

## **NASHVILLE TOWN COUNCIL MEETING THURSDAY, MAY 27, 2010**

**ATTENDANCE** – Council members present – Vice-President Robert Kirlin, Councilmember Sean Cassiday, Councilmember Charles B. King and Councilmember Arthur Omberg. Council member not present - President Roger Kelso. Also in attendance – Town Superintendent Roger Bush (arrived at 6:17pm) and Deputy Clerk-Treasurer Debbie Ferry.

### **AGENDA**

**1) CALL TO ORDER** by Vice-President Kirlin at 6:04pm.

### **2) DOWNTOWN REVITALIZATION PROJECT – CONTRACT APPROVAL**

Vice-President Kirlin reported the contract has been approved by Town Attorney Roberts. Vice-President Kirlin asked Charlie Day of DLZ if he received the list of nine things the Council discussed at the last meeting. Mr. Day said he did receive an e-mail with those items but he did not know if those items had been addressed with Dave O'Mara Contractor's. Tim Rariden of Dave O'Mara Contractors advised he has only heard of a couple of things.

Mr. Day read aloud the e-mail that was sent to Town Superintendent Bush from Alan Mize, of DLZ, "after reviewing the list of nine items, please let DLZ know which, if any of the above clauses should be added to a memorandum of understanding or the contract. DLZ will then provide the Town with the memorandum of understanding which can be presented to the contractor for approving signatures." Vice-President Kirlin asked if this had been done. Mr. Day advised they had not heard back from Town Superintendent Bush as to which ones if any should be added. Vice-President Kirlin remembered that DLZ was going to meet with Dave O'Mara Contractors and see if it would cost the Town any more money for these items. Councilmember King thought they could not add anything to the contract because it would increase costs and those items should already be covered by state regulations.

Mr. Day read the list of responses by Mr. Mize to the Town's concerns: notify businesses 48 hours prior to any water outages, construction hours can be restricted outside prime business hours, bottled water can be required to be provided by the contractor to restaurants during outage periods, work can be restricted to Monday through Thursday with longer work hours to prevent any Friday impacts that could carry over to peak business weekend periods, work can also be restricted to any prime business period such as holiday weekends, potholing all service lines and connection points can be required prior to excavation to verify locations, valve operation and water outages can be restricted to be conducted by water utility personnel only, the contractor can be explicitly required to fix any water pipeline break immediately and provide temporary services for any outage. Since this is a business area liquidated damages could be considered on hourly or daily basis for an unplanned service outage impacting businesses.

Vice-President Kirlin asked if these items had been presented to the contractor. Mr. Day did not know if it has been passed onto the contractor. Vice-President Kirlin asked if the Town could sign the contract as is and then present the nine items to the contractor and get their feedback. Vice-President Kirlin asked Mr. Day to get in writing what items the contractor is willing to do and if the Town wants to pursue more items they can talk with the contractor further, noting it may increase the cost of the contract. Discussion.

TOWN COUNCIL MEETING, MAY 27, 2010

Councilmember King made a motion to approve the contract as presented. Councilmember Cassiday seconded the motion. Town Superintendent Bush was asked about the nine items the Town wanted addressed. Town Superintendent Bush reported he spoke to the Town Attorney regarding the recommendations from the engineers, without there being some sort of change to the contract they cannot add these items without potential additional costs. All were unanimously in favor.

Town Superintendent Bush advised the pre-construction meeting will be June 4, 2010 at 2:00pm.

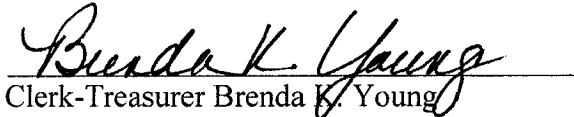
**3) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL**

Councilmember King asked Town Superintendent Bush to have the street sweepers out when it is raining or to use water if it is not as the sweeper moves around a lot of dust.

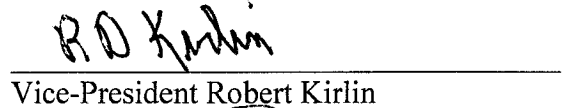
**ADJOURNMENT**

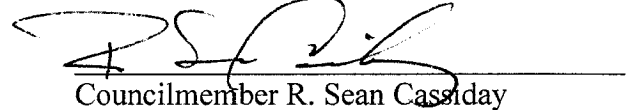
Councilmember Omberg made a motion to adjourn the meeting. Vice-President Kirlin adjourned the meeting at 6:21pm.

*The audio recording made at the Town Council meeting on 5-27-10 is retained in the office of the Town Clerk-Treasurer.*

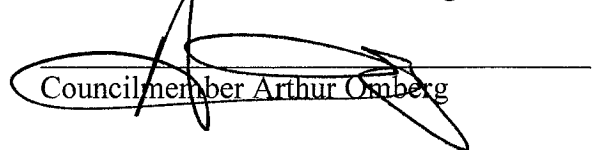
  
Clerk-Treasurer Brenda K. Young

  
President Roger Kelso

  
Vice-President Robert Kirlin

  
Councilmember R. Sean Cassiday

Councilmember Charles B. King

  
Councilmember Arthur Omberg