

**NORTH FRANKLIN TOWNSHIP
SPECIAL MEETING**

June 2, 2022

12:00 pm

CALL TO ORDER - Present were Mr. Sabot, Mr. Polan, Secretary/Treasurer Jackie Kotchman and Solicitor Mr. Sweat

PLEDGE OF ALLEGIANCE

ADD ITEMS TO THE AGENDA - None

PUBLIC COMMENT AGENDA ITEMS - None

Mr. Sweat advised that the Project Manager and K-2 Engineering put the new Township building out for bid. The bids were separated into General, Mechanical, Electrical and Plumbing. The bids were opened and the lowest responsible bidders were identified. He said prior to today's meeting, the Township received a letter notice from the law firm of Jubelirer, Pass & Intrieri representing the Plumbers Local Union No. 27. This letter objected the awarding of the Plumbing and General Contractor's bid, taking the position that the scope of work as published by the Township, was in violation of Section 1 of the Pennsylvania Separations Act. The Separations Act requires that various components of a public entity project be separately bid. The Plumbers Union has taken the position that the work for storm sewers, sanitary sewers, water service lines that extend 5 feet from the proposed building, should be considered plumbing branch work as opposed to site work. The General Contractor's Bid included all the aspects of the plumbing branch work hence the Plumbers Union objection. The law firm referred to a case involving the construction of Thomas Jefferson High School. He reported that in this case the Plumbers Union filed for an injunction, received it and it was ultimately appealed to the Commonwealth Court of Pennsylvania and by decision dated February 28, 2017, the Commonwealth Court held that the installation of storm sewers, sanitary sewers and water service lines constituted plumbing branch work as opposed to site work and that any type of scope work for a General Contractor that included plumbing prime contractor work was a violation of Section 1 of the PA Separations Act. He advised that the attorneys for the Plumbers Local Union No. 27 has indicated that if the Township did not reject the bids, they would file an injunction to halt the work until the matter is resolved. Mr. Sweat said it is the law and his recommendation is to reject the General Contractor's bid and the Plumbing Contractors bid and authorize the Project leads to come up with a new scope of work. This will identify the separated scopes of works as well as certain site work issues that deals with the disturbance of ground on 1 acre or less versus when the NPDES Permit issued by the DEP becomes an issue in terms of this development.

1. ****MOTION to reject all bids for General Contractor** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.

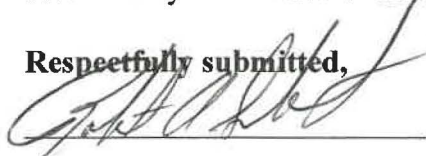
2. ****MOTION to accept the Mechanical Contractor to Hranec Sheet Metal, Inc. bid in the amount of \$392,000.00** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
 3. ****MOTION to accept the Electrical Contractor bid to Allegheny City Electric, Inc. in the amount of \$413,000.00** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
 4. ****MOTION to reject all bids for the Plumbing Contractor** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
 5. ****MOTION to rebid the General Contractor and Plumbing Contractor projects based upon issues raised under the Separations Act with the understanding that the scope of work would be significantly changed under these two bid proposals and have them opened on 11:00 am on Tuesday, July 19, 2022** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
 6. ****MOTION to accept and approve the Settlement agreement with Robert Hixenbaugh and to authorize the payments to Mr. Hixenbaugh required thereunder** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
- Mr. Sweat stated that Mr. Hixenbaugh was represented by counsel and a state mediator was involved with the case and as a result of extensive mediation sessions, the parties agreed to the settlement and the separation of Mr. Hixenbaugh from his employment with the Township.
7. ****MOTION to accept Robert Hixenbaugh's resignation effective May 27, 2022** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.
 8. *****MOTION to amend Asa Charnik's Part-time employee contract/terms to include up to 40 hours a week per agreement with members of the road crew and to set his rate of pay at \$20 per hour effective this pay period** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.

PUBLIC COMMENT ON NON-AGENDA ITEMS

ADJOURNMENT

****MOTION to adjourn the Public Hearing meeting at 12:21 pm** was made by Mr. Sabot; seconded by Mr. Polan. Unanimously carried.

Respectfully submitted,



Robert Sabot, Chairman



Jacqueline M. Kotchman, Secretary/Treasurer