

BLOSSBURG BOROUGH "SPECIAL" COUNCIL MEETING

March 1, 2010

EXECUTIVE SESSION REQUESTED BY BOROUGH SOLICITOR PATRICK J. BARRETT AT 6:00 P.M. TO 6:30 P.M. INPUT FROM BOROUGH SOLICITOR, BOROUGH MANAGER, AND AQUATIC FACILITY DESIGN CONSULTANT.

Pledge of Allegiance recited.

Council President James J. Bogaczyk called the Blossburg Borough "Special" Council meeting to order at 6:30 P.M. in the Council Room of the Borough Building, 245 Main Street, Blossburg, PA. This meeting was scheduled because of the problems with the rehabilitation / construction on the Island Park swimming pool. The regular scheduled Council meeting will be held March 15, 2010 at 6:30 P.M.

Attendance: (absent, Vice-President Thomas Bogaczyk (in Florida)); (absent, Second Vice-President Jill Nickerson); Councilmembers Jerome Ogden, Jeffrey Everett, Mark Bowne, Roger Bunn; Mayor John Backman; Borough Solicitor Patrick Barrett; Borough Manager George D. Lloyd; Borough Secretary Mary Signor; Jason Przybycien Wellsboro Gazette; Brent E. Boyer Aquatic Facility Design, Inc.: Debra Everett Blossburg Pool Association.

EXECUTIVE SESSION REQUESTED BY BOROUGH SOLICITOR PATRICK J. BARRETT AT 6:35 P.M. TO 7:00 P.M. POSSIBLE LITIGATION DISCUSSED.

Verified Project Deficiencies: 1) Concerns with the quality of the concrete work, which needed to be removed
2) The Zero-entry footer heights were approximately 3" too low (removal still needed).
3) The series of substantial and serious deficiencies has raised serious questions of the competency of the administration and execution of the contract.

Borough Solicitor Patrick Barrett counseled to notify the Performance Bond owner of the Reconstruction Project (Western Surety Company, Sioux Falls, SD) and proceed with The American Institute of Architects Performance Bond paragraph 3.1; " The Owner has notified the Contractor and the Surety at its address described in Paragraph 10 below that the Owner is considering declaring a Contractor Default and has requested and attempted to arrange a conference with the Contractor and the Surety to be held not later than fifteen days after receipt of such notice to discuss methods of performing the Construction Contract. If the Owner, the Contractor and the Surety agree, the Contractor shall be allowed a reasonable time to perform the Construction Contract, but such an agreement shall not waive the Owner's right, if any, subsequently a declare a Contractor Default; and"

In addition, Mr. Barrett requested to authorize Borough Manager George D. Lloyd, Council President James J. Bogaczyk and Borough Solicitor Patrick Barrett to participate in these discussions. Motion made by Jerome Ogden; second, Jeffrey Everett. All in favor.

ADJOURNMENT: President James J. Bogaczyk closed the meeting at 7:15 P.M.

Next Council Meeting is scheduled for March 15, 2010 at 6:30 P.M.