

Work Session
February 7, 2005
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 6:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Attorney

WORK SESSION SCHEDULE

6:00 p.m. - 6:10 p.m. Resolutions

6:10 p.m. - 8:00 p.m. Executive Session
Legal & Personnel Matters

I.

WHEREAS, the Town of Hamburg Golf Course concession lease signed in 2004 has been terminated and,

WHEREAS, said golf course is scheduled to open in Mid April 2005.

THEREFORE BE IT RESOLVED, that the Town of Hamburg advertise for request for proposals to operate the golf course concession stand for the 2005, 2006 and 2007 season.

Moved: Quatroche

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

V.

WHEREAS, a contract for the construction of the 2004 Waterline Replacement Project in 15 locations throughout the Town of Hamburg was awarded to Donald J. Braasch Construction, Inc. on August 9, 2004 in the amount of \$1,536,770; and

WHEREAS, Braasch Construction has to date installed only 2,900 linear feet of the total 16,500 linear feet of waterline replacement included in their contract, and the Town and Erie County Water Authority have experienced various other problems with them throughout the project; and

WHEREAS, due to these problems and other circumstances, Braasch Construction has requested to be released from the remaining portions of their contract in the 10 locations that they have not yet performed any work; and

WHEREAS, the Town Engineer, Deputy Town Attorney, and Nussbaumer & Clarke, Inc. have reviewed this request and recommended that it be approved by the Town Board,

THEREFORE BE IT RESOLVED, that by mutual agreement between the parties, the Town Board hereby releases Donald J. Braasch Construction, Inc. from the remaining portions (10 locations) of their contract, without penalty to them. This does not relieve Braasch Construction of the responsibility for completing all remaining work at the 5 locations that they have performed work on to date.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Mr. Kapsiak explains that there will be an additional cost associated with re-bidding the project. However, the contractor does have the right to terminate the contract because they only awarded \$990,0000 of the \$1.5 million in that they were constrained with the amount of funds they had available at the time of award. So, they do have the right to get out of the contract without any penalty. Because of the problems they had with them, they want to get out of the remaining portion.

Councilman Cavalcoli comments that in the future, if they bid more work, that they go to the bottom of the list in terms of consideration because of the problems they have had. He would certainly not recommend that they award a bid to them, even if they turn out to be the lowest bidder based on their performance.

Mr. Kapsiak comments that they will be bidding this in the winter and hope to come up with a better price than what they had with them previously and will hopefully come out ahead on this.

