

Mayor and City Council of New Castle
Special Council Meeting
New Castle Town Hall - Delaware Street - New Castle
Thursday, July 28, 2005 – 7:00p.m.

Roll Call

Present:

Council President Blest
Councilman Reese
Councilwoman Churchill
Councilwoman Petty
Councilman DiMondi

Others present: Mayor Klingmeyer and City Engineer David Athey.

Council President Blest convened the meeting at 7:00 p.m. and led those assembled in the pledge of allegiance.

Agenda:

1. Awarding of bid for 9th Street Improvement Project.

Mr. DiMondi started the discussion advising Council that he had spoken with City Solicitor Clifford B. Hearn several times regarding the City's \$150,000. portion of paving cost for 9th Street and the lack of documentation. Mr. Keller had authorized to pay costs in excess of \$150,000. with the exception of the city engineering (approximate cost to date \$25,000.)

Mr. Blest asked Mr. DiMondi to explain "lack of documentation."

Mr. DiMondi stated there was a lack of documentation on both sides-the City and Mr. Keller. Mr. DiMondi asked that Mr. Richard Keller explain the amount in dispute.

Mr. Keller advised that there had been many meetings over the last year and the City, not knowing what to pledge, did pledge \$150,000. to pave 9th Street which was not enough to pave the road. There were problems with the culvert and water run-off. Mr. Keller stated that he agreed to the hard costs. He had meetings with Jim Weldin and Jeff Bergstrom and they had no idea what the engineering costs would be. Mr. Keller stated that he guaranteed \$150,000. and everyone knew his position.

Mr. Blest stated that he understood the City would pay \$150,000. and anything above Mr. Keller would pay. Mr. Keller stated yes but stated he was not under the impression that he was responsible for the 24,000. -25,000. in engineering costs.

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Mr. DiMondi asked Mr. Keller if he was willing to accept a compromise to settle this matter and each party would pay 12,500. of the engineering cost?

Mr. Blest referred to the Conectiv bill of over \$10,000.

Mr. Keller said he was aware of the Conectiv bill and he had already spent \$40,000. to pay Verizon. Mr. DiMondi stated that the City would work with Mr. Keller to keep the costs down.

Mr. Keller agreed (yes) to the compromise and said it seemed fair enough to him and he would go on Mr. DiMondi's word that the City would work with him to keep the cost down.

Mr. DiMondi stated that the City was already on the hook for \$91,000; with \$63,000. for Richard's Paving.

Mr. DiMondi stated the total expenses were \$162,500. and \$91,000. was paid out already.

Mr. Keller asked for assurance that the City would work together to accept the lowest bid.

Mr. DiMondi stated that the City was not going to stick Mr. Keller with a high bid cost.

Mr. Keller said time was of the essence and he had tenants ready to move in – in less than one month.

Mr. Reese stated that the URS cost for engineering was approximately \$24,000.

Mr. DiMondi stated that the \$24,000. was part of the dispute and Mr. Keller would be picking up one half of that cost.

Mr. DiMondi stated that the City would have a pass thru amount of \$150,000. for paving and he did not think it would be a burden to pay the \$12,500. from Municipal Street Aid.

Mr. Reese asked for clarification of costs and Mr. Keller responded yes to the cost the City had paid \$92,500.

Mr. Blest asked City Engineer David Athey to speak on this subject.

Mr. Athey stated that it was an awkward situation and that the City could incur more engineering costs if Harold Wheatley, p/t City inspector was to call on URS for more engineering services. He also stated that URS was called upon for assistance with the culvert problem.

Mr. Blest asked for clarification that the problems stemmed from the contractor Richard's Paving. Mr. DiMondi responded that yes the problem was with the contractor and the City spending extra on engineering inspections because the job was not done correctly and Richard's Paving had picked up costs.

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Mr. Athey clarified that Richard's Paving had picked up "their cost" not the City cost for Harold Wheatley. Mr. DiMondi adamantly stated that the extra inspection charges were to be paid for by Richard's Paving and not the City.

Mrs. Petty asked if Richard's Paving had done a bad job in the past-why were we considering awarding the bid? Mr. Blest said, as far as he knew, no one was saying Richard's Paving was performing badly.

Mr. Reese recalled the City being burdened with paving costs in the past on Foundry Street at Fourth and would Mr. Keller be paying the City in advance? Mr. DiMondi stated that Mr. Keller would sign an agreement to what was agreed to.

Mr. Reese asked Mr. DiMondi if he would co-sign. Mr. DiMondi said that there were very few people that he would co-sign for but, in this case, he would. Mr. Keller said that he appreciated that Council would stand by what they were saying this evening.

Per Mr. DiMondi, Mr. Keller of Buck-Kennett proposes to take responsibility for any and all amounts over \$162,500. associated with the 9th Street project with the exception of the submitted engineering fees by URS, which as of this date total \$24,637.75. This compromise would settle any miscommunication issues from the previous administrations lack of documentation on this subject and allow both the developer and City of New Castle to move forward on this project.

Mr. Churchill motioned to accept the lowest bid for Ninth Street, which was from Richard's Paving with the stipulation that Mr. Keller would pay for costs exceeding \$150,000. and also be responsible for \$12,500. engineering costs.

Mr. Athey asked to speak and stated for the official record that there were two (2) abnormalities with the Richard's Paving bid.

- 1) They did not acknowledge receipt of the addendum. Mr. Athey spoke with Mr. Hearn and both agreed that this would not change the overall bid.
- 2) According to Mr. Athey there was a "math error" on the Richard's Paving bid, although they did not acknowledge this as an error in their phone conversation. It was acknowledged as a "mis-calculation cost on the bid form." Bottom line was the \$156,138. would not change but Mr Athey felt that he should make mention these two (2) irregularities for the record.

Mr. Athey offered Richard's Paving the opportunity to withdraw their bid and they declined.

Mr. Blest read the bids that the City received for the Ninth Street paving project into the record:

Richard's Paving	\$156,138.
Cirillo Brothers	\$175,132.
Greggo & Ferrara	\$204,960.
Stripe-A-Lot	\$216,135

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Motion was again made by Mrs. Churchill to accept Richard's Paving Bid of \$156,138. to pave Ninth Street with the stipulation that Mr. Keller would assume all cost over \$162,500. (City to pay \$150,000. of paving cost and \$12,500. for one-half of URS engineering cost) and considering that the City's cost to date totaled \$91,000. Mr. DiMondi seconded the motion. All Council agreed to the motion and stipulation as stated.

Mrs. Petty stated for the record that she attended the July 21st Ninth Street bid opening meeting requested that her attendance be added to the meeting minutes. It was further noted that Mr. DiMondi had also attended the meeting on July 21st.

2. Discussion on repairs of roof repair at City Administration Building.

Mrs. Churchill advised that she had asked ten (10) roofing companies for estimates on the City Administration building roof. Several companies came and inspected the rooftop.

Written proposals were received from (2):

Lane Roofing Inc., – a proposal for roof repair in the amount of \$3270. stating that the main roof areas appeared in good condition.

All American Roofing and Waterproofing, Inc. – proposal for the removal of all roofing materials down to the bare wood deck on entire upper main roof in the amount of \$11,800. A telephone response was received from Wertz and Co., for repair only.

Mr. DiMondi suggested that Council go ahead with the replacement now rather than repair again in a couple of years. Also, stated that \$20,000. was in the budget.

Mr. Blest stated that with the \$20,000. budgeted he favored the roof replacement. Mr. Reese stated that the roof should be fixed right rather than a band-aid fix. Mrs. Petty agreed that if funding was available in the budget-the roof should be replaced.

Based on this discussion, Mrs. Churchill motioned to accept the proposal from All American Roofing and Waterproofing, Inc., in the amount of \$11,800. to install a new roof on the City Administration Building located at 220 Delaware Street. Mr. Reese seconded the motion. Motion passed.

3. Motion to Planning Commission to reconsider the off-street Parking requirement in Historic District. Criteria - impact on neighborhood and amount of on street parking available.

Per Mr. DiMondi, the reason for this motion is the result of what Mr. DiMondi perceived as an unreasonable and non-responsive directive to neighborhood concerns in that a requirement in our present zoning code states that all new construction in the historic district is subject to off street parking ordinance directives. Mr. DiMondi requested that the Planning Commission consider a recommendation to modify this condition from being required to recommend subject to

underlying parameters. To take into account after an application from the property owner for an exception to this requirement the following variables:

- *Impact and quality of life issues on the neighborhood and adjoining properties
- *Availability of on street parking which would negate any negative impact on others in the properties area.

Mr. DiMondi said he has stated from the beginning that we must react to situations by examining the law that affects it. The litmus test for Mr. DiMondi was not Second Street but the Mayor and his Board of Adjustment ruling in denying a variance from off-street parking requirements recently in the matter of the West Fifth Street sub-division petition.

Mr. DiMondi stated that the developer was asked by an affected neighbor Mr. Evans whose house is adjacent to the sub-division and where a driveway was to be placed a few feet from the side of his house. This would have necessitated the removal of all the shrubs, trees and destroyed his privacy and affected his family quality of life. There is without any doubt unlimited on street parking at this site. The Mayor and board denied this variance. There isn't any logical way that the board could grant the 2nd Street variance based on this decision.

Mr. DiMondi stated that we have to change this and do our job of responding to the people's general welfare. By changing this ordinance from requiring a variance, to being recommended, any disagreement will be reviewable by City Council.

Motion was made by Mr. DiMondi and seconded by Mr. Reese. Motion passed.

Mr. Blest asked if Mr. DiMondi would write a letter. Mr. DiMondi responded yes and would copy Council before forwarding to Planning Commission.

4. Bank Resolution to pay Insurance and Financial Services, LTD the amount of \$67,800.00 for down payment on 2005/2006 Insurance premiums.

Mr. DiMondi stated that the down payment on the City insurance policies was due August 1st and there would be ten (10) monthly payments on the policies. Mr. Blest read the resolution. Mrs. Churchill made a motion to accept and was seconded by Mr. Reese. Motion passed.

5. Motion for executive session to discuss personnel matters.

Mr. Reese made a motion to go into executive session and was seconded by Mrs. Churchill. Motion passed. Meeting was adjourned.

Submitted by:


Marian C. Delaney