

POCONO TOWNSHIP BOARD OF COMMISSIONERS
SEWER MEETING AGENDA
October 3, 2016
6:00 P.M.

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

The October 13, 2016 9:00AM work session will be changed to October 14, 2016 9:00AM and held at the Township Building.

- 4) Approval of Minutes
 - a. Commissioners Sewer Meeting, September 19, 2016
 - b. Commissioners Sewer Work Session, September 20, 2016
 - c. Commissioners Special Meeting, September 28, 2016

- 5) Current Business
 - a. Due Diligence review of Sewage System Redesign.
 - b. Emergency Mitigation Planning.

- 6) Unfinished Business
 - a. BCRA Water Usage Report for Customers with 1 EDU.

- 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

Next Sewer meeting – October 17, 2016 (6:00 p.m.)

POCONO TOWNSHIP BOARD OF COMMISSIONERS

SEWER MEETING MINUTES

SEPTEMBER 19th, 2016 6:00 P.M.

The Sewer meeting of the Pocono Township Commissioners was held on 09/19/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Harold Werkheiser at 6:00 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; Jon Tresslar, Twp. Engineer; Charles Vogt, Twp. Manager; and Pamela Finkbeiner, Twp. Secretary, were present.

ANNOUNCEMENT: H. Werkheiser noted the meeting will be continued until 6:00 p.m., Tuesday September 20th, 2016, to discuss the PACT Two Change Orders and sewer system matters.

MINUTES:

J. Coover made a motion, seconded by H. Werkheiser, to approve the Sewer meeting minutes of 08/15/2016. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

E. Gndt stated she would record the meeting.

CURRENT BUSINESS:

Ridgley Werkheiser read a statement concerning the history, uses, and water usage for the St. John's Lutheran Church, Scotrun, PA. The St. John's Church is requesting that due to the De Minimis water usage, the assignment of 1 EDU be lowered to 7.55% or \$7.86 per month. Discussion followed on a reduced rate per water usage, administrative costs, number of properties affected, and regulating water usage.

J. Coover made a motion, seconded by J. Lastowski, to amend the policy for EDU payment to:

0 to 25% = administrative cost (cost to produce invoices and bill)

26% to 50% = ½ cost or \$52.09

51% to 100% = full rate of \$104.17

B. DeYoung disclosed he is involved with the Church.

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

J. Coover requested Jon Tresslar draft the rate policy and suggested C. Vogt investigate a way to inform users of the change in policy. C. Vogt will contact BCRA to create a list of De Minimis (less than 25%) water users.

UNFINISHED BUSINESS:

PACT Two Change Orders and sewer system matters - to be discussed on 09/20/2016 at 6:00 p.m. SEE ANNOUNCEMENT ABOVE.

J. Lastowski noted at the previous meeting the Board agreed to revisit the sewer policy to discuss the request for the full rate if a property owner cannot meet the deadline. Discussion followed. The Board agreed to review the policy at the next regular work session.

UNFINISHED BUSINESS CONT:

John Strubert, Bartonsville, questioned the work session date and time. C. Vogt noted the Thursday before the next regular meeting at 9:00 a.m. for work sessions.

PUBLIC COMMENT:

Jim Schlier, Twp. resident, noted he would like to connect his business now, before construction of his new building. He requested direction from the Board. J. Lastowski suggested he contact Patrick Briegel.

Jon Tresslar noted the property is in Land Development with a rate of 5 EDUs assigned for the new building. Discussion followed on the process of reserving EDUs for the new and proposed buildings.

Brad Wise, Twp. resident, questioned the Sanofi odor control. J. Lastowski noted they have been using Bioxide to treat effluence. B. Wise questioned who was inspecting sewer connections and the back fill used. Mike Tripus, ZO/SEO/BIU inspector requested the property in question. J. Lastowski suggested B. Wise reach out to M. Tripus to discuss.

Deanna Schmoyer, Engineer for the Amber Inn, requested direction for connecting the property and the difficulties due to the present sewer system is in the Rt. 314 right-of-way. C. Vogt suggested it be placed on the next agenda.

Jane Cilurso, Twp. resident, questioned the departure of Jeffry Clapper. H. Werkheiser noted he left for a better job offer.

Joe Zbylrcki, Dynamite Car Wash, requested direction for Teresa Kramer's property. The Car wash is a self-circulating water system with no water or bathroom facilities. Discussion followed. J. Lastowski requested they be placed on the next agenda.

EXECUTIVE SESSION: J. Coover made a motion, seconded by E. Gndt, to convene the meeting into executive session at 6:47 p.m., to discuss personnel and litigation matters and will not return; the Board will continue the meeting on 09/20/2016 at 6:00 p.m., Tuesday. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

POCONO TOWNSHIP BOARD OF COMMISSIONERS
SEPTEMBER 20th, 2016 at 6:00 P.M. CONTINUATION OF
SEPTEMBER 19th, 2016 6:00 P.M. SEWER MEETING

Harold Werkheiser, President, reconvened the meeting at 6:00 p.m., 09/20/2016 and call for a roll call.

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

Carlos Costa and Ryan (?), PACT TWO, LLC.; Charles Vogt, Township Manager; and Pamela Finkbeiner, Township Secretary; were in attendance.

ATTENDANCE BY PHONE: Sami Sarrouh, Mark Ambrose, Russell Benner, T&M Associates, Inc.; Leo DeVito, Township Solicitor; and John Hartman, Hartman Corp.

Discussion points:

- a) Time line of change order.
- b) Status of Valve order and warranty.
- c) Bidding verse Change Order.
- d) PACT TWO, LLC settlement.

J. Coover questioned the timing and steps to complete the Change Order for the Forcemain repair.

Henrick Maxian, PACT TWO, LLC., joined the meeting by phone to confirm they received the specs on 2/15/2016, Change order was provided May 25th, 2016 and approved by Board.

E. Gndt questioned why the change order did not have line by line entries with hours, times rate or quantity time price, as previous change orders had.

Sami Sarrouh noted to reduce the cost the change order was of limited scope. He noted if the Board decides to bid, it will require additional work to create bid documents, and without as-builds showing what is under the ground, that may increase liability and he will not stamp the drawings for bid documents.

J. Lastowski noted when it was known the system wasn't working correctly the prior Board took the necessary steps to correct it before another event.

S. Sarrouh explained some repairs were made but the system is 'on life support' at present and a major 'blow out' of the main line can occur if the repairs are not made.

E. Gndt questioned PACT Two, LLC \$140,000 settlement. L. DeVito explained the history of the project and how the \$140,000 settlement was reached.

Annabella Lastowski, Twp. resident noted the School district is concerned about connecting until the Township fixes the problems.

E. Gnandt suggested bidding out the project. Discussion followed on if it would delay to repair.

J. Coover questioned the settlement with PACT TWO. J. Lastowski suggested an executive session to discuss.

B. DeYoung suggested moving forward with the repairs.

J. Coover questioned what constitutes an emergency and if the Board is required to declare it.

E. Gnandt made a motion, seconded by J. Coover to investigate the length of time and cost it would take to spec the project, prepare bid documents, and bid out the project. Discussion followed on the cost associated to accomplish the motion. P. Finkbeiner questioned which engineer will be used.

E. Gnandt restated her motion - to investigate how much time and cost it will take to spec out and prepare bid documents for the force main repair by T&M Associates, J. Coover restated her seconded.

Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried. H. Werkheiser noted with no additional cost to the Township.

PUBLIC COMMENT:

Annabella Lastowski, Twp. resident, questioned the delay in repairing the system and the additional properties connecting.

J. Lastowski noted that the Township may not receive any bids or the bids will be higher than the PACT TWO change order.

Annabella Lastowski questioned if PACT TWO will continue to work on the project?

Mary Rieman, Twp. resident, requested an extension to connect the Amber Inn, noting the property is in the PennDOT right-of-way. She did question if she should hookup with all the problems. C. Vogt suggested she contact Patrick Briegel at the Township.

J. Lastowski questioned the \$140,000 payment to PACT TWO, LLC. Discussion followed. E. Gnandt noted if they had an agreement or a change order and voted to approve it at a meeting it would be okay to pay it.

J. Lastowski made a motion, seconded by H. Werkheiser, to approve the approximate \$140,000 to PACT TWO, LLC., conditioned upon the paperwork being completed. C. Vogt noted he believed T&M was requested to provide a change order and should be at the next meeting. Discussion followed. Roll call vote: E. Gnandt, no; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, abstained. Motion carried.

ADJOURNMENT:

J. Lastowski made a motion, seconded by J. Coover, to adjourn the meeting at 8:11 p.m. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

POCONO TOWNSHIP BOARD OF COMMISSIONERS
SEWER 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. Gndt, 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. Gndt 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. Gndt, 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. Gndt, 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. Gndt 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. Gndt, no; R. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, no. Motion carried.

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 CUSTOMERS WITH ONE EDU THAT ARE SERVED WATER BY BCRA

PARCEL #	NAME	ADDRESS	GPD	0-25%	26 - 50%	51% +
70638103245650	Somerset Tire	109 Turtle Walk Ln	7/gpd	X		
7638103247761	Oceanview Realty	3517 Route 611	53/gpd		X	
7638103340173	Donald Parker	109 Kirk Lane	88/gpd		X	
12638100153032	Keith Pokorny	3452 Route 611	352/gpd			X
12638100147957	Michael Bray	3472 Route 611	100/gpd			X
12638100054467	Leroy Cyphers	3427 Route 611	104/gpd			X
	Pocono Gas Station	3453 Route 611	28/gpd		X	
12638100053613	PP & M Realty	3406 Route 611	287/gpd			X
12637102966336	Gary Brukhart	3366 Route 611	191/gpd			X
12637100793497	Christopher Peechatka	3203 Route 611	22/gpd	X		
12637200607303	Bruce Benniger	3160 Route 611	133/gpd			X
12637200611487	George Hanzimanolis	3110 Route 611	20/gpd	X		
12637200624311	Robert & Esme Felins	108 Learn Road	208/gpd			X
12637204640180	Carole Ochsen	176 Learn Road	30/gpd	X		
12637200620849	Benniger Insurance	3055 Route 611	74/gpd		X	
12637200623556	Donal Simpson	116 Learn Road	230/gpd			X
12637204630864	Shawn Brosnan	170 Learn Road	85/gpd		X	
12637202550162	CAGA Group LLC	2954 Route 611	5/gpd	X		
12637201457949	611 Property Holding	2918 Route 611	96/gpd			X
12637201464561	RGRG Realty	2894 Route 611	211/gpd			X
12637201473360	John Diele	2865 Route 611	48/gpd		X	
12637201475101	First National Bank	2871 Route 611	28/gpd	X		
12637201470334	PNC Bank	2856 Route 611	34/gpd	X		
12637202552546	Best Auto/L&T	2945 Route 611	61/gpd		X	
12637201468551	Joel Rossi	2903 Route 611	50/gpd		X	
12637202553460	NJPA Investments	2951 Route 611	157/gpd			X
12637202553460	NJPA Investments	2951 Route 611	177/gpd			X
12637201373721	ESSA Bank	2826 Route 611	71/gpd		X	
12637201389258	Linda Starner	2819 Route 611	116/gpd			X
12637201388562	Harry Corvi	2803 Route 611	313/gpd			X

PARCEL #	NAME	ADDRESS	GPD	0-25%	26 - 50%	51% +
12637201383552	Jeffrey Wert	2796 Route 611	130/gpd			X
12636302973381	Daniel Wise	2386 Route 611	195/gpd			X
1263602980860	Richard McMaster	2104 Robinwood Terr.	256/gpd			X
12636404744153	F&S Realty Partners	116 MCTA Drive	88/gpd		X	