

Name: Luzerne County Community College Special Board of Trustees Board Meeting
Date: Tuesday, July 16, 2024
Time: 6:00 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: Mayor George Brown, Joseph Esposito; Holly Evanoski; Megan Kennedy, Esq.; Dr. William V. Lewis; Catherine R. O'Donnell, Esq., Board Chair; C. Daniel Rodgers, Anthony Seiwel; Robert Schnee; Susan E. Unvarsky; and Lars Anderson, Esq., College Solicitor.</p> <p>Excused: Robert Bertoni, Vice Chair; Paul DeFabo; Joseph Long, Board Secretary; August Piazza</p>	
	Catherine R. O'Donnell, Esq., Board Chair, reported prior to the start of the July 16 th , 2024, Board meeting an Executive Session was held to discuss personnel and litigation issues.	
2.Public Comment	2. Catherine R. O'Donnell, Esq., Board Chair, opened the floor for public comment.	2.n/a
AGENDA ITEM	NOTES	<u>ACTION TAKEN</u>
4. Approval of July 16, 2024, Board Agenda	4. Board Chair O'Donnell recommended approval of the July 16, 2024, Board agenda.	<p>4. Approved. Motion made by Robert Bertoni, Vice Chair; seconded by Megan Kennedy, Esq</p> <p>Vote was all "yes."</p> <p>Motion carried.</p>

<u>ACTION ITEMS</u>		
5. Executive Committee Report	5. Catherine R. O'Donnell, Esq., Board Chair, presented the Executive Committee report.	ACTION TAKEN
5A. Bid, Gymnasium Floor Refinishing	<p>5A. Recommend the Luzerne County Community College Board of Trustees approve the award of the Gymnasium Floor Refinishing project bid to the lowest responsible bidder: Miller Flooring Company in the amount of \$56,610.00. In addition, the architect and engineering fees payable to A+E Group JV, in line with the agreement in place (6% for this project cost) in the amount of \$3,396.60 will be incurred. An 8% contingency fee (\$4,800.53) for the contractor and related architect and engineering services could be incurred, for a total project cost of \$64,807.13.</p> <p>The 8% contingency is not a definite expenditure, however, available if necessary. If it is not utilized as part of the project, the funds will be returned to the available funds for other projects.</p>	<p>5A. Approved. Motion made by Joseph Esposito; seconded by Holly Evanoski.</p> <p>Vote was all "yes." Motion carried.</p>
5B. Bid, Exterior Lighting Replacement	<p>5B. Recommend the Luzerne County Community College Board of Trustees approve the award of the Exterior Lighting (Building 1 to Prospect Street) Replacement project bid to the lowest responsible bidder: Apollo Group, Inc. in the amount of \$124,530.00. In addition, the architect and engineering fees payable to A+E Group JV, in line with the agreement in place (6% for this project cost) in the amount of \$7,471.80 will be incurred. An 8% contingency fee (\$10,560.14) for the contractor and related architect and engineering services could be incurred, for a total project cost of \$142,561.94.</p> <p>The 8% contingency is not a definite expenditure, however, available if necessary. If it is not utilized as part of the project, the funds will be returned to the available funds for other projects.</p>	<p>5B. Approved. Motion made by Susan E. Unvarsky; seconded by C. Daniel Rodgers.</p> <p>Vote was all "yes." Motion carried.</p>
5C. Bid, Water Line Replacement	<p>5C. Recommend the Luzerne County Community College Board of Trustees approve the award of the Water Line (Lower Campus) Replacement project bid to the lowest responsible bidder: Franchelli Enterprises, Inc. in the amount of \$281,582. In addition, the architect and engineering fees payable to A+E Group, JV, in line with the</p>	<p>5C. Approved. Motion made by Robert Schnee; seconded by Susan E. Unvarsky.</p> <p>Vote was all "yes." Motion carried.</p>

<p>5D. Resolution, Authorization of New E-Signatory</p>	<p>agreement in place (5.50% for this project cost) in the amount of \$15,487.01 will be incurred. An 8% contingency fee (\$23,765.52) for the contractor and related architect and engineering services could be incurred, for a total project cost of \$320,834.53.</p> <p>The 8% contingency is not a definite expenditure, however, available if necessary. If it is not utilized as part of the project, the funds will be returned to the available funds for other projects.</p> <p>5D. Recommend the Luzerne County Community College approve the following Resolution to Authorize the President as a New E-Signatory for Luzerne County Community College.</p> <p style="text-align: center;"><u>RESOLUTION</u></p> <p>BE IT RESOLVED, by authority of the Board of Trustees of the Luzerne County Community College, and it is hereby resolved by authority of the same, that John Yudichak, who is the President of the above named body is authorized and directed to sign any and all contracts, agreements, grants and/or licenses (hereinafter collectively referred to as contract(s)) with the Pennsylvania Department of Education (Department); and</p> <p>BE IT FURTHER RESOLVED, that the body consents to the use of electronic signatures by the above named individual and that no handwritten signature from the above named individual shall be required in order for any contract with the Department to be legally enforceable and that by affixing his/her electronic signature to an electronic file of the contract via the Department's e-grants system, the above designated authorized individual shall have effectively executed and delivered the contract, binding the Luzerne County Community College Board of Trustees to comply with the terms of said contract; and</p> <p>BE IT FURTHER RESOLVED, that no writing shall be required in order to make the contract valid and legally binding, provided that the Department and all other necessary Commonwealth approvers affix their signatures electronically and an electronically-printed copy of</p>	<p>5D. Approved. Motion made by Susan E. Unvasky; seconded by George Brown.</p> <p>Vote was all "yes." Motion carried.</p>
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	<p>the Contract is e-mailed or is otherwise made available to the body by electronic means; and</p> <p>BE IT FURTHER RESOLVED, that the body will not contest the due authorization, execution, delivery, validity or enforceability of the electronic Contract under the provisions of a statute of frauds or any other applicable law. The Contract, if introduced as evidence on paper in any judicial, arbitration, mediation, or administrative proceedings, will be admissible as between the parties to the same extent and under the same conditions as other business records originated and maintained in documentary form and the admissibility thereof shall not be contested under either the business records exception to the hearsay rule or the best evidence rule; and</p> <p>BE IT FURTHER RESOLVED, that the body will notify the Department's Bureau of Management Services promptly in the event that the above named individual is no longer authorized to execute agreements on behalf of the body electronically and that the Department shall be entitled to rely upon the above named officer's authority to execute agreements electronically on behalf of the body until such notice is received by the Department's Office of Chief Counsel.</p>	
	<p>Board Chair O'Donnell thanked everyone for attended the special meeting as you know the reason we had this meeting with regard to these projects, and we appreciate Cheryl Baur, Vice President of Finance and Natalie Staron, Finance Division Administrator, bringing it to the Board's attention well in advance so that these projects can get substantially completed before the majority of students come back for the start of the Fall semester.</p>	
<p>3.Adjournment</p>	<p>3. Board Chair O'Donnell asked for a motion to adjourn the meeting.</p>	<p>3. Approved. Motion made by Susan E. Unvasky; seconded by Dr. William Lewis.</p> <p>Vote was all yes. Motion carried.</p>