

Name: Special Luzerne County Community College Board of Trustees Board Meeting
Date: November 13, 2023
Time: 5:00 PM
Location: Luzerne County Community College Educational Conference Center, Nanticoke PA
Recording: <https://www.luzerne.edu/about/board.jsp>

AGENDA ITEM	NOTES	<u>ACTION TAKEN</u>
Pledge of Allegiance		
1.Roll Call	<p>Present: Robert Bertoni, Vice Chair; George Brown; Paul DeFabo; Holly Evanski; Bernard Graham, Ph.D.; Erin K. Keating, Ed.D.; Joseph Long, Board Secretary; Catherine R. O'Donnell, Esq., Board Chair; Anthony Seiwel; Susan E. Unvarsky; and Lars Anderson, Esq., College Solicitor.</p> <p>Excused: James Dennis, Joseph Esposito; Joseph Lettiere; August Piazza; C. Daniel Rodgers</p>	
2.Public Comment	2. Catherine R. O'Donnell, Esq., Board Chair, opened the floor for public comment.	2.N/A.
3. Approval of November 13, 2023, Board Agenda	4. Board Chair O'Donnell recommended approval of the November 13, 2023, Board agenda.	<p>4. Approved. Motion made by Bernard W. Graham, Ph.D.; seconded by Joseph Long.</p> <p>Vote was all "yes". Motion carried.</p>
<u>ACTION ITEM</u>		
8.Report of the Audit, Finance and Facilities Committee	8. Susan E. Unvarsky, Committee Chair, Audit Finance and Facilities Committee presented the following report.	ACTION TAKEN
8A. Main Parking Lot Subdrainage Remediation Project	8A. Reviewed/discussed. Committee Chair Susan Unvarsky stated on Tuesday, October 24, 2023, the administration sent out via email a Board poll on a fairly sizable project that we did initially talk about at the April 2023 Audit Finance and Facilities Committee meeting. It was a high-level introduction; we knew the project was coming. Once the email went out from the Administration,	<p>8A. Approved. Motion made by Susan E. Unvarsky; seconded by Holly Evanski.</p> <p>Roll Call Vote: Robert Bertoni – no George Brown – yes</p>

	<p>Committee Chair Unvarsky noted she received numerous questions asking for more information regarding the project; surprised it came up a week after a formal board meeting and why the project existed. The administration was surprised of some of the pushback from the trustees; they believed they were following an appropriate process, a process that had been enacted over the past several years. Ultimately, we found out that a poll vote of that nature needed to be conducted a little differently and we needed to dig a little deeper into the project to make sure everyone was comfortable with the recommendation if it was to move forward.</p> <p>Committee Chair Unvarsky noted a special Audit Finance and Facilities Committee meeting was held to discuss the details and questions related to the project. The subject matter experts Matt Chorba, civil engineer at GPI and Brian Doran of hemmler + camayd were in attendance and provided answers to the questions of the committee members.</p> <p>On Monday, November 6th, Committee Chair Unvarsky reported she had emailed a high-level summary of the committee meeting's discussion to the full board and submitted three options for the Board to consider.</p> <p>Option 1. Move forward as recommended by the administration as noted in the October 24th, 2023, email.</p> <p>Option 2. Request an independent 3rd party review from another engineer of the proposed solution.</p> <p>Option 3. Not approve the recommendation and employ alternative measures to deal with the runoff. Committee Chair Unvarsky stated she is highly opposed and assumes we are not going to spend much time on this option given the risk associated with the third option.</p>	<p>Paul DeFabo – yes Holly Evanoski – yes Dr. Bernard Graham – yes Dr. Erin Keating – yes Joseph Long – yes Board Chair Catherine O'Donnell-yes Susan E. Unvarsky – yes *Anthony Seiwel arrived late and abstained from the vote.</p> <p>Vote was 8 – yes; 1 -no; and 1 abstention. Motion carried.</p>
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	<p>At this time Committee Chair Unvasky suggested during this meeting we address any questions that others may have or turn it over to our experts. in attendance are: Matt Chorba, GPI; Brian Doran, hemmler+camayd architects.; Rich Scheller, ARM Group and Geotechnical Engineer and Mr. Ken Ruby, business partner, hemmler + camayd.</p> <p>Board Chair O'Donnell clarified she had talked to the College Solicitor and stated poll votes with regard to any expenditure will not take place in order to be in compliance with the Sunshine Act. The administration will coordinate schedules so that everything takes place at our Board meetings but there will be things that may come up when a meeting may need to take place.</p> <p>Brian Doran, of Hemmler + Camayd architects introduced business partner Ken Ruby, Matt Chorba, civil engineer GPI, Rich Scheller, ARM Geotechnical Engineer. Mr. Doran emphasized this was a mill and overlay application of the project means for the majority of the parking lot they were taking approximately 2 inches of the asphalt – the base layer was staying down, and we were not tearing up the entire parking lot. When the tree islands were inserted, this is when the ground water occurred in the fall. We did hit ground water in the original construction that is when we brought ARM out on board; and we addressed the ground water that was there which was located at a higher level of the parking lot near the handicapped parking. The challenge here is that we went through the rest of the spring and summer it was extremely dry and we did not encounter any ground water until the fall when the ground water started leaching.</p> <p>Rich Scheller Geotechnical Engineer, Principal Engineer with the firm ARM Group stated he has practiced in this area for 40+ years and worked on several buildings on campus. Typically, for a mill</p>	
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and overlay project you do not need geotechnical consultants to oversee or look at the project unless there is a potential issue. In this case he received a call from Matt Chorba asking if they would look at two wet areas that had occurred during the mill and overlay project and they suggested some alternatives on how to alleviate that wet area. After the project was completed. To note, during this time period it was very dry. Then we ran into a time of significant rainfall and found water coming out of a lot of places we had never experienced in the past. Using geophysics, we look at the ground to determine where it is wet. We indicated we did not want to do this until there was significant rainfall where we can see the paths where water flows through or under the pavement and where it might be initiated. They did a mapping of the geophysics which was documented in the subdrainage remediation materials provided in the Board poll.

Trustee Dr. Graham asked how they manage the water. Mr. Scheller stated you manage as best you can - you put it in pipes, drainage trenches and you find location where you can have it exist, but water is fickle. If you were to ask me if I can guarantee 100% that we got all the water, he could not. He believes they got the majority of what they encountered and some of the areas were surprising. The program they put together is a reasonable program considering budget, finances, and Brian Doran and his group are very conscientious about dollars and cents. Committee Chair Unvarsky stated understanding we followed industry practices relative... that we did not do geo-technical testing the first time that we can't get to 100% but with the testing that was done what is your confidence level that we know where the water is coming from and there won't be any other surprises. Mr. Scheller said geophysics is a very important tool and he is pleased the Board saw fit that they do this. Without that they would have been guessing. To give a relative number he has high level

	<p>confidence- is it 90% probably; is it 95% maybe; is it not higher than that he does not think so, is it lower than 70% no; is it higher than 80% yes. Their program is very good, and he feels they will have a great deal of success. Committee Chair Unvarsky stated the administration as well as the Board take money we are spending very seriously and spending money on an independent third-party review questioned whether this would be money well spent? Mr. Scheller stated he has been doing this for a very long time, he has absolute confidence in his results and what he presents. If the Board chooses to spend the money on that level of confidence it does not change this report.</p> <p>Board Chair O'Donnell noted the reason the 2nd bid was so substantially more was because they felt they were going to hit rock; if that turns out to be true, they could make the trenches lower in depth. What are your thoughts; worst case scenario you do hit rock, and that turns out to be a problem that's one of the things that was proposed the depth of the trenches could be less, would that change your opinion with regarding to the 90%. Mr. Scheller stated not really. What happens is water runs in the weathered zone in the rock buried on top of the rock; the design program picks up where the water is located based on geophysics. If we do hit rock, it is a matter of grades where we start and where we finish.</p> <p>After further discussions Committee Chair Unvarsky summarized the three options she had emailed to the Board.</p> <p>Option 1. We can do nothing at all and not fix the problem -the risk is to human safety (liability) and risk to the lifetime of the parking lot pavement- the water run-off will deteriorate the payment. derogation</p> <p>Option2. Request an independent 3rd party review from another engineer of the proposed solution. This could increase our</p>	
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	<p>confidence level that the proposed fix is the right fix; the challenge with that we would have to make a decision by November 20th to secure the price we received; with the rising cost of goods and products and the chances are goods with an independent review we would miss that date and we will likely be spending more money for an independent review but also for the cost of materials and labor for the project.</p> <p>Option 3: Based on the explanations from the subject matter experts we trust what is being recommended and that we put forth in action tonight, to move forward as discussed. The risk, although low, is that it may not work, and we may have to figure out another solution and spend more money. The benefit is that we know what the cost will be and lock it in and get the work done in April. The College will take temporary measures as it happens during the winter season.</p> <p>Trustees Graham inquired as to the cost of an independent review. Committee Chair Unvarsky stated they did find out from the College Solicitor stated if we had three companies to provide a bid as long as it came under \$25,000, we could go with the lowest bidder. Committee Chair Unvarsky reached out to Trustee Lettiere who is the closest expert on the board, and he couldn't see a bid like this come in between \$15,000 to \$20,000. Mr. Scheller stated he would agree with that figure.</p> <p>Board Chair O'Donnell inquired as to what they believed how much the cost would go up if they started in April. Mr Doran and Mr. Scheller stated prices would go up approximately 5-10% because of the cost of oil and that will be reflected in the cost. The cost could go up approximately \$40,000.</p> <p>Trustee Dr. Erin Keating stated failure to act not only could cost us \$20,000 in additional fees for a consultant and 5% on top of the</p>	
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price right now. And at the same time, we are going to pass a budget, for the last three years we had to dip into capital funds projects to balance it even though we didn't have to use it we had to dip into it and put tuition increases on students. If we are going to spend \$20,000 and incur an additional 5-10% we need to be really sure that we need to spend that money.

Vice Chair Bertoni stated that there is no guarantee that it will fix the problem. We can spend \$200,000 and it doesn't fix the problem. Are the current funds for this project projected in this year's budget and will we be dipping into the reserve to pay for it.

Vice President Cheryl Baur stated we have allocated capital monies for this project for the current year budget. There is a delineation between the capital budget and the operating budget – she cannot say for sure regarding reserves for the operating fund what is going to happen by the end of the year it is based on revenue and our costs going forward; however, we do have money allocated for this project in the capital budget.

Vice Chair Bertoni stated that if we use the money for this project from the capital funds, some of the other projects may be pushed aside or you are transferring money to cover those projects correct. Vice Chair Baur confirmed that was correct.

Mr. Scheller wanted to state and for the Trustees to understand that he gets the impression when you state that it is not going to work and that it is all wasted money. That is not true. This is not poorly spent money; this is going to collect the majority if not all the water coming under the pavement; it is not wasted money. It is not a question that it is not going to work. The question becomes did we get it to work 100%. When he says he has a confidence level of 90%. That is the key. It is certainly going to

	<p>work, and it is going to collect water and he wanted everyone to know this is not money you are throwing away.</p> <p>Brian Doran commented on the independent review; when you talk about the fees \$18,000-\$20,000. Their fees for the project itself, we work on a percentage of construction. Civil design is considered an additional service. GPI had a specific fee to do this fee to do this specific project. Hemmler + camayd percentage came to \$18,647. Mr. Doran stated they have been on contract with LCCC for five years. We have delivered a lot of difficult projects and shocked in a way about that this project that it has come to this point. This building, our first project, was 100% dismantled. Because there was mold everywhere. He came to the Board and explained all the issues with this building, spending \$2+million on the building. If an independent review makes the Board feel better that is fine and he totally understands that, but he feels the Board has a very trustworthy group to deliver this project.</p> <p>Committee Chair Unvarsky made a motion recommending the Luzerne County Community College Board of Trustees approve the award of the Main Parking Lot Subdrainage Remediation Project to the lowest responsible bidder: Sikora Brothers Paving, Inc. in the amount of \$219,640.00. In addition, an 8% project contingency (\$17,571.20) is possible and hemmler + camayd architects will be compensated in line with our agreement for miscellaneous services (which includes general engineering through GPI) in the amount of \$18,647.44 for a total project cost of \$255,858.64.</p>	
	<p>Catherine R. O'Donnell, Esq., Board Chair, reported an Executive Session will be held immediately following the Board Meeting to discuss personnel and litigation issues.</p>	

3.Adjournment	3. Board Chair O'Donnell asked for a motion to adjourn the meeting.	3. Approved. Motion made by Susan E. Unvarsky; seconded by Joseph Long. Vote was all yes. Motion carried.
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