

BOROUGH OF EAST GREENVILLE
BOROUGH COUNCIL MEETING MINUTES

February 24, 2015

Call to Order: Mr. Huff called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

Attendance: The following Council members were present: Andrew Rock, Ryan Pugh, Josiah Pierson, Timothy Huff, Tracey Hunsinger, and James Young. Also present were Stephen Kramer, Solicitor, James Fry, Borough Manager, and Sharon Kachmar, Borough Secretary/Treasurer.

Approval of Minutes: A motion was made by Mr. Pierson to approve the minutes of the February 2, 2015, meeting. Seconded by Mr. Pugh and unanimously approved.

Visitors Present: Mike Smith, Cowan Associates; Sergei Blair, Town & Country; Jeromy Schulz-Arnold

Visitors Comments: None.

Police Commission Report: Mr. Rock reported that officers Joe Adams and Officer Lavin were promoted to sergeant and corporal, respectively. Officer Joe Adams, who recently retired from the North Penn Tactical Team, was recognized by them for his service. Approval was granted to seek financing for contractual obligations. Mr. Rock also reported that a \$20,000 donation was received for the police department and used to purchase a second patrol vehicle.

Mayor's Report: Mayor Sloyer is looking into the cost of obtaining liability insurance for skate park equipment.

Solicitor Items: Atty. Kramer provided background on the Arlington Street Project. The Borough received a grant to complete reconstruction on Arlington Street with regards to flooding issues. GoreCon Inc. from Doylestown, PA, was awarded the project as lowest bidder. Since the beginning of the project, GoreCon has been needlessly combative with our engineers, Cowan Associates. The engineers are responsible for interpretation of the plans and for overseeing the project. What should have been a smooth functioning road project has turned into a legal battle between attorneys. We have maintained the same position throughout the project that the contractors did not do the job adequately. They created defective work and were told to fix it. When they met at Borough Hall, they agreed to fix the problems according to the engineer's instructions, but they did not and instead put in a modified speed bump that gathers water and diverts it into the neighbor's yard. Project specifications show they should have edged it out into the street, but they contest it was not what they were told to do. The contractor refused to fix the issue, so the Borough withheld a portion of the contracted price. They have threatened to sue the Borough for withholding payment for the punch list work not completed. Their attorney then claimed they would fix the project but will try to recover additional expenses due to what they claim is malfeasance by Cowan Associates. A change order notice #2 dated February 5, 2015, was received from GoreCon extending the project date and asking for about \$7,000 to fix the problem. Atty. Kramer's last conversation with their attorney was requesting them to come fix the problem and provide us with a signed copy of our change order request #2 that was sent to them dated December 16, 2014, that extends the contract to May 1, 2015, without an increase to the contract award. There has been no response to date. Atty. Kramer recommends terminating the contractual agreement with GoreCon and going after their bond to recoup our fees. Mike Smith, Cowan Associates, added that a runoff situation was created when the contractor installed a hump at the end of a driveway which diverts water onto a resident's property. The contractor is stating Cowan told them to make it that way. For the grant funding, there was a time limitation on the project which expired December 2014 with the first extension and was then granted a second extension until June 2015. Mr. Fry clarified that the only project extension in writing is between Montgomery County and the Borough. The

contractor has not executed or returned the change order to extend the original contract. Mr. Smith advised that after their inspection in December they deemed the work substantially complete, and he prepared a cost estimate for the work left to be done. The cost of the work is \$5,400 based on prevailing wages. According to the contract, they held back one and a half times that amount which totals \$8,100. He spoke with the county about getting around the bidding requirements if we do need to complete the work with another contractor. He was told we would need to rebid if we bring someone else in to complete the work under the grant award. The rebid would need to be advertised twice and a full set of plans and specifications would need to be reviewed by the county. Time restraints are an issue since the review would take about two months. Mr. Pierson asked if completing the project in-house is an option. Mr. Smith replied that several scenarios were discussed, and it is Cowan's opinion that we terminate the contract with GoreCon and complete the work with Borough employees or with outside verbal bids. He estimates verbal bids to come in around \$2,000 or \$3,000 with local contractors. This would give the Borough the lowest exposure financially. Drawbacks are that we may get into a lawsuit initiated by GoreCon. Atty. Kramer added that if we get sued, it would be handled by the Borough's insurance company. Atty. Kramer agreed with Cowan's suggestion to terminate the contract and clarified that GoreCon has 7 days after notice to terminate to remedy the situation. The bonding company may also want to come in and complete the work with another contractor. At this point, GoreCon is still in possession of the work site. Trying to get them to fix it would be in the best interest of the Borough financially. We can go after the bond for liquidated damages. Right now legal and engineering fees incurred as extras to the contract total a little over \$4,400. Atty. Kramer said he has outstanding fees of another \$1,500. Mr. Rock made a motion to terminate the contract with GoreCon pending any response we get from their seven-day grace period. Mr. Rock made a motion to rescinded, seconded by Mr. Pierson and unanimously agreed. Mr. Rock made a motion to terminate our contract with GoreCon, seconded by Mr. Young. Roll call vote: Mr. Rock – aye, Mr. Pugh – aye, Mr. Pierson – aye, Mr. Huff – aye, Mr. Young – aye, Ms. Hunsinger – aye. Motion carried. Mr. Rock made a motion that we approve Jim Fry to get verbal bids on fixing the defective work on Arlington Street, seconded by Mr. Young. Roll call vote: Mr. Rock – aye, Mr. Pugh – aye, Mr. Pierson – aye, Mr. Huff – aye, Mr. Young – aye, Ms. Hunsinger – aye. Motion carried.

Resolution 2015-04 updating the Emergency Management Operations Plan was presented for approval. Mr. Rock made a motion to approve **Resolution 2015-04**, seconded by Mr. Pierson. Roll call vote: Mr. Rock – aye, Mr. Pugh – aye, Mr. Pierson – aye, Mr. Huff – aye, Mr. Young – aye, Ms. Hunsinger – aye. Motion carried.

Water Committee: Mr. Fry informed council that the service line at 142 Main Street was frozen on our side of the service line. Grant Boyer built a service line thawing device, which had to be used on two separate occasions. It is made out of plastic tubing which he fit inside the service line. He then pumped hot water into the service line which ran back out around the tubing and got re-circulated until it thawed the blockage. Ms. Hunsinger made a motion to give Grant Boyer \$125.00 incentive pay and Randy Reinhart \$100.00 incentive pay for their efforts, seconded by Mr. Young. Roll call vote: Mr. Rock – aye, Mr. Pugh – aye, Mr. Pierson – aye, Mr. Huff – aye, Mr. Young – aye, Ms. Hunsinger – aye. Motion carried.

The plant is being run off the well because of the low water temperatures.

Zoning/Planning: Nothing.

Road Committee: Mr. Fry consulted with Todd Nagle from Cowan and Bill Conrad at Signal Service who both recommend we don't file a Green Light - Go grant this round. We don't have a PennDOT permit for the upgrade, and we may be required to update the entire light rather than just the pole. The suggestion is to get some engineering background work done first to see what PennDOT would require for that light and get an accurate cost estimate.

The Second Street Improvements agreement with Montgomery County has been executed by them, but we have not yet received authorization to proceed.

Mr. Fry submitted proposed road work compiled by Randy Reinhart for review by the Road Committee. It contains different methods of sealing and repairing by AMS.

Twenty-five additional street sweeping signs were requested. The cost is \$40.00 per sign. Mr. Rock made a motion to purchase ten street sweeping signs at a cost not to exceed \$410.00, seconded by Mr. Young. Roll call vote: Mr. Rock – aye, Mr. Pugh – aye, Mr. Pierson – aye, Mr. Huff – aye, Mr. Young – aye, Ms. Hunsinger – aye. Motion carried.

Mr. Fry investigated a complaint about St. Philip Neri Church restricting parking on Sixth and Washington streets. He witnessed spaces marked off with cones. Council asked that a letter be sent to St. Philip informing them that they cannot restrict public parking.

Finance Committee: Nothing.

Personnel Committee: Nothing.

Property Committee: Mr. Fry has a meeting scheduled with Todd Nagle from Cowan Associates to finalize the specifications and plans for the parking lot expansion.

Recycling /Waste Mgmt Committee: Nothing.

Sewer Authority: Nothing.

Revitalization: Nothing.

Regional Planning: Nothing.

Emergency Management: Mr. Fry advised that the cost of radios has increased on average of \$300.00 per radio effective March 1st. Despite the increase, the county negotiated price is still cheaper than the cost without the county.

Borough Manager Updates: Mr. Fry is to attend the mandatory workshop for the 2015 round of grants by CDBG. He will then know better what work would be allowed. Long Alley was suggested, but that project wouldn't cost enough to make it worthwhile under CDBG even if they approved alley work. Typically, overlays are considered maintenance. Mr. Rock suggested looking at improvements to the Colonial Village clubhouse and park. Perhaps improvements to the basketball court and HVAC system could be incorporated into one request. Receiving grant money two years in a row may lessen our chances of receiving funding.

The electrical work at 433 Main Street should be completed in April 2015.

Correspondence: The YMCA requested to use borough streets for their 5K race. Mr. Rock made a motion to approve the YMCA 5K race on May 9, 2015. Seconded by Mr. Young and unanimously approved.

The YMCA also requested fire police for the event. Mayor Sloyer remarked that East Greenville has no fire police, but if approved he can check around with other municipalities to see if there is availability or use police department. Mr. Young made a motion to allow the fire police to control the traffic in the Borough whether they are East Greenville or other. Seconded by Mr. Rock and unanimously approved.

A resident due to a health problem asked for relief of the \$113 per year trash fee. Request was denied. Mr. Pierson requested the office send a letter stating that we'd like to help her, but we are under a contract to provide and pay for trash service based on the number of residential units.

Other Business: Mayor Sloyer received a handicapped parking application for 708 Hamilton Road. Since there are currently two other handicapped spaces on that block, he is asking Council to approve this application, in accordance with the ordinance. The resident does not drive but has a handicapped placard and needs a space reserved for those she relies on to help her get around. Mayor Sloyer recommends Council approve the request. Mr. Rock made a motion to approve the application for the handicapped parking space. Seconded by Mr. Pugh and unanimously approved.

Mayor Sloyer received a request from a business to use the clubhouse for a free healthy lifestyle fitness camp. Due to the last request from a non-resident asking about a golf fitness class being denied, he referred them elsewhere. Ms. Hunsinger implored Council to discuss and consider this type of request. Mr. Huff stated that the Property Committee wanted the clubhouse to be available only to residents and non-profits, but maybe would reconsider if it remains vacant for periods of time. Mr. Pierson said he was not opposed to the idea and would consider on a case by case basis. Mayor Sloyer asked that a plan be in place for future requests since if we don't accommodate anyone, it will be harder to change later and he doesn't want to waste their time bringing them before Council if they will just be rejected. Council agreed to discuss requests as they come up.

Executive Session: Mr. Huff called for an executive session at 8:28 p.m. to discuss personnel.

Regular meeting reconvened at 8:56 p.m.

Motion to Adjourn: Being no further business, Mr. Young made a motion to adjourn the meeting, seconded by Mr. Rock. Meeting adjourned at 8:56 p.m.

Submitted by:



Sharon Kachmar, Secretary/Treasurer