

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
TUESDAY, JUNE 13, 2017
SPECIAL MEETING MINUTES

The meeting was called to order by Chairman William Weimer at 9:00AM in the meeting room of the Coolbaugh Township Municipal Office, 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

William Weimer, Lynn Kelly and Alma I. Ruiz-Smith.

Board Members Absent:

Anthony Lamantia and Juan Adams

Staff present:

Jerry Hanna, Solicitor, Erin Masker, Recording Secretary and Maureen Mills, Controller

Staff Absent:

None

Announcements:

Mr. Weimer announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public will be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes.
- When speaking please state your name and the community or city that you live in.

1. **Public Input**

Nothing was heard

2. **Emergency Sewer Line Repair**

Mr. Weimer made a motion second by Ms. Kelly to approve the emergency sewer line repair in the amount of \$105,877.00 per the quote received from Papillon and Moyer Excavating and Paving dated June 9, 2017.

- **Discussion:** Mr. Weimer stated that the portion of the sewer that was required to be repaired by Walmart was completed and that when Roto Rooter came in with the camera there was another issue that needs to be resolved. Mr. Weimer confirmed with Mr. Hanna that this project would not need to go out to bid because it is an emergency repair stating that Papillon and Moyer already have their equipment on site as they are the contractor that Walmart used, with Mr. Hanna agreeing. Ms. Ruiz-Smith stated that she is concerned with the fact that this line was installed through the front of our property without any memorialized agreement between the Township and Walmart to state who actually owns the line and would be responsible for future repairs. Ms. Ruiz-Smith asked if we are able to have the repair made and pay for it, but bill Walmart should we find that they own the line, being advised that yes that would be a possibility. Attorney Haros stated that his concern is the cost in the proposal versus the cost that he had anticipated through his conversations with Dave Kavitski as there is a significant increase, stating that in order for him to require Walmart to pay for the repairs should it be determined

that they own the line, he would need to be able to justify the cost. Dave Kavitski stated that he believes that the proposal is very high for this project, stating he believed it would cost around \$20,000.00 if he had to guess. Discussion ensued as to whether there was a lateral located at the point of concern and whether there are any lines coming from Township buildings to the line. Assistant DPW Foreman stated that the line from the Township building runs through the back of the parking lot and into a spate manhole. Attorney Haros questioned whether the work that was done recently by the contractor for Walmart caused this issue and was advised by Mr. Kavitski that without digging up the line there would be no way to determine that. Discussion ensued regarding the grading and slope of the affected line and the fact that the new testing port is located 142' away when it is shown on the plans to be 166' away from the manhole. Attorney Haros asked if the issue with the change in location could be contributing to the issue, being advised that is unknown. Mr. Weimer stated his concerns that Mr. Kavitski was not inspecting the work as it was being completed with Mr. Kavitski stating that he was not advised by the Township that they wanted him to be on site as he would have made himself available. Mr. Kavitski believed that Walmart had their own engineer there to inspect the process. Mr. Kavitski stated that there is a high point in the line that needs to be addressed as it is 1-1.5' off from where it needs to be. Mr. Weimer suggested that the Board get back with Walmart and figure this issue out. Mr. Kavitski stated that there should not be a lip in the connection to cause the camera to get stuck. Assistant DPW Foreman stated that the site should be exposed at the connection to determine if that is where the issue is, stating that after speaking to former Township employee Wayne Regan, he stated that originally the line was supposed to run down Veterans Drive but that the Board of Supervisors at that time told them they could come through the Township property. Ms. Ruiz-Smith asked Attorney Haros if we are able to use the testimony of Mr. Regan should we have to go to litigation over this issue. Mr. Haros asked if it is possible to flush the line from the manhole to clear the line and be able to run the camera to see if we can determine where the issue is and see if we can get a clear view since the line will be empty, being advised by Mr. Kavitski that yes it is possible. Mr. Kavitski stated that we just have to be concerned with backup and spillage, as we will then have a DEP issue. Ms. Kelly asked if we want to dig up the line to see where the issue is, who would we need to do that, stating she doesn't want to go to litigation with Walmart as they did what we required them to do. Mr. Weimer asked if there is a lip that the camera can't get over in the line then what would that mean, being advised by Attorney Haros that would be a defect of the plans or construction. Attorney Haros asked if Bureau Veritas inspected the project with Ms. Kelly stating only the building and electrical not the line repair. Mr. Weimer again stated that he would like the Township including Mr. Kavitski and Attorney Haros to schedule a meeting with Papillon and Moyer, Walmart, and Brown and Caldwell to resolve this issue. Mr. Weimer stated that on the record he believes that the line belongs to Walmart. Ms. Ruiz-Smith believes that we need to shop this project.

Mr. Weimer rescinded his motion and Ms. Kelly her second.

Mr. Weimer made a motion second by Ms. Ruiz-Smith to authorize having the line flushed, having Roto Rooter run the camera through the lines and having Mr. Kavitski come out with his crew to shoot the elevations from the manhole and Township lines.

- **Discussion:** None

- **Vote:** All in favor, motion passed

Ms. Kelly made a motion second by Ms. Ruiz-Smith to sell the cedar trees that were taken down in the front of the building.

- **Discussion:** Ms. Shincovich stated that a woodworker might buy the trees as they are valuable. Mr. Weimer told Assistant DPW Foreman if they start to mold or are not sold within a month to get rid of them.
- **Vote:** All in favor, motion passes.

Ms. Kelly made a motion second by Mr. Weimer to authorize Mr. Kavitski and his company to inspect, observe and monitor the Roto Rooter camera work and authorize them to oversee the project.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

Mr. Weimer asked Mr. Knecht to look at the construction breakdown and look for other companies to provide proposals to do the repair, going from the new manhole to manhole. Ms. Kelly asked Mr. Kavitski if he would be able to give an update to the Board of Supervisors on Tuesday evening. Mr. Weimer stated that Roto Rooter can call Maureen should they need to confirm the order. Mr. Kavitski asked that Mr. Knecht check the manhole every morning so that we can be sure there are no issues with overflow. Attorney Haros stated that if it starts filling up we can ask Walmart to go offline which the Board of Supervisors would be able to give them the allowance in order to prevent any further issues. Mr. Kavitski stated that the Township has gone 10 years without a violation at the Wastewater Treatment Plant and we certainly want to keep it that way.

3. Adjournment

There being no further business, a motion was made by Ms. Kelly second by Ms. Ruiz-Smith to adjourn. All in favor; motion passed.

Meeting adjourned at 10:15 AM.

NEXT REGULAR BOARD MEETING: Tuesday, June 20, 2017 at the Coolbaugh Township Municipal Office meeting room.

- Work Session – 6:00 pm
- Business Meeting – 7:00 pm

Submitted by: Erin Masker, Recording Secretary

Reviewed by: _____
Lynn Kelly, Township Secretary

Witnessed by: _____

William Weimer, Chairman

Date: _____