

**Town of Hull
Building Committee Meeting
Thursday, April 12, 2007**

In attendance:

Cathy Bowes/Committee Member
Paul Dunphy/Committee Member
Bill Dwyer/Committee Member
Patrick Finn/Committee Member
Phil Lemnios/Committee Member
John Reilly/Committee Member
Charlie Ryder/Committee Member
Dr. John Silva/Committee Member

Dave Walsh/Committee Member
Debbe Bennett/Support Staff
David Twombly/Support Staff
Jim Lampke/Support Staff
Troy Randall/Ai3
Steve Rusteika/PMA
Eric Lowther/PMA

Absent:

Paula Delaney/Committee Member
Jay Meschino/Committee Member
Kevin Richardson/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 Phil Lemnios at 7:00pm. Phil Lemnios noted John Reilly will arrive in about five minutes.

1. **Approval of Today's Agenda:** *Dr. Silva made a motion to approve the agenda. Pat Finn seconded the motion. All approved.*
2. **Approval of Minutes:**
 - **Thursday, February 8, 2007:** *Paul Dunphy made a motion to approve the Thursday, February 8, 2007, Open Session minutes. Dr. Silva seconded the motion. All approved.*
 - **Tuesday, February 13, 2007, Executive Session:** *Dr. Silva made a motion to approve the Tuesday, February 13, 2007, Executive Session minutes. David Walsh seconded the motion. All approved.*
 - **Thursday, March 8, 2007:** *Paul Dunphy made a motion to approve the Thursday, March 8, 2007 Open Session minutes. David Walsh seconded the motion. All approved.*
 - **Thursday, March 22, 2007:** *Pat Finn made a motion to approve the Thursday, March 22, 2007, Open Session minutes David Walsh seconded the motion. All approved.*
 - **Thursday, March 29, 2007:** *Charlie Ryder made a motion to approve the Thursday, March 29, 2007, Open Session minutes. Paul Dunphy seconded the motion. All approved.*

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Pat Finn noted there are Executive Session minutes from February 13 and asked if there are Open Session minutes. Debbe Bennett said there are but they were not back to her in time to make the package that was mailed to the committee. They will be included in the next package.

3. Owner's Project Manager Report:

Steve Rusteika the lead from PMA distributed the project budget update to the Committee. He noted it does not include anything special but is updated information thru March. He said construction is 33.8% complete and has used about 23% of contingency. He noted they had concerns early on regarding contingency usage but it has slowed significantly.

It was noted that the sound was not turned on for the videocast and Phil Lemnios informed the viewing public that the Committee just approved the minutes from Thursday, February 8, 2007, Tuesday, February 13, 2007 Executive Session, Thursday, March 8, 2007, Thursday, March 22, 2007 and Thursday, March 29, 2007. The Committee was beginning to hear a project update from Steve Rusteika of PMA.

Steve Rusteika continued, saying there is nothing new on the project budget update. They had concerns at the beginning with the contingency but it has slowed down. The project is going well and there is nothing to point out that is outstanding at this time. Steve noted Eric Lowther is here and he is also a town resident and he will give a schedule update. Paul Dunphy asked Steve about the battery operated CO detectors on the budget report. Steve said he is not sure. David Twombly said these are battery-operated detectors that were placed temporarily throughout the old building. Phil Lemnios asked if these were temporary CO detectors. He was told yes. Phil Lemnios noted the cost is \$149.94. Phil Lemnios asked if these would be decommissioned when the project is complete. David Twombly said they will keep them for next year and after that they would not be needed. *John Reilly entered the meeting.*

Eric Lowther handed out the most recent Baseline Schedule Review on the February project submission. He noted they received another update for March and will issue another report in a couple of days. He noted the purpose of the report is to give the board a flavor of what they are concerned about. There was a little concern in the previous schedule submission because there was some less than planned progress. He said if you look at page 6 of the report, the graphic identifies planned vs. finished. He noted the planned activities are significantly higher than the achieved and that is a concern because if this work does not get done it stacks up and becomes difficult to complete on time. They are keeping an eye on this. He said they want to make sure that what they are reporting vs. success in the field lines up.

Eric Lowther stated he didn't print out multiple copies (but passed out two copies to the Committee) of the diagnostic report, which identifies the changes between schedule submissions. Eric Lowther noted the schedule includes over 2,000 activities and so it can become cumbersome if you don't have the proper diagnostics to identify where the changes occur and monitor the schedule.

Pat Finn said if they are preparing these reports once a month could they possibly get them included in the SBC packets because he would like to read it beforehand rather than for them to hand it out. Eric Lowther said they could. He was told they would need to submit them by noon on the Tuesday before the meeting in order to be included in the packets.

Phil Lemnios asked Eric Lowther if there is anything on the report -- without having had an opportunity to read it -- what are the highlights that we need to look at and how should the report be consumed. Eric Lowther said a quick perusal of the first 4-5 pages identify their concerns and an idea of the areas they are concerned with. Schedule performance, and submittal for architectural activities did not do well and we need them to do better but they (PMA) are keeping an eye on that. Phil Lemnios asked if that is something that goes on between the contractor and architect. Eric Lowther said yes, in this case the schedule slippage is on the submissions to the architect. He added perhaps this is due to the transition of a new project manager, they may have lost some time as a result of that.

Dr. Silva noted this report is basically for February and asked where do we stand now, in April. Eric Lowther said the most recent schedule submission, received in the last couple days, is forecasting on time and they will provide that but they have done better in March. Eric Lowther added that is additionally supported by the cash flow for March.

Pat Finn asked about the status of the drainage now that they have moved the trailers. David Twombly noted it would get done in the spring, although he is not sure of the date but it was discussed at the last meeting. John Reilly asked if there is anything we can do to speed that up. David Twombly said they told him that since it is a Change Order and outside of the scope, they need to fit it into their schedule. Charlie Ryder added they were talking seasonality too and they don't want to do it too early. Dr. Silva stated with all the heavy rains predicted for the next few days he hates to think about what will happen on Christina Road. David Twombly said with regard to the seasonality, there is no way they could have got in there before now. John Reilly said if they can do it in May rather than in June it would be desirable and asked David Twombly to keep pressing them. Charlie Ryder said we discussed before that the problems with Christina Road are not necessarily created by this project. Dr. Silva said he thinks some of those problems were exacerbated by the project. Charlie Ryder said they are capturing the water that comes off the building and it is not running off anymore. John Reilly said part of the plan was to add another catch basin but they are also working with the Selectmen to get more work done there.

Paul Dunphy asked if with Monday's predicted storm, would they work during a northeaster and what will be done to deal with problems. Paul Dunphy said they probably want to batten down the hatches before the weekend. Steve Rusteika said he is sure, they will be on the site working but he will talk to Jeff tomorrow. David Walsh noted Monday is a holiday and some companies don't work and asked if they will be working. David Twombly added during the last big storm with high winds, Don from TLT went around to make sure everything was secure and Steve will call Jeff (Costa) to make sure tomorrow. Dr. Silva said he heard the forecast and if everything comes to fruition, they expect the storm to be almost as bad as the no name storm in terms of wind and tides so we need to make sure everything is battened down. Paul Dunphy added especially at the end of the workday on Monday so we don't want them all bailing out. Are there any plans to hold people back thru the night? Steve Rusteika said there are emergency numbers but they will probably not keep someone on site during the night. Paul Dunphy said if they get water in there at this point it would be a major set back.

Jodi Trubia noted that yesterday and today she did a walk thru and the windows are sealed tight. They have been putting plastic over the brick they are working on but it is all really tight. Steve Rusteika said he would talk to Jeff Costa about it tomorrow.

Eric Lowther said the first page of the Project Status Report highlights the progress in March vs. April's anticipated work. The next page is a RFI analysis. There were over 11 RFIs in March and 118 on the project to date. The next graphic represents the monthly cash flow analysis and the red is the actual and the green is the early forecasted. The next page is a cumulative analysis of the cash flow and the green is early and red is late. He said we want to be in between those and ahead of the green. Eric said during February and March there was an up-tick, which is in blue and that is a positive sign. The next page of the report contains progress photos and the last page goes to their concerns about activity success. The dark blue and green bars are the most recent scheduled activity thru March and the gray is the February schedule. Comparing the most recent update it has slipped and we don't want to see that and are paying attention to it. He said despite the slippage they have performed well.

4. Architect Report:

- **Jacobs School**

- **TLT Application for Payment #9:** Troy Randall said the requisition is in the amount of \$1,412,377.56. He said he believes a copy was included in the packages. Dr. Silva noted it is with warrant #478. Troy Randall said the req is thru the end of March and on the third page is the phase summary of completion values and percent completion. The first phase is 54% complete and the second phase is 1% complete and that is mainly for materials. The total project is 34% complete. Change Orders are 75% complete. Most items within the \$1.4 million

are related to masonry, dry wall, HVAC, electrical and some painting on the second floor. The total stored and completed to date is \$7,316,773.46. Troy Randall stated the payment requisition has been reviewed by Ai3 and PMA and they recommend payment of Application #9. John Reilly said approval would be on hold until the warrants are presented later in the meeting.

Paul Dunphy said it is nice to have the spreadsheets but is it a duplication of effort. Troy Randall said TLT provides that within their requisition. Steve Rusteika noted this is just a piece of the project budget update.

- **Change Order #4:** Troy Randall said a copy of the Change Order was included in the SBC package. The second page is the breakdown of the proposal request and Change Order request, a brief description and the value. Troy Randall said many of these the committee has already reviewed and approved.
 - PR #6 in the amount of \$1,601.27, that is to provide a couple of chases and drywall enclosures within some plumbing vent areas.
 - PR #7 in the amount of \$674.58, which is also a drywall enclosure at the copy and mail area required for a rain leader pipe.
 - COR #12 is the credit relative to the discussions that have taken place over the past several months regarding the modulars and use of them in lieu of the trailers and the walkway elimination. Troy stated there are a couple points to keep in mind, although they are utilizing the modular classrooms, TLT is still required to remove the walkway connection and also dismantle and move the modulars to another location on the site. That is still part of their contract. Also TLT has assumed paying utilities for the modulars as well. Pat Finn asked if we are getting rent. Troy Randall said essentially you are getting a credit for the use of the modulars. The breakdown is included in the Change Order.
 - PR 9R1 is the electrical latch retraction devices the Committee discussed in the past. The original value of \$17,283 was reduced to \$11,675.68.
 - PR #17 was to expand a soffit within the first floor classroom wing at the exterior wall to accommodate the piping going to the unit ventilators. That needed to be expanded in order to service those units. There was a steel beam blocking it and a little extra room was needed. This PR is in the amount of \$5,059.32.

Phil Lemnios said this is in phase I, which is a brand new space, and asked if that is a design issue. He said you might see something like that in a retrofit but this is new construction. Troy Randall said this is a value added item, the committee would have paid for it in the base bid vs. now and it would not be a design issue, if you will, because of that. Phil Lemnios asked if the original design called for the pipe to be exposed. Troy Randall said the piping was going to feed thru the soffit down the exterior wall but in order to

accommodate the piping and enclose it within the soffit, because of the steel beam, they had to expand it. Phil Lemnios said if the original design called for it to be enclosed in the soffit and once on site it was discovered the soffit was too small for the pipe and the beam, that seems like a design issue with a miscalculation of the soffit. The bid did contemplate having the beam within it and the intent was to have a soffit with a pipe and beam in it. But the size of the pipe, the beam and the soffit covering it did not match up. Troy Randall said the value add is the extra material and labor. Phil Lemnios said the point is it seems that a miscalculation was made somewhere along the line and we are correcting the problem, as we should be, but he questions if it should be a Town of Hull cost. Pat Finn asked if PMA has approved this. Steve Rusteika said Scott Libby looks at everything. Troy Randall said in their opinion this is a value add situation because if the detail was expanded in the original base bid, the bid would reflect that. Phil Lemnios said his point is the original plan called for a beam and pipe to be covered by a soffit. In the field, something did not match up and they could not build the soffit as described in the architectural plans. Then someone said we can make it fit for another \$5,000. However, value added would be if the original plan called for no soffit at all and owner went to the site and said they didn't like the exposed pipe and wanted it covered. A value added is when the owner makes a change to the architectural plans. This seems to him to be a situation where there has been a miscalculation about how this would fit in the space. Phil Lemnios said perhaps this is a discussion for PMA without Ai3 in the room but it does not strike him as a value add. Paul Dunphy said he had that on his list of things to bring up as well. He totaled the value added items, which comes to over \$10,000 worth of changes and more than one are for fattening the wall and hiding piping. He said it is a new addition, it is not a renovation where we might expect that. We bought a finished look and he is not comfortable paying another \$10,000 that he thinks we bought up front. Paul Dunphy said he looked at the work-up sheets and they keep whacking us for layout and engineering and every worksheet has another \$75 for layout engineering and as built, etc,. Phil Lemnios noted there is one on the 3rd page in. Paul Dunphy asked why it costs \$75 to do an as built for a little wall and at the end they have redesigned the building with all the as built. He said they are piling these things on. Paul Dunphy said this soffit is lengthy and we already bought the finish there. Pat Finn said he wants to hear from the OPM. Paul Dunphy said these are design things. Steve Rusteika said it (the Change Order) does not get to the Committee until Scott Libby and Jeff see it. They go through it all with TLT and Daren Sawyer, and the cost, scope and merit have been looked at. This is work that TLT has done most, if not all, of already. Phil Lemnios said he is not arguing that it needs to be done just if it is appropriately viewed as value added or something that goes back to a design issue. Steve Rusteika said he would only add that nothing is perfect,

you have drawings and specs and there will be things along the way that are extra work, whether the cost goes back to the owner or architect, that is different. Phil Lemnios said he recognizes these are complicated structures but the original design called for a soffit, is that correct. Troy Randall said yes but a smaller size. Phil Lemnios asked if that included the pipe and the beam. Troy Randall said that is correct. Phil Lemnios asked if the beam size is the size called for and if the pipe size is what the plans called for. If so, then the soffit should have worked and it was perhaps misdrawn. Steve Rusteika said it is extra work for the contractor and the question is why. Phil Lemnios said in his mind a value added is where the owner was unhappy with it once they see it and wants a change. But if that is what was planned, that is not an owner issue. Eric Lowther said another way to look at this is, essentially this is drywall and framing costs and the original costs were based on quantities. In terms of adding quantities to the project, had they been in their originally, the quantities would have been higher and you would have paid more. Paul Dunphy said the third piece is when you look at the back up it is not fair they are taking advantage of a change order and plugging numbers in and not being fair with us. That is what makes him suspicious and he sees overpricing going on. David Walsh agreed with Paul. He said we saw this when we discussed the CO detectors. He said in his line of work this is an extra and if it were something between the architect and the builder, you could not go back to the homeowner to pay it. Troy Randall said this is worth a second look and we can certainly continue the discussion.

Charlie Ryder said in this same vein, he noted there is the remedial GWB work where the steel falls outside of the finished wall. There are some cases where the steel is bent or warped and finished outside. He said to him that is a construction problem and asked why we should have to pay to fix that when it should be their ballgame. Troy Randall said part of that is TLT and the sub contractor did assume half of the cost of that change order because some of the steel braces were out of the tolerance required by the specs. The others are locations where the structural steel was in tolerance and would have been within the enclosure of the drywall, however because a steel beam is not exactly straight there is a deflection and flex in the beam and that did not allow for some conduit to pass by that diagonal brace within the drywall in some locations. It is within the tolerance, but it still had that variation within the wall. Charlie Ryder said he hears the explanation but still thinks it should not be our cost. Troy Randall said the added work and material is a value added to the project.

Rhoda Kanet said we have heard over and over again, anytime you have a Change Order it significantly increases the price over the original bid so that \$10,000 if in the original bid may have been only \$2,000. She thinks the point

Phil Lemnios is raising is even though we would have paid for it originally, we would not have paid as much. Rhoda Kanet said to her that is PMA's responsibility to make sure we are not paying for something we should not be. It is PMA's responsibility to watch these things to make sure we are not paying these additional costs that should have been part of the original design. If it is a Change Order it will cost more now than if in the original design.

Steve Rusteika said you have seen them operate and he is absolutely confident that Scott Libby and Jeff are comfortable with it. Steve Rusteika apologized for not knowing all the details but he did ask Scott Libby if there would be any issues with the Change Order #4. Maybe going forward there should be a way for someone on the Committee to get a briefing from Scott Libby so these questions can be answered. He added there will be lots of issues like this that come up.

Dr. Silva said as a layperson he has a hard time talking about flex and tolerance in a steel beam and he has a hard time imagining that there would be that much flex that it would be that much out of alignment. Troy Randall said he would recommend taking a look at some of the dividing walls between the classrooms, there can be as much as 1 1/2" flex in some locations.

Phil Lemnios said the plan is drawn and it says put a steel beam in location A. The designers know that a steel beam can have some flex in them. So in the design you build in that it will fall within a certain tolerance level because there is nothing that is straight. So if the beams are ordered and they fall within that tolerance level wouldn't they fit in the design you had. As an example, he can go to one lumberyard and buy a 2" X 4" of a certain quality and go to another store and purchase a 2" X 4" of a different quality. He asked if that is true in the steel beam industry. He asked if there are different grades of steel beams. Troy Randall said the steel beams are fabricated for the job itself. Phil Lemnios asked, as part of that fabrication process, if there is a quality control check at the factory and is there a piece of paper saying the beam is manufactured to the tolerances required within the plans. Troy Randall said that is part of the shop drawing process. Phil Lemnios said so if the beams are manufactured to the tolerance designed, then they would have fit. Troy Randall said it is more difficult than that but he thinks we can certainly continue the conversation. Phil Lemnios said he is trying to get an understanding since he is not in the trade or the business. He is trying to understand if something is drawn to a certain degree of specification and then delivered on site to that specification, then it should fit together. If not, has something has gone amiss. The logical things to look at are, whether the design did it, whether the quality of the material delivered on site met the specification and were they installed incorrectly. Phil Lemnios sited the

seawall that that is currently being redone for the Town because it was installed in the wrong location. Troy Randall said that goes back to the value added discussion and we can continue that. Phil Lemnios said he understands that to rectify situations it costs money but he is hung up on the term value added because you don't add value if it was drawn correctly in the first place or what you do is to rectify something that broke down in the process. Value added in his mind is when you wanted one thing and after designed and signed off on found something of better quality or some change is made at the owner's request to go from one quality to another. Phil Lemnios said ensuring it is built as designed is not value added. Phil Lemnios said we signed a contract that said we are buying "x" and we want to make sure we get "x" and don't want to pay more for "x" unless we are enhancing "x". These are bringing it in conformance with the design we paid for. David Walsh said it may be apples and oranges but he works in residential. On a current job there is a 36' foot section of wall they had to run the pipes down and it didn't exactly fit. He said they had the entire wall out to hide the pipe, it is done on a regular basis but you can't say to the customer you have a lump in the wall because the pipe didn't fit and you can't pass that on to the homeowner.

Eric Lowther said it is helpful to understand there are two different standards, the contractor and the architect. The builder is entitled to rely on the plans and specs and bases his price on it and when things don't turn out as expected he is entitled to be compensated for the additional work. The architect is hired to perform to a standard of care excepted in the industry. There is a gap there, of course, because we don't expect an architect to be perfect and as long as they are meeting the standard of care, the cost often gets passed on to the Owner. In your analogy you are maintaining a relationship and are reluctant to go after that cost but you could make a case. It is important to understand there are two different standards and that is just the way business is done.

Paul Dunphy asked what the abbreviation PR stands for. Troy Randall told him proposal request. Paul Dunphy asked if we do approve this will we get time and material slips showing the amount of time and material purchased. Steve Rusteika said these are negotiated lump sums. Paul Dunphy said the CO detector approval was a not to exceed figure hoping the contractor would understand he has a high price coming in from a supply house and perhaps should shop this around. Paul asked if that eliminates his "not to exceed". Steve Rusteika said this is the agreed to number to do the work, the cost he will be paid, nothing more, nothing less. Paul Dunphy said that is not what was voted on and perhaps this should be pulled out. Steve Rusteika asked if he wants this done on T&M. Pat Finn said no.

Paul Dunphy asked about the \$11,675 figure and is that the number Judi gave us last week. He was told yes. Paul Dunphy asked if this is the end of this issue and there are no additional cameras to be paid for. Troy Randall said this is not the aiphone system, that is a separate item. John Reilly noted Brander Alarm was approved to do the camera work. John Reilly said this item was originally presented for \$18,000 and we were being double charged so Judi went back and cut it down. Paul Dunphy asked if the aiphone is included in this. John Reilly said it is not in this, that is what we approved in the Brander price. David Twombly asked if this Change Order is not approved would that result in a delay. Troy said it is important to continue the process moving and if there are pieces that the Committee wants to pull out, they can but they would caution that work does need to continue to move forward. John Reilly asked what if we approved this and had issues with who is responsible, do we have recourse for further discussion with the architect.

Pat Finn said we are paying PMA a half million dollars to do this for us and public work is different from residential and you don't want to do it by time and material. Pat Finn said, knowing Scott Libby and how he is, he tracked the time and material and documented the extra work and negotiated out the lump sum prices and that, he is sure, saved money. Whether it is a design error is something else. Steve Rusteika said their preference is to not do T&M because you can figure out the scope and can price it out. With T&M there is a lot of risk and you have to watch what goes on. Phil Lemnios said he is confident that the work needs to be done, the issue is who is responsible. We heard the architect's point of view and the discussion of responsibility is for this committee and Town Counsel with PMA present. It may just be an issue where we have a different point of view that could be resolved through further education.

Phil Lemnios asked if when PMA signs off on a Change Order on something like a design issue, do they look at it in the field and make a determination. He asked if they ever write a report saying we think this is a design issue vs. unforeseen issues. Do they, as our rep. give a recommendation about whether they believe it is a design or construction issue. Steve Rusteika said they track all Change Orders and the reasons behind them, whether it is design or owner requested, etc. Phil Lemnios asked where this falls because he does not see it. Steve Rusteika said Scott Libby keeps track of it.

Paul Dunphy asked who did the sketches that are included. Troy Randall said the SKAs are prepared by Ai3. Paul asked why then would they charge us \$75 for layout and engineering and \$75 for as built. Troy Randall said the general contractor produces the as built. Paul Dunphy said so for every change we are getting charged \$75/hr and asked what are we getting for that.

Troy said he is not necessarily sure it is every time but they do on site layout of the adjustments and he said they can take another look through the values which were reviewed by his office. Troy said as a point of information the original value of this change was \$17,585 and it is now \$6,844. In the process there was over \$10,000 negotiated down to produce this Change Order.

John Reilly asked if Ai3 charges for the SKAs. Troy said no. John said we need to set the tone before we get into the old part of the building. John Reilly said when Jim Lampke comes in we will have a discussion about recourse but we should approve it to keep on track, however, we may want to keep our options open. Steve Rusteika suggested maybe there is a way to brief a couple of members of the committee beforehand to try to be efficient with the Town. Steve Rusteika noted Scott Libby is on site on Tuesdays, Jeff is there every day. John Reilly said the thing that concerns him is we were expecting to use the credit for moving the pre-school to the high school and asked if that has changed. David Twombly said the credit is close to what we originally discussed -- it might have come down \$1,000 because it was originally done in December and it was prorated per month. In addition, they are also now taking over the utilities (electrical and water) in the modulares. John Reilly said he was referring to the Change Order and with the other charges, the extra money has been taken off the credit. David Twombly noted it would have otherwise come out of contingency. John Reilly acknowledged the work David Twombly did negotiating with TLT to get them into the modulares. David Twombly added John MacLeod helped out quite a bit and it was a team effort.

John Reilly noted the Committee would hold off on approving Change Order #4 until Jim Lampke arrives.

5. Fiscal Report:

- Warrant #477 was presented to the Committee containing seven invoices for the Jacobs School totaling \$40,858.27. *PMA has reviewed and approved these invoices.*
 - Two invoices from Ai3 totaling \$20,635.43 for professional services during March (\$18,371.30) and reimbursable expenses (\$2,264.13).
 - Two invoices from PMA totaling \$20,104.84 for project management services during March (\$19,263.34) and testing services performed by Briggs Engineering (\$841.50).
 - Two invoices from David Reinks totaling \$100.00 for videotape/cablecast services during the 3/22 and 3/29 SBC meetings.
 - One invoice from FedEx in the amount of \$18.00 for shipment of submission #5 to the MSBA.

Charlie Ryder said he noticed there are FedEx charges instead of UPS and asked if that is because FedEx is cheaper. Troy Randall said they use them both interchangeably and if one is cheaper in a particular instance they will use that one. ***Dr. Silva made a motion to approve Warrant #477 in the amount of \$40,858.27. Bill Dwyer seconded the motion. All approved Warrant #477 in the amount of \$40,858.27.***

- Warrant #478 was presented to the Committee containing three invoices for the Jacobs School totaling \$1,413,013.62. *PMA has reviewed and approved these invoices.*
 - One invoice from WatchAll in the amount of \$225.00 for a monthly exterior rodent control application done on 3/9/07.
 - One invoice from The Patriot Ledger in the amount of \$411.06 for the classified ad for the FF&E bid.
 - Payment Requisition #9 from TLT Construction in the amount of \$1,412,377.56 for construction costs through March 31 at the Jacobs School.

Dr. Silva asked about the WatchAll invoice and why we are still paying \$225 each month. Dr. Silva asked if there have been any complaints. In November when he asked about it he was told it would not be until April, and it's April now. We did it originally because there were rodents when we began construction. David Twombly said they can get rid of it but if in 2-3 months they come back, we have to ramp up and go back to weekly treatments. David Walsh said he considers that preventative maintenance. We are on the waterfront and we know there are rats at the waterfront and we don't need them in the school so that is money well spent. Bill Dwyer added, they do not go away, and it is money well spent. ***Dr. Silva made a motion to approve Warrant #478 in the amount of \$1,413,013.62. Bill Dwyer seconded the motion. All approved payment of Warrant #478 in the amount of \$1,413,013.62.***

- Warrant #479 was presented to the Committee containing two invoices for the high school totaling \$13,081.45.
 - One invoice from Architecture Involvement in the amount of \$8,742.50 for additional services from March 1 thru March 31. Please see the Ai3 letter attached to the invoice which describes what services are provided as part of "additional services" as the Committee requested. *This invoice will be added to the back charge list*
 - One invoice from Garrity and Knisely in the amount of \$4,338.95 for legal services performed during December, January and February relative to the high school.

Phil Lemnios stated the issue is, he had a conversation with Debbe Bennett yesterday and there are concerns that as the person keeping the official records she wants to have a

clearer understanding on how all the finances are flowing in and out of the high school project. Obviously it is a unique situation so what we may want to do is pause and get a meeting together so we are all on the same page with the credits in and credits out, the bonding company, etc. So that is what we are looking at. Phil noted we are not questioning the amounts of the bills it is an issue of, given the complexity of how these transactions are occurring and that some things are being held and others spent because we are waiting on the bonding company. It is not an issue of the integrity of the bill at all. John Reilly said at some point there will be a meeting with Jim Lampke, Town Manager, Bob Garrity, David Twombly and Debbe Bennett. John Reilly said there were some questions about the actual starting number and comments that Mr. Garrity made verbally in Executive Session that we will ask him to put down in writing about how we are going to draw on some funds. John Reilly said he thinks this should be resolved by the end of April. ***Dr. Silva made a motion to hold off on Warrant #479 until the next meeting. Charlie Ryder seconded the motion. All approved.*** Pat Finn noted one of the invoices is for Bob Garrity. Paul Dunphy asked if John is referring to the bottom line on the spreadsheet from the last meeting. John Reilly said Mr. Garrity said there were funds that we could draw on and we want to get that in writing because he will have to defend those actions if we go that route. John said we will reexamine the numbers and triple check them. As the months go on, we are spending money to keep the high school project moving.

6. **Town Manager's Report:** None this evening.

7. **Superintendent's Report:**

- **Athletic Field:** David Twombly said a few meeting ago we did talk about the athletic field but based on the courtyard and the discussion we just had, should he continue to get bids to do that work. John Reilly said that is part of the issue. We can continue to get bids on the athletic field. We do have a source of revenue according to Mr. Garrity but we just want to confirm that before we approve it.

David Twombly noted this week we had to replace 10 sprinkler heads at a cost of about \$2,000 so we have to do something to the football field. Lacrosse and soccer are using the field and it is like a beach right now. John Reilly told him to continue getting prices and before we meet again we will have a better handle on it.

- **Baseball Diamond In-Field:** Dr. Silva asked about the baseball field work. David said they had two more truckloads of infield mix delivered today which brings us up to 10 loads. The contractor is scheduled to start work on Tuesday, weather dependent. He said we do have a one-week buffer.
- **Courtyard:** David Twombly said Mark Fournier and his staff did a terrific job and delivered 10 truckloads of loom to the high school from the Jacobs School. We did

have one problem after we were able to talk the contractor down in his price. When he came out to the site he realized his brand new Bobcat will not fit through the doors. They are trying to work that out now but the loam is there. In addition, the Highway Department raised the catch basin 4" and they did a lot of work for the School Department. Bill Dwyer asked if there is any danger of loosing that in-field mix in the rain. John Reilly asked if they can cover it with tarps. David Twombly said they can try.

Paul Dunphy said with regard to holding on the high school, with the expected weather we are probably going to have leaks. John Reilly said if they have leaks, the policy to address leaks has not changed at all. David Twombly said if they have a leak they contact Vertex who contacts Silktown to come out. That is the system set up. John Reilly told him in an emergency situation go ahead and do it and protect our investment.

John Reilly welcomed Phil Lemnios back to the Committee. John Reilly asked if when Chris was made Vice Chairman if it was the person or the position. Debbe Bennett said she believes it was the position but would check.

8. Old Business:

- **Commissioning Agent.** David Twombly informed the Committee they went out to bid on the Commissioning agent and initially had two companies respond (RBK Engineers and EMA) but only one proposal came in (EMA). The bid came in for both phases at \$72,540. He said if you look at the document, page 11 it explains the commissioning which is basically another layer of oversight that we would have. It would have caught a lot of the problems we had at the high school. He talked with Scott Libby about it on Tuesday and he made a good point which was if we were to do it, not only should we train our own staff but also our contractors who do our hvac, generator, etc work as well. David acknowledged the price is high but based on our experience at the high school this is something that we may want to do. David said we have PMA on the site and after phase 1 is complete, TLT and the subs will still be on site and we could pull them over to correct problems, in addition there is the warranty. David Twombly said he is not sure what the Board wants to do. John Reilly asked if this would be at the end of both phases. David said yes. John Reilly asked if there would be any savings if we only did it at the end of the project. David Twombly said based on the information on page 16, we could reduce it by about \$15,000. John Reilly asked if we are limited on the number of people who would be trained. David Twombly said he doesn't think so. John Reilly said the wiring and building inspectors should participate. More people participating gives us more resources if something should happen. John Reilly said during the first meeting at the high school there was no one there who knew how to turn the air on and we want to avoid that in the future. David Twombly said that is what Scott Libby was talking

about when he suggested our sub contractors are trained. John Reilly suggested someone make a list of people who should be included.

Pat Finn said we all know comparing the high school to the Jacobs School is like comparing apples to oranges. At the high school we fired the contractor and are still trying to piece together the warranty and responsibility. The last time Scott Libby was here talking about it Pat thought he told us it was unnecessary because of the contract. He would like to have Scott Libby's input since we would have warranties and a contractor who will honor them. He would rather get more information before we spend more money on it. David Twombly said at Tuesday's meeting both Phil and Charlie were present and Scott Libby spoke in favor of the commissioning but had some concerns about after both phases. He felt the subs could help out because they would be on site. John Reilly said his feeling is to have one at the end of project because that would give the staff one year to work with the system and prepare questions rather than go into it cold and training is in the contract. Then they could have a list of things they want to be further trained in. Phil agreed that Scott was in favor of it and Jeff (Costa) was more ambivalent on it but leaned towards doing it at the back end. They did get into a broader discussion on the importance of the training aspect and if we were going to spend dollars, commissioning was important. The real long-term issue is the quality of the training. We all agreed it should not be a small group of people. When looking at the submission, it looks like the commissioning agent doesn't do the training, they coordinate it. The training is still done by the manufacturer's rep. The question of how many people can attend the training still needs to be explored. Phil asked PMA and Ai3 if, in their experience, the manufacturers care how many people attend the training. Steve Rusteika said he has never seen any constraints on size. Phil Lemnios asked if the Commissioning Agent would look at the thoroughness of the training. Steve Rusteika said it is not usually more than what's in the specifications.

Charlie Ryder agreed with Phil, the main problem would be at the end of the project and they would be coordinating the training. If people get training in phase 1 they can go back to the subs on site during phase 2 with problems. Charlie pointed out that \$29,000 is for 15 months of coming to the site on a weekly basis, which seems redundant. David Twombly said if you look at page 15, we can cut \$14,000 off the top if we just do it at the end of phase 2. David Twombly asked if this would need to be rebid if commissioning is just done at the end of phase 2. Phil said they would have to look at if it needs to be rebid if the scope is cut in half.

Paul Dunphy said training is a smaller part of it than the mechanical systems. Phil Lemnios said he is not dismissing the commissioning part of it. Paul Dunphy said it is basically critical to some of these systems. The State put this as one of the things they want towns to improve upon. They raised the bar because it is critical that it be checked to see it is running as it was designed. They will pick up on design

problems, air quality, etc. We need to do it now when all the equipment is being started up. He said Jim (Griffin) can be part of it, it is an engineering function and the training is a part of it. Paul Dunphy said he is a believer in it and has seen it pay for itself. Phil Lemnios said he thinks we all agree with it, it is just the timing. Paul Dunphy said it is now or never. If we don't do commissioning now, then forget about it. Paul Dunphy said it needs to be done at the front end. He needs to spend a lot of time down there to watch the system go in and the start up. Then as the proposal says, he does a second season, like a summer or spring and then a winter to make sure it is still functioning. Paul Dunphy said from what he hears about the high school boilers, this would have paid for itself down there. Pat Finn asked if Paul Dunphy is familiar with the company. Paul Dunphy said not with the outfit but he is familiar with some of the projects they have done. John Reilly asked if this could wait until the next meeting. Paul Dunphy said it could wait until the mechanical systems are energized. Bill Dwyer asked if this could be videotaped. David Twombly said they have been doing that all along. Dr. Silva asked what is the drop-dead date to do this. Paul said he would defer to PMA to determine how far along the project is. Steve Rusteika said he would talk to Scott Libby to see when it should be done.

John Reilly suggested putting it on the next meeting agenda. It was noted the Committee wants to get input from Scott (Libby) on the Commissioning. John Reilly asked Paul Dunphy to look at it as well. Paul Dunphy said he would invite the company down. John asked if the items on page 15 could be cut back. Paul Dunphy said page 14 has a list of systems that can be shopped. Paul Dunphy said we can invite them in and talk to the company. David Twombly said he could invite them to the next meeting. Troy Randall reminded the Committee that during the specification and design phase, the committee was looking into Commission at that point so Ai3 inserted section 1810 into the specifications which are requiring the general contractor and subs and the sub's sub contractors for HVAC, fire protection, plumbing and electrical to coordinate with the owner's Building Commissioning Agent. In that section, 1.41a1, identifies at least four months prior to the scheduled date of substantial completion which, on the first phase is August 23, 2007. A draft schedule would be provided to the contractor from the commissioning agent. Within two months from substantial completion, a final schedule would be provided to the general contractor for coordination scheduling and that would be inserted into the project schedule as well. John Reilly asked if that means April 23. Troy said exactly but he is sure the general contractor will provide some leeway but that is what the contract says. Phil Lemnios asked PMA to see if they can get a May 23 date from the general contractor.

Pat Finn wondered why we only had one bidder and said maybe we should explore the idea of going back out to bid again. David Twombly said he is not sure if the job was large enough. RBK came down and looked at it but said they would pass on it. In addition, most times it is done at the beginning of the project, which would cost

about \$200,000. Paul Dunphy said the bigger companies, like RBK, play in the big market and this is small.

- **Boxes for Jacobs move:** David Twombly informed the Committee they got four quotes on boxes for the Jacobs move. The lowest prices were from Charles River Movers. They would need to order approximately 450 boxes and tape at a cost of about \$650. David informed the Committee that the husband of one of the Jacobs secretaries works for Charles River Movers. David said we got a good deal on the boxes. He said they would like approval to purchase these and if more than 450 boxes are needed he would come back to the Committee. Dr. Silva asked how close the bids were and did they go to any local companies. David said one of the local movers in town was a little higher. They got prices from Daley and Wanzer, McKee, W.B. Mason and Charles River. Charles River for a 1.5 cu ft box was .87 and a 3.1 cu ft box was \$1.28 Daley and Wanzer was \$2.50 for 1.5 cu ft and \$3.50 for 3.0 cu ft. Paul Dunphy asked if there is a conflict here. John Reilly stated it should not be because the wife is not making the decision, the Committee is. Jim Lampke agreed. He said this company chose to submit a lower bid because of some affection for the Town. *Dr. Silva made a motion to approve the purchase of the moving boxes from Charles River Movers. Paul Dunphy seconded the motion. All approved.* David Twombly said they would have Rent-a-Crate to look at the library for possibly using double sided carts. He will come back with that later.
- **FF&E Furniture oversight:** David Twombly said there was a letter about this in the packages. He, Dr. Delaney and Kathleen Tyrell met with ICD last week and said we got a good deal on tables and chairs from one of the vendors which was about \$10,000 lower than the next bid. However, in the past, ICD has had some problems with this vendor who will say they are going to bring in a certain product but when it arrives on site it is not exactly what you ordered. Basically, ICD is willing to come on site twice, once at the end of each phase at a cost of \$2,000, which results in a net savings of \$8,000.

Dr. Silva asked what guarantees do we have that we still don't get the inferior furniture delivered. David Twombly said we would have the option to reject it but then we wouldn't have any furniture. Phil Lemnios said having someone to check the furniture is a good idea. John Reilly said he thought that was part of PMA's contract. Pat Finn agreed. He asked who did we task FF&E out to. Charlie Ryder said he thought it was part of PMA's contract. John Reilly acknowledged that at the beginning they did not want any part of it. Steve Rusteika said this came up with Chris McCabe and they talked about it. PMA's contract calls for them to assist the owner and oversee and monitor the procurement of FF&E. It does not require them to inspect every piece of furniture that comes in, coordinate the vendors, make sure it gets to the right place and do punch list. He noted this was removed from Ai3's

contract. John Reilly asked if Jim Lampke agreed with that. Jim Lampke said he would have to look at the contract.

Paul Dunphy asked why wouldn't the school staff check to see if it is what was ordered. John Reilly said when we did the Memorial the School Department was handling that and most arrived during the summer vacation when the teachers were not in. There was a lot of scrambling to get it in there and set up for September. We did not want the school to handle it and that is why the OR did it at the high school. The Memorial School was easy because it was just one phase but this is multiple phases. Steve Rusteika said it is not easy. Phil Lemnios asked what is the value of the furniture coming in the door. He was told approximately \$700,000. Phil said so if the question is, do we want to spend \$2,000 to oversee \$700,000 of goods. David Twombly clarified, the overall FF&E value is \$700,000 however this proposal is to oversee delivery of just these tables and chairs. Phil Lemnios asked what the value of that is. David was not sure – it is all of the actual student tables and chairs, maybe \$300,000. Phil Lemnios asked if she is going to do a sampling of them to make sure they are the right quality. David Twombly said she will be checking the SKU number and matching that to what was ordered and the quantity. Phil Lemnios said this is a small investment. Phil Lemnios made a motion to first make a determination about the contract and hold until the next meeting and depending upon if we hear back if there is a contract issue and absent of being a contract item, approve it. John Reilly said if PMA is not coordinating it, we have to figure out how this is going to happen and a lot of this will be happening during the summer months when the School Department is not fully staffed. Phil Lemnios asked if the order for the desks includes placement. He was told yes. Dr. Silva said even though Memorial was one phase, it was a problem because of the placement of furniture into the classrooms but often times there was no one there except the custodian so furniture was left all over the school. David Twombly said in this instance she would make sure the correct tables and chairs are delivered and installed. There was a question about PMA's responsibility so Jim Lampke needs to review that. ICD would like to put a bid in on the install. John Reilly said it is prudent to hold off on this until PMA's responsibility is clarified. We need to charge someone else with verifying that SKU match.

David Walsh noted the total FF&E is \$700,000, so can we get just one person to do it all if it is not the charge of PMA to do. Steve Rusteika said he looked at his notes from negotiations. Paul Dunphy said the missing link is the labor. This is a management company who is going to do the labor. Dr. Silva noted the vendors do that. Dr. Silva said we need to have someone there to coordinate. Jim Lampke asked who opens up the boxes and assembles desks, etc. John Reilly said he is pretty sure the vendor is responsible for that per the contract. David Twombly said someone needs to be there to make sure we get what is ordered and it goes to the correct room. If it is not part of PMA's contract we need to get a bid out to do all of that work. This proposal is to just make sure we get the correct tables and chairs. John Reilly noted if

we still have to get someone to monitor the install they could do this as well. Phil Lemnios added this proposal does nothing to say where it goes and or that none of them are damaged, just verifying it is what was ordered. Holding aside who is responsible, we have a clear understanding of what we want to accomplish. Would that person meet the trucks, coordinate with the vendors, do the vendors check in with them, will they have hand-held scanners, affix inventory control tags as it is installed, etc. John Reilly said the RFP would have it all spelled out. Steve Rusteika said when you look at the (PMA) contract and at the letters, that says they would not be duplicating the services of the architect and at that time they did not know that was taken out of their (Ai3) contract. David Walsh asked how many days would the consultant be on site for the \$2,000. He was told a total of two days, once for each phase.

Pat Finn said there are two issues. We have had problems with contracts before and he is wondering if something got lost in the translation about what we were negotiating in open session. He would like to see the minutes. John Reilly said lets find out what happened rather than speculating. Steve Rusteika said he does not want anything to do with the FF&E and he would not have said they would put it in, it is a specialized thing. John Reilly asked for a copy of the FF&E installation management RFP for the high school.

- **Change Order #4 (continued)** – John Reilly told Jim Lampke while he was out of the room there were issues that might be design oversights and should not be passed on to the Town. He said, if approved, can we reserve our right to talk to the architect to pay for it or do we give away our rights. We question who is responsible for paying it. There are eight items and there are three questions and they are all on the same Change Order. Jim Lampke said the Change Order is from the contractor that the architect has approved and has recommended the Town approve. However, there are certain items on the Change Order the committee questions if the town should pay for as opposed another party and the Town wants to be sure if the Change Order is approved you are not waiving any claims to the architect. Jim Lampke said he would come up with some language but as a general rule you would not necessarily be waiving any rights. John Reilly said at this point we are questioning who rightfully should be paying for it. Jim Lampke said even if there was an agreement that some other party was responsible for it and they should be reimbursing the town for it, the contractor is entitled to be paid by the town and we actually would want to pay it so there is a continued privity of contract between the contractor and the Town in case there was a warranty or performance issues down the road.

The Committee recessed at 9:07pm. The Committee reconvened at **9:21pm**.

John Reilly said after consulting with Mr. Lampke he would entertain a motion to approve Change Order 4. *Dr. Silva made a motion to approve Change Order #4 for*

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\$6,844.97 with the proviso that said approval shall not constitute a waiver of any rights of the Town concerning any party's potential liability for the costs and work associated with the Change Order. Phil Lemnios seconded the motion. Paul Dunphy said he brought up some points and thought we were going to get some information before we voted. Some costs look suspiciously high and he feels that we should go back and say what do you mean by these \$75 charges for engineering and the as built. He said he made a motion for a not to exceed amount, which is the same amount in the Change Order, \$10,835.00. Paul Dunphy said that is the most pressing matter in terms of schedule but he wanted them to go back and find a better price. If he shopped it he could knock the price down to about \$7,000. He said that was his point by approving a not to exceed amount. John Reilly asked PMA, going back to some of Paul Dunphy's questions about the costs for engineering and as built cost, is that common practice. Steve Rusteika said he can't answer that but knowing how Scott and Jeff do business, he is sure they have been thru it all. John Reilly asked Troy if this is traditional to do that and charge for engineering or as built. Troy Randall said it does not happen all the time. On the high school and Memorial School it may have been blended in and not a single line item. There is additional time involved doing layout on site and processing as built information. He said it is a warranted cost but whether \$75 is an accurate value that is sort of debatable. John Reilly noted we have no answers to Paul Dunphy's questions. John Reilly asked if there is any liability in terms of time delays. Steve Rusteika said the most important item is the CO Detectors, we want to get the wiring in. Pat Finn added the credit is important too. Steve Rusteika asked if this has to wait until the next meeting or could it be approved pending something. John Reilly noted we had previously authorized the OR to approve Change Orders up to \$10,000. Paul Dunphy said with that said and with Phil Lemnios being in town and his keen eye, if he can get satisfactory answers to some of the questions he had, he would give the green light on this. Phil Lemnios told the Committee his time next week is constrained. Steve Rusteika said he thinks this could be resolved with a phone call from Scott (Libby). John Reilly said a substitute motion could be made that authorizes the subcommittee to approve it with the provision read earlier. Dr. Silva withdrew his previous motion. It was noted the subcommittee already has the authority to do so. ***Dr. Silva made a motion to authorize the Town Manager to make all decisions with regard to this Change Order (#4). Pat Finn seconded the motion. All approved.***

High School Roof: Jim Lampke distributed a copy of the Roof Inspection report from the consultant Firestone hired to examine the roof. Jim Lampke said, in essence, it is a short report with a lot of pictures and spreadsheets. The report is summarized in the conclusion, which says "The installation of the roofing system on Section R1 through R7 on this facility does not meet the standard of care for a good serviceable installation." Jim said this report is being reviewed by Firestone and the bonding company, in terms of, if they will be proposing a fix or a full replacement. Jim Lampke said the fact that the report does not say, by the way, there are several good options to repair it, suggests to him that the consultant has said to them that there is not much that can be done other than

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replace the roof. He is hoping that is what they are talking about. Jim Lampke said he spoke with the bonding company attorney yesterday and he is expecting more information from Firestone tomorrow or the beginning of next week. Jim Lampke said he, Bob Garrity and Ai3 take this report as very supportive of the Town's position but it does not mean we are home free. We have to wait and see what the bonding company will be proposing as a solution but he thinks the report substantiated the concerns of the committee. Paul Dunphy asked if the sections R1 thru R7 cover all the areas of concern. Troy Randall said yes.

Pat Finn said in reviewing the minutes, we were talking about the time line with the architects, which is why we set the deadline. He is wondering if we will be pushing into August if we don't get going by April and if this changes that because we may not have to go the other route. Jim Lampke said this does not change anything that he and Bob Garrity have advised in terms of working out a solution. When we have a definite response from the bonding company he will get that out to the committee members so we can evaluate the responses and what impact it will have. Jim Lampke said it is dated April 4 and he imagines the bonding company has had it about a week. John Reilly said he doesn't know if there is anything left to say that has not been said before. He asked Jim Lampke if he is asking for more patience from the committee and hopefully we will have more information soon.

9. New Business/Submission of Agenda Items

Pat Finn made a motion to adjourn the meeting. Bill Dwyer seconded the motion. All approved. The meeting adjourned at 9:25pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary