

POCONO TOWNSHIP BOARD OF COMMISSIONERS
SEWER MEETING AGENDA
November 7, 2016
6:00 P.M.

- 1) Pledge of Allegiance
- 2) Roll Call
- 3) Announcements

4) Approval of Minutes

- a. Special meeting of September 28, 2016
- b. Regular meeting of October 17, 2016
- c. Work Session meeting of November 3, 2016

5) Current Business

- a. Tobyhanna Township – Increased usage – 324 EDUs purchased for Phase I, Sewage meter reading for 3 month period ending September 2016 indicate and average usage of 100,119 gpd which is 406 EDUs requiring the purchase of 82 additional EDUs.
- b. Amber Inn – Estate of Snoeren – Deferral request based on location of lateral within PennDOT 314 ROW and testing of existing sewer line as alternate connection within 60 days.

6) Unfinished Business

- a. Due Diligence review of Sewage System Redesign.
 - i Special Counsel McCabe opinion
 - ii Engineer Tressler report
- b. Small Water and Wastewater System Grant Application Submitted to DCED on October 31, 2016 seeking \$424,576.61 for addressing issues with laterals.
- c. Emergency Mitigation Planning.

7) Public Comment

Comments are for any item NOT on the agenda. Comments on agenda items will be taken after each item is discussed by the Board of Commissioners, but before formal action is taken. (Please limit individual comments to 3 minutes to allow time for others wishing to speak and direct all questions and comments to the President)

8) Adjournment

POCONO TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
SEPTEMBER 28th, 2016 8:00 A.M.

The Sewer meeting of the Pocono Township Commissioners was held on 09/28/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Harold Werkheiser at 8:00 a.m., followed by the Pledge of Allegiance.

ROLL CALL: Ellen Gndt, present; Bob DeYoung, present; Harold Werkheiser, present; Jerry Lastowski, present; and Judi Coover, present.

Charles Vogt, Twp. Manager; and Pamela Finkbeiner, Twp. Secretary, were present.

ANNOUNCEMENTS:

MINUTES: Deferred to the next regular meeting on 10/03/2016.

CONTINUED DISCUSSIONS FROM SEPTEMBER 19th and 20th, 2016
SEWER COLLECTION AND CONVEYANCE SYSTEM REDESIGN AND CONSTRUCTION

J. Coover explained she would like to propose several motions.

J. Coover recommended engaging Boucher & James to review T&M's designs, scope, T&M report, plans & designs.

J. Coover noted she is recommending appointing Tim McManus as special counsel for special sanitary sewer system matters including doing a due diligent review of the PACT TWO change order, scope of this review would include a review for all emails between Jeff Clapper, Gregg Schuster, T&M, and PACT TWO and related correspondence pertaining to the PACT TWO Contract 11 from March 2015 to present. The written opinion as to if there are any concerns or legal concerns with the Township's present course of action.

J. Coover recommended a request to direct the Twp. Manager to then contact these firms for estimate of these efforts.

J. Coover recommended suspending activity by Pact Two and T&M until results are obtained.

J. Coover noted depending on the discussion of these above ideas, she would recommend to cancel the Change Order and Valve Replacement project.

J. Coover recommended directing the Twp. Manager to search for professionals whom can be retained to assist with the ongoing sewer operations. This is so the Township is prepared for any sewer related incidents should they occur.

J. Lastowski requested to address each motion, one at a time.

J. Coover made a motion, seconded by E. Gndt, to engage Boucher & James, Inc., to review and evaluate the current situation with our valves, the plans and designs provided by T&M Associates, and Boucher & James, Inc. will provide the Township of a written report of their findings and recommendations, the scope of their review will include the T&M reports, hydraulic test results, plans and designs specifications provided by T&M to PACT TWO in February 2016; PACT TWO Change Order for 1.5 Million, and related correspondence; in particular Boucher & James will identify any risk that Pocono Township faces or will assume, based on the current course of action, both short and long term. This motion does NOT include having Boucher & James, Inc., replace T&M as our sewer engineer.

H. Werkheiser was in agreement for a seconded opinion. J. Lastowski questioned the cost to engage Boucher & James, Inc. to do the review. J. Coover felt the documents can be reviewed in two to three weeks for approximately \$10,000 to \$15,000 dollars. She stated she feels it is needed to understand the risk the Township faces and if the project is a safe and wise course of action. J. Coover noted in her opinion Boucher & James, Inc., has the expertise to review the project. J. Lastowski noted he does not support the review since it may delay the repairs, and is satisfied with the current course of action. B. DeYoung noted he was not against a second opinion but was concerned it would delay the repairs. E. Gndt spoke concerning the change order and lack of line items and details. She noted the lack of detail may lead to future change orders. Discussion followed. J. Coover reread the motion (ABOVE).
Roll call vote: E. Gndt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried.

J. Coover made a motion, seconded by E. Gndt, to appoint Tim McManus as special counsel for sanitary sewer system matters, including a due diligence review of the PACT TWO Change Order. The scope will include a review of all emails between, Jeff Clapper, Gregg Schuster, T&M, and PACT TWO and related correspondence pertaining to the PACT TWO Contract 11 from March 2015 to present. McManus will issue a written opinion as to whether or not there are any procurement or legal concerns with our present course of action. C. Vogt questioned if the motion is for all sewer matters. J. Coover explained it is only for a review of the documents. She explained she had confidence in his understanding of the sewer project and procurement laws. P. Finkbeiner requested clarification if the review was for a contracted position. Roll call vote: E. Gndt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Coover made a motion, seconded by H. Werkheiser, to direct the Twp. Manager to immediately contact Boucher & James, Inc. and Tim McManus, Cramer, Swetz, McManus, & Jordan, P.C., to obtain written time and cost estimates for the efforts involved in the two above motions just passed by the Board, stressing time is of the essences. Roll call vote: E. Gndt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Coover made a motion, seconded by E. Gandt, to temporarily suspend the PACT TWO, LLC. Contract - H. Werkheiser questioned if it would stop the work. Discussion on the status of the valve order. B. DeYoung, H. Werkheiser, and J. Lastowski voiced concern that the engineering of the valve would be delayed.

J. Coover withdrew her motion and E. Gandt withdrew her second.

J. Coover made a motion, seconded by H. Werkheiser, to direct T&M and PACT TWO, LLC. to consult with the Board prior to placing the order for the valve pursuant to the Change Order. J. Lastowski noted the Board should meet immediately after to decide what to do if the studies are not done. He stated he is not in favor of stopping progress on the repair. Roll call vote: E. Gandt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Coover made a motion, seconded by J. Lastowski, to direct the Twp. Manager to immediately begin search for professionals who can be retained to help protect the on-going operation of the Township's sanitary sewer system, until all known problems are mitigated. This protection is operational, not mere insurance, so the Township is as well prepared for any operational interruption should they occur.

J. Lastowski explained the Township should be proactive in preparing for any incidents. J. Coover noted the Township needs to have an emergency plan in place.

Roll call vote: E. Gandt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

ADDITIONAL TIME SENSITIVE MATTERS PRESENTED BY THE ZONING HEARING BOARD

a) Township to authorize an appeal of the Commonwealth Court panel decision in the Marchenko matter including a motion for re-argument en banc because the matter is time sensitive. C. Vogt explained by the 3-0 vote the ZHB requested the Board authorize the Twp. Solicitor to re-argue the decision at a cost of approximately \$1,500 to \$2,000.

J. Lastowski made a motion, seconded by B. DeYoung, to authorize the petition to be reargued en banc. E. Gandt questioned the cost and if it was only for filing it may be higher if they need to appear. J. Coover explained she did not feel this is worth the cost to pursue. She felt that the Township should regulate short term rentals. J. Lastowski spoke in favor of pursuing the re-argument and then to develop regulations. C. Vogt noted the problem with vacation rentals in residential zones are impacting residents. J. Coover noted in resort areas it is seen as a vital way to generate revenue and reduce foreclosures. B. DeYoung spoke in favor of the Board to pursuing the re-argument. Roll call vote: E. Gandt, no; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, no. Motion carried.

ZONING HEARING BOARD MATTERS CONT:

b) Adams Hearing - C. Vogt noted the zoning officer will not be available for the October meetings. J. Lastowski made a motion, seconded by H. Werkheiser, to continue the Adams Outdoor hearings until the zoning officer is available. Roll call vote: E. Gndt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

ADJOURNMENT: B. DeYoung made a motion, seconded by J. Lastowski, to adjourn the meeting at 9:20 a.m. Roll call vote: E. Gndt, yes; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

OCTOBER 17th, 2016 7:05 P.M.

The Regular meeting of the Pocono Township Commissioners was held on 10/17/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Harold Werkheiser at 7:05 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Ellen Gndt, present; Bob DeYoung, present; Harold Werkheiser, present; Jerry Lastowski, present; and Judi Coover, present.

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer; Charles Vogt, Twp. Manager; and Pamela Finkbeiner, Township Secretary, were present.

ANNOUNCEMENTS:

- a. An executive session was held on 10/03/2016 to discuss personnel matters.
- b. Conditional Use Summit Health Campus was held on September 29th, 2016 at 6:00 p.m. and is continued until 10/20/2016 at 6:00 p.m.

PUBLIC COMMENT: None

MINUTES: J. Coover made a motion, seconded by E. Gndt, to table the 09/28/2016 Special Meeting minutes. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

J. Lastowski made a motion, seconded by B. DeYoung, to approve the 09/29/2016 Summit Health Campus Conditional Use minutes. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, abstained; J. Lastowski, yes; and J. Coover, abstained; Motion carried.

E. Gndt made a motion, seconded by J. Lastowski, to approve the 10/03/2016 Regular Minutes. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

J. Coover made a motion, seconded by B. DeYoung, to approve the 10/14/2016 Work Session Minutes. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, abstained; J. Lastowski, yes; and J. Coover, yes; Motion carried.

BILLS:

J. Lastowski made a motion, seconded by H. Werkheiser, to approve the bill's list of 10/17/2016. Discussion followed. Joe Folsom, Twp. resident questioned payment of the invoices.

Roll call vote: E. Gndt, no; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, no; Motion carried.

REPORTS:

Report of the President, none

Commissioners Comments:

Bob DeYoung, Vice President, none.

Ellen Gndt, Commissioner, requested an executive session to discuss a personnel matter.

Judi Coover, Commissioner, presented a motion.

J. Coover made a motion, seconded by E. Gndt, that all meeting minutes document all, only official actions, including motions, ordinance, resolutions and presentations and public comment. If and when there is discussion, the minutes shall state "Discussion followed" unless the person making a comment expressly requests their comment be made part of the record. In the bottom footer of the meeting minutes it shall say "A recording of the entire meeting will be kept on file at the Township for six months and will be made available to anyone who may wish to obtain the verbatim meeting." Discussion followed.

H. Werkheiser made a motion, seconded by J. Coover, to amend the main motion to change 6 month retention to perpetuity. Roll call vote: E. Gndt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes; Motion carried.

Roll call vote - Main motion Meeting Minutes - Roll call vote: E. Gndt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes; Motion carried.

Jerry Lastowski, Commissioner, no report.

EMERGENCY SERVICES REPORTS:

Pocono Township Police Chief Kent Werkheiser - gave his report for September.

Pocono Township Volunteer Fire Company - Joe Folsom, volunteer member, gave a report on the open house and noted smoke detectors are available to the public.

St. Luke's Ambulance - Rodney Wolfe gave the report for Ambulance services.

ADMINISTRATION REPORT:**Township Manager's Report**Budget review dates:

- a) Budget will be available for Public Inspection not later than November 23rd, 2016.
- b) Budget will be advertised for adoption at a December 15th, 2016 meeting.

Homes of the Poconos, LLC (Halterman) - Former GMDC Property Development Agreement and Prior Escrow Balance Due. Discussion followed. J. Lastowski made a motion, seconded by B. DeYoung, to table the Homes of the Poconos, LLC (Halterman) project. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

Anthony Maula, Spirit of Swiftwater LDP - Escrow Deficiency and no Financial Security - Discussion followed. J. Coover made a motion, seconded by J. Lastowski, to notify the property owner that in 15 days of receipt of said notice they shall meet all the requirements of the notice or all activities shall be stopped conditioned upon legal and engineering review. Discussion followed.

Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

Public Works Report -

Appointment of Helen Beers as Additional Alternate SEO - Discussion followed.

J. Coover made a motion, seconded by H. Werkheiser, to appointed Helen Beers as Alternate SEO conditioned her wage is not higher than the BIU rate. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

Finance Committee - No report.

Township Solicitor Report -

1) SALDO Update - Leo DeVito, Twp. Solicitor, reported.

Township Engineer Report:

1) Crossings Planning Module Sewer Exemption - Jon Tresslar, Twp. Engineer explained. J. Coover made a motion, seconded J. Lastowski to authorize the Township Manager to approve and sign sewer Planning Module Sewer Exemption conditioned upon the Township Engineer's review and recommendation. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

PRESENTATIONS:

American Legion Request - Tom Bowditch, American Legion, addressed the Board. J. Coover made a motion, seconded by J. Lastowski, to approve the use of TLC Park for American Legion events on 11/11/2016, Memorial Day 05/29/2017, 06/10/2017, and 08/19/2017. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

Jim Werkheiser, Pocono Jackson Historical Association, spoke concerning a WWI memorial.

RESOLUTIONS:

Resolution 2016-47 - Amin Minor Subdivision - Brian Courtright represented the plan. J. Lastowski made a motion, seconded by B. DeYoung, to adopt Resolution 2016-47 - G.M. & Kailas Amin Minor Subdivision Plan. Discussion followed. Roll call vote: E. Gndt, no; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes; Motion carried.

PUBLIC COMMENT: None

ADJOURNMENT INTO EXECUTIVE SESSION: B. DeYoung made a motion, seconded by E. Gndt to adjourn the meeting into executive session at 8:50 p.m. to discuss a personnel issue. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

*A recording of the entire meeting will be kept on file at the Township for perpetuity and will be made available to anyone who may wish to obtain the verbatim meeting.

POCONO TOWNSHIP BOARD OF COMMISSIONERS
WORK SESSION MINUTES

DATE: November 3, 2016

TIME: 9:00am

PLACE: Township Building

PRESIDING COMMISSIONER: Bob DeYoung, Vice President

ROLL CALL: Ellen Ghandt, Present
Bob DeYoung, Present
Harold Werkheiser, Absent
Jerry Lastowski, Present
Judi Coover, Present
Charlie Vogt, Manager, Present

An Executive Session was held to discuss personnel matters.

NO CITIZENS APPEARED OFFICIALLY AND TESTIFIED.

NO OFFICIAL ACTIONS OR ROLL CALL VOTES WERE TAKEN.

THE WORK SESSION WAS ADJOURNED AT: 1:15pm