

Town of Hull
Building Committee Meeting
Thursday, June 8, 2006

In attendance:

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

Absent:

Paula Delaney/Committee Member
John Reilly/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 7:31pm.

1. **Approval of Today's Agenda:** *Dr. Silva made a motion to approve the agenda. Charlie Ryder seconded the motion. All approved.*

2. **Approval of Minutes:**

- **May 9, 2006, Open Session minutes:** It was noted that Town Counsel has reviewed and approved the minutes. *Dr. Silva made a motion to approve the May 9, 2006, Open Session minutes. Charlie Ryder seconded the motion.* Pat Finn noted that on page 12, in the 4th paragraph it states "Pat Finn said not awarding this bid would be insane", but it should say, "Pat Finn said he agreed with Scott Dunlap that awarding this bid would be absolutely insane." *All approved.*

3. **Architect Report:**

- **Memorial School**
 - **Clock Tower Remediation bid results:** Chris McCabe stated the Town went out to bid on the Memorial School clock tower and water leak remediation and asked Troy Randall to explain the status. Troy stated included in the packages is the information regarding the clock tower remediation results. On May 24th at 1:00 pm the bids were opened and there were two bidders (Cousins Construction and East Coast General Contractors). He noted three bidders took out plans for the

project. The low bidder was Cousins at \$157,000. Following the opening of the bids, Ai3 contacted references that had done past work with Cousins. A majority of them had good remarks. The project will take approximately 45 days to complete once started. That means the Town would need to award the contract within 30 days from the opening, upon approval by the School Building Committee to move forward. This would place completion around mid-August. Troy Randall said he spoke with Frank Agostino of Cousins and they are eager to start. They would tackle the clock tower first and do all the exterior work. If acceptable, they are ready to move forward before school ends. Charlie Ryder noted that (the clock tower) is the major problem. Troy stated Ai3 would recommend approval based on the references, and moving forward with Cousins. If the School Building Committee agrees, Ai3 would start by scheduling a pre-construction meeting and the Notice to Proceed and contract would need to be taken care of by the Town. The pre-construction meeting should happen within the next week or so. Dr. Silva asked if there is any relation to the Agostinos' in Hull. Troy Randall noted they are located in Hyde Park.

Charlie Ryder stated the other aspect is, how do we pay for this. Chris McCabe noted his proposal for financing it was included in the packages. He said the amount of money left for Memorial School is \$38,431 if it was a \$12 million budget. Chris said his recommendation is to reduce the contingency for the Jacobs project by the \$120,000 and finance it in that fashion. The motion before Town Meeting for the Jacobs project would be for an additional \$2.8 million and there is no earmarking between schools. The only limitation we have is for the high school. He recommends keeping it simple and to keep the Town Meeting request at \$2.8 million. We have \$1.5 million proposed for the Jacobs contingency. He said since this work is important and it needs to get done, we should take it from the existing funds. Chris McCabe asked how much of the work is for the clock tower vs. interior work. Troy Randall said the majority of the cost is clock tower work due to the nature of the work, which requires staging. The interior work, although the auditorium wainscoting will be removed and replaced, is not a large ticket item. Chris McCabe said it is important to note that the tower was not included in the original renovation for the school. The fact is it leaks and needs to be fixed.

Paul Dunphy said he is concerned, although he understands the importance of the clock tower work and the damage it causes but noted that was not the cause of the damage in the auditorium. He asked if we have dealt with the cause and questioned if there is going to be water infiltration again. Troy Randall said he has spoken to the custodial staff at Memorial and since the entire building was waterproofed, water infiltration through the masonry has not existed. He said the masonry infiltration was the starting point and feels it has been resolved.

Dr. Silva asked how often the building would need to be waterproofed. Troy Randall responded every five to seven years. Dr. Silva said the School Department needs to maintain that in the school budget.

Dr. Silva made a motion to approve the contract with Cousins Construction, who was the low bidder at \$157,000 for the clock tower remediation work at Memorial School. Jim Tobin seconded the motion. Kevin Richardson asked if we would be able to use any money left over from the high school. Chris McCabe responded, not without going back to Town Meeting. *All approved.*

Chris McCabe asked if Ai3 would issue the Notice to Proceed. Troy Randall stated the Town would need to contact Frank Agostino and issue the Notice to Proceed and negotiate the contract. Paul Dunphy asked who will be supervising the work. Peter Lombardo said he would take care of overseeing the clock tower work. Pat Finn asked about the billing process. Troy Randall said it would be the same process as the two previous schools, with monthly payment requisitions. Chris McCabe asked Troy if he has the information relative to the contract. Troy Randall stated he would forward the bid to Chris McCabe and noted three copies of the specs and drawings have been delivered to the Town this evening.

4. Fiscal Report:

- Warrant #407 was presented to the Committee containing five invoices for the high school totaling \$4,532.30.
 - One invoice from David Reinks in the amount of \$60.00 for cablecast/videotaping services of the April 20, 2006, SBC meeting. This invoice will be charged to contingency.
 - One invoice from Eclipse Scroll Saw in the amount of \$1,565.00. This invoice will be charged to the furnishings account and is for material purchased out of the money allocated for the ITE program. Bryan Conklin has verified receipt and signed the invoice.
 - One invoice from Woodcraft #304 in the amount of \$249.00. This invoice will be charged to the furnishings account and is for material purchased out of the money allocated for the ITE program. Bryan Conklin has verified receipt and signed the invoice.
 - One invoice from Partac Peat Corporation in the amount of \$2,646.74 for beam clay needed to replenish the high school baseball field.
 - One invoice from Architecture Involvement in the amount of \$10.57 for reimbursable expenses (postage and delivery).

Dr. Silva questioned the beam clay invoice. He noted it does not state if this is a back charge or not. Debbie explained that is because it's unknown. According to Ai3, the work was done according to specifications. However, an unusually large amount

needed to be replenished. Dr. Silva noted they just finished construction of the field in the spring. We had to redo the football field because of the inadequate sod work. He asked if it had been done correctly then why would we need so much so soon. For years we have maintained the L Street field and never required this much material. Troy Randall said he would look at the amount of material but overall it was done correctly. Remediation was done on the installation of sod, not the infield. According to the consultant who went through and reviewed the field at that time, the contractor supplied the proper amount of beam clay per the specs and the compression of that clay was relatively minimal. Troy noted you also have to take a look at the two locations (L Street and the high school). It is going to be entirely different due to the amount of wind in that area. The beam clay blows considerably, and you can't fault the contractor for that type of condition. That location is going to need more maintenance than an enclosed residential field would. Initially it was installed per the specifications. Jim Tobin asked why the School Building Committee is spending money to do this. Jim Griffin said he believes JV baseball did not play on that field last year. Then, this year, when they looked at the field, they discovered the grading around the dug out was incomplete. After the clay had packed down, there was a huge lip there. As far as they were concerned, it was not completed. Jim said he had to install the team benches and the beam clay delivery was needed to make a pitcher's mound. He stated the remainder of the infield went down so far when it was packed down. Chris McCabe asked if it passed inspection. Troy Randall responded the process was, initially the ball field and the football field were not accepted because of the sod situation. Once the substantial completion of phase II occurred, the entire project was occupied and that was near the time of the contractor's default and the Town took over remediation of the field. There were items that were not completed including benches and the backstop area. After remediation took place, the entire field was reviewed. As a result of that, there were a number of items that remained on the punch list. The sod was accepted and the infield mix was accepted. Whatever was not completed was put on the punch list.

Jim Griffin noted that it was at the direction of the athletic director that this was ordered. The athletic director and coaches determined it unplayable. Jim Griffin said he has been taking care of L Street since day one and has never seen it go down that much. Jay Meschino said it sounds like the amount of material was fine and asked about the base underneath. Troy Randall said there is a specific depth of sub base and required depth of the beam clay, but he finds it hard to believe that it would go down that much. The beam clay is 4-6 inches in depth so the adjustment would not be that much overall. He added there is continued maintenance required on that surface.

Paul Dunphy commented that this material was delivered from New Jersey. Jim Griffin noted that is where the Town purchases it. Initially we borrowed what the Town had in order to make the pitcher's mound before the season started.

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Pat Finn made a motion to approve Warrant #407 (without the Partac Peat invoice) in the amount of \$1,885.56. Dr. Silva seconded the motion. Rhoda Kanet stated if the wind conditions at the high school are so unpredictable, then maybe something different from L Street needs to be put in. This went down a lot in a short period of time. She said something is wrong and this should not be happening every year. It impacts the School Department's annual budget. Maybe it should be redesigned for that setting. She does not think this should have happened in a year's time. She said she would like somebody to look into what and why it happened and if it needs some new design. Jim Griffin noted they have since put up the windscreen at the field.

Dr. Silva agreed that annual maintenance is required but also agreed that it is a good idea to see if there are other circumstances that caused it to happen so quickly. Cathy Bowes asked if Jim Griffin was there when the work was done or was the major concern at the time the football field. This was the first year JV played at the high school since the field was redone. She said it looks like there was not enough mix installed. ***The motion to approve Warrant #407 passed 9-1 (Cathy Bowes).***

- Warrant #408 was presented to the Committee containing six invoices for the high school totaling \$16,831.50. *These invoices will be added to the back charge list.*
 - Two invoices from Eagle Leasing totaling \$170.00. These represent two months' rental of the Jackson storage container, which holds stock needed for the punch list completion. This container is still needed on site.
 - One invoice from Linc Mechanical in the amount of \$1,501.50 for repairs needed to a first floor Trane ventilator unit.
 - One invoice from Hull Public Schools in the amount of \$5,850.00 for costs associated with holding graduation at South Shore Music Circus as a result of the gym roof damage. The Committee approved this at the May 9, 2006, SBC meeting. There will be one additional expense related to graduation at a later time for the buses that will take the band and chorus to the ceremony. This additional cost should not exceed \$600.
 - One invoice from Sarno Electric in the amount of \$725.00 for disconnecting the electrical service and phone lines from the two construction trailers that were removed from the site.
 - One invoice from Architecture Involution in the amount of \$8,935.00 for additional services.

Jim Griffin was asked if the Linc invoice represents warranty work. Jim Griffin said this is the last time he called Linc, which was before the Town came to an agreement with the bonding company. This work goes back two years for equipment that never worked -- this is a classroom UV. He said a lot of the equipment has never run, but the contractor says the warranty has run out. Jim Griffin said Linc is a Trane authorized dealer, and we

used them until Vertex took over. Jim said he has been told by both Vertex and the then-OR to call them if we do not have HVAC. Jim Griffin added the bonding company has not come to an agreement with an HVAC or electrical contractor yet. Paul Dunphy said he understands why they are being called, he wants to understand the nature of the work. Jim Griffin said this has always been an issue that has never been resolved. Jim Lampke noted that the prior OR made the determination of what would go on the back charge list but that does not mean it will be paid, since the contractor or bonding company may dispute it. Paul Dunphy noted this could end up coming out of contingency. Jim Griffin said the direction he was given from Ai3 and the bonding company was that if equipment goes down, he should call someone in to fix it. Chris McCabe noted he remembers that conversation with the bonding company. Dr. Silva asked if this item is on the punch list and if it is, he would assume that is what we are holding money for. Jim Lampke said that is our position and that would be the town's argument. Dr. Silva asked if everything on the five pages of HVAC punch list work is for equipment that was never accepted. Troy Randall said it includes warranty and incomplete items. Troy Randall said in either case, if the HVAC contractor is not responding, the owner can go complete that work on their own. You have to deal with anything relating to HVAC, and it does not matter if it is warranty or incomplete work. This is something that will be disputed later on, and it should go back to the installation contractor. Paul Dunphy noted the contingency is continuing to reduce. Chris McCabe asked Jim Lampke if the takeover agreement has been finalized and if there is some plan for these things. Jim Lampke said it has been finalized and that he would have to review the document to see how this was addressed. Chris McCabe said there needs to be something in place that addresses the items the Town paid for and asked if this is or is not in the take over agreement.

Jim Griffin noted he is cautious when calling these vendors in but that was the direction he was given. He said we have five a/c units that have never been operational. There was a situation with very high temperatures in the computer room that had to be addressed before it damaged the computers. He went to the architect and the bonding company and told them this was a top priority. He said if they cannot do it, we will go ahead and get our own vendor to do it. However, as of right now, they still do not have an HVAC vendor signed. Ai3 has not accepted a lot of the mechanical and it is a never-ending dispute. They are saying the warranty has expired, and we have not even accepted the work. Chris McCabe said it makes sense not to wait until the end to address these issues. Dr. Silva asked if we are voiding the warranty by calling someone else. Jim Griffin said the people who installed it refused to come out. The company he called, Linc, is an authorized Trane dealer. Dr. Silva asked if the warranty is voided. Jim Griffin responded the equipment was partly installed, and the contractor walked away from it so we had to step in to finish it. Dr. Silva asked legally where we stand. Jay Meschino asked wouldn't it be true that the warranty is not engaged until the equipment is installed properly. Troy Randall stated typically the warranty begins when the area is occupied and the phase accepted. However, if a piece of equipment was not installed properly then it is not in compliance of the contract documents. Jay Meschino said so we

didn't void any warranty. Town Counsel was asked for a legal opinion and interpretation on the subject matter and was asked to determine how to handle these types of incidents in the future. Jim Lampke asked Committee members to e-mail him any variations of these questions they might have.

Paul Dunphy questioned the invoice for Hull Public Schools for graduation costs. Paul Dunphy asked if there are any shared costs that are coming out of the school budget. Cathy Bowes stated this is for the location and transportation costs only because the school cannot hold graduation in the gym. The school is paying for all other normal costs. ***Dr. Silva made a motion to approve Warrant #408 in the amount of \$17,181.50. Pat Finn seconded the motion. All approved.***

- Warrant #409 was presented to the Committee containing one invoice from Architecture Involution for the Jacobs School in the amount of \$21,670.28.

Dr. Silva made a motion to approve Warrant #409 in the amount of \$21,670.28. Jim Tobin seconded the motion. All approved payment of Warrant #409 in the amount of \$21,670.28.

- Warrant #410 was presented to the Committee containing two invoices for the Memorial School totaling \$2,103.23.
 - One invoice from Architecture Involution in the amount of \$253.23 for reproduction of documents for the clock tower remediation.
 - One invoice from Heritage Iron Works in the amount of \$1,850.00 for the installation of the stair treads. As you may recall, this work was completed in October 2005, but payment was put on hold pending the satisfactory removal of the adhesive that dripped down the front of the stairs. Heritage did return to the school and has satisfactorily cleaned the stairs.

Dr. Silva made a motion to approve Warrant #410 in the amount of \$2,103.23. Kevin Richardson seconded the motion. All approved payment of Warrant #410 in the amount of \$2,103.23.

The committee was also presented with the two warrants (#405 and #406) that were previously approved by the sub-committee for Tom Gould's punch list oversight services.

6. Town Manager's Report:

Chris McCabe informed the Committee that he would have to issue an RFP for the punch list oversight services since they anticipate it will exceed \$25,000. He said he has that process rolling and the procurement law requires three quotes.

Chris McCabe informed the Committee that as a result of the Jacobs project delays, PMA has requested a change in the on-site representative services. The candidate they are recommending is Jeffrey Costa, whose resume was included in the packages. *Dr Silva made a motion to approve PMA's request for a change in the on-site representative services to Jeffrey Costa. Kevin Richardson seconded the motion. All approved.*

7. **Superintendent's Report:** None this evening.

8. **Old Business:** Pat Finn stated we have a take over agreement and the punch list work is valued around \$1 million. He said we agreed to pay roughly half of that and asked how the payments are going to be processed. He was told the bonding company would submit a requisition for approval. Pat asked why not go down the punch list with the dollar value and cut everything in half. That way when they submit a req, the punch list items will be 50% of their original value, and we won't end up paying them all of the money when they are only half way done. Troy Randall responded it is a bit more complicated than that. Attorneys Garrity and Lampke are looking at that right now. There are outstanding PCOs, back charges and demands for direct payments. All of that needs to be considered when reviewing and approving a requisition. Pat Finn said if you start out at the 50% level, when you get a requisition, you'll know that you are not going to give them too much. Troy Randall responded, point taken. Pat Finn asked if any reqs have been received yet. Troy Randall responded, no, that is what they are working through right now. They are talking about submitting a payment requisition and we are working through what that entails. Pat said it seems to him that that would have been the most important part of the agreement. Troy Randall stated he would defer to attorneys Garrity and Lampke to answer questions about the agreement. Jim Lampke stated the memo he sent out to the Committee explained the process customarily done. The bonding company basically steps into the shoes of the contractor. Under the law, that is their obligation. Pat Finn said they took over at 50% of the dollar value. To let them submit requisitions on the original contract amount seems like it will come to a point that they will want more money. Jim Lampke stated the bonding company is required to do the work. How they deal with their subs is up to them, the town is not involved in that. The Town's contract is with the bonding company. It will end up costing the bonding company more money than we will be paying them. It is similar to an insurance company; we put in a claim against the contractor after he was terminated. Jim Lampke added, we should not pay a dollar more than we are obligated. Pat Finn asked if we are waiting until we get a requisition before we resolve this, their invoices will be submitted based on the original value of each item. Jim Lampke said he would ask Bob Garrity to come to the next meeting to explain it. Jay Meschino asked if any invoices have been submitted yet. He was told no. Jay said then they could submit it in any format they want; we will keep an eye on it. Troy Randall added the process is the same as it was for the high school and Memorial School. They will submit a pencil req to Ai3 and the Owner's Rep, which will be reviewed in detail. Due to the complexity of it, Attorneys Lampke and Garrity will also be involved. Once each line item is reviewed in detail, an amount is brought forth

to the committee and explained. The committee will vote to approve or not approve it – it is the same process as the other projects.

Paul Dunphy noted that Tom Gould has submitted a report on the progress at the high school that was included in the packages. Troy Randall noted Tom is doing a good job responding and updating him on a daily basis on what is going on. During the last bonding company meeting they did discuss an update on the completion of punch list work. Troy asked if the Committee would like to spend five minutes to receive further updates. Paul Dunphy stated he feels it is important that the School Department understands this. Chris McCabe said he would prefer Troy distribute copies for the Committee to take with them.

Kevin Richardson asked if there is any update on the roof completion date or water damage. Troy Randall said he spoke to CTA regarding the progress today. They are completed with the roof deck, insulation and the rubber membrane over the gym and mechanical space. It is in and watertight. They have started to remove the interior protection and started to clean up inside. Kevin Richardson asked if the floor would be replaced. Troy Randall responded, yes, a portion on the southwest end by the basketball hoop should be. They are still waiting for it to be reviewed by the expert floor person.

9. **Additional Report:** None this evening.

10. **New Business/Submission of Agenda Items**

It was noted that next Wednesday (June 14) at 7:30 in the high school auditorium there would be a joint board meeting with the Board of Selectmen, School Building Committee, School Committee and Advisory Board. It is one last meeting for the group before Special Town Meeting at which time the Town will be seeking authorization to borrow \$2.8 million for the Jacobs project.

Kevin Richardson noted the School Committee and Advisory Board have been working on a mailing that will go out to the town about the project. He handed out copies to the Committee. Kevin Richardson asked the Committee to review and let him know any comments.

Jim Tobin stated there was an article in the Patriot Ledger tonight which said the Cohasset Superintendent was forced by the Massachusetts Finance Campaign to pay for the literature produced regarding the override. Chris McCabe stated that towns are prohibited from using public funds to support overrides; this is an authorization.

Dr. Silva asked if there is any word on the status of the SBA legislature, which would allow borrowing at 2% for up to 30 years. Chris McCabe said the SBA feels it will get approval. They recognize the gap between project costs and what the SBA has agreed to pay, it's happening in every Town. They are putting together a 20-year, 2% bond authorization that

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would reduce the debt service. It is a huge savings and lessens the impact on the taxpayer, but it has not been voted yet.

Charlie Ryder noted under “State Requirement” of the newsletter the OPM figure is incorrect. Chris McCabe responded that is the incremental cost increase over what we had paid the previous OR.

Jim Tobin recommended the School Building Committee designate a formal speaker for the June 22 Special Town Meeting. He noted the School Committee and Finance (Advisory Board) have made recommendations but the School Building Committee has not recommended anything. He added one of the main reasons this has received support so far is because of the architect’s statement that if it is pushed back, it would cost so much more money. He said there should at least be a letter explaining how much more money it would cost and how much would have to be cut if this were delayed six months or a year. Chris McCabe asked if he wanted the architect to prepare something. Troy noted they have submitted something like that to the Superintendent in the past. Chris McCabe added, at the last joint board meeting, all committees voted to support this project. He said, the chairman (John Reilly) will make a presentation on behalf of the SBC and he (Chris McCabe) will make a statement as Town Manager. Chris McCabe asked Debbe to distribute to the committee a copy of what Troy had prepared with the cost breakdown. Chris McCabe added everyone is on board. He said the feedback from the Advisory Board last night was that the residents don’t want to hear from the architect, they want to hear from the committees. Pat Finn said Scott Dunlap is the expert; he would like him to be there. Dr. Silva agreed it was not a bad idea for the architect to be there.

Paul Dunphy made a motion to adjourn the meeting. Dr. Silva seconded the motion. All approved. The meeting adjourned at 8:50pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary