

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE SPECIAL MEETING
DECEMBER 5th, 2012 6:00 p.m.**

The Special Sewer Meeting of the Pocono Township Supervisors was held on December 5th, 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.

**ACKNOWLEDGEMENT OF COMMENTS AND STATUS UPDATE FROM REPRESENTATIVES OF
POCONO MANOR AND/OR KALAHARI RESORTS**

Steve Pine, Kalahari Resorts; Jim Cahill, Pocono Manor Investors; and Annie Lamberton, Tobyhanna Supervisors, updated the board on the status of Kalahari Resorts Development plans.

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; and Frank Froio, Township Administrator, were also present.

John B. Rice, Esquire, Grim, Biehn & Thatcher, Solicitor, was present for Linde matter.

MINUTES: H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 11/20/2012 Special meeting. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

BILLS:

H. Bengel made a motion, seconded by F. Hess, to approve payment of:

METTEL (phone) - Invoice, 0100511827-813-6 - \$49.77

PPL - Acct. No. 99311-8100 (PS#2) \$98.83

PPL - Acct. No. 91783-75006 (PS#1) \$86.84

F&F Paving & Excavating, Inc. - Surface stabilization at D'Amico's Auto Body Impoundment Yard - \$3,341.70

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

DAIRY QUEEN REDUCTION IN SECURITY REQUEST

Brick Linder of Linder Engineering submitted a letter requesting a reduction in security for the Dairy Queen Grill and Chill Restaurant LDP. Twp. Engineer, Dave Horton, Pennoni Engineering, found the request in order. The request is for a reduction in security from \$263,334.00 to \$140,198.30. H. Bengel made a motion, seconded by F. Hess, to approve the reduction in security from \$263,334.00 to \$140,198.30, as per the Twp. Engineer's letter of 09/26/2012, for the Dairy Queen Grill and Chill Restaurant LDP. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

LETTER TO THE POCONO TOWNSHIP AUDITORS

The Pocono Township Annual Financial Report for the year ending 12/31/2011 indicate that unapproved payment were made to two employees upon their retirement for accumulated sick time and length of service pay. The total amount of these excess payments is estimated to be \$16,000.00.

H. Bengel made a motion, seconded by F. Hess, to authorize the Chairman to notify the Pocono Township Auditors to investigate and if required pursue repayment and/or restitution for any amounts that are determined to have been improperly paid. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

ACT 537 PLAN AMENDMENT

- Revised Service Area Maps were provided to BCRA and their consultant on November 20 and December 5th, 2012.
- A preliminary draft of the Regional Act 537 Special Study Plan Revision was submitted to the Pocono Township Supervisors and Hamilton Township Supervisors for Review and Comment on December 4th, 2012.

PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION

- Contract No. 3 - The Contractor, Leeward Construction, has agreed to the conditions of approval as set forth at the November 20th, 2012 meeting, for addressing the settlement areas along the shoulder of RT. 611, immediately north of the Crossings upper parking lot.
- Contract No. 7 - RKR Hess recommended conditional approval of Payment Request No. 7 - Final in the amount of \$13,996.69, contingent upon receipt of the original, notarized Payment Application, and receipt and favorable review of the Contract Closeout documents. Payment is to PACT Construction, Inc. for work completed through December 4th, 2012. The work is eligible under the PennVEST Grant. This Payment Request includes release of retainage on the Contract. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 7, Payment Request No. 7 (Final) in the amount of \$13,996.69, to PACT Construction, Inc., contingent upon receipt of the original, notarized Payment Application, and receipt and favorable review of the Contract Closeout documents. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 8 - RKR Hess recommended conditional approval of Payment Request No. 13 (Final) in the amount of \$24,620.67, contingent upon receipt of the original, notarized Payment Application, completion of remaining punchlist items, and receipt and favorable review of the Contract Closeout documents. Payment is to Pioneer Construction Co., Inc. for work completed through December 5th, 2012. The work is eligible under the PennVEST Grant. This Payment Request includes

release of retainage on the Contract. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 8, Payment Request No. 13, (Final) in the amount of \$24,620.67, contingent upon receipt of the original, notarized Payment Application, completion of remaining punchlist items, and receipt and favorable review of the Contract Closeout documents. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

- Contract No. 9 - RKR Hess recommended conditional approval of Payment Request No. 12, (Final) in the amount of \$15,810.85, contingent upon receipt of the original, notarized Payment Application, completion of remaining punchlist items, and receipt and favorable review of the Contract Closeout documents. Payment is to Pioneer Construction Co., Inc. for work completed through December 5th, 2012. The work is eligible under the PennVEST Grant. This Payment Request includes release of retainage on the Contract. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 9, Payment Request No. 12 (Final) to Pioneer Construction Co., in the amount of \$15,810.85, contingent upon receipt of the original, notarized Payment Application, completion of remaining punchlist items, and receipt and favorable review of the Contract Closeout documents. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- EPA STAK GRANT - RKR Hess request authorization to submit the final EPA STAK Grant Reimbursement Application No. 12. H. Bengel made a motion, seconded by F. Hess, to authorize the Engineer to submit EPA STAK Grant Reimbursement Application No. 12 pending submittal of closeout documents as requested. The amount of the final payment will be \$24,060.00 (or 10% of the total Grant) and authorizing the Chairman to sign the same. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- EPA STAK GRANT - RKR Hess requested authorization by the Supervisors for the Chairman to certify that none of the EPA STAK Grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. H. Bengel made a motion, seconded by F. Hess, to authorize the Chairman to certify that none of the EPA STAK Grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

PHASE III SEWER FORCEMAIN AND PUMP STATION CONSTRUCTION

- Contract No. 14 - The Contractor has questioned some of the billing rates charged on inspection invoices submitted by the engineer for Stroud Township, and has requested that Pocono Township bring this issue up with Stroud Township. RKR Hess has forwarded this request to the Pocono Township Administrator.

- 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. 5 - H. Bengel made a motion, seconded by F. Hess, to approve Change Order No. 5, to PACT Two, LLC, for an increase to the Contract in the amount of \$2,500.00 (negotiated value) to have the Subcontractor, Dutchland Inc. provide aluminum railing in lieu of diamond plate covers to the opening for the screen structure at Pump Station #5. The railing added accessibility and safety benefits over the tank covers. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
 - H. Bengel made a motion, seconded by F. Hess, to approve:
 - 2) Change Order No. 6 - An increase to the Contract in the amount of \$1,069.00 to furnish and install piping and angle iron supports for connection of firehoses at Manhole# C-01-70 to facilitate the flow test through the HDD Section.
 - 3) Change Order No. 7 - An increase to the Contract in the amount of \$5,000.00 (negotiated value) to extend, re-route and encase the water service line to Pump Station #3. This cost also includes repaving/restoration of the existing parking lot in areas disturbed by this installation.
 - 4) Change Order No. 8 - An increase in the amount of \$500.00 to jet flush and remove via vacuum truck, mud that had been deposited in the length of gravity sewer immediately upstream of Pump Station #4.
Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION

- In accordance with RKR Hess's letter of November 30th, 2012, RKR Hess recommended approval and authorization of Payment Application No. 10 of the PennVEST \$8.3M Loan to be drawn in the amount of \$129,820.02. 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 Payment Application No. 10 of PennVEST \$8.3M Loan to be drawn in the amount of \$129,820.02. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

DAIRY QUEEN MANHOLE CONFLICT

- The owner of the proposed Dairy Queen, Mr. Riccobono, has indicated that he will direct his contractor to return to the layout from the approved Land Development Plans. RKR Hess had not previously reviewed the plans and recommended that they be reviewed for potential impacts to the sewer main and manhole.

EXECUTIVE SESSION

F. Hess announced the Board of Supervisors held an executive session prior to the meeting to discuss a litigation matter.

CONTRACT NO. 6 - LINDE

Attorney John Rice discussed repair options for Contract No. 6. Scott Linde, Linde Construction, Inc., spoke in favor of the 'open cut' option, involving the installation of approximately 800 lineal Feet of pipe to correct the problems. Mr. Linde indicated he believes the system could function while fix is being done.

ADJOURNMENT:

H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 6:40 p.m. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.