

**WARREN CITY COUNCIL
SPECIAL MEETING
OCTOBER 1, 2018 – 6:15 PM**

OPENING OF MEETING

Mayor Cashman presided over the October 1, 2018 special meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Paul Giannini, Philip Gilbert, and James A. Zavinski, Sr. Mr. Kolcharno was absent and there is one vacant seat. Members of City Staff present were Nancy Freenock, City Manager; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; and Andrea Stapleford, City Solicitor.

RECOGNITION OF VISITORS

Mayor Cashman welcomed Brian Ferry, Times Observer Reporter.

PAVING CONTRACT

Mr. Holtz stated that at the May 21, 2018 regular meeting, Council approved a contract with Signature Paving and Sealcoating of Jamestown, NY, for the 2018 Mill and Overlay Project. Signature was the apparent low bidder of the four bids received. Signature was to begin the project on August 6 but did not begin milling until September 11. The contract called for the Project to be completed by September 15 and, as paving did not commence, Signature is now in breach of its contract with the City.

Mr. Holtz indicated that the City contacted Signature multiple times to provide the company an opportunity to cure the breach. On Monday, September 24, Signature was provided written notice of the breach and offered an opportunity to cure. On Friday, September 28, the City held a conference call with the owner of Signature and stated that the company had until 7:00 AM on Monday, October 1, to have equipment on site and to commence paving. That did not occur.

The contract is now deemed to be terminated and it was proposed that the City enter into a contract with the next lowest bidder, IA Construction, for the unfulfilled portion of the contract. IA Construction indicated that it can complete the work; however, it cannot honor the bid price as the current date is beyond the price hold date of the bid terms and asphalt costs have risen since the time of the bid.

The contract with Signature was in the amount of \$239,473.60, of which \$27,427.00 was completed for Line Items 1 and 4. IA Construction stated that it can mobilize and will complete Contract Line Items 2, 3, 6, and 7 related to the street paving for the price of \$215,319.07. The City expects to seek compensation for damages and excess expenditures from Signature Sealcoating.

Mr. Holtz stated that it is imperative that the paving work be completed as soon as possible as the streets have already been milled and exposure to winter conditions would cause

significant damage to the streets. Such damage would result in an even greater expenditure if paving did not occur until 2019. PennDOT typically requires that paving projects be completed by October 15; however, that has been waived in this instance. It was noted that the asphalt plants typically shut down at the end of October or very early in November.

Mr. Fraser made the motion to approve a contract for completion of the 2018 Mill and Overlay Project Line Items 2, 3, 6, and 7 by IA Construction at \$215,319.07 with recourse for damages by Signature Paving and Sealcoating to be sought. The motion was seconded by Mr. Gilbert and carried unanimously among the five Council members present.

ADJOURNMENT

There being no further business to come before Council, Mayor Cashman declared the meeting adjourned.