

**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 Gandt, 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.