

**SUMMARY OF MINUTES  
Special Board Meeting  
April 9, 2019**

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**Board President Joseph A. Caffrey** called the meeting to order at 1:00 p.m.

**Superintendent Brian J. Costello** led the Pledge of Allegiance to the Flag.

**Board Secretary Thomas F. Telesz** called the roll

**7 Members Present:** Evans, Geiger, Patla, Quinn, Thomas, Walker, Caffrey

**2 Members Absent:** Atherton, Susek

**Unfinished Business:** None

**Communications from Citizens:**

**Debra Formola**

Discussed concerns regarding the arsenic in the soil and coal ash on the site of the New High School.

**New Business:**

**Rev. Walker presented the following Resolution:**

**RESOLUTION**

WHEREAS, the School District has submitted Highway Occupancy Permit Application Number 145375 to the Pennsylvania Department of Transportation ("PennDot") and;

WHEREAS, the School District will be required to perform certain highway improvements as part of the obligation under the PennDot Highway Occupancy Permit, and,

WHEREAS, the School District and PennDot have agreed to a Highway Occupancy Permit Condition Statement to be executed by Brian Costello, District Superintendent, and,

WHEREAS, PennDot has requested a Board Resolution approving the Highway Occupancy Permit Condition Statement.

NOW THEREFORE, be it resolved by the Board of School Directors this 9<sup>th</sup> day of April 2019, that the Board approves the Highway Occupancy Permit Condition Statement attached hereto as Exhibit "A" and incorporated by reference herein.

**Rev. Walker moved, seconded by Ms. Thomas to adopt this Resolution. The vote was as follows:**

**6 Ayes:** Evans, Geiger, Quinn, Thomas, Walker, Caffrey

**1 Nay:** Patla

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**EXHIBIT A**

Highway Occupancy Permit App. # 145375  
Highway Occupancy Permit # \_\_\_\_\_  
Wilkes-Barre Area School District  
Plains Township, Luzerne County  
State Routes 2024 and 2022

**Highway Occupancy Permit Condition Statement**

WHEREAS, Wilkes-Barre Area School District (School District) is purchasing a property located in Plains Township, Luzerne County (Property); and,

WHEREAS, the Property abuts State Route 2024 (SR 2024, Maffett St.) and State Route 2022 (SR 2022, S. Main St.); and,

WHEREAS, Engineering District 4-0 (District 4) issued to Loree Associates a Low Volume Signalized access form SR 2022 (Permit No. 04020156 on 5/12/1997) which will allow access to the site in order to begin site construction of a new high school on the Property; and,

WHEREAS, the School District has submitted a highway occupancy permit (HOP) application to construct new permanent accesses to SR 2024 at Segment 0010, Offsets 1657-2454 and SR 2022 at Segment 0030, Offsets 1464-2338, and other roadway improvements including removal of the access granted by Permit No 04020156 as shown on the plans for HOP Application number 145375, which is incorporated by reference and made part of the Condition Statement as though physically attached hereto; and

WHEREAS, the School District also submitted a Transportation Impact Study (TIS) on August 9, 2018 in effort to obtain permanent accesses to SR 2024 and SR 2022; and,

WHEREAS, the TIS demonstrates substantial negative impacts on the surrounding highway network that requires mitigation; and,

WHEREAS, the School District and District 4 wish to establish the conditions in which associated highway improvements, will be required.

NOW, intending to be legally bound, the School District, its successors and assigns, understand and agree that the following terms and conditions are assumed by the School District as additional obligations under its highway occupancy permit.

1. The foregoing recitals are incorporated herein as a material part of this Condition Statement.
2. The School District understands and agrees that the following conditions are additional conditions of the HOP and that failure to satisfy the conditions herein renders the permit null, void, cancelled and without any effect whatsoever.
3. No construction work shall commence within the right of way until the School District provides the following items to District 4:
  - a. A deed for the subject School property in the School District's name.
  - b. Property owner approvals where an auxiliary lane is required to be installed (as identified in the approved TIS) in front of owner's property or indemnify the

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Department consistent with 67 Pa Code, Chapter 441 regulations and published procedures in PennDOT Publication 282.

- c. Department approved Right of Way plans and the Deed(s) or other instruments conveying required right-of-way , recorded in the Luzerne County Recorder of Deeds Office with the originals returned to District 4 bearing the place of recording in the recorders plan/deed book(s).
  - d. Approved traffic signal permits issued to Plains Township and depicting the improvements identified in the approved TIS with respect to the following intersections:
    - i. SR 2004 & Courtright Avenue (southbound only)
    - ii. SR 2004 & Maple Street
    - iii. SR 2024 (Maffett St.) & SR 2022 (S. Main St.)/Abbott St. It must be noted that the current proposed improvements outline in the TIS may be amended upon a future meeting and further discussions with PennDOT.
    - iv. SR 2004 & SR 0309 Southbound Ramp (SR 8031, Seg. 0500)
    - v. SR 2004 & SR 0309 Northbound Ramp (SR 8031, Seg. 0010)
  - e. Approved HOP and associated plans/documentation issued to Plains Township with respect to the proposed drainage facility connections.
4. The School District's obligations hereunder are in no way meant to lessen its obligations under the State Highway Law, 67 Pa. Code, Chapter 441, the highway occupancy permit, or any other applicable statute, regulation, or ordinance.
5. The School District acknowledges and agrees that a failure to comply with a term or condition of this Condition Statement shall constitute a violation of the terms or conditions of the highway occupancy permit and shall subject the School District to the penalties provided for in 67 Pa. Code § 441.10, including, but not limited to, revocation of the School District's highway occupancy permits and removal of the accesses.

IN WITNESS WHEREOF, Wilkes-Barre Area School District has executed this Condition Statement this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Wilkes-Barre Area School District**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Motion to adjourn** – Rev. Walker seconded by Ms. Patla

**President Caffrey** adjourned the meeting at 1:19 p.m.