

**TOWN OF HAYMARKET, VIRGINIA**  
**Chartered 1799**  
**County of Prince William**

**HAYMARKET TOWN COUNCIL**

**July 21, 1997**

**MAYOR**

**John R. Kapp**

**ATTORNEY**

**Peter Steketee**

**COUNCIL**

**James Shepard, Vice Mayor**

**Mary Lou Scarbrough**

**Dottie Leonard**

**Bob Seffinga**

**Mark Branca**

**Richard Bird (absent)**

---

Mayor Kapp called reconvened the meeting at 7:15 p.m. Mr. Elkins is present from BDE.

**ISTEA**

BDE Washington Street Enhancement contract - Councilman Branca states the focus tonight is on invoices as there are questions unanswered we need to discuss so we can move forward. Addendum #4 - received first invoice for 12 tasks were lumped together - need more breakdown. Major concern is Mike Gordon advanced billed for work in addendum Council has not approved. Also issue of the hourly rates - contract rate - VDOT has adjusted. Council would like a resolution on: (1) effort negotiated by Council - hourly rates under VDOT contract, (2) discuss addendum #4 or take action. Mr. Elkins states the Council approved the contract. Councilman Seffinga states the hourly rate was not correct per VDOT. Atty Steketee asks if it is true that the VDOT reduction benefits BDE - Atty Steketee asks if we look at the survey \$10,769.35 which shows same amount on contract with original contract hourly rate. Mr. Elkins replies the contract was hourly not to exceed \$79,392.82. Councilman Seffinga replied the fees, hourly rates, were erroneous, hours for each task were estimated, the contract cost was computed at the incorrect rate.

Mr. Elkins states he agreed to reduce other things in this contract and he wouldn't have done that if he knew the total contract amount was not approved. Further, he states, he did not say he would contract to anything under the contract amount agreed upon at the January 6 meeting. He states survey phase will go over 200% because what the Service Authority gave him to work with, survey on water line, was not compatible and they will complete the project at the cost.

Councilman Branca states Council took the prevailing rates of VDOT at the time and spent hours painstakingly going through the proposal to cut back the cost.

Councilman Branca asked Atty Steketee if we have to honor the contract. Atty Steketee states the cap was based on erroneous rates -- he feels both parties have reason to adjust the contract to the correct rates. There is no advantage to the town to pay more per hour than VDOT will approve, recalculated the contract would come to about \$69,000. Councilman Branca states one issue is we haven't paid them anything. If we pay from this invoice we'll end up paying the full \$79,000. Mr. Elkins states bills to VDOT the way we want it itemized will not be approved by VDOT. Councilman Branca states he needs a separate breakdown so we can track what tasks have been performed versus what we're paying.

**HAYMARKET TOWN COUNCIL July 21, 1997**

Addendum #4 revised 3/24/97 Councilman Branca is not comfortable with the exclusions (1) topography for outfall was included in the contract. Original contract topography survey for drainage outfall. Information for some overage task - transfer digital information from PWCSA survey to VDOT format - plus additional field work. Councilman Branca had some discussion with Art Wood and Mike Gordon about the brick crosswalk that it was a standard VDOT sheet to be inserted.

Task 9840 - Does Council feel since BDE had to put in more effort should we foot some of the bill? Councilwoman Leonard states she would like to share some of it. Councilman Branca says everything on the addendum is under the contract, except the brick crosswalk which might have required a couple of hours that were not in the contract.

Mr. Elkins states he strongly believes the Town Council committed to "hourly not to exceed" and the Mayor signed the contract. Mr. Elkins states Council is asking to adjust the contract down, he is not willing to adjust down on the contract. He believes the Council's approach is not fair - VDOT will pay for these addendum charges. The rates are not accurate for each person - they have different hourly rates, this is an estimate of approximate hours by a variety of people who work at different rates.

Councilman Branca felt the hourly rate was the prevailing rate. Mr. Elkins says addendum for survey data charges was due to the "Town was responsible to furnish" per contract. The data was incomplete, the original contract was \$11,000 to supplement the data from PWCSA. Councilman Branca says it looks like it costs more to use PWCSA's data. Mr. Elkins states they would have been better not using it. Councilwoman Leonard states the cost is running 15% over the contract. Mr. Elkins agrees. Councilman Branca feels if we support the corrected adjustment of \$69,000 contract he would consider providing more support for the task 9840. If we support the original \$79,000 contract he would not support any additional addendum items. He feels hourly not to exceed amount at \$69,000 is appropriate.

Atty Steketee suggests Council go into executive session.

Councilwoman Leonard asked Mr. Elkins if we don't pay the full amount is he saying we would receive an inferior product. Mr. Elkins answered no, he would have to reduce the scope of the project. He states if the \$79,000 is not approved the things not in the contract will not be done without direction from Council.

Mayor Kapp asked if Councilman Branca's statement is true that everything on the addendum is already covered in the contract. Only exception is the crosswalk, states Councilman Branca.

Vice Mayor Shepard asked Mr. Elkins, on the survey budget, did he come to the Council and tell them it was going way over? Mr. Elkins says the discovery was in February and the addendum was submitted on March 24. Councilman Branca states it was seen at the April Council meeting, shortly after Councilman Branca met with Art Woods and Mike Gordon.

Councilman Branca moved to go into executive session for legal consulting, pursuant to Virginia Code 2.1344(A).7, seconded by Vice Mayor Shepard.

Vice Mayor Shepard moved to go back into regular session, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

### **HAYMARKET TOWN COUNCIL July 21, 1997**

Councilman Seffinga moved to, under protest, agree to \$79,732.82 contract believing it should be the VDOT figures, \$69,000, plus we approved \$4200 additional, pay under protest under the condition BDE submit a bill that VDOT will pay as the current bill will not meet requirements, 9840 & 9841 not payable due to included in original contract plus 9841 additional were under original contract, seconded by Councilwoman Leonard. Total to be paid \$83,932.82.

In discussion, Mr. Elkins states there was \$2900 addendum which was the application fee. He asked what does under protest mean. Councilman Seffinga says we feel the contract should be based on revised VDOT numbers at the same number of hours, which would be \$69,000. Councilwoman Leonard says we disagree with the computation. Mr. Elkins says if the resolution goes to VDOT they not approve the bill. Councilwoman Leonard asked how quickly the revised statement could be provided. Mr. Elkins replied Wednesday at the latest.

Motion carried by unanimous roll call vote.

Back out \$16,771.50 for survey time, back out \$353.47, reduce by \$17,124.97 = \$52,236.18 and all direct costs in invoice an additional \$1659.64 = revised invoice should be \$53,895.82 for work performed. Councilman Branca asked for the summary breakdown be submitted with each invoice.

Councilman Branca moved to approve for payment revised invoice for up to \$52,236.18 for contract items and \$1659.64 for direct costs, total \$53,895.82, seconded by Councilwoman Leonard. Motion carried by unanimous roll call vote.

Floor Restoration - Jim Lowery submitted an RFP for floor restoration. He asked Council if they want to consider a concrete slab poured over a gravel base instead of floor joists. Councilwoman Leonard states the Richmond historic folks say we have to take out walls and ceiling and go back to plaster.

Mayor Kapp asked if Jim has specifications for bathroom handicap. Jim says he has the specs drawn out.

Councilwoman Leonard says she has a design for the handicap ramp from a historic site.

Police Dept computer - The Police Dept reports they have been approved for the \$1500 mini grant to purchase a computer. Councilman Branca moved to purchase a computer and printer, if deemed necessary, seconded by Councilwoman Leonard. Motion carried by unanimous roll call vote.

### **Building Permit**

Zupan, 6590 Jefferson Street - demolish existing rear deck, kitchen (which were additions to original structure) and front porch and restore the front porch - porch to be restored exactly as it was, additions to be replaced slightly larger (all on the rear of building not visible from the street.) Councilman Branca moved to approve on the condition the finishes and paint colors be submitted to the ARB prior to installation, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

**HAYMARKET TOWN COUNCIL July 21, 1997**

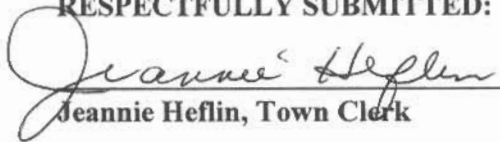
Water connections

Mr. Lowery asked how the town wants to handle the plumbing permit for water connections. He asked if we can order individual trade permits from BOCA. Councilman Branca moved to purchase trade permits for plumbing, electrical & mechanical \$6.00 for 25, seconded by Councilman Seffinga. Motion carried by unanimous roll call vote.

**Adjournment**

Councilwoman Scarbrough moved to adjourn at 10:00 p.m., seconded by Councilman Branca. Motion carried by unanimous vote.

**RESPECTFULLY SUBMITTED:**

  
Jeannie Heflin, Town Clerk

**APPROVED:**

  
John R. Kapp, Mayor

tc797-3

**HAYMARKET TOWN COUNCIL July 21, 1997**

Building Permit .....	3
Water connections .....	4
Zupan, 6590 Jefferson Street .....	3
Floor Restoration .....	3
ISTEA .....	1
BDE Washington Street Enhancement contract .....	1
Police Dept computer .....	3