H. Werkheiser as Assistant

Secretary/Assistant Treasurer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

## B. Professional Appointments

1. Solicitor. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Royle & Durney as Township Solicitor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2. Engineer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Pennoni Associates as Township Engineer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

3. Earned Income Tax Collector. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Berkheimer Tax Administrators as Earned Income Tax Collector. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

4. Labor Counsel. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Norris, McLaughlin & Marcus as Labor Counsel. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

5. Building Code Enforcement Officer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Building Inspection Underwriters of Pa., Inc. as Building Code Enforcement Officer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

6. Conflict Engineer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Boucher & James as Conflict Engineer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

7. Conflict Solicitor. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Grim Biehn & Thatcher as Conflict Solicitor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

8. Special Counsel for Sewer Project. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Cramer, Swetz & McManus as Special Counsel for Sewer Project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

9. Engineer for Pocono Township Sewer Project. H. Bengel made a motion, seconded by H. Werkheiser, to appoint R.K.R. Hess Associates as Engineer for the Pocono Township Sewer Project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

10. Zoning Hearing Board Solicitor (fees only). H. Bengel made a motion, seconded by H. Werkheiser, to approve the fee schedule from Weitzmann & Weitzmann. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

### C. Board Appointments

1. Right to Know Officer. H. Werkheiser made a motion, seconded by F. Hess, to appoint Henry Bengel as the Right to Know Officer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2. Zoning Officer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Mike Tripus as Zoning Officer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

3. Sewage Enforcement Officer. H. Werkheiser made a motion, seconded by H. Bengel, to appoint Dave Manter (BIU) as Sewage Enforcement Officer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

4. Township Administrator/Assistant Treasurer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Frank Froio as Township Administrator/Assistant Treasurer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

5. Police Chief. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Phil Riley as Police Chief. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

6. Assistant Police Chief. H. Bengel made a motion, seconded by F. Hess, to appoint Kent Werkheiser as Assistant Police Chief. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to set the benefits for the Police Chief and Assitant Police Chief consistent with the benefits set forth in the Police Union Contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

7. Public Works Director. H. Werkheiser made a motion to appoint himself as Public Works Director. There was no second.

F. Hess made a motion, seconded by H. Bengel, to appoint H. Bengel as Public Works Director. There was a lengthy discussion and extended public comment. Several members of the public, including, Judi Coover, Monika Gerrity, Jane Cilurso and Keith Abrams, questioned whether it was appropriate to replace H. Werkheiser and, even if so, whether H. Bengel had the appropriate qualifications to fill the role. There were also questions about H. Bengel's previous statements that he had no intent to take a paid position with the Township. H. Bengel responded to the questions by indicating that he felt that he had the qualifications to fill the position and that while he had not intended to take a position at the time of making his prior statements, the intervening circumstances over the past year had convinced him that he should take on a greater role within the

Township. H. Bengel specifically identified issues concerning the lack of a long-term plan concerning the maintenance of Township roads. In response to a question, H. Bengel indicated that he would not take benefits. Several residents offered their support for the job H. Werkheiser has done over the years. Several residents further questioned whether the decision to replace H. Werkheiser was based upon personality conflicts among the Supervisors. There were also questions concerning why H. Werkheiser could not have been provided more assistance and/or more funds to improve the roads. Several residents expressed their disappointment in the decision. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

8. Building Code of Appeals. H. Bengel made a motion, seconded by F. Hess, to table the appointments to the Building Code of Appeals. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

9. Park & Recreation Committee. H. Bengel made a motion, seconded by H. Werkheiser, to table the appointments to the Park & Recreation Committee. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

10. Planning Commission. H. Bengel made a motion, seconded by H. Werkheiser, to table the appointments to the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

11. Vacancy Board Chairperson. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Jackie Calicchio as the Vacancy Board Chairperson. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

12. Zoning Hearing Board. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Russell Cramer as a Zoning Hearing Board member and Ron Michaels as an Alternate. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

13. Pocono/Jackson Water Authority. H. Bengel made a motion, seconded by F. Hess, to appoint George Hanzimanolis as representative to the Pocono/Jackson Water Authority. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

D. RESOLUTION 2013-01: Establishing Holidays, Secretary/Treasurer/Manager Bond Limits, Mileage Reimbursement, Board of Supervisors Meeting Dates. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Resolution No. 2013-01 establishing Township holidays, setting the Secretary/Treasurer/Manager bond limits, establishing the applicable mileage reimbursement and the Board of Supervisors meeting dates for 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.  
**RESOLUTION NO. 2013-01.**

E. Township Depositories. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Bank of New York Mellon Bank, Citizens Bank, First National Bank of

Palmerton, PNC Bank, ESSA Bank & Trust, Wachovia Bank, PA Local Government Investment Trust (PLGIT), The Third National Bank of Scranton, Pennstar Bank, Penn Security Bank, 1<sup>st</sup> Keystone Community Bank, Community Bank & Trust, M&T Bank and Wayne Bank as approved depositories. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

F. PSATS Voting Delegate. F. Hess made a motion, seconded by H. Bengel, to appoint H. Werkheiser as the PSATS Voting Delegate. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

G. Police Liason. F. Hess made a motion, seconded by H. Bengel, to appoint H. Bengel as the Police Liason. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ENGINEER'S REPORT:**

None.

**SOLICITOR'S REPORT:**

None.

**ADMINISTRATOR'S REPORT:**

Planning Commission Resignation Letter. F. Froio advised that Michael Velardi had submitted a letter indicating his desire to resign from the Planning Commission. H. Bengel indicated that he contacted M. Velardi to thank him for his service. H. Bengel made a motion, seconded by F. Hess, to accept the letter of resignation. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Consideration of Engagement Letter for 2012 Year-End Accounting Services. F. Froio advised that Riley and Company had submitted a proposal to provide year-end accounting services for a fee of approximately \$15,000.00. H. Bengel made a motion, seconded by H. Werkheiser, to approve the proposal of Riley and Company for 2012 year-end accounting services for a fee not to exceed \$15,000.00 and to authorize the Chairman to sign the engagement letter. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

American Red Cross of the Poconos – Request for Permission to Use Roads for “Run for the Red” Marathon. F. Froio advised that a request was received from the American Red Cross of the Poconos for permission to use Township roads on May 19, 2013 in connection with the annual “Run for the Red” Marathon. H. Bengel made a motion, seconded by H. Werkheiser, to approve the request of the American Red Cross of the Poconos to utilize Township roads on May 19, 2013 for the “Run for the Red” Marathon and to authorize the Chairman to sign the authorization. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

CSG Permit Manager – Consideration of Support & Maintenance Agreement. F. Froio advised that the Township had received a proposal to renew the Support & Maintenance

Agreement for the CSG Permit Manager software from Cork Shunk (CS-Graphx). The costs of the annual contract is \$1,850.00. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Support & Maintenance Agreement with CS-Graphx and to authorize the Chairman to sign the Agreement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton County Area Community College – Consideration of Alternative Transportation Plan. F. Froio advised that the College had submitted an Alternative Transportation Plan for the intersection of SR 715 and Railroad Avenue for review and approval by the Township. J. Tresslar, Township Engineer, advised that the Alternative Transportation Plan was appropriate and consistent with what was approved on the preliminary land development plans. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Alternative Transportation Plan dated August 2011 and revised December 2012. 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 January 7, 2013 (GENERAL FUND: \$77,701.92; PARK FUND: \$62.98; DEBT SERVICE: \$1,872.57). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

In response to a request, F. Hess indicated that a copy of the bill payment list will be made available along with the agenda for future meetings.

**APPROVAL OF MINUTES:**

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the December 17, 2012 Board of Supervisors 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 the minutes of the December 27, 2012 Board of Supervisors Special Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

A resident asked about the forensic audit concerning the sewer system. F. Hess indicated that the audit would proceed. Another question was raised as to whether F. Froio received any Township benefits. F. Hess indicated that F. Froio does not receive benefits. There was a brief discussion concerning F. Froio's status.

J. Cilurso stated that she felt that a great injustice was done to H. Werkheiser by not reappointing him as Public Works Director.

John Bramley stated that H. Werkheiser did a great job and there was no reason not to reappoint him.

A resident questioned whether part-time police officers should get paid holidays. F. Froio advised that under the terms of the police union contract, part-time officers are eligible for paid holidays under certain circumstances when a minimum number of hours are worked.

Several residents echoed the sentiments in favor of H. Werkheiser's performance and questioned whether H. Bengel had the knowledge and expertise to perform the job. J. Coover questioned whether H. Werkheiser was given the assistance he may have needed to perform the tasks for which he was being criticized for not performing. Others criticized H. Bengel for going back on his prior statements that he would not take on a paid Township position. Residents questioned why H. Werkheiser could not have been provided more help to address the areas where his performance was not adequate. There were questions raised about H. Werkheiser's continued status with the road crew. Others suggested that even if H. Werkheiser was not the right person for the job, the position should have been advertised and a pool of applicants should have been considered.

Mr. Nagy complained about the fences that were installed on the property adjacent to his that operates as a drug rehabilitation center. Mr. Nagy stated that the fence is ugly and does not fit in with the wooded, country setting. Mr. Nagy further stated that the owners of the property were antagonizing him. M. Gerrity advised that while she was not in favor of having a drug rehabilitation center as a neighbor, the fence was an improvement over the prior situation where the residents of the center were more free to roam the neighborhood, which led to several incidents including thefts. F. Hess asked whether Mr. Nagy would be satisfied if the owners of the adjacent property planted some trees to better shield the fence from view. Mr. Nagy advised that this might be satisfactory. F. Hess advised that he would consult with the owners to see if a solution could be reached.

**EXECUTIVE SESSION:**

F. Hess announced that the Board would meet in Executive Session with the Township's Solicitor to review a litigation matter. The Executive Session would take place immediately after the adjournment of the meeting and there would be no further business, nor any official action taken.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by F. Hess, to adjourn to Executive Session immediately after the adjournment of the 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 adjourn the meeting at 6:45 p.m., until January 23, 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.