

**POCONO TOWNSHIP SUPERVISORS  
MINUTES OF THE SPECIAL MEETING  
NOVEMBER 20<sup>th</sup>, 2012 6:00 p.m.**

The Special Meeting of the Pocono Township Supervisors was held on November 20<sup>th</sup>, 2012 at the Pocono Township Municipal Building, Tannersville, Pa., and was opened by Chairman, Frank Hess, followed by the Pledge of Allegiance.

**ROLL CALL:** Frank Hess, present; Henry Bengel, present; and Harold Werkheiser, absent.

Tim McManus, Twp. Special Sewage Solicitor; Frank Froio, Township Administrator; Russell Scott, IV and Samuel M. D'Alessandro, both of R.K.R. Hess Associates, Inc., Sewer Project Engineers, were present

**MINUTES:** H. Bengel made a motion, seconded by F. Hess, to approve the Special Sewage Minutes of 11/07/2012. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**BILLS:**

- PPL - Acct. No. 90522-93007 - \$227.43  
Acct. No. 93463-23009 - \$585.80  
Subtotal PPL \$863.23
  
- Grim, Biehn, & Thatcher - Legal - \$6,665.96
  
- Cramer, Swetz & McManus (dated 11/16/2012)
  - 1) Invoice 32640 - Phase II - \$1,239.67
  - 2) Invoice 32639 - Phase I - \$357.00
  - 3) Invoice 32641 - Sewer Project \$4,509.86
  - 4) Invoice 32638 - Phase III - \$651.00
  - 5) Invoice 32637 - BCRA - \$1,491.00
  - Total CSM \$8,248.53
  
- RKR Hess Associates  
Invoices from 10/01/2012 to 11/02/2012 - \$53,213.10

H. Bengel made a motion, seconded by F. Hess, to approve the bills as presented. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**ACT 537 PLAN AMENDMENT**

- The Task Activity Report was approved by PADEP on November 13<sup>th</sup>, 2012.
  
- The Revised Service Area Map was provided to BCRA and their consultant on November 20<sup>th</sup>, 2012.

**SANOFI SERVICE CONNECTION**

- Addendum No. 1 to the Special Wastewater Service Agreement between Pocono Township and Sanofi Pasteur, Inc. has been prepared for the Supervisor's consideration. This addendum makes allowance for Sanofi to pay Tapping Fees in installments over a few months. The schedule for payment of User Fees would not be affected. H. Bengel made a motion, seconded by F. Hess, authorizing Pocono Township to enter into Addendum NO. 1 to Special Wastewater Service Agreement between Sanofi Pasteur, Inc., and the Township of Pocono, dated October 3<sup>rd</sup>, 2008, in the form presented at this meeting, and also authorizing Frank J. Hess, in his capacity as Chairman of the Board of Supervisors, to execute and deliver the same on behalf of the Township. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Revised Tapping Fee invoices will be sent to Sanofi Pasteur, Inc.

**PHASE I SEWER COLLECTION SYSTEM WARRANTY ISSUES**

- Contract No. 2 - The Contractor, Leeward Construction, has indicated that they will accept compensation of \$35,000 (with no reimbursement of the Township's previous paving costs) to resolve issue of resetting the Manhole MH#B2-1-04 (across from MCTA Drive, near Alfredo's Pizza). RKR Hess has asked Leeward for a price to perform an investigative test dig of the section of pipe with deficient slope near Manhole MH#C-01-06 (near Scotrun on-ramp). Depending upon what is discovered, this will determine whether or not the Township will pay for the test dig. No action was taken.
- Contract No. 2 - Leeward Construction has repaired the leak at Manhole #B2-1-23 on the Vultaggio Property.

**PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION**

- Contract No. 3 - A site meeting was held with PADOT and the Contractor, Leeward Construction, to examine the settlement areas along the shoulder of RT. 611, immediately north of the Crossings upper parking lot. The settlement is beyond the trench areas, adjacent to the white line, and the Contractor has stated that settlement in these areas was beyond his control due to poor soil conditions. The Contractor is proposing excavation, grouting of problem areas, and repaving, and has requested compensation in the amount of \$6,265.98 for this work. H. Bengel made a motion, seconded by F. Hess, to authorize a change order to Contract No. 3 for Leeward Construction, to perform the proposed repairs to the settlement areas along the shoulder of Rt. 611, immediately north of the Crossings upper parking area, consisting of excavation, grouting of problem areas, and repaving, for a price of \$6,265.98, subject to PennDOT approval, and also subject to the condition that the work be completed this year. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

- Contract No. 5 - RKR Hess recommended conditional approval of Payment Request No. 11 in the amount of \$147,555.99, contingent upon receipt of the Payroll Certifications, to PACT Construction, Inc. for work completed through November 9<sup>th</sup>, 2012. The work is eligible under the PennVEST Grant. This Payment Request relates, in general, to guiderail installation near Peddler's Village and reduction in retainage from 5% to 1%. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 5, Payment Request No. 11, in the amount of \$147,555.99, contingent upon receipt of the Payroll Certifications. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 7 - RKR Hess recommended approval of Payment Request No. 6 in the amount of \$64,735.28 to PACT Construction, Inc. for work completed through November 11<sup>th</sup>, 2012. The work is eligible under the EPA STAK Grant and PennVEST Grant. This Payment Request relates in general, to the installation of asphalt curbing and reduction in retainage from 5% to 1%. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 7, Payment Request No. 6 to PACT Construction, in the amount of \$64,735.28. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 7 - RKR Hess recommended approval of Change Order No. 4 - Final, which reflects a final reconciliation in Contract quantities. The Change Order reflects an increase in Contract cost in the amount of \$1,900.00. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 7, Change Order No. 4, to reflect an increase in Contract No. 7 cost in the amount of \$1,900.00. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**PHASE III SEWER FORCEMAIN AND PUMP STATION CONSTRUCTION**

- Contraction NO. 14 - The Contractor has questioned some of the billing rates charged on inspection invoices submitted by the engineer for Stroud Township, and is requesting that Pocono Township bring this issue up with Stroud Township. R. Scott will provide documentation to the Board so they may speak to Stroud Township concerning the fees.
- Contract No. 11 - RKR Hess met with the Contractor, PACT Two, LLC, with regard to a number of outstanding items and Change Order requests. RKR Hess recommended consideration of the following Change Orders. There will be others, pending receipt of backup information from the Contractor:

- 1) Change Order No. 1 - An increase to the Contract in the amount of \$3,500.00 (negotiated value) to have the Subcontractor, Dutchland Inc. field adjust the PS#5 precast tank penetration to provide adequate slope in the sewermain entering the tank. This was at a transition point between Contracts and was preferable to re-digging the pavement of Bartonsville Avenue. H. Bengel made a motion, seconded by F. Hess, to approve Change Order No. 1 - PACT Two, LLC, Contract No. 11. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- 2) Change Order No. 2 - An increase to the Contract in the amount of \$9,000.00 to install trenchplug, relief drain and outfall apron, as well as adjustment of a catch basin, to route groundwater flow away from PS#5 Tank. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 11, PACT Two, LLC, Change Oder No. 2. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- 3) Change Order No. 3 - An increase to the Contract in the amount of \$3,000.00 (previously approved as not to exceed) to extend the watermain along Bartonsville Ave. and to provide a small diameter bore under the road for water service to PS#5. This was necessary as the main had previously been extended to the north side of the road to serve the Abeloff Dealership. BCRA provided the watermain pipe at no cost. H. Bengel made a motion, seconded by F. Hess, to approve Change Order No. 3, PACT Two, LLC, in the amount of \$3,000.00. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- 4) Change Order No. 4 - Formalize an increase to the Contract in the amount of \$1,386.33 to install an independent breaker and junction box for the control panel at Valve Station No. 1. This was previously approved at the 09/10/2012 Sewer Meeting, as not to exceed value of \$1,500.00. H. Bengel made a motion, seconded by F. Hess, to approve Change Order No. 4, PACT TWO, LLC in the amount of \$1,386.33. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**JOINT MUNICIPAL WWTP TEMPORARY BYPASS REIMBURSEMENT**

- RKR Hess recommended that the Township send a letter to BCRA requesting partial reimbursement or credit for the Temporary Bypass Influent Connection installed under Contract No. 11. A draft letter has been provided for the Supervisors review. H. Bengel made a motion, seconded by F. Hess, authorizing Frank J. Hess, in his capacity as Chairman of the Board of Supervisors to prepare a letter to BCRA and to execute and deliver the same on behalf of the Township, requesting partial reimbursement or credit for the Temporary Bypass Influent Connection installed under Contract No. 11. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**DIARY QUEEN MANHOLE ADJUSTMENT**

- RKR Hess is in receipt of an estimate of \$4,200.00 from Pioneer Construction to install a 2 ft. riser, with wrapped joints on the manhole in front of the new Dairy Queen in order to accommodate the proposed landscaping. The owner Mr. Riccobono, has asked if he can have his own Contractor perform the work, in order to save money, but this may cause concern over the warranty of Contract No. 4. The engineer will advise Mr. Riccobono to feel free to negotiate with Pioneer Construction as to the cost to perform the work.

**OTHER BUSINESS**

## 1. Northampton Community College Planning Modules

H. Bengel made a motion, seconded by F. Hess, to forward Northampton Community College Planning Modules to DEP. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**ADJOURMENT:**

H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 7:15 p.m. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.