

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE SPECIAL MEETING
FEBRUARY 6TH, 2013, 6:00 P.M.**

The Special Sewer Meeting of the Pocono Township Supervisors was held on February 6th, 2013 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; Harold Werkheiser, present; and Henry Bengel, present.

Tim McManus, Twp. Sewage Solicitor; Sam D'Alessandro and Russ Scott, RKR Hess Associates; and Frank Froio, Twp. Administrator, were present.

MINUTES: H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 01/15/2013 Sewer meeting. Roll call vote: F. Hess, yes; and H. Bengel, yes. H. Werkheiser abstained. Motion carried.

BILLS:

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

- **Mettel** (Phone)- 0100511827-821-6 - Phones - \$48.69

- **M&T Bank** (Fee to close out former line of credit) - \$170.60

- **PPL** Acct. No. 99311-81000 (PS#2) - \$158.32
Acct. No. 91783-75006 (PS#1) - \$161.19
Acct. No. 93463-23009 (PS#5) - \$994.89
Acct. No. 90522-93007 (PS#3) - \$242.24
Subtotal PPL \$1,556.64

- **BCRA** (Water Bill) - PS#3 - \$73.92
PS #5 - \$120.77
Subtotal BCRA \$194.69

- **Blue Ridge Communications (PS#4)** - \$168.93

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

ORDINANCE # 2013-01 H. Werkheiser made a motion, seconded by H. Bengel, to adopt Ordinance #2013-01. Amended Mandatory Connection Ordinance. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

ACT 537 PLAN AMENDMENT

- The Draft Pocono and Hamilton Township Regional Act 537 Special Study Plan Revision was submitted to the municipalities and Planning commissions on December 27th, 2012. The required 30 day Public Comment Period concluded on January 28th, 2013, with no public comments received.

- Sam D'Alessandro updated the board on Pocono Manor/Kalahari status concerning the proposed connection to the Pocono Township Sewer System.

PRE-CONNECTION NOTICE TO CUSTOMERS

- The Pre-connection notification letter for sewer customers has been provided to the Supervisors for distribution to customers. A draft Service Connection Sequence Map prepared by RKR Hess was reviewed by the Board.
- R. Scott reviewed the status of connection discussions with Great Wolf Lodge and Pocono Mountain School District with the Board. Frank Hess will set up a meeting with the School District.
- On January 25th, 2013, the Delaware River Basin Commission posted a Notice of Application Received for renewal of the Great Wolf Lodge WWTP discharge. Possible response actions were discussed. Tim McManus will contact Attorney Damgaard and request him to follow up with Great Wolf counsel as to Great Wolf connection intentions.

SEWER CAPACITY RESERVATION PROCEDURES

- RKR Hess has prepared a draft reservation procedure for consideration by the Board. T. McManus spoke concerning the different options for Kalahari connecting to the Pocono Sewer System as outlined in his previous correspondence to the Supervisors. Kalahari would tie into the system near pump station #1. Discussion followed as to who would own the new line and that Pocono's ownership of the new line might trigger mandatory connection for properties along the line. The Board concurred that for purposes of sewer capacity reservation, a tailored agreement with Pocono Manor/Kalahari was preferred over a Township wide reservation policy. Requests for reservation of sewage capacity would be looked at on an individual basis.

STATUS OF SANOFI SEWER SERVICE CONNECTION

- RKR Hess has requested an update from Sanofi on the status of the PADOT Highway Occupancy Permit for their private sewer connection. Mark Nemitz noted that Sanofi is working with PennDOT concerning the insurance required to complete the permitting process.

PHASE I SEWER COLLECTION SYSTEM ISSUES

- Contract No. 2 - Leeward Construction has scheduled an investigative test dig of the section of pipe with deficient slope near Manhole MH#C-01-06 (near the Scotrun on-ramp) during the week of January 21st, 2013, but was requested to postpone by PaDOT until the weather improves and hot-mix asphalt is available.

PHASE II SEWER COLLECTION SYSTEM CONSTRUCTION

- Contract No. 3 - Leeward Construction - RKR Hess recommended conditional approval of Payment Request No. 15. H. Bengel made a motion, seconded by H. Werkheiser, to approved Contract No. 3, Payment Request No. 15 - Leeward Construction, in the amount of \$44,420.00, contingent up receipt and favorable review of the Contract Closeout documents by the Sewer Solicitor. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.
- Contract No. 5 - At the last Sewer meeting, RKR Hess discussed receipt of a Change Order request from the Contractor, PACT Construction, for consideration of additional compensation for 24" pipe material cost differences. H. Bengel made a motion, seconded by H. Werkheiser to approve the additional cost of \$32,270.91 for the 24" pipe material cost differences. Roll call Vote: F. Hess, yes; and H. Bengel, yes. Motion carried.
- Contract No. 10 - In accordance with RKR Hess's letter of February, 6th, 2013, RKR Hess is awaiting backup information from DOLI Construction Corporation with regard to their request for additional compensation for various issues encountered in the performance of Contract No. 10.
- Contract No. 10 - DOLI Construction responded to a reported flooding incident in the basement of the Kirk Property, only to find that the flooding was not due to any impacts of construction under the sewer project. No action was taken at the last Sewer meeting. A revised invoice in the amount of \$1,380.52 was received. H. Bengel made a motion, seconded by H. Werkheiser to approve payment of the revised invoice for \$1,380.52 to Doli Construction. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried. F. Hess requested R. Scott draft a letter to the Kirks stating flooding was not caused by sewer construction, and that the Township was not responsible for any damages as a result of this incident.
- EPA STAK Grant - The final funds have been disbursed on the EPA STAK Grant, which is now closed out.
- PennVEST Grant Payment Application #8 - H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Engineer to submit PennVEST Grant Payment Application #8 on behalf of the Township. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

PHASE III SEWER FORCEMAIN AND PUMP STATION CONSTRUCTION

- H2O PA Grant -On behalf of Pocono Township, RKR Hess has requested a time extension to the expiration date under the H2O PA Grant.

PHASE III CONT:

- Contract No. 14 - Status update from Stroud Township on some of the billing rates charged on inspection invoices submitted by the engineer for Stroud Township. No report.
- Contract No. 14 - RKR Hess provided a February 6th, 2013 letter to the Supervisors outlining recommendations on a number of Final Pay Quantities under Contract No. 14. H. Bengel made a motion, seconded by H. Werkheiser, to approve adjustments to Contract quantities for Bid Items: #1411, #1414, #1417 and #1431, in accordance with the recommendation letter. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried. Contractor requested adjustments to Bid Item #1434 - Pavement/Shoulder Restoration in local/Twp. R.O.W. died for lack of a motion.
- Contract No. 11 - At the January 15th, 2013 meeting, it was discussed that RKR Hess met with the Contractor, PACT Two LLC, with regard to a number of outstanding items and Change Order requests. RKR Hess recommends consideration of the following Change Orders, which they believe to be the final ones under the Contract:

1) Change Order No. 9 - An increase to the Contract in the amount of \$25,000.00 (negotiated value) for raising the elevation of Pump Station No. 4 vaults, building and final grade in response to FEMA Flood Map revisions, as indicated in RKR Hess's memo of January 15th, 2013. H. Bengel made a motion, seconded by H. Werkheiser to approve Change Order No. 9 an increase to the Contract in the amount of \$25,000.00. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

2) Change Order No. 10 - An increase to the Contract in the amount of \$5,252.05 for programming, testing and implementation to redistribute and split the flow between the two control valve trains at both Valve Station No. 1 and Valve Station No. 2, under higher flow conditions, as indicated in our memo of January 15th, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to approve Change Order No. 10, an increase to the Contract in the amount of \$5,252.05. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and F. Hess, yes. Motion carried.

JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION

- In accordance with RKR Hess's letter of January 30th, 2013, they recommended approval and authorization of Payment Application No.12 of the PennVEST \$8.3M Loan to be drawn in the amount of \$111,139.43. As this loan will be in the PennVEST "Holdback" range, they further recommended that these funds be drawn from the ESSA \$3.0M Interim Finance account for now, and applied toward Pocono Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. F. Hess made a motion, seconded by H. Bengel, to authorize the Twp. Engineer to submit PennVEST Loan Payment Application # 12 for \$111,139.43 on behalf of the Township. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.

- In accordance with RKR Hess's letter of January 31st, 2013, RKR Hess recommends the Township approve payment of the invoice of Pocono Township's share of Construction Contract costs for December 2012 to BCRA in the amount of \$255,310.76. RKR Hess recommends that the Supervisors approve Requisition No. 10 to be drawn from the ESSA \$4.5M Guaranteed Sewer Revenue Note Series of 2010 in the amount of \$144,171.33. The balance will be covered by PennVEST Payment Application No. 12, as noted above. These funds will be applied towards Pocono Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the invoice of Pocono Township's share of Construction Contract costs for December, 2012 to BCRA in the amount of \$255,310.76, and to approve Requisition No. 10 to be drawn from ESSA Guaranteed Sewer Revenue Note Series of 2010 in the amount of \$144,171.33. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

PENNVEST GRANT

- RKR Hess contacted Mike Gallagher to request that PennVEST reallocate a portion of \$11.7M Grant (#27798) from Phase II Construction to Capital Contribution to the Joint WWTP. RKR Hess estimated that the amount of this reallocation should be approximately \$1.6M - \$1.8M to account for termination of Contract No. 6 and to adjust for Contracts potentially coming in under the original PennVEST Budget. Any additional funds required to complete construction under Phase II can be drawn from sources otherwise budgeted for Capital Contribution. While this may allow remaining PennVEST funds to be utilized prior to resolution of the construction issues, the 5% holdback will still apply regardless of how funds are allocated.

NEW BUSINESS:

- Rhoads & Sinon Invoice H. Bengel made a motion, seconded by H. Werkheiser, to approve Rhoads & Sinon LLP invoice # 346881, dated 01/29/2013, for Professional Services rendered between 01/06/2011 and 11/19/2012, in the amount of \$44,843.68. Roll call vote: F. Hess, yes; H. Bengel, yes; and H. Werkheiser, yes. Motion carried.
- H. Bengel, made a motion, seconded by H. Werkheiser, to authorize Township Sewer Solicitor, T. McManus to contact Rhoads & Sinon concerning the Pocono Manor/Kalahari/Tobyhanna Township sewer service P.U.C. issue. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.
- F. Hess questioned if the Township will have a preferred list for sewer connections. RKR Hess will assist the Township to put together criteria and qualifications for a Registry of Contractors. It is not recommended that the Township have a "preferred" list of Contractors.

NEW BUSINESS CONT:

- F. Hess questioned the excess electric cost at Pump Station #5. R. Scott will review the invoices.

ADJOURNMENT

H. Bengel made a motion, seconded by H. Werkheiser to adjourn the meeting at 7:50 p.m. Roll call vote: F. Hess, yes; and H. Bengel, yes. Motion carried.