

**Town of Hull
Building Committee Meeting
Thursday, July 20, 2006**

In attendance:

Cathy Bowes/Committee Member	Debbe Bennett/Support Staff
Paul Dunphy/Committee Member	Jim Griffin/Support Staff
Bill Dwyer/Committee Member	David Twombly/Support Staff
Patrick Finn/Committee Member	Jim Lampke/Support Staff
Chris McCabe/Committee Member	Peter Lombardo/Support Staff
Jay Meschino/Committee Member	Troy Randall/Ai3
Kevin Richardson/Committee Member	Darren Sawyer/Ai3
Charlie Ryder/Committee Member	Tom Gould
Dr. John Silva/Committee Member	

Absent:

Paula Delaney/Committee Member
John Reilly/Committee Member
Jim Tobin/Committee Member

The Building Committee meeting was held in the Selectmen's Office at Town Hall, and the meeting was called to order by Chris McCabe at 7:35pm. Chris said he spoke to John Reilly several times today and he expected to be here but Chris will get the meeting started.

1. **Approval of Today's Agenda:** Kevin Richardson noted added under Architect's Report he would like a Jacobs School update. Jay Meschino noted there are some folks from the Jacobs School neighborhood in attendance and he would like to add that to the agenda. Chris McCabe said he would like to take them first after approval of the minutes. *Dr. Silva made a motion to approve the agenda as amended. Charlie Ryder seconded the motion. All approved.*
2. **Approval of Minutes:**
 - **June 22, 2006, Open Session minutes:** *Charlie Ryder made a motion to approve the June 22, 2006 Open Session minutes. Dr. Silva seconded the motion. All approved.*

Jacobs School Abutters: Chris McCabe stated there is a large gathering of people concerned about the location of new Jacobs School addition in relation to the property lines. He would have liked to wait until John Reilly arrived but stated the discussion can at least start.

Chris McCabe said he visited the site yesterday and was very surprised by the building location in relation to the property lines. He said he did look at the plans from 2000 and compared them to the 2005 plans. The location of the building is the same from his layman's perspective. As far as he can tell, nothing has changed based on the plans and his

conversation with Scott Dunlap. He said the addition of administration did not change the location of the rear of the building, for what it is worth and noted he was not on the board at the time the project was conceived. Chris McCabe said before going further, he would like to recognize Bill Tramontana.

Bill Tramontana of 3 Battery Road said as he stands here tonight, he supported the renovation from the start and has three young children. One main concern of his has been safety and is concerned about the additional traffic and the 39 extra young children the administration offices will bring to the area. He stated as abutters, they have not received any written notification about the project. He said two years ago he attended a public meeting and walked the perimeter with the architect who came up on his porch. At the time Mr. Tramontana said he was told that because of the angle of the property, the addition would not affect his view. Mr. Tramontana said last Friday was the first time that he realized this building was going to be so close to his home. He said his house is in perfect condition and he is concerned about damage to it that could occur during construction. Mr. Tramontana said what we were walked and what is staked out are two different things -- there is about a 40 foot difference. He said if he had known that, he would have left his home without a fight but he was not privy to this information. Mr. Tramontana said he lost at least \$150,000 off the value of his home because of this. Mr. Tramontana said he is upset that he was not given the common courtesy of being told where this building was going to be put. He has had Selectmen, the Town Manager, the School Superintendent, and School Committee members there and they all could not believe this building was going to be so big. Mr. Tramontana said in two years he will be looking at a brick wall and does not think it is fair. Mr. Tramontana said he also had a conversation to Scott Dunlap on Monday morning. He said the conversation came to that Scott Dunlap said he was insulting him. Mr. Tramontana said Scott told him that he was against that project from the start. Mr. Tramontana said there were two people on the property during the conversation when Scott told him he sent his mother to Town Meeting to crush this project, which Mr. Tramontana felt was very unprofessional. Mr. Tramontana said he only called him to verify the information. Chris McCabe said no one on this Committee would disagree. Scott Dunlap is a partner in the company and is expected to be as involved in this project as he was during the last two projects.

Chris McCabe asked Troy Randall what was communicated to the residents. Troy Randall said he did not actually attend that meeting two years ago but Scott Dunlap did. Troy said this plan has been in place for six years and during the design process there was a significant amount of communication and discussion relative to site planning. The School Building Committee made a number of concessions to respond to a lot of the abutters' comments. The entire addition was lowered 3 ½ ft which brought it below the existing building. This change required adding an elevator. They eliminated the major HVAC units from the roof to keep the view clear. The main entry tower was eliminated and redesigned. The color of the roof surface was changed from white to a custom color. Troy noted the Committee, along with the design team, made a number of adjustments to this project.

Paul Dunphy said he went up and looked at the staking and lines and it is shocking. This is a small town and no one wants to see it that close to his property. Paul said he is not interested in pursuing any bad blood and is prepared to make a motion. ***Paul Dunphy made a motion to direct Ai3 to come up with some options, either moving the structure forward or taking something off the back or maybe the staircase, as soon as they can possibly do it.*** Paul said he knows it is going to have a price tag but it is an awful thing to have happen, and wants to take immediate action. ***Dr. Silva seconded the motion for discussion purposes.***

Jay Meschino asked if there is a formal obligation to supply that information to the abutters and noted the property was never staked before. He asked if there is a step that was missed and, if so, who was responsible. Jay Meschino said he agrees with Bill Tramontana that if those markings were on the ground before, things would have had to change. Jim Lampke responded that is something that Ai3 would have to address if, as part of the process, there is a notification practice, however, he is not aware of any legal requirements, unless there was a specific request for information but it is not a town requirement. Troy Randall said typically Ai3 corresponds with the School Building Committee with regard to the project and any information would be disseminated from there. If there was a specific request to provide information during the School Building Committee meetings it would be provided thereafter, but there is no specific requirement for them to communicate with the abutters since they are contracted with the Committee.

Jay Meschino asked about Bambi Road and what the set back rules are for this project. Jay Meschino said he looked at the plans two years ago but there were no dimensions, slopes, etc. He asked if there is a set back violation and if that road is town property or the property boundary. Peter Lombardo said as far as he is aware, Bambi Road was taken by the Town at some point in time so the limits of the road are the school's property now. Jay Meschino asked if there is any formal documentation of that. Peter Lombardo said he talked to Beatrice Sloan five or six years ago on a separate matter and found documentation that Bambi Road was taken for the school. He said he has seen the documentation. Beatrice Sloan of Harborview Road said the property was taken in 1965. She said there should be an access road behind that school because it will have a lot of students and it should have an access road. Mrs. Sloan added the administration was not part of the plans six years ago -- they were supposed to be in the high school and there is space there today for the administration offices. Peter Lombardo said there is an access road planned behind the school. He thinks the lines staked, are not actually the building. The building is 35 feet from the property line and about 70 feet away from the front corner of his (Mr. Tramontana's) house. Peter Lombardo said according to his site plans, the property line is 30-35 feet away from the front of the house. The school building is another 35 feet away from the school's rear property line. He just wants to make sure everyone is clear about that. Chris McCabe noted he talked to the Fire Chief about the access to the back of the building from that corner.

Charlie Ryder said he got a call from Andrea Tramontana and went up there to look. He was also surprised at how close it was to the perimeter. He asked why we did not hear about this before. He asked when a survey was done and would the surveyor have left stakes. Prior to this, we had never seen them in juxtaposition to the abutters. Charlie Ryder said he sent an e-mail to Troy Randall to see if there was a map we should have had access to but did not receive a response.

Pat Finn said he would have to defer to the Building Inspector. If he says it is 70 feet, that is quite distance away in the town of Hull. Most neighborhoods have five and ten feet between them. He said he was afraid the school was not within the rear set backs but has to go along with the architects that the rear footprint has not changed in six years. Pat Finn told Mr. Tramontana that he feels badly for him and the other abutters but you have had more input and more contact than anyone. He said you could hire a surveyor yourself and could check it out or do whatever you think is necessary. Pat Finn said the plans were redesigned to remove the lighthouse style entrance, the roof line was lowered and an elevator had to be added, the a/c units were taken off the roof and we even changed the color of the roof to a custom color for the abutters. Pat Finn noted the abutters have had more influence on this project than the Committee and as a result of those changes, the project was delayed over a year, while the cost of construction increased 10%.

Chris McCabe asked Peter Lombardo if he has been up there since the fence poles were installed. Peter Lombardo said he was up there Tuesday or Wednesday and saw some painted lines.

Kevin Richardson said he didn't hear an answer about if a survey was done initially. Troy Randall said yes that was included at the beginning of the design process back in 2000. That has been available and detailed for quite some time. Kevin Richardson said Peter Lombardo talked about 35 feet from the property line but the stairs look like they are designed to come outside of the building. Peter Lombardo said he saw something marked off at the rear of the site. Bill Tramontana said the staircase is 57 feet from his front step. Kevin Richardson asked Troy Randall to look at that to see if anything can be done.

Bill Dwyer said he was surprised that initially there were no stakes put in the ground. Chris McCabe asked Mr. Tramontana if he is contesting the property line or the building. Bill Tramontana said where he was walked is not what is there now -- the stairwell is 57 feet from his home. He said you have to look at what it looks like and when he walked the site two years ago it is not what is in the ground now. If they had done this years ago, he would have just left. Those stakes should have been in the ground so he knew where it was. Mr. Tramontana added the playground size is also being reduced. There is a playground for Pre-K and one for grades 1-5. The administration area is not even outlined up there. If any parent saw how much space these kids will have to run around in, they would be surprised. He said we have not had a café in five years and now we are giving them a café but taking away playground space.

Cathy Bowes said she walked property today and saw the stakes, fencing and hay bales. On the slope, the property line seems to go through the shed. It was noted that would need to be relocated. Chris McCabe asked if there is any other information from the public. Greg Sobsack of Harborview Road asked if moving administration was an option. Dr. Silva said his feeling is, no. Jay Meschino said his feeling is, yes. Chris McCabe asked if there are any options for what Paul Dunphy is suggesting, if it is practical and if it can be done. He asked what we can do at this stage, since the contract and Notice To Proceed have gone out. He asked what we can do to put the brakes on. Greg Sobsack said he voted for the override based on the information he had. The architect stood on the property and said that he (Mr. Tramontana) was not going to be affected. He said there were some in town who voted yes because of that and asked if the community was misled. Chris McCabe said he hopes it was not misled but maybe it was a miscommunication. Bill Tramontana said he (Scott Dunlap) did say it would be minimal impact but what is up there now is not minimal. Troy Randall noted Scott Dunlap is having eye surgery and that is why he was unable to attend this meeting. Ann McCullough of 15 Park Avenue asked if the building permits been issued for the school yet. Peter Lombardo responded, no. Peter Lombardo said he will review the information and make sure it is all in order first. If the information is complete, the permit could be issued tomorrow. Ms. McCullough made a suggestion that the building permit not be issued until it can be determined if the Town was misled. Chris McCabe said the real question is what we do now. Ms. McCullough said no one is being held accountable. Chris McCabe said any delays in the project will cause repercussions. We want Troy Randall to mitigate and alleviate the closeness because we are all deeply concerned about it. Jay Meschino asked if when the administration offices were added after the original project, did it push the back end closer to the Tramontana's. Troy Randall said, no, it was just added to the front.

Dr. Silva said when we added administration it did not have anything to do with the rear of the building. His main concern is if it is that close, he feels for the Tramontanas and would like Troy to comment about if there is any way that building can be changed to help Mr. Tramontana. Dr. Silva said he thinks Peter Lombardo should look at it too. Dr. Silva said Paul Dunphy said earlier that it will cost us money but he does not want to see a drastic measure that would eliminate administration. We will rely on the architects to mitigate that brick wall in front of Bill's house. George McCullough of 15 Park Avenue said when he was in business and made mistakes, he ate it. He said the Town paid millions of dollars to the architects for three schools and if they had a meeting with abutters, why didn't they go up there with site plans. That was misleading and if they did it, let them eat their fees. It was noted the rear site plans in 2000 were identical to what went out to bid. Chris McCabe told the abutters not to think what happened has gone unnoticed but time is of essence and the Committee will deal directly with Ai3.

Bill Dwyer asked if the stairwell is the issue. Bill Tramontana said the issue is, that was not what he was told. He said you cannot expect him to look at the plans he was given and know

where the set back were. He was under the impression that everything was all right. He said if you take away a classroom in the back of the building it will bring it to where he was told it would be. Bill Tramontana said he does not want to cost the project more but he and his wife were done wrong. He said you did not hear anything from him before because he trusted what he was told.

Chris McCabe asked Troy Randall to respond. Troy Randall said by modifying the back of the building that would be cutting programs out. This option would be at the Committee's direction and at a significant cost. He said that would be even more difficult at this point, and he would also want to go back and look at the information and talk about the project with special and town counsel regarding any implications for the town since you are under contract at this time. As far as the building placement, it is a 65,000 s/f foot addition – it is not small. The placement of the addition was looked at back in 2000. Chris McCabe asked if the back corner is classroom space. Troy Randall said, yes. Chris McCabe said he talked to the contractor today and inquired where they would start. Naturally, they will start in that back corner. He asked what information needs to be conveyed to the contractor while looking into resolving the problem. Troy Randall said he has to review the information with Town Counsel and Special Counsel in terms of contractual obligations. Dr. Silva asked how soon they could do that. Troy said they could have something at the beginning of next week after he talks to attorneys Lampke and Garrity to see if there will be any implications. It would be a few days to go through the plans to come up with a solution, then the architectural and engineering documents -- that takes time to put together. Troy Randall said they could come back with a recommendation and ballpark cost in a couple weeks. Darren Sawyer of Ai3 noted there will be an additional charge of construction. It would be better if they understood the magnitude of the changes the Committee expects. If you are talking about eliminating space, you need to put a halt on TLT tomorrow because steel and other long lead-time items are being ordered. Chris McCabe said we went to Town Meeting a couple weeks ago and there is not a lot of latitude. Troy Randall said any modification will add costs. The first decision that needs to be made is what you are talking about in terms of the scope of changes. Chris McCabe asked if the cost could be offset for less of a building. Paul Dunphy said it is going to take drastic measures to put it in a satisfactory setting. He really does think you are looking at significant changes in the building itself but he would like to know what our options are. He asked if you can move the staircase into the building, or if you can downsize the size of some classrooms or can you slide the whole thing forward. Troy Randall said that is a good thought but as part of the design process when adding the administration space they looked at the core area when connecting into the existing structure. That would not work with the constraints at the front and back of the site. Paul Dunphy said he wants Troy to take a good hard look at it; you can't say this and that won't work. Pat Finn asked how much this hard look is going to cost us. He said we told Town Meeting that this was not going to cost another penny. By pandering to the direct abutters it will cost more and the rest of the town is not here tonight. Whatever we do, other than what was approved at Town Meeting, is going to cost us money and this is what these contractors live for. Pat Finn said he is very sorry for the Tramontanas. Mrs. Tramontana said they were not told it

was going to be on their front lawn or that she would have to tell her kids they couldn't play in the front lawn. She said they are taxpayers too.

Cathy Bowes suggested the Committee have a meeting at the site since she is visualizing something different. Some people have been at the site but some haven't. Before we take any vote to revise the plan, we need to know where the property lines are and where the actual building is going to be and what the setbacks are. We need everyone to see it. ***Cathy Bowes made a substitute motion that the SBC have an on-site meeting at the Jacobs's School with the architects on Saturday, July 22. Pat Finn seconded the substitute motion.***

Jay Meschino said he thinks one of the biggest things that impacted the delayed time was adding the administration to the project well after the design. He said if we need to move the building forward, the logical step would be to remove the offices or at least consider it but he thinks it would have less impact to remove classrooms. He asked Troy Randall to look into that. Troy noted it does involve the interior core of the building and they would have to look at it. Dr. Silva said he does not want him to look into removing administration at all. What Cathy Bowes said is a good compromise. This Saturday we should walk the property and then make up our mind about which way we will go. Dr. Silva said he would vote in favor of the substitute motion to visualize it, which is very difficult. He is picturing the Berlin Wall going up. He would like to see where the boundaries and property lines are. Peter Lombardo suggested along with the visit you may want to consider visual aids such as floating a balloon to the height of the building since it may help. Troy Randall said it would be wise to have Scott Dunlap there but he will have to see if he can be available since he is recovering from surgery. It was noted that David Twombly would be the contact person. ***Cathy Bowes amended her substitute motion to extend an invitation to the abutters, architect and any necessary personnel to meet at the site and walk the property lines to get a clear understanding of the perimeter and the addition size.*** The site visit will be at 1:30pm on Saturday, July 22. ***Dr. Silva seconded the amendment. The substitute motion passed unanimously.***

Paul Dunphy said his original motion was to have the architect take a look at the different options and provide ballpark pricing for those options. This should include measures that would move the building forward, reduce the building size, reduction of classroom size and possibly relocating the exterior stairway to the interior, ASAP. Chris McCabe asked what we do about the general contractor since your proposal won't require us to formally notify the general contractor of anything yet but time is of the essence. David Twombly noted they will start excavating on July 31st so we have only 10 days. Pat Finn expressed concern about making any design change without the OPM here. Chris McCabe said we are asking PMA to be involved. Chris McCabe said we are not asking them to do any architectural or engineering work right now, we are just asking what is feasible. Bill Tramontana noted there are no lines for administration at front of the building. He said we need someone to line everything but only the back corner is lined. Someone needs to get out there and line the whole project. Chris McCabe said the important thing is the back of the building right now

since we are trying to solve Mr. Tramontana's problem. Beatrice Sloan added the property values of Harbor View Road will go down.

The motion by Paul Dunphy to direct Ai3 to come up with some options passed 5 (Kevin Richardson, Chris McCabe, Charlie Ryder, Jay Meschino, Paul Dunphy) *to 3* (Bill Dwyer, Pat Finn, Dr. Silva) with one abstention (Cathy Bowes).

Bill Dwyer said he didn't know if this would be an option, but asked if this impacted their property value bringing it down \$150,000, could we compensate them that amount since it would be less than the cost of any changes. Bill Tramontana said he does not want to be compensated.

3. **Punch list Oversight Services:**

Tom Gould said the project was going well for a while and when the school had final exams, all students were gone by 11:30am and the school was open until 9pm. He thought the contractor would load up on workers then. Following the last day of school, he anticipated there would be pick-up trucks lined up down Main Street and workers filling the building but they weren't. By the end of that week he contacted Jim Lampke because at that point things were falling behind. On Thursday of that week there was a meeting with CTA, Vertex, Troy Randall, St. Paul Travelers and John Barton. It did have an impact and that following Monday there were 20 people a day there getting a lot accomplished for about 2 ½ weeks. At this point 534 items have been taken off the punch list but there are still 1500 left to go and this week the work has slowed. Tom Gould said the wood workers were there and then disappeared. They still have no electrician on the job and he knows that the electrician has to work with the other trades. Tom Gould said the mechanical work is dragging at a snail's pace and he has not been there for ten days.

Tom Gould noted it is not all bad news, the site work has begun, the sidewalks have been removed, the debris has been removed from the crawlspace and they are preparing to hydoseed. Tom said to be fair to John Barton he is doing whatever he can. Troy Randall has removed 134 from the list for credited or duplicate items. From his point of view there is no reason why the electrical, glass work or ceramic tile has not been done. Only 15% of the HVAC has been completed and doesn't know what is keeping them from coming. The bonding company was negotiating with all the original contractors to come back and they were successful with most. They put the other trades out to bid and they got three bids in each category. He said the bonding company reviews and awards each contract but there are only 30 days left to complete 1500 items and it is not physically possible to get the job done on time.

Dr. Silva asked Jim Lampke or Troy Randall what we can do. Jim Lampke said he knows how hard Tom Gould has been working on this. He asked if there have been the same weekly construction meetings with the contractor, architect and Tom as we had on

Wednesdays during the project. If so, what is the contractor's explanation. Jim Lampke also suggested we have a meeting next week with the contractor and Vertex. The contractor needs to answer these questions and explain what they will do to meet this deadline. Jim Lampke said he would like to see a chart on the wall with the schedule. Chris McCabe asked Jim Lampke to contact all the parties necessary to hold this meeting next week. The Committee agreed a meeting would be held with the bonding company, Vertex, the contractor, our team, and Tom Gould. Jay Meschino asked if any major subs should be there. It was noted that the bonding company should be encouraged to bring key subs. Dr. Silva stated they need to be prepared to show us what is left to do, a timetable to do it and an explanation of why the electrical and others have not been there. Tell them we are looking to open school after Labor Day and want it completed. Jim Lampke noted the school has to be ready at least one week prior to Labor Day. Kevin Richardson recommended the meeting be held at the high school.

Charlie Ryder asked if the roof is completed. Tom Gould said yes, the damaged roof was replaced, except it comes with a punch list of its own. The exhaust fans have been put back in, and there is still a couple more days of cleaning, etc. Chris McCabe stated the Committee would dedicate the next week meeting to this.

4. **Owner's Project Manager Report:** Chris McCabe said that PMA was unable to attend the meeting due to prior commitments. They sent an e-mail with the testing inspection proposal evaluations and the recommended selecting Briggs Engineering and Testing. *Pat Finn made a motion to approve the Briggs Engineering & Testing proposal as submitted at a price of \$34,325 for the testing and inspection services. Kevin Richardson seconded the motion.* Jim Lampke added the Committee also has to approve changing the insurance coverage provided which is a little less than called for in the specs but he is satisfied with it. *Pat Finn amended his motion to agree to the insurance coverage change, Kevin Richardson seconded the amendment. All approved the motion to accept Briggs Engineering and the insurance coverage.*

5. Architect Report:

- **High School:**

- **Application for Payment #32:** Troy noted they have received from the bonding company a payment requisition with a cover letter, a cover page with an associated value to each item on page 2. The remaining document is phase 1-3, plus the HVAC punch list. Some items have not been crossed out and some have. Those that have been crossed out are completed work items by CTA and Vertex. As a result, the items have been removed from the list and the totals for each phase are located on the first summary sheet. Troy noted they correlate with the e-mails they have been processing during construction. He noted they have reviewed the list and supporting documentation and the current value. He said they have discussed it with Attorney Lampke and Attorney Garrity and there is a memo from Jim Lampke with attorney Garrity's recommended language to approve the document for payment up to \$197,910.00. He stated this only represents items that have been completed. Chris McCabe asked Jim Lampke to clarify the second paragraph of his memo. Jim Lampke said he suggests the Committee approve it but we may want to reduce what is paid out. The language recommends up to \$197,000 but if we feel it is necessary to subtract funds because of demands for direct payment, this gives the flexibility to do that.

Pat Finn stated \$197,000 is less than 50% of the \$457,000 and asked if we are close to 50% done with the punch list. Troy Randall said the punch list value is not \$457,000, the punch list value is close to \$1 million and in the takeover agreement, and the town is withholding \$700,000 with approximately \$450,000 remaining. Once the town reaches that point, the town does not pay anything further but the contractor remains responsible for completing that work. Jim Lampke added once the \$457,000 is reached, they are still obligated to complete all the punch list items under Jackson's contract and there will be further negotiations relative to the amounts due. They will address the \$700,000 which will most likely be used for additional completion of punch list items. Jim Lampke said he doesn't want anyone to think that \$700,000 is free money for the Town, it represents our damages. Chris McCabe said some are concerned that if we pay all of the \$457,000 we lose leverage. Jim Lampke stated there are still outstanding claims that they have and if they don't complete it they could be in breach of the contract. They know we need to have the school completed and they are obligated to do that. Chris McCabe asked if it is Jim Lampke's recommendation to pay this bill up to \$197,000. Jim Lampke said yes his and Bob Garrity's.

Dr. Silva said we withheld \$1.2 million from Jackson, that \$700,000 does not include what is in contingency. That was money that was obligated. Troy Randall said the \$700,000 is for liquidated damages and direct back charges. There are approximately \$130,000 for various direct costs incurred and \$60,000 for the electrical direct back charge. That was used as a round figure by Bob Garrity and was not specific to the exact dollar amount for the liquidated and other back charges. There could be money in contingency besides this but they can't tell right now. The Committee requested a spreadsheet of what has been taken out of contingency for the high school.

Kevin Richardson said he thinks that once we pay them the \$457,000 we won't see them again. We need to have the high priority items pushed forward.

Charlie Ryder noted in paying these in the past it has been presented on a warrant and then we paid it. *Pat Finn made a motion to approve up to \$197,000 subject to confirmation that the pending demands for direct payment have been satisfied and approved by counsel. Kevin Richardson seconded the motion.* Jay Meschino asked what that means, subject to the demands for direct payment. If a sub is demanding \$20,000 and we agree, it would come from that \$197,000. Jim Lampke said he can tell you that we, as a town, are not paying any subs. The bonding company was supposed to take care of this and he is not aware of the status of those, relative to demands for direct payment. Jay Meschino asked if by voting on this that amounts to double paying. Jim Lampke said that is why they want the flexibility and he hesitates to go into details during open session. We are supposed to get documentation from the general contractor to keep the cash flow going. *All approved.*

- **Auditorium Modification – MAAB Variance Decision:** Troy Randall stated if the Committee recalls, during last fall they went through the process of submitting a variance to Massachusetts Architectural Access Board for some of the constraints we have with access to the lighting and sound booths in the auditorium outside of the entries. They did this in December and provided a variance application to the MAAB, detailing what we have for conditions as you enter the auditorium on either side with the existing walls. There are three requirements within the auditorium. The first in complying with the requirements is to provide handicapped seating at the front and rear. Troy noted the green dashed line on the handout is the staging line for the slope and the two existing platforms that fall within that slope. To provide direct access to the lighting and sound booth, it physically does not work. They applied for the variance, because the top slope is not in compliance to provide access into the lighting and sound booth. Troy stated since that initial request, they met with the Building Inspector and access board to find an alternative to what is currently the existing conditions. They sent a proposed solution and the MAAB requested a site visit at the end of the winter

about the suggested modifications. They wanted to see the difficulty that we had in coming up with a final solution.

Prior to the hearing notice, they sent a supplement to the initial application for variance. This provided three options and included a letter from the Hull Disability Commission which supported option #1. Troy stated the last document in the package, dated June 7, 2006, which was sent certified mail is the decision by the MAAB. They had the hearing at the office of the accessibility board which included the local boards. The MAAB approved two variances and adopted option #3, which includes modifications to the ramp and entrance to the lighting and sound both from the corridor. That does not comply with the push side and pull side but they will provide a variance if an automatic door opener is installed. Troy noted the new regulations also require handrails with this existing slope at the access point from high to low but that is not feasible.

The estimated cost for these modifications originally was \$185,000 but they went back and made some modifications and it will be more like \$50-60,000. Troy Randall said Ai3 has gone through and completed the documents, anticipating the Committee would move forward. The MAAB decision is final unless the town brings it to court.

Pat Finn asked about the September 1 completion date. Troy Randall said it is physically impossible to complete the work by then and they have drafted a letter to MAAB asking for an extension. Pat Finn asked if Ai3 is going to help pay for it. Troy Randall said they have done the documentation at no cost. Pat Finn said when you got the contract you had to be aware of the guidelines. Troy Randall said it was impossible to provide the access per MAAB with the existing constraints in the three locations. Pat Finn asked why Option #3 wasn't in the original design. Troy responded this requires a number of variances that would not have been anticipated at the beginning and factored into where we are today.

Troy Randall added originally they looking at using steel in the design (for option #3) but it does not have to be. Chris McCabe asked if we are retrofitting the auditorium to comply with the access requirement. He also asked if this was done originally, would we have been able to avoid this additional cost. Troy Randall said there would have been an additional cost but they don't know an exact figure.

Jay Meschino asked why the variance process was not done at the beginning so the work could have been done before we completed construction. Troy Randall said it is something that wasn't known because the regulations came into affect during the bidding period and they became aware of it during construction. Chris McCabe asked what is before the Committee this evening. Troy responded the MAAB decision to modify the auditorium with Option #3 and the Town needs to

make the modifications with a Town-hired contractor and it needs to go out to bid.

Jay Meschino said he doesn't understand why this board and the Selectmen did not have more input into which option was used and asked why we can't decide. Troy Randall responded, the MAAB does not consider cost as a factor. Chris McCabe asked Jim Lampke to look into our options for appealing the decision in order to try to save some money. Chris McCabe asked the Committee if they want to go ahead and solicit bids or have Town Counsel at least look at it. ***Dr. Silva made a motion to have Town Counsel review it and come back to the Committee at the next meeting in executive session to discuss his recommendation. Jay Meschino seconded the motion.*** Jim Lampke stated he would have to look at the entire record of the case. Troy Randall gave him a copy of the decision. Dr. Silva stated he would like it by the next meeting or the next regularly scheduled meeting. ***All approve unanimously.***

Charlie Ryder noted that even before the Memorial project we talked about the fact that the buildings were not ADA compliant and now we come up with a costly retrofit to make them accessible.

Later in the meeting: Chris McCabe noted that Town Counsel has looked at the MAAB decision and the Town had only a 30-day window to file an appeal and the decision was made on June 7 thus the time to appeal has passed.

- **Memorial school:**

- **Construction progress update:** Troy stated a lot of the Memorial School auditorium wainscoting has been removed and tested by Oasis. They have a majority of the walls that were to be removed exposed and they are moving along the first and ground floor levels. The amount of the first payment requisition is \$68,974.75. Paul Dunphy asked if we are vulnerable with the weekend weather expected. Troy Randall responded no. The clock tower has a membrane around it but there is still a final review of the upper membrane to make sure the seams are sealed off.
- Troy Randall said one of the things that he wanted to bring to the Committee's attention is because the contractor is moving so quickly and the completion timeframe is so short, there needs to be some way to expedite approval of non-discretionary items during the process. As an example, they found additional mold that was not in the Oasis report, the HVAC units required cleaning, etc. The Committee needs to look at some means to give someone or a sub Committee the authority to approval on non-discretionary items. Paul Dunphy asked if these would be additional cost items. Troy Randall said yes. On previous projects the

Town had someone on site to make decisions. *Dr. Silva made a motion to authorize a sub Committee of the Town Manager, SBC Chairman and Town Counsel to make non-discretionary item decisions not to exceed \$10,000 and the Building Commissioner as a staff member.* Peter Lombardo noted in the process of doing the job, they had concerns about leaks at the side of the building. The Fire Department came down with hoses to simulate a nor'easter. During the test a couple of areas were found with dead vents where water was coming in. Peter stated some existing roof slates, maybe 12-20, are coming loose that need to be paid attention to and need to be taken care of. They are trying to make contact with the roofer. Paul Dunphy asked if that would be a warranty item or maintenance. Troy stated it is past warranty. Paul Dunphy said he understands we want to take advantage of the contractor on site but we need the School Department to think about what it costs to maintain these new buildings and their future budget should reflect these types of expenses. Paul Dunphy added there were a lot of short-lived products used. Peter Lombardo added the maintenance budget should include waterproofing maybe every other year since that seems to be the problem up there. Dr. Silva said if it is not under warranty, the School Department needs to take responsibility for it. When the building was waterproofed, they were told that it would need to be done several years later so the School Department needs to plan for that. *All approved the motion for the sub Committee to approve this work at Memorial School.*

- **Jacobs School:**

Troy stated they just received payment requisition #1 from TLT Construction for the Jacobs project which is for the bonds in the amount of \$117,982. This will be processed at the next School Building Committee meeting for approval. TLT understands the Committee will meet the 2nd Thursday of each month.

6. Fiscal Report:

- **Warrant #415** was presented to the Committee containing two invoices from Architecture Involvement for the Jacobs School totaling \$21,557.48.
 - The first invoice is for design services for the Jacobs School in the amount of \$21,552.93. The second invoice is for reimbursable expenses for postage and delivery in the amount of \$4.55. These invoices will be charged to architect.

Pat Finn made a motion to approve Warrant #415 in the amount of \$21,557.48. Kevin Richardson seconded the motion. All approved Warrant #415 in the amount of \$21,557.48.

- **Warrant #416** was presented to the Committee containing contains six invoices for the high school totaling \$8,526.93
 - Three invoices from Architecture Involution totaling \$7,671.90. The first invoice is for services performed from June 1, 2006 through June 30, 2006 in the amount of \$6,795.00. This invoice will be added to the back charge list. The second invoice is for reimbursable expenses for reproduction of drawings, specifications, and other bid documents as well as postage and delivery. This invoice is in the amount of \$48.90. The third invoice is for services relating to the roof investigation/replacement at the High School in the amount of \$828.00. This invoice will be added to the back charge list, and all of these invoices will be charged to architect.
 - One invoice from The Eagle Leasing Company in the amount of \$85.00 for the storage container at the High School from 6/21 through 7/20. This invoice will be added to the back charge list, and will be charged to contingency.
 - One invoice from North River Bus Co. in the amount of \$675.00 for transportation to the South Shore Music Circus for graduation rehearsal for the band and chorus. This invoice will be charged to contingency and will also be added to the back charge list.
 - One invoice from The Patriot Ledger in the amount of \$95.03 for the advertisement requesting proposals from qualified Owners Representatives for the High School Project. This invoice will be charged to contingency, and will be added to the back charge list.

Paul Dunphy questioned charging things to the back charge list since it is really charging them to contingency. He asked if anyone has a handle on it. He asked who are we back charging and how are we getting the money. Jim Lampke said merely because someone says it is a back charge does not mean Jackson or the bonding company will agree to pay it. The \$700,000 that we are holding is for things we think we have been damaged by but in the end that does not mean we are entitled to those funds. Paul Dunphy asked when we are going to go after it. Jim Lampke said we are holding the \$700,000 but these new back charges are an entirely new chapter. Chris McCabe asked for an updated spreadsheet. He said it boils down to if we get reimbursed or not and that still needs to be determined. Jay Meschino asked if the spreadsheet is going to include these numbers.

Dr. Silva made a motion to approve Warrant #416 in the amount of \$8,526.93. Charlie Ryder seconded the motion. All approved payment of Warrant #416 in the amount of \$8,526.93.

- **Warrant #417** was presented to the Committee containing two invoices from Hub Construction for the high school totaling \$26,618.50.

- The first invoice is for paving at the entrance to the football field, rear of gym and sidewalks, and the driveway at the rear of the building from September 27 through October 7, 2005. This invoice is in the amount of \$14,091.00. The second invoice is for clean up of debris from the rear of the High School left from construction from November 21 through November 23, 2005 in the amount of \$12,527.50. All of this work was authorized by the then-Owners Representative. Both of these invoices will be added to the back charge list, and will be charged to contingency.

Dr. Silva made a motion to approve Warrant #417 in the amount of \$26,618.50. Kevin Richardson seconded the motion. All approved payment of Warrant #417 in the amount of \$26,618.50.

- **Warrant #418** was presented to the Committee containing two invoices for the high school totaling \$750.47.
 - One invoice from Jonathan Ford for supplies bought at Lowe's for the High School courtyard in the amount of \$80.77. This invoice is being charged to contingency.
 - One invoice from Sharon Striglio for supplies bought at Lowe's and Frank Williams Landscape Supplies for the High School courtyard. This invoice is in the amount of \$669.70, and will be charged to contingency.

Pat Finn made a motion to approve Warrant #418 in the amount of \$750.47. It was noted that Lowes has provide a sizable discount for this material. David Twombly said it was a 50% discount off all plants and material for creating flower beds but they still need to do some more work in the courtyard. He said Mr. Ford is trying to get the flower beds done and they are looking into loom and seeding the courtyard. Chris McCabe suggested the file be pulled to see what decision was made about the courtyard since Judeth Van Hamm had done a presentation to the Committee. He suggested this subject be revisited at the next meeting. ***Jay Meschino seconded the motion.*** Paul Dunphy suggested when people go to Lowes, they be given a tax exempt certificate so they don't have to pay the tax. ***Warrant 418 was unanimously approved (without sales tax).*** Pat Finn noted the bonding company is putting loom and seed all over the site. Dr. Silva noted the Building Committee should send Lowes a letter of thanks.

- **Warrant #419** was presented to the Committee containing one invoice for the Memorial School from Cousins Construction in the amount of \$68,974.75. ***Kevin Richardson made a motion to approve Warrant #419 in the amount of \$68,974.75. Dr. Silva seconded the motion. All approved Cousins Construction.***
- **Warrant #420** was presented to the Committee containing one invoice from Tom Gould in the amount of \$3,360 for punch list oversight services. ***Charlie Ryder made a motion***

to approve Warrant #420 in the amount of \$3,360.00. Dr. Silva seconded the motion. All approved.

7. Town Manager's Report:

- **SBA Memorial School Audit:** Chris McCabe noted the Committee was given copies of the draft audit from the SBA. In summary, the total project cost identified by the SBA was \$12,004,904 which is \$115,000 more than what we submitted. He noted we will identify what the difference is. The bond anticipation note was \$1.124 million, for a total of \$13,129,395. Of that amount, the State reimbursed us \$8.9 million for the hard costs and they reimbursed to Town for their share of the interest. \$8,952,621.00 is about 68% of the project cost. They identified two kinds of ineligible costs, those that are not considered reimbursable and those in excess of the allowable costs. Chris McCabe said he has since contacted the SBA this week because there are at least three bills on the ineligible list that total \$76,000 for payments made either to BBC or to Corwin and Corwin for money withheld from the original construction contract. Chris McCabe said when he brought that to their attention, they agreed; however that will not increase our reimbursement because the amount spent was in excess of the s/f allowable cost. Dr. Silva noted we got \$200,000 more back than we thought we would.

Paul Dunphy asked if there were any lessons learned when looking at the ineligible list to use going forward. Chris McCabe stated he wants to go over the list with a fine tooth comb but we recognized that some of these were beyond the window of opportunity, but they needed to be done.

- **Report on July 18th SBA meeting regarding the Jacobs School Project:** Chris McCabe informed the Committee that on Tuesday they met with SBA on the pay-as-you-go program that will be implemented for the Jacobs School project. This is the first time we will do it this way and the State will forward the Town money once a month. We will submit expenses to them on the 15th of each month. He noted there is a lot of coordination that needs to be done and they are looking for a pattern from us, so we'll target the 15th of each month. Chris McCabe noted the meeting went well and the money is in place. Charlie Ryder asked if they are only going to reimburse up to the original figure. Chris McCabe stated \$20 million is the project limit for the Jacobs School, which is \$187/sf vs. the \$238/sf that we are paying. We will receive 75% of the 71% until the audit is complete. Chris McCabe noted they have also started the high school audit.

8. Superintendent's Report: None this evening.

9. Old Business: None this evening.

Town of Hull
Building Committee Meeting
Thursday, July 20, 2006
Page 18

10. New Business/Submission of Agenda Items

The Committee will meet at the Jacobs site at 1:30pm on Saturday, July 22. The next meeting will be held on Thursday, July 27 at the high school.

Dr. Silva motion to recess the meeting until the Saturday Jacobs site visit at 1:30pm. Kevin Richardson seconded the motion. All approved and the meeting recessed at 10:25pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary