

Ogden Dunes Town Council Special Meeting
Monday, March 26, 2012 – 1:30 p.m.
Ogden Dunes Town Hall

Present: Bill Gregory, Tom Clouser, Charlie Costanza, Paul Panther

Absent: Allen Johnson

Attorney Lukmann was also present for this meeting

Bill Gregory stated that the sole purpose of this meeting was to open the quotes received for the Hillcrest Wall Project. Attorney Lukmann said he had four sealed quotes which he then read as follows:

- Duneland Landscape, LLC \$79,489.43
- Lakeshore Landscaping Inc \$78,418.98
- Charlie Costanza (Tie Masters) \$81,500.00
- Smalls Garden Center \$54,720.46

Attorney Lukmann indicated that Charlie Costanza's quote included alternative methods. One method would use Town workforce which can be considered separately if you do not let this quote to anyone. He also stated that Smalls Garden Center included sales tax which the Town does not have to pay; therefore, we could deduct \$872.46 from the Smalls Garden quote.

Attorney Lukmann stated that the Town Council choices were to take this under advisement, reject all quotes, or you can award it at a later meeting. Attorney Lukmann said he will look at the quotes more carefully but as it stands now, if the Council would award the quote it would go to Smalls Garden Center. Charlie Costanza asked Attorney Lukmann about the alternatives that were included in the Tie Masters' quote. Two alternative quotes were included. The first was \$49,500 using boulders as a front facing only. The second alternative quote was \$34,000 which included using the same materials as the first quote but using Charlie Costanza as the contractor and using Town workforce. Attorney Lukmann indicated that the Council could consider these alternatives if they so desire. A discussion was then held about these alternatives. Tom Clouser questioned Jim Matthys (Street Department) as to whether or not he had the manpower and equipment to do this wall. Jim Matthys said he does have the equipment but not the manpower.

Attorney Lukmann advised Charlie Costanza to limit his comments regarding this project since he is a member of the Council and has quote on this project. Charlie Costanza agreed to recuse himself from any voting on the Hillcrest Wall Project.

Tom Clouser asked how much money is available in the budget for the project. Julia Klingensmith, Deputy Clerk-Treasurer, stated that the money would come from CEDIT funds which she believes is estimated to be \$48,000. (Note from Clerk-Treasurer: It was later determined that the CEDIT fund estimate is \$58,000).

Attorney Lukmann read a statute giving another alternative to the Council: "If the Board rejects all quotes submitted, the Board may negotiate and enter into agreements for the work in the

open market without inviting or receiving quotes if the Board establishes in writing the reasons for rejecting the quotes”. Attorney Lukmann did not advise doing this at this time because it would have to be done properly and the reason for rejection would be the quotes are more money than the Council wants to spend. Bill Gregory asked Attorney Lukmann what information would the Council need to take this under advisement. Attorney Lukmann stated that the Council would need their Building Commissioner to evaluate what was submitted and then look into alternates suggested, talk to the engineer to see if the alternates are feasible as a way for you to do something less expensive that will work just as well. If the answer is yes then basically the world is opened up to you. You can go back and quote again, you can negotiate in the open market like it says if we reject all quotes and put down some reasons and you can negotiate with anyone including Charlie and work out the best deal you can. That is what you are allowed to do and what you decide to do is up to you as a Council for four members as Charlie would not be able to vote. Attorney Lukmann stated that Charlie could participate in the deliberations but could not vote.

Bill Gregory stated that the Council needs the assistance of Ed Hewitt and the engineer involved to make a decision on this project. Ed Hewitt indicated that a decision could be made by the next Town Council meeting in April. Paul Panther made the motion to take this project under advisement and Tom Clouser seconded the motion. The motion was passed as follows: Tom Clouser, yes; Paul Panther, yes; Bill Gregory, yes; Charlie Costanza, recuse. The motion was passed.

Attorney Lukmann turned over all quotes to the Clerk-Treasurer who in turn gave them to Ed Hewitt as Ed requested. (Note from Clerk-Treasurer: Ed Hewitt did return all quotes to the Clerk-Treasurer).

Tom Clouser moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the meeting was adjourned.

Bill Gregory, President

ATTEST:

Jean Manna, Clerk-Treasurer