

**EAST WINDSOR PERMANENT BUILDING COMMISSION
EAST WINDSOR, CONNECTICUT'**

MINUTES OF NOVEMBER 27, 2017 REGULAR MEETING

I. TIME AND PLACE OF MEETING

The meeting was called to order by Chairman Al Rodrigue at 5:30 p.m. at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT.

II. ATTENDANCE

Present: Building Commission Members: Chairman Al Rodrigue, Dick Pippin, Tom Talamini and Jim Thurz.

Also present: Jim Guiliano of Construction Solutions Group (who arrived later in the meeting) and Kathy Pippin, Board of Finance member.

III. PREVIOUS MINUTES:

Upon **MOTION** by Mr. Talamini, Seconded by Mr. Pippini, it was
VOTED: To approve the minutes of October 23, 2017.
In Favor: Talamini; Pippin; Rodrigue
Abstain: Thurz

IV. UNFINISHED BUSINESS:

**1. UPDATE ON COMPLETION OF THE CONTRACT FOR THE BROAD
BROOK SCHOOL MODULAR CLASSROOMS**

Chairman Rodrigue said nothing has really changed since last month. Nothing has been received from ModSpace. He noted that they received a letter back from Roy Brown (Attachment A) that states that we are able to give ModSpace notice to terminate their contract. Mr. Rodrigue said he doesn't want to do that unless we have the approval from the Town Attorney. He felt we should negotiate further with ModSpace. He said we should have a sit-down and determine the final decision.

Mr. Rodrigue said they have spoken about doing the floor during the Christmas break. That is not a practical time. The time-frame doesn't give proper time to remove the furniture and do all of the work. In order to do it properly it would have to be done when school is out for the summer. He said another issue, the landscaping, can't be done until spring. There are also the concrete deficiencies and the repairs of the door frames

and window frames. He said Mr. Sauerhoefer was supposed to get some pricing for the vinyl tiles if we had an outside contractor. We are in a holding pattern.

Mr. Rodrigue said he felt that negotiation or arbitration is better than legal action, no matter what the outcome is. He said there is about \$140,000 left in retainers. He said he doesn't think it is enough to do the repairs that we would find acceptable.

Mr. Pippin questioned how much do we want to try to negotiate without benefit of counsel. We don't want to jeopardize our case. Mr. Talamini said we should keep in mind that even if we negotiate with them their track record is not good.

Some discussion took place regarding the floor tiles. Mr. Talamini said he thinks they have enough to do the classrooms but not enough to do the hallway. Mr. Rodrigue noted that the color was accepted by Roger Baker for the replacement tiles. When we did the hallway it didn't match. He said he thought Roger did what he thought was best. We would have a problem with that in a law suit. It is a difficult situation. Mr. Pippin said if the rooms and the hallways don't match that is not a big problem. Mr. Talamini said that would save about \$50,000. He said if we do the landscaping and sidewalks it will cost that amount.

Mr. Talamini said the bond is still open. We are not going to take a chance of losing the money from the State. Mr. Pippin said they need to take care of the damage to the building for the door and window frames. They were supposed to have a contractor to supervise the work.

At this point in the meeting Jim Guiliano arrived. He referred to the letter from Roy Brown. He said someone from ModSpace called him when he received the letter from Roy Brown. Mr. Guiliano said he was told that they will replace the floor tiles during Christmas break. He said they can't get the work done in time. Also, he thought they didn't have enough material. They would need to verify that they have enough material. It is in the East Windsor public works warehouse. Mr. Guiliano said when they saw cut for the sidewalks they didn't protect the doorways and windows. He said the person from ModSpace said they would take care of that. Mr. Guiliano noted that phone call was at the end of October. Mr. Rodrigue said he didn't get a call. He said we have nothing from them with a positive time frame. Mr. Guiliano said he will send him an email tomorrow.

Mr. Guiliano said the letter that was sent to ModSpace also went to the bonding company. Mr. Rodrigue said now the bonding company is on notice. Mr. Guiliano said if we don't get a response from the email in a week we can send another letter to the bonding company. He said he would suggest talking to the Town Attorney first. Mr. Rodrigue said other than that we are in a dilemma. It is impossible to allow them to

come in during the Christmas break. There is not enough time and also the custodians would have to come in as over-time. He said our general consensus is to get them at the table with someone who can make a decision.

Mr. Talamini pointed out that we don't have a CO on that building. Mr. Guiliano said one of the reasons is because of the window connector. He said it has been corrected now and we should be able to get the CO now. We did that work ourselves,

Mr. Guiliano reiterated that he will send an email tomorrow. If we don't get a response we will have to do something

2. EAST WINDSOR MIDDLE SCHOOL ROOF

No new information to report.

V. FINANCIAL

Mr. Guiliano presentd a bill from CSG for services provided from September 1 through October 31, 2017 and it was signed by Mr. Rodrigue.

VI. NEW BUSINESS

It was noted that the normal Building Commission date for December (the fourth Monday of the month) would fall on Christmas day. It was suggested that a special meeting might need to be scheduled.

VII. INFORMATION

None

VIII. TOPICS FROM THE FLOOR

None.

IX. PUBLIC PARTICIPATION

No one came forward to speak.

X. ADJOURNMENT

Upon **MOTION** by Mr. Talamini,
VOTED: To adjourn at 6:23 p.m.
In Favor: Unanimous

Seconded by Mr. Thurz, it was

Respectfully submitted,

Marlene Bauer
Recording Secretary

Roy S. Brown

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Attachment A

November 2, 2017

Mr. Elzear Rodrigue, Chairman
East Windsor Building Committee
11 Rye Street
Broad Brook, CT 06016

Dear Mr. Rodrigue,

I am in receipt of and in agreement with your 10/20/2017 letter outlining the reasons the building wishes to terminate the construction contract for State Project 047-0035E/EC.

In accordance with paragraph 20.2 of the 6/1/2015 contract between the Town of East Windsor and Modular Space Corporation, I believe that sufficient cause exists for the Town to terminate the contract for cause. Therefore, please give the Contractor seven (7) days written notice of your decision to terminate the contract.



Roy S. Brown