

A special city council meeting was held in the Mayor's Office, 36 North Main Street, Mechanicville, NY, on Friday, July 27, 2012. Mayor Sylvester opened the meeting at 10:06 a.m.

Roll Call:	Mayor Sylvester	- present
	Comm. Seber	- present
	Comm. Chauvin	- absent
	Comm. Higgins	- present
	Comm. Hipwell	- absent

Deputy Commissioner Proper sat in for Comm. Chauvin. Also present were City Attorney Val Serbalik and Tom Baird from Barton & Loguidice.

Judy DiVirgilio led the Pledge of Allegiance to the Flag.

Mayor Sylvester said they are here today to meet on the contract for the South Street Hill, they want to get the resolution signed today so they can get the project going here next week.

Attorney Serbalik said he doesn't have any documents to review, this agreement really says nothing, it's a 3 page agreement which incorporates about 10 other documents. Said he didn't drop it off until Wednesday afternoon and he didn't have a chance to look at it until late afternoon yesterday, there's nothing there and there certainly are a lot of questions on this especially with the closure. Said he doesn't have anything to review. Said the first page says they will do this work within the time specified and it isn't specified but I'm sure it's specified somewhere else.

Mr. Baird said that there is a specification manual that's very thick that he did review about a year ago. Said this is a very standard document and it's always the same.

Mr. Serbalik said he understands that but if they are asking him to review the contract documents for the purpose of determining whether they comply with New York Specs and what they agree to pay them and the method they are going to pay them, he doesn't have anything to look at. Said he doesn't have the documents, the only document given to him was a short agreement which really doesn't say anything but it refers to other documents and the insurance certificates. Said the other contract documents that he doesn't have are the Performance Bond, the Labor Material Payment Bond, the General Conditions, General Requirements, the Appendix, all these other agreements that are set up so he can't give an opinion, he has some questions. Said this project is going to impact a lot of people here and he's sure no one wants to get into a dispute with the contractor on any part of it so obviously they have to make sure everything is clear. Asked if there is any provision that the contract for the street is only going to be closed for a specified period of time and is there liquidated damages if they don't, what happens in that event.

Mr. Baird said that's all in that big spec book. Asked if anyone had any of the CDs they sent over.

Comm. Seber said he would look downstairs.

Mr. Baird said they agreed to October 30th for the road closure at a pre-construction meeting with the contractor.

Mr. Serbalik asked if that was subject to weather conditions.

Mr. Baird said it was, they provided a schedule that says October 26th, said he made it until October 30th which is in the resolution. Said the contract does have liquidated damages, said it's about \$2,000 a day, somewhere around there.

Mr. Serbalik said its all well and good but if they are asking him to review something, this incorporates hundreds of pages and he doesn't have anything because it refers to many things, he wants to review them. Said he can't give them an opinion now, he can look it over on the weekend.

Mr. Baird said the bond, the insurance certificates, all of that has been submitted, reviewed and approved, they reviewed it, they sent it out to DOT and they reviewed it and said everything was okay to award the contract. Said he can get him anything that he needs.

Mr. Serbalik said if he's got to put his signature on it for the city, he doesn't want to get into anything like they did at the water plant. Said if the city wants him to review the documents he will review them. Asked what their payment schedule was.

Mr. Baird said monthly and explained their process of approving it.

Comm. Seber said these all relate to the bid documents which they authorized and put out to bid. Said Tom knows more about the details of the documents which in effect is the contract.

Mr. Baird said that was correct and everything else, the bond, the insurance certificate has been reviewed and approved through them and DOT's review. Said they really hold the project, they have a big hammer to swing if they need to on the way this thing works. Said these documents are standard state documents for these types of projects where the funding is and they are very long and exhausting.

Comm. Seber said they approved awarding of the bids once all those documents were in place, right.

Mr. Baird said DOT basically had to give permission to award the bid after their review of everything.

Mr. Serbalik said he's not committing malpractice, he is supposed to certify that everything is proper, that the bonds and everything else is in proper form and the contract is acceptable to the city. Said don't ask him to approve it when he hasn't even seen it, it hasn't been provided to him, he can't say whether it's good or bad, he can't

give an opinion on it, he wants to look at everything that is referred to in a contract, what we are obligated on, that's what he suggests so he can tell them exactly what happens. Talked about contingencies about the road closure and delays.

Mr. Baird said everything he is talking about is in there, it's spelled out very clearly.

More discussion was held on the road closure and what happens if it doesn't open when they say it will.

Mr. Serbalik said they can pass the resolution stating subject to attorney approval. Said he will look it over this weekend. Said if he has questions he will call Tom. Said let's get it going.

Mr. Baird said they have a very good contractor and a very good bid.

Comm. Seber said technically its 120 days to get the work done, right.

Mr. Baird said technically yes, he wants the trick or treaters to be able to walk up South Street that's why he put the 30th down. Said Mike McCarthy from the School District was there yesterday and he agreed to the closure time and everything. Said the low bid was \$2,056,000, he figures it will come out to 2.1 if you add some other things.

Mr. Serbalik asked if he sees it exceeding our grant.

Mr. Baird said no way.

Comm. Seber read RES. NO. 54-12 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JAMES H. MALOY INC. FOR THE RECONSTRUCTION AND REPAIR OF SOUTH STREET CONTINGENT UPON THE REVIEW AND APPROVAL OF THE CITY ATTORNEY

Introduced by Comm. Seber, seconded by Comm. Higgins. Roll Call: Affirmative – all. Negative – none.

Comm. Seber read RES. NO. 55-12 CITY COUNCIL OF THE CITY OF MECHANICVILLE GRANTING SOUTH STREET ROAD CLOSURE EXTENSION

Introduced by Comm. Seber, seconded by Mayor Sylvester. Roll Call: Affirmative – all. Negative – none.

Comm. Seber, seconded by Deputy Comm. Proper, moved that the meeting be adjourned at 11:15 a.m. Roll Call: Affirmative – all. Negative – none.