

**SCHWENKSVILLE BOROUGH AUTHORITY
SPECIAL MEETING BOARD OF DIRECTORS
OCTOBER 30, 2018**

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A Special Meeting of the Schwenksville Borough Authority's Board of Directors was called to order at the offices of the Authority, 298 Main Street, at 6:00 PM by Chairman John Markley.

ROLL CALL:

In addition to Chairman Markley, other members present were Vice Chairman Donald Whitko and Treasurer Greg Pocius. Secretary Tom Slater attended the meeting via teleconference. Member Brian Pippert was excused from attendance. Also attending at the invitation of the Board were Melissa Fiala, representing the Authority's Solicitor's firm of Rudolph Clarke LLC, Frederick Ebert, P.E., President of Ebert Engineering, Inc., Consulting Engineer to the Authority, and Michael K. Sullivan, President of Private Utility Enterprises, Inc., Management Consultant to the Authority.

The chairman announced that this was a duly advertised Public Meeting of the Authority as evidenced by the advertisement in the Pottstown Mercury, October 30, 2018. Chairman Markley directed that a copy of the advertisement be attached to these minutes for future reference. Additionally, a copy of the meeting and purposes was posted at the main entrance door of the Authority.

The Chairman reviewed the purposes of this Special Meeting which was discuss the Main Street Water Main Replacement Project and any other business that may come before the Board.

Resident Tyler Mitchell, 666 Main Street was in attendance. The Board provided him an update to the current schedule of the project and the impact on his water service.

EXECUTIVE SESSIONS:

- A. An Executive Session was held after the adjournment of the 10/10/18 monthly meeting for personnel and potential litigation. No action was taken.
- B. An Executive Session was held following the 10/19/18 meeting with Trio Siteworks, LLC and Bondex Insurance Company regarding potential litigation. No action was taken.

TRIO SITEWORKS CONTRACT DISCUSSION:

**MAIN STREET AND CHURCH ROAD WATER AND SEWER MAIN REPLACEMENT:
PROJECT #18-1**

Mr. Whitko moved that the Schwenksville Borough Authority Board terminate the Contract with Trio Siteworks, LLC ("Contractor") relating to Project #18-1, known as "Main Street and Church Road Water and Sewer Main Replacement," as permitted in accordance with Paragraph "Y" of the Instructions to Bidders, Paragraph 15.02 of the General Conditions, and Paragraph 3 of the Performance Bond, and that the Board authorize the Authority Solicitor and Authority Professional Staff to take any and all remaining steps necessary to notify Contractor and the Surety, Bondex Insurance Company, that Contractor is in default and that the Contract is terminated, seconded by Mr. Pocius and approved by the Board, 4-0.

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BILL PAYMENT LIST:

The Board then reviewed Bill List 10/2018C in the amount of \$163,864.15.

Trio Siteworks – Pay Request #6 \$163,864.15

Accordingly, Mr. Whitko made a motion to approve Bill List 10/2018C in the amount of \$163,864.15, seconded by Mr. Pocius and approved by the Board 4-0. Upon direction of Trio Siteworks bonding company, Bondex Insurance Company, the Board is withholding payment until further notice.

**PORTION OF MAIN STREET AND CHURCH ROAD WATER AND SEWER MAIN
REPLACEMENT: PROJECT #18-1**

Mr. Whitko moved that the Schwenksville Borough Authority (“Authority”) Board approve and execute the Agreement for Emergency Services between the Authority and D. J. Pinciotti Construction Company, Inc. (“Contractor”) as reviewed and revised by the Authority Solicitor and Authority Professional Staff, in order to restore water service to the Authority’s affected customers, to ensure the safety of the public using the roadway subject to the work in question, and to comply with PennDOT’s demand; and that the Board authorize the Authority Manager to execute, if required, any additional documentation relating to the approval of the Contractor to complete that portion of the above-referenced Project #18-1 necessary to meet the public safety emergency resulting from the prior Contractor’s failure to complete the Project in a timely manner, subject to review and approval of all items deemed necessary by the Solicitor and the Authority Professional Staff, and in accordance with the Pennsylvania Procurement Code, 62 Pa. Code §516, seconded by Mr. Pocius and approved by the Board, 4-0.

ADJOURNMENT:

Accordingly, the meeting was adjourned into and executive session at 6:25 PM, by a motion by Mr. Whitko seconded by Mr. Pocius to discuss potential litigation, and approved by Board 4-0.

Respectfully submitted:



Thomas Slater, Secretary