

A Special Meeting of the Town of Avon was held on Monday, October 1, 2007 at 4:30 P.M. at the Avon Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, Councilman Thomas Mairs, and Councilman James Blye

ABSENT: Councilman Donald Cook, Jr.

OTHERS: Attorney Timothy Ingersoll, Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello and Town Clerk Sharon Knight

VISITORS: Harris Beach Attorneys Kevin McKain and Edward Hourihan Jr., Retired Village Code Enforcement Officer James Biondolillo, and Architect John Bero

Deputy Supervisor Cole addressed those in attendance providing background information of the Opera Block.

A lengthy discussion took place for an hour and a half over the method and options that the Town of Avon may implement the construction phase of the renovation project. This included –

The WICKS Law was discussed as to the need for bidding for as many as five specific prime contracts. Prime contracts were explained as contracts between the customer (Town of Avon) and the contractor who will do the work.

The Board does not have to go out for bid for professional services such as Architect or Attorney; however detailed contracts will be executed with specific roles. These roles will be an integral part of the renovation project as the construction attorney will dictate the legal portions of the implementation, and the Architect certifies payments to contractors.

A General Contractor could be sought to oversee the approximately thirty-five separate contracts and ultimately take responsibility for their work.

The Clerk of the Works (COTW) will be the eyes and ears for the Board, and make certain that the contractors are following the specifications of the Architect. The COTW does not have authority over contractors; however he/she would be the customer's representative, and be in direct contact with the architect who would have final say on changes.

Architect John Bero spoke of his two goals to receive approval of the State Office of Historical Preservation for funding and have the owner happy with the results of the project.

The role of the Attorney could include reviewing bid specs as he is familiar of the legal needs, provided advice of general construction, review security bonds, prepare a time line, review security bonds, check insurance of bidders and contractors that guarantee

time and materials, discharge leans, and manages the risk. A letter of engagement is required by law and one will be drafted for Board consideration.

The use of local workers eliminates warranties of workmanship and increases the Town's insurance premiums. The Town has experienced talent and the use of the local workers is best used in conjunction with the General Contractor. Specific portions of the renovation may be purposely left out so as to use local talent and experience in the best cost effective manner. Everyone seemed satisfied with this approach.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting was adjourned at 5:50 P.M.

Respectfully submitted by \_\_\_\_\_ Sharon M. Knight, Town Clerk