

Pivetta Walks, Nobody Talks

Charlie Butler & Steve Lind 7/31/08

On July 17, the Eatonville Mayor and two Council Members with staff retreated into the rarely invoked “Executive Session” to privately discuss possible responses to Pivetta’s demand for final payment on their Rainier and Carter paving and sidewalk project. After a total of 50 minutes of private consultation with the Town attorney, the three emerged, made a motion, and with zero discussion or public comment, voted to holdback the final \$18,428 or whatever as it was never clear of Pivetta Brothers’ contract.

Seems pretty straight forward small town logrolling. But with politics, there’s always more:

First, two council members (of five) doesn’t constitute a quorum, but a third Councilmember, Bruce Rath, “attended” telephonically to allow the Council to legally conduct business. Telephonic attendance in lieu of physical presence sets a new precedent for future Eatonville Council meetings. What remains unclear is the amount of effort the Mayor expended (if any) to “telephonically” include the two absent members: Rich Adams and Brendon Pierce.

Second, everyone involved, including installer, inspectors, Council, Mayor and staff, and any citizen walking down Carter Street during daylight, agrees the sidewalk portion of Pivetta’s one million plus project was totally bungled. Some sidewalk sections were redone multiple times, yet it still looks like the work was done by a child.

In a perfect world, the contractor (voluntarily, and without being threatened by the Town) would jackhammer the whole project and select a different subcontractor to re-accomplish the entire sidewalk. But, alas, Pivetta, not surprisingly, doesn’t feel like spending what could be \$ ¼ million to “fix” Eatonville’s sidewalks. Therefore, for only \$14,700, or basically the cost of the concrete used to form the sidewalks, Pivetta, by merely mentioning litigation, is allowed to walk away from this mess, while the citizens of Eatonville get to spend the next 50 years looking with embarrassment on sidewalks which look like they belong in a Dr. Seuss book.

Of course all of this could have been fixed under a Performance Bond which is typical and as discussed at Council is probably required by Washington State laws. This is such a basic mistake that in most any other municipally someone would probably be let go and have already gone. But this is Mayor Smallwood! If we had a Council Manager form of government then the Manager could be gone! But since this is an elected Mayor it is very hard to do anything.

It’s been a tough summer for the Open Public Meeting Act: Last month the Mayor and his staff made a bumbling attempt to prevent a journalist from recording a public meeting. This month, the elected officials disappeared completely from view (for awhile), officially to avoid providing sound bites for a possible lawsuit.

“Executive Session” comments are not recorded, but one can imagine Town Administrator Gary Armstrong laying out the utter futility of trying to legally force a well-represented contractor to provide what they promised. Nevertheless, Pivetta Brothers must be laughing up their sleeve at Eatonville’s “punishment” of holding back a whopping \$14,700 from their final payment. It is still not clear what the final amount will be.

Finally, there was no discussion of the disposition of the “holdback” funds. Where will this “windfall” be spent? Fix the sidewalks? (Probably not since that won’t even cover the demolition costs). Fix sidewalks somewhere else in town? Launder it through the General Fund and buy the Town Staff new computers? The possibilities are endless, but rest assured no one will voluntarily tell you where it went.

It is hard to be sure of any of the numbers due to the problems of getting information from Town Hall. Last fall when many citizens were upset about this and some contacted me I took the opportunity to go to Town Hall and make a request for public information and what I was given did not include even 10% of what should have been there. Apparently Pivetta had agreed to let the Town retain \$14,700 in order to close out the project, I say apparently as I am not sure and don’t know how to find out. I think but am not sure as due to the lack of information that that left about \$2300 more left to be paid. Both of these amounts fall far short of the cost of replacing the concrete on Carter which I believe is what many knowledgeable citizens believe needs to take place. Apparently the contract made a statement that if the mayor would not call a special meeting before the schedule one they would file a law suit. In the end the Council apparently let them walk for approximately \$2300.

It seemed pretty clear that the Council members had made up their mind in the Executive session as to the actions to be taken. To hear for yourself you can [click here and list to the eleven and one half minute public part of the meeting.](#)