

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE SPECIAL MEETING
DECEMBER 30th, 2013, 6:00 P.M.**

The Special Sewer Meeting of the Pocono Township Supervisors was held on December 30th, 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.

Timothy McManus, Special Sewer Solicitor; Russ Scott, RKR Hess Associates; and Frank Froio, Twp. Administrator, were present.

MINUTES

H. Bengel made a motion, seconded by H. Werkheiser, to approve the 12/04/2013 Sewer Meeting and 12/16/2013 Regular Meeting Minutes. Roll call vote: F. Hess, yes; Harold Werkheiser, yes; and H. Bengel, yes. Motion carried.

APPROVAL OF BILLS:

H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of semi-monthly invoices on the Bill Payment list dated December 30th, 2013
GENERAL ACCOUNT: \$68,544.17; SEWER CONSTRUCTION ACCOUNT: \$42,815.08; SEWER OPERATING ACCOUNT: \$1,568.26; RKR HESS ENGINEERING: \$10,054.81; UTRS: \$12,501.60. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

SEWER SERVICE INQUIRIES FROM CUSTOMERS

H. Bengel made a motion, seconded by H. Werkheiser, to approve the Sewer Service Inquiry request for a reduction in EDUs to a total of one (1) EDU for the property of Michael and Colleen Pugliesi/Bartonsville Printing as recommended in the RKR Hess review letter of 12/17/2013. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

Installation of water meters on private well lines at any (or all) of the four multi-residential use properties along Learn Road, owned by Paul Frantz. The consensus of the Board of Supervisors was to allow Paul Frantz to install water meters at his expense.

TOBYHANNA TOWNSHIP SEWER SERVICE

H. Bengel made a motion, seconded by H. Werkheiser, to Enact Ordinance No. 2013-10 and authorize the Chairman to execute the same, and the Assistant Secretary to attest the Chairman's signature. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser to approve and authorize the execution and delivery of the Intermunicipal Sewage Service Area Agreement among Pocono Township, Tobyhanna Township and Brodhead Creek Regional Authority. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

BCRA SERVICES AGREEMENT

Update on two Draft Agreements with has been drawn up for consideration by the Township and the BCRA. They are: a "Billing and Collection Agreement" and an "Operation and Management Agreement" for the Pocono Township Sewer System.

CROSSINGS PREMIUM OUTLETS SEWER SERVICE CONNECTION

Crossings Premium Outlets Agreement proposed sewer service connection improvements within the PADOT Right-of-Way of Rt. 611.

GREAT WOLF LODGE SEWER SERVICE

On December 19th, 2013, a review letter of the Great Wolf Lodge Sewer Service Connection Plans and application was issued by RKR Hess. On December 27th, 2013, the consultant for Great Wolf Lodge revised the plans in response to these review comments.

H. Bengel made a motion, seconded by H. Werkheiser, to grant approval of the revised Great Wolf Lodge Sewer Connection Plans in accordance with the recommendations of the second review letter dated December 30th, 2013 from RKR Hess. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

SEWER COLLECTION SYSTEM ITEMS

Contract No. 3 - Leeward Construction started work on the corrective measures to the sewerline within the steel casing near Manhole MH#C-01-06 (near the Scotrun on-ramp) on 12/19/2013. They intent to complete this work in the next week.

Contract No. 3 - A letter was sent to Leeward Construction requesting them to investigate and address the non-uniformity issue and to provide the sewer video for the section of sewerline near Billy's Diner in Tannersville. On 12/24/2013, the Contractor sent a letter requesting a Change Order to dig a test pit to investigate the cause of the non-uniformity. Russ Scott will set up a meeting with the incoming Commissioners to determine the course of action.

Contract No. 8 - The Contractor, Pioneer Construction Co. Inc., presented a revised proposal for a Change Order in the amount of \$33,500.00 for Rip-Rap stabilization of the stream bottom of the Swiftwater Creek at Encroachment No. 1. RKR Hess also received a proposal from Northeast Site Contractors in the amount of \$22,995.00 to perform this Rip-Rap work. This work may need to be authorized on an emergency basis to be completed prior to the March 1st Stocked Trout Season Restrictions.

CONTRACT NO. 8 CONT.

H. Bengel made a motion, seconded by H. Werkheiser, to approve Contract #8, Pioneer Construction Co. Inc., Change Order in the amount of \$33,500.00 for Rip-Rap Stabilization of the stream bottom of the Swiftwater Creek at Encroachment No. 1. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

Contract No. 8 - The Record Plans have been submitted and approved. The O&M Manuals are currently under review. Based upon the current status of the closeout documents, RKR Hess recommends a reduction in retainage withheld to 1%, which results in a release and payment of \$12,334.12. H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of \$12,334.12 for Contract No. 8, Pioneer Construction Co. Inc. as per RKR Hess's recommendation and contingent upon receipt of a revised Payment Application #13 in proper format. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

Contract No. 10 - The Township received a letter from an attorney for Doli Construction Corporation dated December 20th, 2013, requesting payment of a supposed overdue balance on Contract No. 10. On December 26th, RKR Hess sent a letter to the Township, stating that no documentation has been provide to support the amount referenced in the attorney's letter. The Board of Supervisors directed T. McManus to respond with a letter.

H. Bengel made a motion, seconded by H. Werkheiser, to approve the purchase of 19 plastic manhole inserts for a total cost of approximately \$988.00, plus shipping and handling, to minimize surface runoff through manhole covers and reduce O&M costs. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

PHASE III FORCEMAIN CONSTRUCTION

Contract No. 14 - PACT Construction Inc., Payment Request #9 - H. Bengel made a motion, seconded by H. Werkheiser, to amend Contract No. 14 - PACT Construction Inc., Payment Request #9, to withhold \$10,000.00 pending resolution of the Stroud Township Inspection Fee Issue, and to approve and issue payment of the balance of the Payment Request in the amount of \$132,340.29. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve the Chairman to sign the Notice of Termination for the NPDES Stormwater Permit related to Contract No. 14 project areas, on behalf of the Township. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

PHASE III PUMP STATION AND VALVE STATION CONSTRUCTION

Contract No. 11 - Doli Construction - Draft Payment Application #18 in the amount of \$110,070.95, requesting the release of all retainage under Contract No.11, was e-mailed by PACT Two LLC on 12/6/2013. RKR Hess informed the Contractor that they could not recommend approval of this Payment Application as there are still outstanding punchlist items to be addressed.

Contract No. 11 - Doli Construction - The Contractor has demanded the final acceptance of work and approval of this final payment amount with conditions. RKR Hess has stated this request is premature and believes that final acceptance with conditions is not appropriate at this time, as the Contractor has not yet met all the requirements under the Contract. The Contractor has stated that they intend to submit a claim for extra costs due to delays and additional non-contract work, and will turn the matter over to their attorney, if conditional approval is not granted by December 31, 2013. No action taken.

JOINT MUNICIPAL WWTP CAPITAL CONTRIBUTION

H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the 12/19/2013 invoice from BCRA for Pocono Township's share of Capital Contribution costs related to the Joint Municipal Wastewater Treatment Plant in the amount of \$613,336.00. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.

RECONCILIATION AND ADJUSTMENT OF 2013 JOINT WWTP O&M COSTS

The Sewer Solicitor reviewed Section 8.2 of the Sewage Treatment Agreement with regard to a potential credit due to Pocono Township for Township Sewer flows being significantly lower than projected for 2013. T. McManus will contact BCRA for reconciliation as of 7/1/2014.

TOWNSHIP GIS MAPPING

The Sewer System Record Plans for Contract Nos. 1, 2, 4, 5, 7, 8 & 9 have been forwarded to the Township's GIS Consultant for incorporation into the mapping for the Township. Other Record Plan sets will be forwarded in the near future, as they are completed.

URTS PROFESSIONAL CONSULTING SERVICES AGREEMENT

RKR Hess, a division of UTRS, Inc. has revised the Terms and Conditions of an agreement for the Township's consideration, to provide ongoing Engineering Consulting Services on a Time and Material basis for services not covered under any existing Agreement. The current Board of Supervisors deferred agreement to the new Board of Commissioners.

ADJOURNMENT

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 7:05 p.m. Roll call vote: F. Hess, yes; H. Werkheiser, yes; and H. Bengel, yes. Motion carried.