

**POCONO TOWNSHIP SUPERVISORS  
MINUTES OF THE SPECIAL MEETING  
DECEMBER 18th, 2012 6:00 p.m.**

The Special Sewer Meeting of the Pocono Township Supervisors was held on December 18<sup>th</sup>, 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 FROM RESIDENTS:** Chairman Frank Hess noted that each visitor has the right to comment at this time or before any action is taken on a 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, were also present.

**MINUTES:** H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 12/05/2012 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:

<u>PPL - Acct. No. 90522-93007 (PS#3)</u>	<u>\$344.38</u>
<u>PPL - Acct. No. 93463-23009 (PS#5)</u>	<u>\$860.56</u>
<u>Grim, Biehn &amp; Thatcher Law Offices - Sewer Legal -</u>	<u>\$8,599.59</u>
<u>RKR Hess Associates - Invoices from 11/03/12 - 11/30/12 -</u>	<u>\$53,575.55</u>

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

Russ Scott noted that the electric bills for the pump stations seemed high this month. He will ask Dion Campbell - RKR Hess Construction Observer, to investigate this. Maybe adjustments can be made to the thermostats and heat trace settings.

**ACT 537 PLAN AMENDMENT** - Update provided by Sam D'Alessandro (Sam)

- 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 4<sup>th</sup>, 2012.
- A meeting is scheduled for December 19 at 2:30 PM at the offices of Cramer, Swetz and McManus to discuss issues and concerns that the Hamilton Township Supervisors have with the preliminary draft plan. In advance of this meeting, Sam will review the Sewage Needs Study previously prepared by Rick Fisher, former Hamilton Twp. Sewage Enforcement Officer, to see if any problems or water quality issues were identified with the four (4) lots in question in Hamilton Twp.

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

Steve Pine, Kalahari Resorts and Jim Cahill, Pocono Manor Investors provided comments to the board on the status of Kalahari Resorts Development plans.

- Steve Pine (Steve) raised a concern that the Hamilton Township Supervisors issues with the Act 537 Plan Amendment may delay action by the Brodhead Creek Regional Authority (BCRA) on the Delaware River Basin Commission Service Area Amendment for the Kalahari Project. Tim McManus (Tim) stated that this was not the case and that the Hamilton Twp. Supervisor's comments related to a very narrow issue of four lots in Hamilton Twp., and had nothing to do with the Kalahari Project.
- Steve said that he met with BCRA last week and that, as a result of the meeting, the game plan has changed. Steve expressed frustration that more progress has not been made in obtaining approvals for the Kalahari project. He does not know why the PA Public Utility Commission (PUC) is being raised as an issue with regard to providing sewer service to the project. Tim said that he has advised that the PUC could be an issue ever since the Pocono Township Supervisors were first approached about providing sewer service to the portion of the Pocono Manor property located in Tobyhanna Township. Sam acknowledged that PUC approval could be a significant issue, particularly with regard to private, residential properties in Pocono Manor Village, currently being served by the existing Pocono Manor Sewage Treatment Plant. Tim said that inclusion of the Village of Pocono Manor in the Sewage Planning Modules has the potential to complicate and slow down approvals on the Kalahari Project. Jim Cahill (Jim) said that given the age and condition of the existing Sewage Treatment Plant, as well as its location in the headwaters of the watershed, it is unlikely that the regulatory agencies will oppose its abandonment in favor of connecting to the Township Sewer System.
- Steve claimed that when he first met with the Tobyhanna Township Supervisors, he was told that Pocono Township had built its sewer based upon speculation with excess capacity and that the Kalahari project could offer an opportunity to provide operating revenues for the system. Now, Steve feels that their cooperation is being "thrown back in their face" and that Pocono Township and its consultants are dragging their feet on moving the approvals forward. Steve also said that he met with representatives of the PADEP and the Governor's Office, and that no one at the state level indicated that the proposed schedule for the Kalahari Project could not be met.

- Tim disagreed with the statement that the sewer system was built on speculation with excess capacity. Tim also disagreed with the statement that Pocono Township and its consultants are delaying the schedule for the Kalahari Project. Tim further stated that issues are being encountered with respect to the various requested sewer commitments/approvals/service area expansions because the Developers of the Kalahari Project are pursuing those commitments/approvals/service area expansions out of sync with the established land development/sewage planning process. This is a project that will affect five Municipalities, and the timeframe presented by Kalahari is incredibly aggressive. Tim said that he and Sam are awaiting the submittal of service area expansion request letters and Sewage Planning Modules from Jim Cahill and Kalahari. Steve indicated that this information had already been submitted to Pocono Township, but Jim indicated that he was not sure of the status, and would need to follow-up with his consultant.
- H. Bengel made a motion, seconded by F. Hess, to authorize the Chairman, on behalf of Pocono Township, to send a letter to BCRA requesting them to amend their DRBC Sewer Service Area to include: 1) the proposed Kalahari Resort, 2) the proposed commercial development site on the Pocono Manor Investor's property and 3) the existing Pocono Manor Village area, contingent upon the details being worked out amongst the Professionals for both Pocono Township and Pocono Manor. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

#### **INDEPENDENT AUDIT OF THE SEWER SYSTEM**

- H. Bengel made a motion, seconded by F. Hess, to authorize an additional audit of the sewer system, as requested by a few property owners in the Township. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

#### **PRE-CONNECTION NOTICE TO SEWER CUSTOMERS**

- A draft Pre-connection notification letter for sewer customers had been provided to the Supervisors for distribution to customers. The Supervisors will add a statement to the letter indicating that if a property owner has a particular need for sewer service, they should let the Township know.

#### **STATUS OF SANOFI PRE-CONNECTION NOTICE TO SEWER CUSTOMERS**

- It was discussed that the first invoice for Sewer User Charges will be issued to Sanofi Pasteur on or around January 1, 2013.
- Mark Nemitz from Sanofi was present at the meeting, but did not provide an update on the status of the PADOT Highway Occupancy Permit for the Sanofi private sewer connection.

**PHASE I SEWER COLLECTION SYSTEM ISSUES**

- Contract No. 2 - H. Bengel made a motion, seconded by F. Hess, to authorize the work stated as follows: The Supervisors authorize Leeward Construction to proceed with the work associated with their proposal totaling \$18,095 to perform a test dig on the outlet side of Manhole MH#C-01-06 (near the Scotrun on-ramp), with the understanding that should the deficiencies be found to be caused by defects in workmanship and/or equipment/material, Leeward will be responsible for the costs of the test dig and remedial measures. In addition, the Township will give consideration to Leeward Construction's offer to accept compensation of \$35,000 (with no reimbursement of the Township's previous paving costs) to resolve the issue of resetting Manhole MH# B2-1-04 (across from MCTA Drive, near Alfredo's Pizza). Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION**

- Contract No. 3 - Russ Scott reported that the Contractor, Leeward Construction, plans to repair the settlement areas along the shoulder of RT. 611, immediately north of the Crossings upper parking lot, in the next few days.
- EPA STAK GRANT - RKR Hess requested authorization by the Supervisors for the Chairman to sign the Construction Completion Certification and the Wage Rate Compliance Certification, as part of the closeout of the EPA STAK Grant. H. Bengel made a motion, seconded by F. Hess, to authorize the Chairmen to sign the aforementioned Certifications Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

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

- Contract No. 11, Payment Request 15 - RKR Hess recommended approval. H. Bengel made a motion, seconded by F. Hess, to approve Contract No. 11, Payment Request No. 15, in the amount of \$195,916.22, to PACT Two, LLC, for work completed through December 7. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**JOINT MUNICIPAL WWTP O&M INVOICE**

- In accordance with RKR Hess's letter of December 13<sup>th</sup>, 2012, H. Bengel made a motion, seconded by F. Hess, to approve payment of the invoice in the amount of \$54,187.00 for Pocono Township's share of the O&M and Debt Service expenses related to the Joint Municipal Wastewater Treatment Plant for January 2013. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

**ADJOURNMENT: The meeting adjourned at 7:00PM**