

POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE SEWER PROJECT MEETING
NOVEMBER 7, 2012

A Sewer Project Meeting was held by the Pocono Township Supervisors on November 7, 2012, at 6:00 p.m. at the Pocono Township Municipal Building, Tannersville, Pennsylvania, and was opened by Chairman, Frank Hess, followed by the Pledge of Allegiance.

ROLL CALL: Frank Hess, present; Harold Werkheiser, absent; Henry Bengel, present. Timothy J. McManus, Sewer Project Solicitor; and Russell D. Scott, IV and Samuel M. D'Allessandro, both of R.K.R. Hess Associates, Inc., Sewer Project Engineers, were present.

PUBLIC COMMENT: Frank Hess announced anyone wishing to make any public comment may do so at this time.

MINUTES

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 10/16/12 Special Meeting. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

BUSINESS OF THE MEETING

A. APPROVAL OF BILLS:

The following bills were presented for payment: Mettel, (phone) Invoice #0100511827-809-6 – \$54.77; PP&L – PS#1-91783-75006 - \$75.85, PS #2-99311-81000 - \$48.57 = \$124.42; BCRA (Water bill) PS #3 - \$63.55, PS #5 - \$34.71 = \$98.26; F&F Paving & Excavating, Inc., Paving of TK Alfredos and Lesh's Leather Driveways - \$7,936.50.

H. Bengel made a motion, seconded by F. Hess, to approve the bills, and to invoice Leeward Construction for reimbursement with respect to the F&F Paving and Excavation, Inc., bill in the amount of \$7,936.50. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

No action was taken with respect to the Med-Ed (Oct. 18) Pump Station #4 (Estimated Bill) in the amount of \$549.76 as Met-Ed, per e-mail, advised that that bill should be disregarded and a new bill reflecting an actual meter reading would be provided.

B. ACT 537 PLAN AMENDMENT

1. The provisions of the Memorandum of Understanding entered into with respect to the regional sewer plant, and the applicability of the notification requirements of the same as they pertain to the proposed Act 537 Revisions and DRBC Docket Revisions, were discussed.

2. The feasibility of deleting the four residential properties in Hamilton Township from the sewer service area, as currently being considered as part of the Act 537 Revision, in light of the location of the sewer lines as actually installed, and the language contained in the Mandatory Connection Ordinance, was discussed. Pocono township is awaiting input from the Hamilton Township Supervisors before making a final decision with respect to this matter.

C. D'AMICO'S IMPOUNDMENT YARD ENTRANCE SETTling: Based upon the recommendation of the sewer project engineer, H. Bengel made a motion, seconded by F. Hess, that the Township hire F&F Paving and Excavating to perform surface stabilization near the entrance to the D'Amico Impoundment Yard, for an estimated cost of \$3,384.00. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

D. SANOFI SERVICE CONNECTION

1. The Township has received a request from Sanofi Pasteur to pay its Tapping Fees in installments over a several month period in light of the delay in obtaining the required PennDOT HOP to construct the sewer line in Route 314 to connect to the sewer system. The schedule for payment of User Fees would not be affected. After discussion, the Sewer Project Solicitor was directed to prepare a draft Amendment to the October 3, 2008 Special Wastewater Service Agreement between Sanofi Pasteur, Inc., and the Township of Pocono to provide for the payment of the Tapping Fees in four monthly installments, three of which would be in the amount of \$1,000,000.00 each, due on December 1, 2012, January 1, 2013, and February 1, 2013, respectively, and a final monthly installment in the amount of \$542,500.00 due on March 1, 2013, for consideration by the Township and Sanofi Pasteur.

2. The Sewer Project Engineer provided draft invoices for the Tapping Fees and the User Charges to be sent to Sanofi. Since the Special Wastewater Service Agreement has not yet been amended, the invoice for the Tapping Fees, which are currently due in full on December 1, 2012, will be sent to Sanofi Pasteur. Mark Nemitz was present at the meeting, and indicated that all sewer invoices should be sent to his attention at Sanofi Pasteur. The Sewer Project Engineer will finalize and coordinate the sending of that invoice.

E. CROSSINGS OUTLETS ACT 14 NOTICE: On October 19, 2012, the Township received an Act 14 notice from the consultant for Chelsea Property Group dba The Crossings, with regard to an application for renewal of their NPDES Sewage Discharge Permit. H. Bengel made a motion, seconded by F. Hess, to authorize the Sewer Project Engineer, in conjunction with the Sewer Project Solicitor, to prepare comments in response to the application proposing that the NPDES Sewage Discharge Permit, if issued, should only be valid until the date required for connection to the Pocono Township Sewer Collection System, or in the alternative, should such condition not be acceptable, to oppose the application for renewal. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

F. PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION: H. Bengel made a motion, seconded by F. Hess, based upon the recommendation of the Sewer Project Engineer, to approve Change Order No. 6 to Contract No. 3, which reflects a final adjustment in Contract quantities. The net effect of this Change Order is a decrease in Contract No. 3 costs in the amount of \$90,085.00. This Change Order also formalizes the extension of the Contract time by 194 days, to reflect achievement of Substantial Completion on October 11, 2011. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

G. PHASE III SEWER FORCEMAIN AND PUMP STATION CONSTRUCTION:

1. H. Bengel made a motion, seconded by F. Hess, based upon the recommendation of the Sewer Project Engineer, to approve Payment Request No. 8 in the amount of \$151,208.79 to PACT Construction, Inc., for work completed through October 5, 2012. This work is eligible under the H2O PA Grant (2/3 reimbursement). This Payment Request relates, in general, to the completion of pavement restoration and punchlist items associated with the forcemain construction in Stroud Township and reduction of retainage from 5% to 2.5%. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

2. H. Bengel made a motion, seconded by F. Hess, based upon the recommendation of the Sewer Project Engineer, to approve the following Change Orders to close out Contract No. 15:

a) Change Order No. 2 – An increase to the contract in the amount of \$875.00 to replace the manhole frame and cover with a watertight frame, cover and seal, on the air release manhole near the intersection of Wallace Street and Brown Street in Stroudsburg Borough.

b) Change Order No. 3 – An increase to the Contract in the amount of \$1,547.50 to replace sod on disturbed areas of the Lopez Property in Stroud Township, in accordance with the Township's Easement Agreement with the property owner.

c) Change Order No. 4 – An increase to the Contract in the amount of \$3,174.78 to repair a broken 18" storm sewer pipe near Fulmer Avenue in the Borough of Stroudsburg. Damage to the pipe was unavoidable during installation of the forcemain.

d) Change Order No. 5 – A Net increase to the overall contract in the amount of \$156,461.80, which reflects final adjustment and reconciliation of Contract quantities.

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

3. Contract No. 15 – H. Bengel made a motion, seconded by F. Hess, based upon the recommendation of the Sewer Project Engineer, to approve Payment Request No. 9, (Final) in the amount of \$40,378.10 to JOAO & Bradley Construction Co., Inc., for work completed through October 5, 2012 contingent upon the Solicitor's favorable review of the project close out

documents. This work is eligible under the H20 PA Grant (2/3 reimbursement). Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

4. H20 PA Grant – H. Bengel made a motion, seconded by F. Hess, to authorize the submission of H20 PA Reimbursement Application No. 10 to the PA Department of Community & Economic Development on or about November 16, 2012, which application will require the signature of Chairman of the Board of Supervisors. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

H. JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION: H. Bengel made a motion, seconded by F. Hess, based upon the recommendation contained in the October 25, 2012 correspondence of the Sewer Project Engineer, to approve and authorize Payment Application No. 9 of the PennVEST \$8.3M loan to be drawn in the amount of \$459,252.35. Upon receipt, these funds will be applied toward Pocono Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

I. PUBLIC COMMENT: Doug Olmstead inquired as to when the Township would begin accepting applications for connection to the central sewer system.

ADJOURNMENT: H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 7:04 p.m. Roll call vote: F. Hess, yes; H. Bengel, yes. Motion carried.

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