

BOROUGH OF EAST STROUDSBURG



COMMONWEALTH OF PENNSYLVANIA BOROUGH OF EAST STROUDSBURG MONROE COUNTY

A RESOLUTION OF THE BOROUGH OF EAST STROUDSBURG ("BOROUGH")
1) AUTHORIZING THE SUBMISSION OF A REQUEST TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ("PENNDOT") TO SHARE IN THE COSTS AND TO PROVIDE FOR REIMBURSEMENT OF BOROUGH COSTS FOR RELOCATION OF UTILITIES IN CONJUNCTION WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION SR 2015, SECTION PM6 (MPMS NO. 92075 2015-PM6) SINGLE SPAN I BEAM BRIDGE SUPERSTRUCTURE REPLACEMENT PROJECT IN EAST STROUDSBURG BOROUGH, MONROE COUNTY, PENNSYLVANIA 2) AUTHORIZING THE BOROUGH COUNCIL PRESIDENT, VICE-PRESIDENT, OR BOROUGH MANAGER AS DESIGNEE OF THE PRESIDENT (OR VICE PRESIDENT) TO TAKE ALL NECESSARY ACTIONS AND EXECUTE THE REQUEST ON BEHALF OF THE BOROUGH; AND 3) AUTHORIZING PROVISIONS FOR SEVERABILITY, REPEALER, RESOLUTION OF CONFLICTS, AND ESTABLISHING AN EFFECTIVE DATE

RESOLUTION NO. 3 -2024

WHEREAS, the Commonwealth of Pennsylvania is working through its agent, the Pennsylvania Department of Transportation ("PennDOT") for the purpose of administering a bridge replacement project on portions of State Routes 2015, Section PM6 in the Borough of East Stroudsburg, Monroe County, Pennsylvania; designated as the PennDOT State Route 2015, Section PM6 Single Span I Beam Bridge Superstructure Replacement Project designated with MPMS No. 92075 2015-PM6 ("Project"); and

WHEREAS, the Project will require the relocation of Borough utilities on State Route 2015, Section PM-6, located in the Borough of East Stroudsburg, Monroe County, Pennsylvania ("Utility Relocations"); and

WHEREAS, under the provisions of Section 412.1 of the Act of June 1, 1945, P.L. 1242, as amended 36 P.S. §670-412.1 ("Act"), the Secretary of Transportation may determine that PennDOT will share in the cost of the Utility Relocations; and

WHEREAS, the Borough desires PennDOT to share in the cost of the Utility Relocations to the extent allowable under the Act; and

WHEREAS, the Borough, has determined that it is in the best interest of Borough (i) to request PennDOT and its contractors to perform the Utility Relocations as part of an "Incorporated Project", and (ii) to request PennDOT to share in the costs and provide for reimbursement of Borough Costs associated with the Utility Relocations.

NOW, THEREFORE, BE IT RESOLVED THAT, by the Borough Council of the Borough of East Stroudsburg, it is deemed advisable and in the best interests of the Borough to request

for PennDOT to share in the costs and provide for reimbursement of Borough Costs associated with the Utility Relocations in accordance with the requirements of the Pennsylvania Department of Transportation Design Manual - Part 5, Chapter 8.1.C, as follows:

1. Seventy-five (75.00%) per centum reimbursement to the Borough for all costs, less any betterments requested by the Borough, incurred in relocating the Borough's water system, sanitary sewer, and storm sewer facilities and appurtenances ("Borough Utilities") located within established PennDOT rights-of-way and roadways, necessitated by the SR 2015 Section PM6 Single Span I Beam Bridge Superstructure Replacement Project by PennDOT in the Borough of East Stroudsburg, Monroe County, Pennsylvania. The Borough further requests the PennDOT incorporate the physical relocation and reconstruction of the Utility Relocations into the PennDOT Project.
2. One Hundred (100%) per centum reimbursement to the Borough for all costs incurred in the taking of Borough streets and the force relocation of Borough Utilities located within Borough-owned streets and real property, necessitated by the SR 2015 Section PM6 Single Span I Beam Bridge Superstructure Replacement Project by PennDOT in Monroe County, Pennsylvania.

RESOLVED FURTHER, that the execution and delivery of the attached request, in such form as the officer(s) of Borough executing the same may deem necessary, advisable, or appropriate, and the performance Borough's obligations thereunder, in the name of and on behalf of Borough be, and the same hereby are, specifically ratified, approved, and confirmed.

RESOLVED FURTHER, that each officer of Borough (collectively, the "**Authorized Officers**" and each, an "**Authorized Officer**") be, and each of them acting alone hereby is, authorized, empowered, and directed to take all necessary and appropriate actions (or to cause such necessary or appropriate actions to be taken) in the name of and on behalf of the Borough to (a) execute, deliver, record, and/or file the attached request and to do all other acts as may be required or as they, or any of them acting alone, may deem necessary or appropriate to carry out and perform, to give effect to, or to cause Borough to submit the request to PennDOT; and (b) take any additional actions as they shall deem necessary or advisable in carrying out the purpose and intent of this resolution.

RESOLVED FURTHER, that the omission from these resolutions of any agreement, document, or other arrangement contemplated by any of the agreements, documents, or instruments described in foregoing resolutions or any action to be taken in accordance with any requirement of any of the agreements, documents, or instruments described in foregoing resolutions shall in no manner derogate from the authority of each Authorized Officer to take all actions necessary, desirable, advisable, or appropriate to consummate, effectuate, carry out, or further the actions contemplated by, and the intent and purpose of, the foregoing resolutions.

RESOLVED FURTHER, that all acts and things previously done by any Authorized Officer of the Borough of East Stroudsburg and its solicitor and engineer on or prior to the date hereof, in the name of and on behalf of Borough, in connection with the Project, are in all respects hereby ratified, approved, confirmed, and adopted as acts and deeds by and on behalf of the Borough.

RESOLVED FURTHER, in case any one (1) or more of the provisions contained in this resolution shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this resolution, and this resolution shall be construed and enforced as if such invalid, illegal, or unenforceable provision had never been contained herein.

RESOLVED FURTHER, that these resolutions shall be effective upon adoption and shall supersede in all respects any and all prior resolutions of the Borough regarding

the Project inconsistent herewith; provided that upon formal notice from PennDOT of any failure of PennDOT to proceed with the Project, such failure shall render these resolutions null and void.

RESOLVED FURTHER The Borough Council President (or Vice-President) of said Borough of East Stroudsburg is hereby authorized and directed to sign, as approved herein, a Utility Reimbursement Agreement on the Borough's behalf, and the Secretary (or Borough Manager) is authorized and directed to attest the Borough Council President's (or Vice-President's) signature on the Utility Relocation Reimbursement Agreement for this Project.

RESOLVED AND ADOPTED THIS 2nd DAY OF JANUARY 2024.


BOROUGH OF EAST STROUDSBURG

ATTEST:

BY:



(Assistant) Secretary



Borough Council President

(Seal)

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a Resolution 2-2024 adopted by a majority vote of the Borough Council of the Borough of East Stroudsburg at a meeting of the Borough of East Stroudsburg duly held on January 2, 2024. Present at the meeting were and a record of their vote was, as follows:

	Present	Aye	Nay
Sonia Wolbert	<u>X</u>	<u>X</u>	_____
Erika Huber	<u>X</u>	<u>X</u>	_____
Edmund Freeborn	<u>X</u>	<u>X</u>	_____
Carrie Panepinto	<u>X</u>	<u>X</u>	_____
Jane Gagliardo	<u>X</u>	<u>X</u>	_____
Paul Shemansky	<u>X</u>	<u>X</u>	_____

Further be it certified that public notice of said meeting was given in the manner provided by law; that said Resolution shall be duly recorded upon the Minutes of the Council and that Council has not been amended or rescinded the Resolution, and same is in full force and effect this 2nd day of January, 2024.



(Assistant) Secretary

(SEAL)