

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE SPECIAL MEETING
OCTOBER 3rd, 2012 6:00 p.m.**

The Special Sewer Meeting of the Pocono Township Supervisors was held on October 3rd, 2012 at the Pocono Township Municipal Building, Tannersville, Pa., and was opened by Chairman Frank Hess at 6:00 p.m. followed by the Pledge of Allegiance.

ACKNOWLEDGEMENT OF COMMENTS RE RESIDENTS: Chairman Frank Hess noted that each visitor has the right to comment at this time or before any action is taken on the matter.

ROLL CALL: Frank Hess, present; and H. Bengel, present. Harold Werkheiser, was absent.

Tim McManus, Twp. Sewage Solicitor; Sam D'Alessandro and Russ Scott, RKR Hess Associates; Jens Damgaard, Special Bond Counsel, Rhoads & Sinon; and Frank Froio, Township Administrator, were also present.

MINUTES: H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 09/18/2012 Special meeting. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried

APPOINTMENT OF HIPPA PRIVACY OFFICER: H. Bengel made a motion, seconded by F. Hess, to appoint Frank Froio as HIPPA Privacy Officer for Pocono Township. Roll call vote: F. Hess, yes, and H. Bengel, yes. Motion carried.

APPOINTMENT OF HIPPA SECURITY OFFICER: H. Bengel made a motion, seconded by F. Hess, to appoint Frank Froio as HIPPA Security Officer for Pocono Township. 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) MET-ED Acct 100 089 861 596 - \$531.20

2) PPL - Acct. No. 99311-81000 - \$ 56.42
Acct. No. 91783-75006 - \$ 122.00 **Total - \$178.42**

3) Brodhead Creek Regional Authority - Water Service Connection Fees
Pump Station No. 5 - \$8,118.63
Pump Station No. 3 - \$5,979.84
Subtotal = **\$14,098.47**

4) Engle- Hambright & Davies, Inc. - Extend PADOT M945K Bond - \$2,293.00

BILLS CONT:

5) <u>Cramer, Swetz, & McManus</u>	Inv. 32181 - Phase II - \$1,176.00
	Inv. 32180 - Phase I - \$63.00
	Inv. 32177 - Sewer Project -\$4,623.84
	Inv. 32179 - Phase III - \$177.00
	Inv. 32178 - BCRA - \$1,092.00
	Inv. 32282 - Pocono Manor - \$1,260.00
	Total - \$8,391.84

6) RKR Hess - Inv. 07/30/2012 to 09/02/2012 - \$57,999.44

7) Contribution to Pocono Township Fire Company for their assistance during construction - \$1,000.00

Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

PROPOSED RATE STRUCTURE

- In RKR Hess's letter of 08/31/2012 they recommended that the Supervisors direct the Sewer Solicitor to incorporate the following measures into the rate resolution for adoption at the October 3rd, 2012 meeting:
 - 1) Apply a User Fee of **\$1,250.00 per EDU per year**, to be billed on a monthly basis.
 - 2) Apply a Tapping Fee of **\$3,750.00 per EDU**, and offer a **discount Tapping Fee of \$2,500.00 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.

RULES AND REGULATIONS OF THE JOINT WWTP

- A draft of the Rules and Regulations of the BCRA Joint Municipal WWTP has been circulated to the Municipal Consultants for review.

ACT 537 PLAN AMENDMENT

- The revised Task activity Report was submitted to PADEP on September 11th, 2012.

CONTRACT NO. 2 PAVING REPAIRS

- As a follow up to our email of September 28th, 2012, RKR Hess solicited phone/email quotes from four contractors and recommended that Pocono Township hire F&F Paving & Excavating to perform paving repairs at Alfredo's Pizza and Lesh's Leather at an estimated total cost of \$8,450.00. H. Bengel made a motion, seconded by F. Hess, to approve hiring F&F Paving to perform paving repairs at Alfredo's Pizza and Lesh's Leather at an estimated total cost of \$8,450.00. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

- Contract No. 4, Payment Request 23 - RKR Hess recommended approval - H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 4, Payment Request No. 23, in the amount of \$107,906.44, to Pioneer Construction Co. Inc., which reflects payment for groundwater pumping near Tannersville Inn and reduction in retainage from 2.5% to 1.0%. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 4, Change Order No. 9 - RKR Hess recommended approval of Change Order No. 9, which reflects pavement milling and overlay at the Tannersville Inn parking lot and a final adjustment in Contract quantities, as outlined in RKR Hess' memo of 10/02/2012. The net effect of the Change Order is a decrease in Contract Cost in the amount of \$329,027.20. H. Bengel made a motion, seconded by F. Hess, to approve Change Order No. 9 for Contract No. 4, Pioneer Construction. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 8, Change Order No. 2 - RKR Hess recommended approval of Change Order No. 2 H. Bengel made a motion, seconded F. Hess, to approve of Change Order No. 2 extending the Contract Time for Substantial Completion to September 20th, 2012. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 9, Change Order No. 2 - RKR Hess recommended approval of Change Order No. 2 H. Bengel made a motion, seconded by F. Hess, to approve the Change Order No. 2 for Pioneer Construction, extending the Contract Time for Substantial Completion to September 20th, 2012 and increasing the Contract amount by \$1,580.00 for trenching of the gas supply line for the propane tank, as previously authorized. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Propane Tanks and Supply Contract - RKR Hess recommended conditional approval of final payment to Amerigas Propane L.P. in the amount of \$1,435.71 (Pump Station #1) and \$330.00 (Pump Station #2). H. Bengel made a motion, seconded by F. Hess, to approve the final payment to Amerigas Propane L. P. in the amount of \$1,435.71 (Pump Station #1) and \$330.00 (Pump Station #2), contingent upon receipt of Final Payment Requests in proper form, warranties on remaining equipment and a letter stating the terms of their emergency service guaranty. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

PHASE III SEWER FORCEMAIN AND PUMP STATION CONSTRUCTION

- Contract No. 11 - Startup of Pump Station #5, the forcemain to Stroudsburg and the two Valve Stations were performed during the Week of September 24th, 2012 and September 28th, 2012. The system is operable and capable of accepting the wastewater flows from Sanofi as of September 28th, 2012.

- Contract NO. 11 - RKR Hess recommends approval of Payment Request No.14. The Payment Request relates to Pump Station No. 3 (Near American Candle Shop), Pump Station NO. 4 (near 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 Contact No. 11, Payment Request No. 14, to PACT Two, LLC in the amount of \$111,292.50, for work completed through September 24th, 2012. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Reimbursement to Temple Israel - RKR Hess had requested a breakdown of costs paid by Temple Israel of the Poconos for flushing and investigation of damage to their private sewer lateral in Stroud Township. To date, RKR Hess had not received a breakdown, but they did receive a request from the Treasurer of Temple Israel that Pocono Township consider reimbursing \$1000.00 of the overall \$1,200.00 invoice paid to De-Clog. H. Bengel made a motion, seconded by F. Hess, to approve payment of \$1,000.00 to Temple Israel of the Poconos for cost associated with damage to their property during sewer line construction. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Capital Contribution to Stroudsburg Borough - In accordance with RKR Hess's letters of 03/16/2012 and 10/02/2012, RKR Hess recommends Pocono Township provide capital contribution in the amount of \$66,228.00 H. Bengel made a motion, seconded by F. Hess, to approve the Capital Contribution to Stroudsburg Borough in the amount of \$66,228.00 for costs associated with the Borough's paving overlays of roads, in lieu of restoration of these roads having to be performed under Contract No.15. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Reimbursement from Stroud Township - RKR Hess recommended that Pocono Township forward a letter on to Stroud Township requesting a net reimbursement of \$8,400.00 for resolution of milling and overlay quantities in the Frantz Road and Arlington Park areas. H. Bengel made a motion, seconded by F. Hess, to approve forwarding a letter to Stroud Township requesting a net reimbursement of \$8,400.00 for resolution of milling and overlay quantities in the Frantz Road and Arlington Park areas. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- H2O PA Grant - RKR Hess requested authorization to submit H2O PA Reimbursement Application No. 9 to the PA Department of Community & Economic Development on or about October 12th, 2012. H. Bengel made a motion, seconded by F. Hess, to authorize RKR Hess, Twp. engineer to submit H2O PA Reimbursement Application NO. 9 to the PA Department of Community & Economic Development on or about 10/12/2012 and authorize F. Hess, Twp. Chairman, to sign the appropriate documents. Roll call vote: H. Bengel, yes; and F. Hess, yes. Motion carried.

JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION

- RKR Hess recommended in their letter of 10/02/2012 approval and authorization of Payment Application No. 8 of the PennVEST \$8.3M Loan be drawn in the amount of \$512,297.19. Upon receipt, these funds will be applied toward Pocono Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. H. Bengel made a motion, seconded by F. Hess, to approve and authorize Payment Application No. 8 of the PennVEST \$8.3M Loan be drawn in the amount of \$512,297.19. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- RKR Hess recommended in their letter of 10/02/2012 the Township approve payment of the invoice for soft costs to BCRA in the amount of \$92,430.00 to be drawn from the ESSA \$4.5 Guaranteed Sewer Revenue Note Series of 2010. These funds will be applied toward Pocono Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. H. Bengel made a motion, seconded by F. Hess, to approve payment of the invoice for soft costs to BCRA in the amount of \$92,430.00 to be drawn from the ESSA \$4.5 Guaranteed Sewer Revenue Note Series of 2010. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

RKR Hess requested an Executive session with the Board of Supervisors to discuss litigation in relation to Contract No. 6.

ADJOURNMENT: H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 8:15 p.m. into Executive session to discuss Litigation in relation to Contract No. 6. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.