

LUDLOW VILLAGE BOARD OF TRUSTEES

SPECIAL MEETING MINUTES

June 11, 2009

Town Hall Conference Room - 2:00 PM

Protest Hearing – Haluch Water Contracting

Board Members Present:

Robert Gilmore, Chairman, David Rose, Jim Fuller

Staff Present:

Frank Heald, Ron Tarbell, Loran Greenslet, Pam Cruickshank

Others Present:

Al Lewis, State of VT; Tom MacElhaney, Preload Inc.; Mark Youngstrom, Otter Creek Engineering; David Markowski, Markowski Excavating Inc.; Bill Gagnon, Heilmann, Ekman & Associates; Jack Facey, Attorney for Markowski Excavating; Charles Merriman, Attorney for Haluch Water Contracting; Thomas, Haluch, Haluch Water Contracting

Propose to Speak:

Mark Youngstrom, Otter Creek Engineering; Al Lewis, State of VT; Tom MacElhaney, Preload, Inc; David Markowski, Markowski Excavating, Inc.; Jack Facey, Attorney for Markowski Excavating; Charles Merriman, Attorney for Haluch Water; Thomas Haluch, Haluch Water Contracting

Call to Order:

- a. Chairman Robert Gilmore called the special meeting to order at 2:00 PM. He introduced the Village Board of Trustees, Village's legal advisor, Bill Gagnon, Municipal Manager, Frank Heald.
- b. Chairman, Robert Gilmore read a letter submitted by Preload, Inc.
- c. Chairman, Robert Gilmore read for the record the hearing Subject, Issues and Procedure to all that were present. He said that after the conclusion, the Village Board of Trustees would go into executive session and the protest would be decided by the Village Trustees.

Speaker #1

Charles Merriman, attorney representing Haluch Water Contracting argued that the failure to notify five (5) days prior to the bid opening was the basis for the appeal.

Speaker #2 Tom Haluch, Haluch Water Contracting stated that he put a lot of time into the bid and disputed the 5-day time-frame.

Speaker #3

Jack Facey, attorney for Markowski Excavating stated that the engineer sent out the information by standard certified mail and proper notice was placed.

Speaker #4

Tom MacElhaney, Preload said for the record he tried to contact Tom Haluch two times and did not hear back from him so he assumed he was not going to bid on contract #2.

Speaker #5

David Markowski, Markowski Excavating said he received the information on Saturday, but didn't pick it up until Monday and felt there was ample time.

Speaker #6

Tom Haluch, Haluch Water Contracting said he received the certified mail at 3:00 pm on Monday, but could have been avoided with a phone call, that is why he didn't bid.

Speaker #7

Tom MacElhaney said bid contract #2 should not be a part of this protest.

Speaker #8

Charles Merriman, attorney representing Haluch Water Contracting said his client has a right to receive information 5-days before the bid opening and appears to be the low bidder.

Speaker #9

Al Lewis, State of Vermont said he was not speaking on behalf of Ludlow, but on the contract itself. He stated that he authored the document. He said that his interpretation was that they complied with the notice time-frame.

Speaker #10

Charles Merriman, attorney representing Haluch Water Contracting objected to the testimony of Al Lewis.

Speaker #11

Jack Facey, attorney for Markowski Excavating said that they have been using the same documents for the past 20 years and it was sound business practice and there was nothing improper.

Speaker #12

Al Lewis, State of Vermont said they treat everyone the same, the small and big guy and not everyone has reliable technology or electronic systems and stated that the legal notice is still certified mail.

Speaker #13

Tom Haluch, Haluch Water Contracting said his interpretation is that a day is 24-hours and the notice only added up to 4-days.

Conclusion of Testimony:

- a. Chairman, Robert Gilmore asked if there was any additional testimony. He also stated that the testimony was being recorded on tape.
- b. Chairman, Robert Gilmore asked if there were any objections on the Protest Hearing.
- c. Charles Merriman, attorney for Haluch Water Contracting asked if they should have been sworn in as the notice didn't indicate addendum #3 was to be addressed.
- d. Chairman, Robert Gilmore asked if there were any more objections.
- e. Chairman, Robert Gilmore said they would render a decision within five days.

Executive Session:

Motion by David Rose to enter into executive session. Motion was seconded by Jim Fuller. All in favor and the motion passed.

The Village Trustees entered into executive session at 2:44 PM.

The Village Trustees came of executive session at 3:05 PM.

Adjourn:

David Rose made a motion to adjourn. Motion was seconded by Jim Fuller. All in favor and the motion passed.

Meeting adjourned at 3:06 pm.

Respectfully submitted,

Pam Cruickshank
Acting Clerk

Robert Gilmore, Chairman

David Rose

James Fuller