

**Town of Hull
Building Committee Meeting
Thursday, November 30, 2006**

In attendance:

Cathy Bowes/Committee Member
Paula Delaney/Committee Member
Paul Dunphy/Committee Member
Bill Dwyer/Committee Member
Patrick Finn/Committee Member
Chris McCabe/Committee Member
John Reilly/Committee Member
Dr. John Silva/Committee Member
Jim Tobin/Committee Member

Debbe Bennett/Support Staff
Jim Griffin/Support Staff
David Twombly/Support Staff
Ray Joyal/Support Staff
Jim Lampke/Support Staff
Peter Lombardo/Support Staff
Scott Dunlap/Ai3
Troy Randall/Ai3
Steve Rusteika/PMA
Jeff Costa/PMA

Absent:

Jay Meschino/Committee Member
Kevin Richardson/Committee Member
Charlie Ryder/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 7:05pm. Chris McCabe stated he has not heard from John Reilly but he is probably in route and will turn the meeting over to him when he arrives.

1. **Approval of Today's Agenda:** *Dr. Silva made a motion to approve the agenda. Dr. Delaney seconded the motion. All approved.*
2. **High School Roof Update:** This discussion was put on hold until John Reilly and Jim Lampke arrive.
3. **Approval of Minutes:** None this evening.
4. **Owner's Project Manager Report:** Steve Rusteika informed the Committee that Jeff Costa is present and he will update the Committee on construction. *John Reilly arrived and the Chair was turned over to him.* Jeff Costa said he is happy to report that the Harborview Road has been temporarily paved and that was done last week. All the concrete has been poured for the ground floor and second floor slabs. The general contractor will not dig up Harborview Road again until next year. Keyspan started the installation of the gas line for the school and temporary heat. The mason mobilized and is erecting partitions on the first floor and steel erection is about 85% completed. The tresses on the gym are expected to be

complete by Friday of next week and then they will start roofing C and D buildings. The general contractor is probably one week behind our schedule in some areas but two weeks ahead in others like masonry and plumbing -- overall they are on schedule.

Drainage: Chris McCabe said under Old Business he intended to ask about the drainage improvements and mitigation. He said he understands this work can't be done until those construction trailers are relocated. He asked David Twombly if he has had any progress getting costs for the mold remediation since TLT may be interested in occupying the modulars. David Twombly said they have received four bids now for mold remediation but the School Department has not decided which direction to go in. The bids are between \$20,000 and \$40,000, however, he noted once those walls are opened the cost could go much higher. He first needs to consult with the School Committee and by mid-December he will have a better sense of which way to go. Chris McCabe asked if there is any way to relocate those (construction) trailers to do the drainage work. David Twombly said it is his and Dr. Delaney's preference not to put teachers and students back in the modulars. Since they have not spoken with the School Committee at this time he doesn't feel comfortable disclosing their options. He said there are academic and financial implications and ultimately the School Building Committee and School Committee will have to work together to make a decision. David said there is a proposal from TLT to take over the modulars and we are weighing all of the options. Dr. Delaney added they are meeting regularly and exploring several options and will have an answer within two weeks but no staff or students will be in the modulars.

Steve Rusteika noted Jeff Costa is at the site every day so if any Committee Members wants to see what is going on there they can stop by and see Jeff.

Dr. Silva asked how long it would take to install the new drainage after the trailers are moved. He was told the work will take one week because where it ties in is already complete. Dr. Silva reiterated that once the trailers are removed, it will take one week to tie in. Pat Finn asked for clarification on which trailers were being discussed. David Twombly explained both TLT and PMA have trailers on site. TLT has submitted a proposal to take over the modulars to house their office and then the construction trailers could then be removed from the site. David explained it would be advantageous for us and allow extra site work to be completed earlier, which would increase the recess area size. He said they are getting all the numbers and conducting negotiations but it needs to be presented to the School Committee first. Pat Finn asked if we are giving them the modulars are we talking about more change orders. David Twombly said we would receive a credit for the walkway that would not have to be built and TLT would lease them, it is a win/win for them and us. Pat Finn asked about the gym (conversion). David Twombly said it is off the table now but we still have to find four more classrooms. Pat Finn said he would be in favor of going forward with the classrooms in the gym if it comes to that. John Reilly said that is in the hands of the School Department right now. David Twombly said he and Dr. Delaney have consulted and they need to present every option to the School Committee before making a recommendation to the School Building Committee.

- **TLT Construction – Change Order #2 (\$42,764.61):** Steve Rusteika presented Change Order #2 containing four items totaling \$42,764.61. He said one item is a credit (-\$644.21) related RFI #10 which is for modifications to the storm drainage system; the addition of \$13,311.35 for a new fire hydrant and separate service to the building; the addition of \$11,707.75 for revisions to the site drainage and \$18,389.72 for modifications to the existing water line which was an unforeseen condition. Steve Rusteika said PMA's recommendation is to approve it and they are happy with the final numbers. Pat Finn said it seems to him that TLT is working well with PMA and being reasonable with Change Order requests and not beating us up. Troy Randall responded they have no complaints. He said it is not a love fest but it is not a war either. They are working with us on all issues that come up.

Jeff Costa noted when you do go by the site there is a sample masonry panel by the road which was finished today to get an idea of what the exterior will look like. Jeff Costa added the construction sign will be up next week too.

Paul Dunphy noted this is the first he has heard about item #4 on the Change Order. Jeff Costa stated there was an existing line on the survey drawing that was not located correctly and they kept hitting it. They had to relocate it because the new drainage was right over the existing water line. ***Chris McCabe made a motion to approve Change Order #2 in the amount of \$42,764.61. Dr. Silva seconded the motion. All approved.*** Jim Tobin said he is opposed to it because it is related to the new drainage line. John Reilly said the line was planned to go there. Jeff Costa said the original drainage sized could not be installed as the drawings specified because of the existing water line in the street, which they kept hitting. Jim Tobin withdrew his objection. ***The vote passed unanimously.***

Pat Finn stated in the past the Committee has received written reports each meeting and would like to receive them again. Steve Rusteika noted there is a monthly update which was presented at the last committee meeting. Pat Finn said in the past the OR would hand out a report at every Building Committee meeting. Steve Rusteika said they do have one and are working off it this evening but just did not make copies. John Reilly asked the Committee if they want to receive a written report every meeting. Steve Rusteika said currently a formal report is done once a month, on the off week they can pass out a brief outline.

Bill Tramontana noted he asked to be on the agenda about a month ago and still has not received an answer. He has been patient. John Reilly said his understanding is Town Manager met with PMA. Steve Rusteika stated they have completed their review. PMA has also discussed their findings with Scott Dunlap and Troy Randall. It was noted the Committee was of the opinion that they wanted to discuss it in Executive Session in order to avoid misrepresenting any information and they have not done that. Steve said he is available to meet with the Committee or Town Manager this evening if wanted. George

McCullough said when the committee agreed to have the review done it was supposed to be an independent party and even the Town Manager said these gentlemen have to work with the architect and would not be independent. Mr. McCullough said it would take a two-week old freshman in mechanical drawing to figure this out -- this is ridiculous. Chris McCabe said the motion was made to have PMA review the documents. That is an independent review because they are not associated with Ai3 or involved when the drawings were done. Chris McCabe said he feels confident that the review was objective. They did not hide anything and we need to hear Ai3's response. George McCullough said you, Chris McCabe, questioned if PMA would be independent. John Reilly said we are not going to go back and forth with this. Pat Finn made a motion to go into Executive Session now. John Reilly suggested the Committee finish the agenda first. Bill Tramontana thanked John Reilly for the update.

5. Architect Report:

- **High School**

- **EastCoast Application for Payment.** Application for Payment #2 from EastCoast was presented in the amount of \$58,486.75. Troy Randall said as you can see, on the second page of the document, the majority of items have been completed and as of yesterday (11/29/06) the work is substantially completed. As of Tuesday of this week the two spaces, the sound and lighting rooms, have been occupied by Joe Doniger and the theater group for the upcoming play. Joe Doniger attended the last construction meeting and was ecstatic with the work and said he had never worked with a group of contractors like EastCoast who did an incredible job and were very good at communicating with him. Troy Randall stated that gives perspective to their work and what has transpired over the course of the project. Troy Randall said Ai3 recommends approval of Payment Req #2. John Reilly suggested holding on a motion until the warrant is presented.

6. Fiscal Report:

- Warrant #455 was presented to the Committee containing five invoices for the high school totaling \$6,338.65.
 - Two invoices from Ai3 totaling \$1,932.00 for punch list review services. These invoices will be added to the back charge list.
 - Two invoices from David Reinks totaling \$135.00 for videotape/cablecast services at the 11/2 and 11/9 School Building Committee meetings.
 - One invoice from Garrity and Knisely in the amount of \$4,271.65 for legal services during the Month of October related to the high school project.

Paul Dunphy made a motion to approve Warrant #455 in the amount of \$6,338.65. Dr. Silva seconded the motion. All approved Warrant #455 in the amount of \$6,338.65

- Warrant #456 was presented to the Committee containing six invoices for the Jacobs School totaling \$27,600.84. PMA has reviewed and approved these invoices.
 - One invoice from Architecture Involution in the amount of \$1,242.00 for structural testing and inspection services performed by Bolton & DiMartino.
 - Two invoices from PMA totaling \$21,758.14 for project management services (\$19,263.34) and soils and concrete testing services performed by Briggs Engineering (\$2,494.80).
 - One invoice from Oasis Environmental in the amount of \$4,318.10 for microbial testing services done exclusively in the modular classrooms at Jacobs School.
 - One invoice from FedEx in the amount of \$39.85, which is for shipping costs associated with the Progress Payments for the Jacobs project.
 - One invoice from WatchAll in the amount of \$225.00 for monthly exterior rodent control services.

Chris McCabe made a motion to approve Warrant #456 in the amount of \$27,600.84. Pat Finn seconded the motion. All approved payment of Warrant #456 in the amount of \$27,600.84.

Dr. Silva asked if WatchAll's service has been cut down. David Twombly said he talked to WatchAll and asked about the rodent control. They told him this is the time of year when rodent control goes up because rodents want to go inside when it's cold. They do not recommend cutting back now. In addition if we eliminate it now and restart it in the Spring we will probably have to do a once a week service for about a month which in the long run will not save any money. David said he recommends staying with the service as it is at least until March or April. David Twombly cautioned against stopping now because if the activity increases we will have to do weekly applications again. Dr. Silva asked if we have had problems before inside the building. Jim Griffin noted this is exterior service not interior. Dr. Silva asked if the abutters are having problems. Bill Tramontana said he actually put poison down himself. He said the fence blew down last week and he saw six or seven in front of his house. John Reilly recommended continuing with a once a month preventative service. David Twombly clarified that originally the applications were done once a week and now are down to once a month.

Jim Tobin asked if the Oasis Environmental bill was for testing done inside the modulars. Dr. Delaney responded, yes. Jim Tobin stated the cost to remediate the mold might be more when they take the walls down. He noted the state will not pay (reimburse) us for this. John Reilly said it is coming out of contingency. Jim Tobin said the state does not pay for modulars. When we approve bills like that every week people don't understand we won't get the money back for stuff like this. John Reilly said not unless the State reconfigures what they will pay per square foot. Jim Tobin said the other school lists went on and on with things that we thought they might pay for. Now 100% of this we are not getting back. John Reilly said for the high school the State did not pay for things like utilities, graduation, and transporting lunches. John suggested a quick discussion

about that audit because a number of those items are on the back charge list that should be figured into the settlement. The State may not have paid for graduation at the Music Circus, but it should be back charged to Jackson. John said the Committee should block out some time to look at that. Pat Finn said that is an excellent point since we are at that point with the bonding company and now negotiating what needs to be done so we need to compile a list of everything we feel should be back charged to Jackson Construction. If something remains outstanding that can't be included.

- Warrant #457 was presented to the Committee containing two invoices for the High School totaling \$65,486.83.
 - One invoice from Gale Associates in the amount of \$7,000.08 for roof consulting services performed from October 1 thru October 31.
 - Application for Payment #2 from EastCoast General Contractors for work associated with the high school auditorium thru November 19.

Chris McCabe made a motion to approve Warrant #457 in the amount of \$65,486.83. Pat Finn seconded the motion. All approved payment of Warrant #457 in the amount of \$65,486.83.

Pat Finn noted the Gale report should be back chargeable. John Reilly agreed it should be added to the list. Pat Finn said this is a bill we had to pay as result of Jackson Construction not performing.

It was noted that TLT is working to secure the fence in the recess area. Jim Tobin asked why the fence was not done the opposite way because there were wires sticking out and the bottom was not secure. If they had built it the opposite way the mesh would be on the school side. David Twombly said they put Jersey barriers up and there was a reason why the mesh was placed on the other side. Jeff Costa said they were afraid the students could rip and tear the mesh. John Reilly stated he asked that the mesh be put on the inside last meeting. It was noted there are 4-5 teachers watching students at recess. Pat Finn jokingly suggested electrifying it. Dr. Delaney said the biggest concern she had was pieces of metal sticking out but that has been taken care of, the mesh is not a problem and recess is well supervised. She saw no kids anywhere near the fence. David Twombly said TLT has been reacting to concerns and working with us. They had the fence company up there this afternoon to do work to it.

7. Town Manager's Report:

- **Formal Acceptance of Jacobs School Project Budget:** Chris McCabe suggested holding on acceptance of the project budget. Steve Rusteika said he has copies of the project budget with him. Debbe Bennett explained that PMA is looking for formal acceptance of the Jacobs project budget of \$27,620,000. In addition, during her

discussion with Scott Libby it was noted that when PMA was reporting our contingency spent to date, that has always included the \$290,000 paid out by the town prior to construction for expenses associated with the modular classrooms. She recommended to him that that figure appear as a separate budget item since it was incurred prior to the start of the project. PMA agreed to do that so now when you look at the contingency spent to date it is an actual figure. Debbe explained that PMA also wants to ensure that we have accounted for all anticipated budget items that we think we are going to need. As an example, we know we are going to have the security cameras and that will be a significant cost. Should that appear as a separate line item, because right now it is just coming out of contingency. If it is made a separate line item, that reduces the initial contingency figure. These are the things that Scott wants to be certain that we are all comfortable with and that we are accounting for everything that we need to be but most of all Scott Libby is looking for approval of the total project budget figure. Chris McCabe said we can't do that without looking at the spreadsheet. Steve Rusteika distributed copies of the budget spreadsheet to the Committee. Chris McCabe stated Scott Libby was asking about this at the last meeting and was concerned that he was operating without a formally approved budget and wanted to make sure that did not continue. Steve Rusteika said it is important for us all to be working from the same numbers so when changes get approved we know where things stand and how much contingency is left. He has discussed this with Mr. McCabe before that the new MSBA rules require the Project Manager to sign documentation and he has signed some things at his (Chris McCabe's) request but Steve is uncomfortable continuing to do that until we are all in agreement. Chris McCabe said the spreadsheet has the \$27,620,000 figure and a formal vote is requested. Steve Rusteika said they are looking for formal recognition that that is the budget. ***Chris McCabe made a motion to formally recognize the Jacobs School project budget figure of \$27,620,000.00. Dr. Silva seconded the motion for discussion purposes.*** John Reilly questioned the Jacobs Schools figure and asked if this figure includes any Memorial School expenses. Debbe Bennett said the Memorial School has been completely taken out. John Reilly said the contingency draw down appeared to be overly inflated because it included Memorial School expenses before. Debbe Bennett said that was actually because of the costs incurred by the town for the Jacobs modulares prior to construction, which was reflected in the contingency but now is a separate line item. John Reilly said at the last meeting they reported that approximately 30% of the contingency was used, he asked with the Memorial School funds taken out what is the contingency. Steve Rusteika noted the contingency is now at 18%. Pat Finn noted it was not Memorial School expenses that inflated it, it was the \$290,000 for the modulares. John Reilly said the total bond authorization included some Memorial School repairs. Debbe Bennett noted those were taken out before the \$27,620,000 was arrived at. Chris McCabe said it should be noted that the actual authorization was \$27.8 but the \$27.6 is what PMA has to work with for the Jacobs School project. Steve Rusteika added this budget figure is the result of many meetings with Scott Libby, Debbe Bennett, Marcia Bohinc and discussions with Chris McCabe. Paul Dunphy said before voting

on it there is a lot of reading to do. John Reilly suggested a 5 minute break to review it. Chris McCabe said we could vote on it at the next meeting. Steve Rusteika said that is your prerogative but this has been picked over so much. Pat Finn said the explanation is clear and the contingency has been adjusted to reflect a more accurate figure. *All approved.*

- *MSBA Loan approval:* Chris McCabe said he disturbed a memo dated today relative to the MSBA approval of our 2% bridge loan for the Jacobs School. It is a loan valued at \$4.1 million and in addition the MSBA has officially notified us that the grant has been increased by \$4.3 million. Chris McCabe said this is good news and he wanted the Committee to know as soon a notice was received. John Reilly asked how that affects the total debt. Chris McCabe said it won't affect the total debt but it will lower the amortization schedule. This 2% loan will actually save the town \$2.5 million, which is significant. Dr. Silva asked if it is 2% over 20 years. Chris responded it is over 30 years. Chris McCabe asked Dr. Delaney to have the School Committee Chairman sign the original document.

8. **Superintendent's Report:**

- **Jacobs School Liaison:** Dr. Delaney introduced the Jacobs School Liaison, Jody Trubia, to the School Building Committee. Dr. Delaney noted Jodi was unanimously chosen by the interview committee.
- **Community Accessibility Report:** Dr. Delaney informed the School Building Committee that the School Committee asked for an update on the accessibility issues at the high school. David put a report together and many of those were punch list items that have been taken care of, however questions did arise since some items have not been taken care such as signage and the School Committee wanted to clarify where this money comes from, is it still out of the high school construction. John Reilly asked if this was all in the contract. Troy Randall stated some of this signage was identified after, based on several meetings with local departments that were in addition to the contract. John Reilly asked if the contract signage that was not done is on the punch list and if the additional signage should come out of construction. Pat Finn said we should do whatever needs to be done, pay for it and add it to the back charge list. Troy Randall said the items required by contract can be added to the back charge list but added there are additional signage locations that were discussed that are not in the contract. David Twombly said Troy will provide him with a name of a vendor to get them from and they are compiling a list of all signage needed. Also going forward he and Daren Sawyer will work together to make sure all signage for Jacobs School is done and put up so we don't run into this problem again. John Reilly said his thoughts are it should all come out of the construction budget since we need to ensure the building meets all requirements. Paul Dunphy said there is a clear separation here, some of it was in the contract and some was not so the bill should be split. Scott Dunlap said it is very much like a safety review that

is done at the end of the project, when they determine that certain additional items are needed. The additional signage we are talking about is relatively small money. John Reilly suggested getting a price and discussing again at that time.

- *Football field:* Dr. Delaney said the sprinkler heads are showing again and causing problems on the playing field. David Twombly said the whole stadium is done but the field is in terrible shape. They brought loom over from the Jacobs project. David Twombly said the School Department got a letter from the South Shore League for field hockey stating they are considering not having games at Hull High School next year due to the field conditions. We do have some loom there and some parent are willing to put the loom down but it is a bad situation. John Reilly said unless he is incorrect, we rejected the field and we did some temporary repairs. David Twombly said the entire center of the field is in bad shape and some of the sprinkler heads are up so when field hockey is out there, their sticks are hitting the tops of the sprinklers off and it is a potential injury risk. He said we will bring more loom in but because of the high usage of the field there is never any time to do proper maintenance on it, it is used all the time. Scott Dunlap said the field was rejected and the committee took some money to do some remediation work to it but the base contract work was never paid for. Dr. Silva said it was rejected because the sod was put down in mud and we never accepted it. *Jim Lampke entered the meeting.* John Reilly asked if that money is sitting in contingency. Scott Dunlap said it's the amount you never finished paying for construction so it is all tied into the money withheld for incomplete work. Scott Dunlap said he doesn't know the status of the negotiations but if you are still unsatisfied, he suggests putting it on the table. John Reilly said it was not done according to specifications. Scott said the issue is going to be ultimately that you took money to remediate the poor conditions and that somehow resulted in what you have now. It gets a little more complicated than simply rejecting it. John Reilly said we have it documented with photos how they put the turf down in mud during early December. It was supposed to go down several month before that. Paul Dunphy asked how much the School Department has budgeted for field maintenance each year. David Twombly said last July they aerated and seeded the field but then football practice started a few weeks later. It cost approximately \$800 to \$1,000 to do that. Paul Dunphy asked what the line item is that the School Department puts in the budget each year. Dr. Delaney said she thinks that is part of the building maintenance budget figure. Paul Dunphy said operationally if you can't keep the field available for maintenance you can't expect it to be better than it is right now. David Twombly said usage is a problem, there is never a period of time that we can shut it down for two months. It was put in improperly but there is no time to work on it either. Dr. Delaney said it is difficult to maintain something that was not installed correctly so we need to decide if we should continue to repair it. Paul Dunphy said based on the way it is used now, you are going to have to sink money into it year after year until you change the usage. It is the same with all fields in town and we have to continue to allot money to take care of them. Dr. Delaney said she agreed but would like to start with a good product first. Paul Dunphy said unfortunately we are beyond that. David Twombly said steps have been taken to alleviate the usage. They took high school soccer to L Street

field, but the high school field was improper to begin with. The football team started practice in August and were moved over to the other side but there was the issue with the baseball diamond mix which was used so the surface was uneven and a potential for injuries. John Reilly said when they practice five days a week and play the games there, we tear it up with the cleats and activity. There is no way to maintain it if they are practicing there. We have to find something, maybe loam and seed the back of the school and have a half field practice area or do something by the diamond. Otherwise there is no way to maintain it. John Reilly said this was part of the argument for the artificial turf but we have what we have.

Pat Finn said he specifically remembers we fired Jackson Construction in the summer and had a football season coming and had to hurry up and get it ready. We had money and spent it to fix the sprinkler system, we put up the goal posts, painted posts and we brought in big machines to aerate. We did the best we could to get the season running. Then we entered into an agreement with the bonding company. Once we signed the agreement with the bonding he doesn't think we can go out to bid on anything on the punch list. This has to be worked out with the bonding company and the attorneys. Scott Dunlap said the Town did spend a lot of money aerating, adding loam, pulling up existing sod, adjusting it, etc. to get it ready for the season. However, now we are two football seasons later so it will be very difficult to prove because there is lots of usage and it needs lots of maintenance. So they'll ask how they can be responsible for that. Scott added he thinks it should be something that doesn't get lost so it should be put on the table. Pat Finn asked if we took it off the punch list at any point. Scott responded, no. Ray Joyal noted that up until this past July, the football team used the Jacobs School field for practice. When that was taken away there was no place for them to practice. Chris McCabe asked if the sprinklers could be lowered as a temporary safety measure. Jim Griffin said they have been lowered already and they are as low as they can go. The actual turf and sod is gone and the sprinkler heads are exposed a lot more in the center of the field. Jim Griffin said they will try to get more loam and try to level it out.

The Committee took a five-minute recess at 8:09pm and reconvened at 8:15pm.

Dr. Delaney said David Twombly informed her that they are having problems with water leaks at the high school in the corridor by the gym and there are water stains and moisture showing. Based on our past experience, she thought it would be a good idea to address this early before it becomes a bigger problem. John Reilly said we should have our next meeting at the high school so members can come early and look it over if they want to. David Twombly said the area we are talking about is the low gym roof area. David Twombly said he knows everyone is working hard to resolve the roof issue but it really needs to be addressed before this turns into a worse situation.

John Reilly said on a good note, David told him earlier this week there aren't any signs of water infiltration at the Memorial School. David Twombly said none as far as we know.

9. **Old Business:** None this evening.

10. New Business/Submission of Agenda Items:

- **Carbon Monoxide detectors:** David Twombly said the Fire Department contacted him regarding the possibility of putting CO detectors in the Jacobs School. They would like the Committee's permission to look into it and then they would come back to the Committee with a proposal. It was noted this is not required per codes but the Fire Department would like to do a presentation with a price. Paul Dunphy said he talked to Captain Thomas and this is Nicole's Law that basically applies to residential buildings but it is a good idea to put them in elementary schools that have fossil fuel burning appliances, which is a gas type set up. Paul Dunphy said he thinks it would be an inexpensive thing. He thinks we should go to the engineer and have him choose a CO detector to monitor the source of any fossil fuel equipment and have it tie into the fire alarm system. Paul said he thinks it's a golden opportunity to put it in our elementary school. John Reilly asked if down the road this will become a mandatory requirement. Paul Dunphy said he doesn't think it will ever become mandatory but strongly recommended. It is really short money. They target the source and when he first talked to Captain Thomas about it they were talking about having them down the corridors but now the State Fire Marshall is backing off and targeting only the appliances. John Reilly said it would be good to have a presentation on it. Paul Dunphy said the engineer of record should come up with a Change Order cost to have the sources tied in. ***No objection was noted by the Committee.*** Jim Tobin asked why it wouldn't be for all three schools. Paul Dunphy said this is an opportune time to do it at the Jacobs, during construction. It would go back to the School Committee for funding the other schools at this time. Pat Finn noted they would be hardwired at Jacobs. Bill Dwyer asked if the gas company has any programs, grants or funding. Paul Dunphy said this is not big money. We'll learn after they are installed if we have any nuisance alarms. Paul Dunphy said he and Captain Thomas feel strongly this should be done for this project.

John Reilly noted at the last meeting Pat Finn brought up an item about the old Owner's Rep. at the high school. Pat Finn said he thinks we have to clear up any outstanding warrants at the high school. If we owe money contractually it should be paid and added to the back charge list because we are getting into the final negotiations with the bonding company. If it is an outstanding bill that we owe he doesn't see why we wouldn't pay it. Pat Finn said he knows Frank was there in January and part of February, he saw him every day while he was working there. Pat said he believes Frank submitted these in February, his last month, and it would be nice to clear this up. If the Committee does not want to pay the two months we would probably be better off having a legal ruling from Town Counsel saying we are not contractually obligated. Otherwise, we are in breach of contract. Debbe Bennett clarified that the January invoice was paid already. John Reilly stated the only invoice at issue is February. Pat Finn said the motion would be to pay the February warrant. Dr. Delaney said the concern was that Frank MacDonald never finished the job by turning the records into our office and, therefore, did not fulfill his

obligation. Pat Finn said as a member of the committee he wants to go on record that he does not want to breach the contract. If we are not going to pay it, he would like to have a legal ruling from Town Counsel about why we are not paying it. Dr. Delaney said the breach was by Mr. MacDonald, he did not fulfill his responsibilities and the School Department had to clean out his trailer and organize the documents, which were not in any particular order. She said in her opinion he did not fulfill his responsibility. John Reilly asked Jim Lampke if he had any more information on this. We have one board member who feels he did not fulfill his responsibility and another board member who wants something in writing if we are not going to pay it. Jim Lampke said Mr. Garrity was not involved with the contract of the Owner's Representative and he (Jim Lampke) was involved only to a certain point. If the committee wants him to look at the invoices and the purported contract, he would be happy to do that and report back to the committee. John Reilly asked if this could be wrapped up by the next meeting. Jim Lampke responded he doesn't know if it can be done by the next meeting unless the committee determines it is urgent and has to be done by the next meeting. He left it up to the committee to determine if they are aware of some reason it needs to be wrapped up by the next meeting. John Reilly polled the Committee. He said Pat Finn appeared to be anxious for a resolution. Pat Finn responded that is just because we are wrapping up the high school books and negotiating with the bonding company so we need to total our back charges. Pat said we had a contract and we should pay it and add it to the back charge list. He said someone should read the contract to see if he breached the contract and see if it says he was supposed to organize and turn in files by a certain time fine. Pat said we have a contract with PMA and they missed a couple meetings and he doesn't see anyone holding back their monthly requisition. Jim Lampke said as he recollects, the committee's concerns were more than the files, it was whether services were provided. You have to start by looking at whatever people are calling the contract to see if it is a pertinent valid contract and see if the services were provided that he billed for. Pat Finn said that is all he is asking for. Jim Lampke said he wishes it were as simple as Pat is viewing it to be. Jim Lampke said it has been discussed for quite a long time between committee members and he was out of the loop. So in order for him to give a proper opinion he has to go back and cover a lot of territory so he is not sure it will be done by the next meeting. John Reilly said he feels the high school roof and other bonding company issues take precedence, and asked if we can have it within a month's time. Jim Lampke said he wanted to underscore a comment, and added he says this every time someone mentions putting something on the back charge list; just because we put things on the back charge list does not mean we are going to get the money back, so he would not be overly anxious to pay questionable bills with the vision that we will get the money back from the bonding company. Pat Finn said but if it is not on the list we definitely are not going to get it and we can't even use it in the negotiations. Jim Lampke said he is not aware of any final negotiations that Pat references with the bonding company in terms of the back charge list but Jim Lampke said he would pass the information along. Jim added the Town is in constant negotiations with them regarding the punch list. Pat Finn asked if there are any other outstanding bills that should be paid and put on the final tally for the back charge list. Jim Tobin said this committee had a lengthy discussion on this

whole matter several months ago and a vote was taken not to pay the February invoice. John Reilly said February was put on hold. Paul Dunphy said he remembers the discussion and thought it was a done deal and never expected it to come back and have the issue before us again. Debbie Bennett said based on the March 9, 2006 minutes, the February invoice was, in fact, put on hold. Dr. Silva agreed there are more important issues to talk about now than this, like the high school roof. Dr. Silva said one of the questions asked was about how many days was the person on the job during February because he was not on the job every day in February. ***Dr. Silva made a motion to put this on hold until the first or second meeting in January and stop discussion on the subject. Pat Finn seconded the motion. All approved.***

High School Roof Update: Scott Dunlap said Vertex submitted a document suggesting their version of how they might remediate the roof. Gale and Associates issued their documentation indicating what they required and what Gale thought would be required. In order to help Vertex understand what was important and allow them to ask any questions, there was a three-hour conference call today with Ai3, Gale and Vertex, which primarily was Gale detailing and answering any questions. Gale says they need a lot more detail from Vertex with the exact construction detail Vertex would use for resolution. Gale felt the Vertex proposal was not thorough enough to evaluate. Other than that there are no new developments. Scott Dunlap said one thing Vertex had hoped to do was push all parties into a room and get their proposal accepted but the Town, Bob Garrity and Jim Lampke have been cautious to let Vertex know that we need a very clear proposal that Gale and all other parties can take a detailed look at before we accept it. Today's call was reiterating the level of detail that is expected as part of the proposal.

Bill Dwyer said he knows we did some repair work to fortify the roof, but whose responsibility is it to make sure the flashing is replaced for the winter. Scott Dunlap said in most of the correspondence between Town Counsel and Vertex it is clear that the Town expects Vertex to be fully responsible for that. Dr. Silva said prior to today's e-mail from Vertex there was a brief discussion or some conversation Troy had with Mike Pellegrini who was upset about the discussions, then we get this e-mail. Dr. Silva asked if Ai3 is saying because they have been handling things on a piecemeal basis, it is not a complete concise report on the entire roof, just portions of the roof. Troy Randall said it is important to make clear that the bonding company and Vertex are required to submit a proposal on the roof fix deficiencies and prior to his conversation with Mike Pellegrini of Vertex, the Town had not received a formal proposal so Gale could review and comment. Subsequent to the conversation, Mike Pellegrini did provide a formal proposal, which has been distributed and as Scott Dunlap mentioned a conference call ensued because Gale did review the proposal and had concerns with the level of details provided. At this point the bonding company is going back and revising the proposal with the level of details required. They are working with the Genflex manufacturer to put additional detail to the proposal. Once that occurs, the final proposal will be submitted to the Town and it will be presented to the committee after it has been reviewed by Gale with their comments and recommendations. Dr. Silva asked on the basis of the Gale information provided to

us and discussion with Bob Garrity at the last meeting when we met about the roof, he thinks the feeling was basically that we want a new roof. Dr. Silva asked if that information was given to the bonding company. Jim Lampke said Bob Garrity communicated that to the bonding company shortly after the meeting and the Committee received copies of the Town's position that they (Vertex) must re-examine their position in view of the additional information from Gale. Jim Lampke said that is what we have been pushing them to do. Jim Lampke said that (e-mail) is finally the closest thing we have gotten but it is still not satisfactory and that is why we did not want to meet with them today. We wanted them to speak to the technical people and have them come back with a proposal. Whether it provides for a new roof or not remains to be seen.

Dr. Silva said at that meeting there were some questions raised about Genflex and Firestone. He asked was there a Genflex buyout by Firestone and if we are talking about using a Genflex product, where does that leave us. It was noted Firestone products were used on the first part of the roof does not leak. Dr. Silva asked where does this stand. Troy Randall responded he has never heard anything to that affect. Dr. Silva said the roof we have was not accepted and now we are hearing about a possible buyout. Scott Dunlap said, he is not aware of any buyout so it is hard to respond to that. Scott Dunlap said at this point in time they are trying to be a liaison and provide as much information and assistance as they can to all parties. We were on the record as rejecting the proposal to drill 3,000 holes in the roof and that won't change. When you hired Gale you were looking for an objective third party to assist you. So at this point it appears that Vertex's proposal will remain essentially the same except they will respond to the additional items Gale identified. Ai3 is trying to let Gale and Vertex discuss those things without interjecting their original opinion which is still on the record. Dr. Silva asked if the lack of insulation in some places was attributable to inadequate roofing by Dumas as well as the edge metal that is not as thick as it should be. Scott Dunlap said those were listed as deficiencies as well as a lot of other deficiencies. Dr. Silva asked where we stand now, do we know the roof now will take us through the winter. Scott Dunlap responded, no. Troy Randall said Mike Pellegri did mention that he has employed Silktown to put additional pavers around the perimeter and additional fastening of the edge metal to the roof and he believes they were on site this week doing that work so the bonding company is taking additional precautionary measures.

David Twombly said the biggest leak is in the gym corridor and there are various smaller ones in the classroom area. David Twombly asked what is the timeframe to make a decision, when is Vertex coming back to us with a new proposal. Troy said he doesn't know, that question was asked today but Vertex was not comfortable giving a specific date at this point but they did say we would hear from them in a few days with a timetable to get a revised report. John Reilly said we have all sat through hours of conversations about this. He said this whole discussion has journeyed into the surreal and borders on the asinine. Their solution is to drill 3,000 holes in the roof to help with leaks and have now resorted to stone to hold the roof down. Dr. Silva said we could just repair the roof ourselves which we don't have the money to do and then go back and sue

them for what we did but the litigation would go on forever. Jim Lampke said he would like to think the litigation would be done sooner rather than later but right now we are trying to negotiate with the bonding company. If the Town wanted to go ahead and say to the bonding company that we want a new roof -- you are not giving it to us so we are going to do it ourselves and sue you for breach of contract but the Town has to come up with the money in meantime. The bonding company did offer the value of the bolting down system which as crazy as it sounds, experts say it does work sometimes. We are hoping that with the additional information that Gale produced and the infrared test provided, Vertex will examine the 3,000-hole proposal and respond. Everyone is pushing them as much as we can to make a decision and it is a war of words because Vertex sends out e-mails saying they told the Town this is a problem and the Town is not doing anything and should be taking steps to protect the area. The Town e-mailed responses saying that it is their (Vertex's) responsibility to get the area secure and they should temporarily secure it until they come up with a permanent solution. We are all trying to keep on top of them and when they say the Town is not doing anything we respond. The Town has gone to tremendous expense with hiring consultants and engineers and additional time with outside counsel and the time spent by our regular support staff dealing with these roof problems and we have been begging Vertex to give us a proposal. The only proposal they gave us previously was the 3,000-hole one and they could not answer all the questions our engineers raised. We are pushing forward, and as frustrating as it is for those who hear about it intermittently, the support staff literally deals with it daily. John Reilly noted that Jim Lampke's response memo, which put it back on Vertex was a great memo. John Reilly said he is fearful that with each day that goes by the leaks continue which is a potential for mold, electrical system failure and who knows what else.

Pat Finn said he did not like how David and Scott were talking. He said we hired Gale Engineering as a consultant to better document the conditions, not to make the recommendations to the bonding company on how to repair the roof. That is our position that the bonding company owns the roof and the contractor is not performing under the contract. He said he doesn't want Gale negotiating on behalf of this committee and the Town. Pat Finn said he doesn't want them talking with the bonding company, he wants the bonding company to give us what we paid for. Dr. Silva said he doesn't think he could disagree with what Pat Finn said more. Dr. Silva said we hired Gale as a consultant and for them to determine what was wrong with the roof and compare those deficiencies to what Vertex says. We did hire them to do a serious study on the roof and let us know what they found and then we would use that information in our negotiations with them. No one is saying Gale is negotiating. John Reilly said what they are saying is Vertex is asking questions of Gale regarding the deficiencies and they will take that information to formulate a plan. Pat Finn said he doesn't want them to give any recommendations, that's the bonding company's job. John Reilly said Vertex is looking for clarification of Gale's findings and there is no need to keep them in the dark. Dr. Silva said you can't isolate it, every piece of information will be put together so all parties can come up with a strategy. Jim Griffin asked if there is a drop dead date for the

time of year the roof can be repaired. He said the adhesives have to be applied under certain temperatures. Jim asked even if we come to a resolution, are we going to have to wait until the spring to do the work. John Reilly said this was asked before and depending upon the time of year, they will adapt the application to the weather. John Reilly said it has to be 40° and rising. Jim Lampke said he understands there are techniques if the weather is cold -- they have mechanisms that heat the adhesive so they can install it in any weather. The manufacturers make mechanisms that adjust for the temperatures. Jim Lampke said to bring this to a closure he would like to say that both he and Bob Garrity are very well satisfied with what Gale is doing here and with what Ai3 is doing here. We are exchanging information and we have an obligation to exchange information and no one is negotiating anything without the prior approval of the Town and Gale is certainly not doing that.

Bill Dwyer asked about the blue areas on the infrared test and asked if that means an absence of or no insulation. Troy Randall said it is unclear at this point but it is identified through destructive testing that they believe there is no insulation. Scott Dunlap added it was intentional by the gym because they were trying to stop snow drifting and accumulation but was not over the classroom. Rhoda Kanet said she assumes Vertex and Gale and the bonding company are aware of the new leaks discovered and questioned if there is anything going on to take care of any resulting problems from the leaks by the bonding company or anybody else. Dave Twombly responded no, that is why he is concerned. They have approximately 150 punch list items remaining and they have not been on site in about a month and a half/two months. David Twombly said he has sent out an e-mail to Vertex but received no response. John Reilly asked how much of the punch list is roof related. Troy Randall said 1/3 to 1/2 are HVAC-related. John Reilly asked for an update on the punch list at the next meeting.

Pat Finn said they basically abandoned the project and are playing hardball over this roof. We still have their first warrant approved that the legal staff is holding from the bonding company. Jim Lampke said with all due respect if we are going to have this discussion he would recommend executive session.

Rhoda Kanet said if there is a question of potential mold or electrical problems relative to leaks is there any way we can go out ourselves and bring in Oasis or someone else to look at what the current problem might involve. If we have a mold problem in a month the School Department is going to be stuck with a very serious issue and we are going to have to deal with it. Is there any way to be proactive and bring in people now at a low cost to look at potential problems or remediate so we don't have the same problems we had at Jacobs. John Reilly responded, at some point this will be brought up with the bonding company and we would have to have something to back it up, we can't just say we think there is a problem and the bonding company is going to have to repair it. Jim Griffin said they do pick up any water and remove stained tiles but it still leaks. As you get soffit or electrical damage that needs to be addressed. They have identified the leaks and documented it and are being as proactive as possible but the key is to resolve the

Town of Hull
Building Committee Meeting
Thursday, November 30, 2006
Page 17

leak. John Reilly said at some point they will need an assessment of the areas by an independent party -- we have to back up our position. David Twombly said bringing in someone at this point is not going to help because you have to stop the water.

Dr. Delaney wanted to inform the Board that this is Ray Joyal's last official meeting on the School Building Committee since he is retiring. John Reilly thanked Ray for all of his input during the project.

John Reilly said he would entertain a motion to go into Executive Session to discuss the high school roof and the PMA report regarding the Jacobs plans. Paul Dunphy asked why Executive Session is needed for the PMA report. Chris McCabe said he thinks the thought always has been to first hear it for ourselves from PMA because it could involve litigation. Paul Dunphy said it seems to him that it has been an open dialog. Chris McCabe added it was always the intention to subsequently meet with the public but we might want to ask some questions and get all the answers so we don't misrepresent what happened up there and have it misinterpreted. John Reilly asked if it would be appropriate for Executive Session. Jim Lampke said yes he believes it would be an appropriate topic for Executive Session since it is strategy relative to litigation.

Dr. Silva made a motion to go into Executive Session for the purpose of discussing strategy relative to litigation and not return to Open Session. Bill Dwyer seconded the motion. The Committee approved the motion 8 to 1 (Paul Dunphy) by a roll call vote. Executive Session convened at 9:04pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary