

**POCONO TOWNSHIP SUPERVISORS  
MINUTES OF THE SEWER MEETING  
SEPTEMBER 10<sup>th</sup>, 2012 6:00 P.M.**

A Special Sewage meeting of Pocono Township Supervisors was held on September 10<sup>th</sup>, 2012 in the Pocono Twp. Municipal Building, Tannersville, Pa. Frank Hess, Chairman opened the meeting.

**ROLL CALL:** F. Hess, present, and H. Bengel, present. H. Werkheiser, absent.  
Tim McManus, Twp. Sewer Project Solicitor; Sam D'Alessandro and Russ Scott, RKR Hess Associates, Inc.; and Frank Froio, Township Administrator were present.

**MINUTES:** H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 08/01/2012 Special meeting. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried

**APPROVAL OF BILLS:**

H. Bengel made a motion, seconded by F. Hess to approve the bills:

1) <u>PPL - Acct. No. 93463-23009 - \$246.61</u>	
<u>Acct. No. 90522-93007 - \$121.84</u>	
<u>Acct. No. 99311-81000 - \$ 43.41</u>	
<u>Acct. No. 91783-75006 - \$ 61.92</u>	<b>Total - \$591.67</b>
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2) <u>MET-ED Acct 100 089 861 596 - \$528.40</u>	
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3) <u>METTEL Inv. 0100511827-807-6 - \$191.89 - phone line PS #5</u>	
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4) <u>RKR Hess - Inv. 07/02/2012 to 07/29/2012 - \$51,442.50</u>	
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5) <u>Grim, Bieln, &amp; Thatcher, Inv. 122709 - Legal - \$4,579.00</u>	
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6) <u>Cramer, Swetz, &amp; McManus - Inv. 31955 - \$1,008.00</u>	
<u>Inv. 31954 - \$105.00</u>	
<u>Inv. 31951 - \$3,373.01</u>	
<u>Inv. 31953 - \$231.00</u>	
<u>Inv. 31952 - \$1,470.00</u>	
	<b>Total - \$6,187.01</b>

and the 09/05/2012 and 09/10/2012 bill packages. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**PROFESSIONAL SERVICE AGREEMENT**

H. Bengel made a motion, seconded by F. Hess, to approve the Professional Service Agreement for David Griffiths & Lenore Sager, Lot Line Adjustment Plan. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**ADDITIONAL MEETING NIGHT**

H. Bengel made a motion, seconded by F. Hess, to hold a second Special Meeting per month on the 3<sup>rd</sup>, Tuesday at 6:00 p.m., for sewage matter and other township business as necessary. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**PROPOSED RATE STRUCTURE**

- RKR Hess Associates' letter of 08/31/2012 recommended that the Supervisors direct the Sewer Solicitor to incorporate the following measures:
  - 1) Apply a User Fee of \$1,250 per EDU per year, to be billed on a monthly basis.
  - 2) Apply a Tapping Fee of \$3,750 per EDU, and offer a discount Tapping Fee of \$2,500 per EDU for existing, developed properties in the immediate service area, as defined in the approved Act 537 Plan, provided the owner of the property connects to the sewer system and makes payment of Tapping Fees within 90 days of the Notice to Connect being issued.

**ACT 537 PLAN AMENDMENT**

- H. Bengel made a motion, seconded by F. Hess, to authorize the Twp. Engineer to submit the revised Task Activity Report to PADEP. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- H. Bengel made a motion, seconded by F. Hess, to approve the Professional Consulting Service Agreement for RKR Hess Associates, to prepare the Act 537 Plan Amendment and address public comments. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION**

- Contract No. 3 - Leeward Construction, Pay Request No. 14 - H. Bengel made a motion, seconded by F. Hess, to approve Leeward Construction, Contract No. 3, Payment Request No. 14, in the amount of \$95,641.38, contingent upon receipt of the notarized originals. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 3 - RKR Hess recommended Change Order #5 in the amount of \$13,119.70 for additional tree removal in the area across Rt. 611 from the Crossings Outlets and JCI Cigars. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 3 - Change Order #5 in the amount of \$13,119.70. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 4 - RKR Hess met with Supervisor F. Hess and the Contractor (Pioneer Construction Co.) to discuss a settlement on Pioneer's claim of the costs associated with extended and continuous groundwater pumping costs. A final figure of approximately \$50,000 was discussed. H. Bengel made a motion, seconded by F. Hess, to authorize a Change Order in the amount of approximately \$50,000.00 for Settlement of Pioneer Construction Co., cost associated with groundwater pumping costs for Contract No. 4. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

- Contract No. 8 - RKR Hess recommended conditional approval of Payment Request No. 12 in the amount of \$20,556.87, to Pioneer Construction Co., Inc. which reflects reduction in retainage from 5% to 2.5%. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 8, Payment Request No. 12, for Pioneer Construction, Co., Inc. in the amount of \$20,556.87, contingent upon the contractor satisfactorily completing startup of Pump Station No. 1. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 9 - RKR Hess recommended conditional approval of Payment Request No. 11 in the amount of \$10,167.06, to Pioneer Construction Co., Inc., which reflects reduction in retainage from 5% to 2.5%. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 9, Payment Request No. 11, in the amount of \$10,167.06, to Pioneer Construction, Inc., contingent upon the Contractor satisfactorily completing startup of Pump Station No. 2. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- EPA STAK GRANT - H. Bengel made a motion, seconded by F. Hess, to authorize the Twp. Chairman to sign the amendment of the EPA STAK Grant extending the period of the same to the end of 2012, pending verification of the Contract time period. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 10 - RKR Hess recommended conditional approval of Payment Request No. 9 in the amount of \$190,014.64, to Doli Construction Corp., for work completed through August 30<sup>th</sup>, 2012. This Payment Request relates, in general, to completion of Stream Encroachment #28, Change Order #2 (Watertight manholes and manhole adjustments), and reduction of retainage to 1%. Payment is contingent upon Doli addressing the surface settling in the shoulder of Rt. 611 near Big Daddy's Barbeque Restaurant. H. Bengel made a motion, seconded by F. Hess, to conditionally approve Contract No. 10, Payment Request No. 9, in the amount of \$190,014.64 to Doli Construction Corp. contingent upon completion of addressing the surface settling in the shoulder of Rt. 611 near Bid Daddy's Barbeque Restaurant. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 10 - Doli Construction Corp. reimbursed Pocono Township for expenses related to: Engineering, re-permitting and construction observation incurred as a direct result of deficiencies associated with Stream Encroachment No. 28 = \$8,922.51 and the Signal Service Invoice for repairs to signalization wires damaged by Doli at the intersection of Bartonville Ave. and Rt. 611 = \$1,554.00. Their cover letter states that payments are being made under "duress". RKR asked if the Board wished them to respond to Doli's letter. The Board did not wish RKR Hess to respond to the letter.

- PennVEST Grant Payment Application #7  
H. Bengel made a motion, seconded by F. Hess, to authorize the Twp. Engineer to submit PennVEST Grant Payment Application #7 on behalf of the Township. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 11 - Startup of the Pump Stations and Valves Stations is tentatively scheduled for the week of September 24. RKR Hess recommended a time extension of Contract No. 11 in accordance with their letter of September 4<sup>th</sup>, 2012. The revised date of Substantial Completion shall be September 28<sup>th</sup>, 2012. RKR Hess recommended approval of a Change Order for \$1,500.00 to install an independent breaker and junction box for the control panel at Valve Station No. 1.  
  
H. Bengel made a motion, seconded by F. Hess, to approve the Time Extension of Contract No. 11 as per RKR Hess letter of 09/04/2012. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.  
  
H. Bengel made a motion, seconded by F. Hess, to approve the Change Order for \$1,500.00 to install an independent breaker and junction box for Valve Station No. 1. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried
- Contract No. 11 - RKR Hess recommended approval of Payment Request No. 13 in the amount of \$366,058.75, to PACT Two, LLC for work completed through August 24<sup>th</sup>. This payment request relates to Pump Station No. 3 (near American Candle Shop), Pump Station No. 4 (Comfort Inn), Pump Station No. 5 (near Bartonsville Ave.) and the two valve stations along the forcemain to Stroudsburg.  
H. Bengel made a motion, seconded by F. Hess, to approve payment for Contract No. 11, PACT Two, LLC, Payment request No. 13, in the amount of \$366,058.75. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 15 - RKR Hess recommended approval of Payment Request No. 8 in the amount of \$84,336.53, to JOAO & Bradley Construction Co., Inc. for work completed through August 4<sup>th</sup>, 2012. This payment requests relates, in general, to pavement restoration associated with the forcemain construction in Stroud Township and reduction of retainage from 2.5% to 1%.  
H. Bengel made a motion, seconded by F. Hess, to approve payment for Contract No. 15, JOAO & Bradley Construction, Payment Request No. 8, in the amount of \$84,336.53. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

## PHASE II SEWER FORCEMAIN AND PUMP STATION CONT:

- Contract No. 15 - RKR Hess recommended approval of a Change Order in the amount of \$3,375.42 to compensate for the Contractor's repair of an unmarked private lateral along Wallace Street in Stroud Township. RKR Hess also recommended the Board of Supervisors reimburse a portion of the out of pocket costs of the property owner (Sons of Israel Congregation) in the amount of \$600.00 related to flushing and investigation of this lateral. H. Bengel made a motion, seconded by F. Hess, to approve the Change Order for Contract No. 15 - JOAO & Bradley for \$3,375.42 for repair of unmarked private lateral along Wallace Street. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

H. Bengel requested RKR Hess to obtain an itemization of the De-Clog invoice between flushing and clean-out installation with respect to the Sons of Israel Congregation reimbursement issue. Action on that matter was deferred until that information is received.

- H2O PA Grant - RKR Hess requested authorization to submit to H2O PA Reimbursement Application NO. 8 to the PA Department of Community & Economic Development on or about September 18<sup>th</sup>, 2012. H. Bengel made a motion, seconded by F. Hess, to authorize the RKR Hess to submit the H2O Reimbursement Application No. 8 and authorize the Twp. Chairman to sign. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

## JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION

- RKR Hess in their letter of September 4<sup>th</sup>, 2012 recommended approval and authorization of Payment Application No. 7 of the PennVEST \$8.3M Loan to be drawn in the amount of \$594,634.01. H. Bengel made a motion, seconded by F. Hess, to authorize PennVEST \$8.3M Loan be drawn in the amount of \$594,634.01 and these funds will be applied towards Pocono Township's share of the Capital Contribution to the Joint Wastewater Treatment Plan. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

## COMMENTS:

Don Simpson questioned eliminating residences from the sewer service area.

## ADJOURNMENT:

H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 7:45 p.m. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.