

**Minutes
Throop Borough Council
Special Meeting
regarding
Leeward Construction's application for payment # 8
Boulevard Project
Monday, August 21, 2000
7:00 p.m.**

The meeting opened with the Pledge of Allegiance

ROLL CALL:

Members Of Council:

Joseph Keyasko-P

Vice President - Anthony Chrzan-P

George Marushock-P

President - Joseph Barone-P

James Barnick-P

Robert Mraz-A

Thomas Lukasewicz-A

Mayor - Stanley Lukowski-A

Controller - Daryl Menichetti-A

Solicitor - Attorney Louis Cimini-A

Treasurer - Lenore Dolan-A

Audience comments on tonight's agenda:

Dominick Rocco-What is it, the paying the contractor? Is all the inspections taken care of that are supposed to be done?

Barone-He's pretty well caught up, he has to camera the sewers yet.

Rocco-Is there much more after this to pay?

Barone-I don't know, but he's got to start the sidewalks next then he's going to do the streets.

Rocco-Yeah, but I mean, is there....before the final payment?

Morrell-Four hundred and nine thousand dollars.

Barnick-Plus retainage.

Morrell-No, that includes retainage.

1. Motion by Barnick

Seconded by Chrzan

To approve application for payment # 8 to Leeward Construction in the amount of \$103,935.73 for the Boulevard Project, as approved by Frederick C. Spott, Borough Engineer.

Barnick-I'll make the motion provided it's from the draw down.

On the question:

Marushock-I believe we tabled this week because Mr. Kalinoski was on vacation, which he was observing all that, and one thing I was a little bit uncomfortable with was they gave us notice in writing that they were going to pull out of town if we hadn't meet this payment and I felt that they were being a little pushy and everything to obtain the payment.....(unclear).....funding available to do the payment, I don't wantdelayed any further but I did not like the way they presented themselves by holding a gun to our head that if we didn't give their payment they.....charge us re-stabilization fee and.....

Barone-I think that was more of.....they have to complete the job.

Robert Kalinoski-There was something involved in the contract that said that they cannot shut the job down on account of not being paid on time. If you go back in the contract and you look, it says that if payment is not made within fifteen days of the time allowed in the agreement then they could send a notice and after seven days of the notice they could pull out and shut the job down. But if you look at the agreement, the agreement does not list any time for payment. It also refers to the PennDOT publication 408, and the engineer had gone back and looked at publication 408 and there's nothing in publication 408 that also gives a specific time for payment so you're kind of in limbo there.

Marushock-The other thing that we discussed we were waiting was for video of the lines that are in place, which the video was not in the original contract.....test.....

Kalinoski-An air test.

Marushock-An air these, well we cannot do the air test on an active line?

Kalinoski-That's correct.

Marushock-So we went to plan B which would have been for the video of the lines, again, Mr. Kalinoski, I spoke to him the other day and he said we never put that in writing, that's the one that will be completed.

Kalinoski-If you look at the contract for the air testing, the specification that is written in the contract does not give a specific time, again, the testing has to be done (unclear). The camera-ing was being done in lieu of the air testing....(unclear) specific time typically for the air test, your line is air tested after the job is complete but before anybody ties into it.

Barone-And he is going to.

Marushock-And also bearing in mind...(unclear)...there's a performance bond also in place for....percent of the contract so we, as a borough, I believe are financially secured in this even by giving them this payment. We have a performance bond still in place, we have the maintenance bond.....

Kalinoski-We do not have the maintenance bond yet, the maintenance bond will be in place after final inspection and final acceptance, that's when the maintenance bond starts in effect and it will run for a two year period from that date.

Marushock-Now this, correct me if I'm wrong, this letter from Leeward is saying that Leeward Construction has provided for....(unclear).. percent.....

Kalinoski-They have not, it was a ten percent, I think they may have screwed that up, it should be

a bid bond, ten percent.....but I believe we still (unclear) if I'm not mistaken. That should be a bid bond.

Marushock-So the borough is really financially protected I believe, in our future endeavors.
Kalinowski-Yes.

All in favor

Motion carried

Audience Comments:

Dominick Rocco-On the street lights, did anybody find out anything?

Kalinowski-No.....

Morrell-I did fax in a second request to PP&L.

Rocco-What about Krieger?

Kalinowski-I spoke to the water company on Friday, they.....(unclear)....to me of everythingcompleted, did not get that ...list yet because itSanderson and Bellman.... Warsaw, where they did do some paving and there's some things that I'm not really happy with.

Dave Morrell-Simpson and Dunmore Street, can I go fill that hole with cement?

Kalinowski-I looked at....water valve underneath and if I don't get a response by the water company....PennDOT, and it's getting deeper.

Everyone spoke at once.

Morrell-You're going down to Turkey Hill, I come up, I hit it again, bam.

Barone-Rob, who's going to blacktop right around Bellman and Oleckna?.....dirt, the dirt's going down Oleckna Street.

Kalinowski-Let me see where it's at, if it's Leeward's I'll see if I can get them to take care of it tomorrow.

Rocco-That patch too, the patch on Dunmore Street.

Kalinowski-That was the water company's. That one is the water company's, there's another patch on Bellman that they have to come back for, which is by (unclear name), there's one at the bottom of Pendel that's....binder's in, there's another one up a little bit higher that they didn't even touch.

Everyone spoke at once.

Bette Goreschak-Any bids on the playground in Warsaw?

Kalinowski-Monday.

Goreschak-They'll be in Monday?

Kalinowski-Monday, next Monday.

Motion to adjourn.

Meeting adjourned

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary