

Town of Hull
Building Committee Meeting
Thursday, May 24, 2007

In attendance:

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

Jim Tobin/Committee Member
Dave Walsh/Committee Member
Debbe Bennett/Support Staff
Jim Griffin/Support Staff
Jim Lampke/Support Staff
Peter Lombardo/Support Staff
Troy Randall/Ai3
Scott Libby/PMA

Absent:

Paula Delaney/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 Phil Lemnios at 7:00pm.

1. **Approval of Today's Agenda:** Phil Lemnios stated he received a request to move two items up to the top of agenda. First is the commission agent, which is item #8 under Old Business and the second agenda item is the FF&E installation.

Commissioning Agent - Energy Management Associates, Inc.: Phil Lemnios said as the Committee may remember, we had a discussion about the value of commissioning and we had an agent come in from EMA to make a presentation. The Committee voted to establish a sub-committee to investigate the process and find out if it was desirous to pursue and if we needed to alter the scope of services since it is coming in later in the process. The sub-committee met last Thursday, which consisted of Paul Dunphy, David Twombly, Charlie Ryder, Scott Libby, a representative from Ai3 and a Griffith & Vary rep. Phil said when they met, they came to a consensus that it made sense to move forward with commissioning and he and David Twombly were given the task to get an adjustment based on the importance of some items and felt items 5a and 5b were items that needed more concentration and we did not need as much in item #2 as originally proposed. Also were tasked with trying to get a price concession from EMA and they were able to accomplish both goals. The original value was about \$78,000, which was \$72,000 for the first 8 steps and the last step (post occupancy) was \$4,000. Phil Lemnios said they spoke with Steve Di Giacomo today and he agreed to \$65,000 for all nine steps and he is very interested in the project and the opportunity to be brought on board. Phil said Jim Lampke was made aware of the situation so he could begin the process of

drafting a contract. This way if the committee votes to enter into the agreement then we would be in a position to execute the agreement within the next week, if the committee gives Town Manager the authority to execute the agreement.

Paul Dunphy added this is a key time to be starting this and thinks Jim Griffin will have more time this summer to get involved with this and feels very good that doing this it is a standard practice for jobs of this size. The school will see better indoor air quality and energy conservation built in. ***Paul Dunphy made a motion to approve a contract with EMA for a \$65,000 lump sum as defined in the handout given out today (Commissioning Fees by Task) and authorize Town Manager to execute the contract. Bill Dwyer seconded the motion. All approved. Dr Silva departed the meeting and it was noted the Committee is out of quorum.***

FF&E Installation Management: Phil Lemnios suggested while waiting to return to a quorum, the Committee can take an opportunity to look at the FF&E installation proposals. He said as you may recollect, at the previous meeting the Committee discussed this. We received at that meeting the bid results for the FF&E which came in at \$50-\$60,000 below what was estimated. One of the open questions and one of the lessons learned from the previous schools is the need to have someone on site to receive all the bid items and ensure they are the items as specified and as bid. This person would also direct the items to their proper locale. Phil Lemnios said we are literally talking about thousands of items to receive that are large and small such as student chairs and desks that will be delivered to the site. *Jim Tobin entered the meeting.* Phil Lemnios said we did request and then received a fee proposal for this and the total fee proposal from ICD was \$23,707, which clearly outlines what services would be provided and it is fairly comprehensive. *Phil Lemnios noted the Committee is back in quorum.* Phil Lemnios said this is open for discussion relative to what the Committee wants to do with regard to this item. Cathy Bowes noted there was a bid submitted by Jodi Trubia and asked Scott Libby what would be the schedule for the phase 2 FF&E delivery because Jodi would have responsibilities during the school day. Scott Libby responded it would be throughout the entire workday. Scott Libby added the Committee would be paying for the knowledge Nancy Lohrer brings. He stated another project he is currently working on did not hire a professional and it is becoming a huge mess because they don't have the knowledge that she has about the master plan and added that knowledge will pay huge dividends. It is a time intensive effort during the course of the day for a three-week period. In addition, the teachers or staff will have what he calls personal items (books, desk items, etc.) that will be moved in to the space. It will have to be an orchestrated effort and her knowledge will help with a major piece of that. *Dr. Silva re-entered the meeting.* Scott Libby said he has talked with Phil at great length about it and noted they (PMA) endorse the Nancy Lohrer proposal and added the price is very much in line with other jobs he has worked on.

Pat Finn said he doesn't want to hire someone he doesn't know, he would rather hire someone he does know. He said she (Jodi) is from Hull, she works in the school system and is the low bidder and is qualified based on her submittal. Pat Finn noted he would like to hold off on the vote until John Reilly comes in.

Cathy Bowes said nothing against Jodi Trubia, but her concern is that the phase 1 FF&E will be delivered during the summer months but we don't know about phase 2. *John Reilly entered the meeting.* Scott Libby noted it would likely be about the same time period but one year different. Scott Libby added the Committee did not put this out to bid. He said you solicited bids and it would be a pass thru on Ai3's contract to avoid Chapter 30 procurement. So technically you cannot accept another bid unless you go the Chapter 30 procurement and we don't have the time to bid it, we have to get started now. Phil Lemnios updated John Reilly on the Committee's discussion about the ICD and Jo-anne Trubia proposals for FF&E installation. Phil Lemnios said his feeling is it would be wise to go with ICD. Phil said he recognizes and appreciates trying to keep it within Hull, and in most instances would defer to that. However, the difference between the low bidder and high bidder is \$20,000 vs. \$23,707. Phil Lemnios noted in Jo-Anne Trubia's proposal the phase 1 fee is \$8,000 and phase 3 is \$14,000 for a total of \$22,000. Jodi Trubia stated that is an error the total fee is \$20,000. Phil Lemnios stated there are a lot of moving parts to accepting all of the equipment with a great dollar value. He said his recollection is, in looking at the FF&E bid documents there is a great quantity of items but the quality of them are specifically identified down to the quality of fabric and ICD seems to have a handle on all of that because they put the specs together and have a highly developed tracking system which can provide any information any way we want it.

Scott Libby added there are a lot of contractual responsibilities as well. There will be upwards of 25 vendors involved. She would also be responsible for ensuring any damage caused to the building by the vendors is back charged and tracked and that will not be the responsibility of TLT. Nancy would have the authority to do that and the knowledge of what they are entitled to or not entitled to.

Paul Dunphy said it sounds like this is a full time business type of operation, and it is not a summer side job type of thing. Scott Libby added in some cases this could spill into the time frame of months after school opens because of contractual issues that may be involved.

Dr. Silva noted in the ICD proposal, under the "Follow-Up and Invoice Approval" it states ICD would make periodic visits to follow-up as required and an hourly rate would be charged but the cost is not included in the fee. Dr. Silva asked for an explanation of what the anticipated extra cost would be. Phil Lemnios said he could follow up with ICD about that. John Reilly said when he listened to what was presented a couple meetings ago, it sounded very good and when asked how much time was spent in the school we

were told two days. John Reilly asked exactly how much time, how many hours would be involved and what is included. It looks good on paper but he wants to know when you break it down, who is on site and how often.

Pat Finn said it is the same as when you get an engineer consultant and the first thing is an extra request for this and that and addendums to contracts and rates of \$185 per hour. Pat Finn said Jodi Trubia works there and lives across the street and has given a flat rate of \$20,000 and he is sure she would do what was needed to get what we bought. Pat Finn said it is sad when you have to pay consultants \$23,000 to make sure we get what we pay for. Phil Lemnios pointed out we are talking about paying somebody to do this so when Pat's says it's sad, what he is really arguing -- is to not pay anyone to do this. Pat Finn said no, he is arguing for us to make a motion to grant this to Jodi Trubia. Phil Lemnios said he would argue that we could explore the ICD proposal further with any questions the Committee has. If the Committee is not happy with the ICD proposal, he would recommend going out to bid and identify what we want and anyone can bid on it and if they have the proper qualifications, they can do it.

David Walsh questioned the insurance requirements. Scott Libby said it could be her own and stated they have to have liability insurance as a company. David Walsh asked if that is something we would have to require from anyone doing this work. Phil Lemnios said he thinks we would want to have it from anyone on the site since it is an active construction zone. Phil Lemnios said you would put into a contract the same insurance requirements of any professional services agreement, which is insurance and proof that they are in fact a business. Paul Dunphy said he thinks we should demand there be an insurance policy indemnifying the Town. Phil Lemnios said he would defer to Jim Lampke to provide any observation he may have relative to the subject.

Jim Lampke stated before getting into the insurance requirements he wants to remind the Committee there was an issue raised about whether or not this falls within PMA's services and he has not had an opportunity to discuss this directly with Steve Rusteika. Jim Lampke noted Steve Rusteika is not here but he has found several instances in the documents and in the record that seem to refer to the fact that at least from the Town's point of view that this was part of PMA's contract. There is an argument to be said from PMA's part that they did say several times this is not what they normally do. Jim Lampke noted the last communication from Chris McCabe dated November 22, 2005 was a memo to the Committee titled Revised Price Proposal from PMA, it states in the 2nd paragraph "In addition, PMA acknowledged inclusion of the FF&E services in its price proposal. I explained to PMA that Ai3 will design and procure all furniture and equipment and PMA's services will be limited to managing the installation". Jim Lampke said the contract that was ultimately signed contains language that says "assist the Owner during the planning for furnishings and equipment, computer and telecommunications equipment. Coordinate the shipment of furniture, fixtures, equipment, telecommunications and computer systems that are not being installed under

the construction contract, for the purposes of equipping and furnishing the Project during the final stages of construction". Jim Lampke said out of fairness to PMA, he has not had an opportunity to connect with Steve Rusteika; they have been missing each other. He would want to renew this discussion after he has spoken to Steve and then with Steve here at a meeting. That said, if it is concluded that PMA's responsibility includes this, then we don't need to go to plan B. If it were concluded that PMA's responsibility does not include this, then you would go to plan B to hire someone to coordinate it. Jim Lampke said he has no doubt Jodi Trubia would do an excellent job but it not a question about if she or Nancy would do an excellent job. Jim Lampke said there are several contractual issues that the Committee needs to be aware of, not the least of which is, if Jodi Trubia does the work, she is an existing employee of the School Department. We would be hiring her under a separate contract with the Town but doing work for the School Department. This would trigger certain procurement issues as well as conflict issues that would need to be addressed. Jim Lampke said this is unless you did go out to bid and if she was awarded the contract based on the bid, you are going to have a very difficult time complying with certain conflict requirements. Even if you do go out to bid, because she is an employee of the School Department and she is also the liaison between the school and the project, there are all sorts of thorny issues there that you need to consider.

Dr. Silva said in light of what Town Counsel has said we should consider tabling this until the next meeting and let him determine PMA's responsibility before we make a decision. ***Dr. Silva made a motion to table the discussion until the next meeting. Pat Finn seconded the motion.*** John Reilly stated in addition, we need more of a breakdown from ICD about what is anticipated for additional fees. John Reilly also asked Ms. Trubia to look into the insurance and asked Jim Lampke to look into the conflict issues.

Pat Finn stated we have hired Tom Gould to do work as an Owner's Rep and the janitors have done work. Pat Finn said he would propose that if PMA is not responsible for this and we do have to pay someone to do it, he would propose increasing the liaison stipend to Jodi Trubia and add that to her job description and do it that way. John Reilly said he thinks to do it that way would not work out because the purpose of the liaison was set up for a specific reason and he thinks combining the two would be a nightmare. John Reilly said it should be kept separate but the best course is to table it.

David Walsh said he does not know if he is reading the ICD proposal correctly but noted under the follow-up and invoice approval fee on the proposal it is \$900. Phil Lemnios said he thinks that is an estimate but he would confirm that. David Walsh said he would prefer a not to exceed number. Phil Lemnios said he would confirm what the fee schedule actually represents.

The motion to table the discussion was unanimously approved. Phil Lemnios noted Jim Lampke would resolve the legal questions. *John Reilly took over as chairman.*

2. **Owner's Project Manager Report:**

- *PM Report:* Scott Libby noted the PM report was included in the package at the beginning of May and there has been a lot of progress to talk about. The report is as of April 30 and is done monthly to be included with the MSBA submissions. Since this report was created, the Committee has done a walkthrough of the project. As of today the gym is about 50% complete and the floor will be installed by the end of next week and they will begin prepping for the striping and logo. The dry wall operation in building D ended today and they will begin taping that area which means in about two weeks they will be painting the suite area. The flooring is well underway and only the corridors and carpeting remains. There is millwork continuing to be installed with cubbies and casework, which will begin next week on schedule. This will be followed by the painting and finishing in those areas. Scott Libby said he has mentioned there were trends indicating we might have an early finish to phase 1. The preliminary discussion with TLT and the team is that we may be receiving the building in July, which is great news. We have Ai3 to begin punch list work when it is appropriate which would be mid to later June and it will be a phases transition to move so-called personal belongings to the designated area with an anticipated completion of the end of July and then the FF&E installation begins. If the contractor can start the demo and abatement of phase 2 in August it allows us an entire month to get ahead of student and staff returning. The goal being starting at the interface of the new building, which consists of the 6 classrooms of the existing portion of the building. From that interface we would begin the operations there and make as much progress as possible to get away from the interface and over to the far end of the building. This early access will lessen interference, noise, air quality and other issues we went thru in the fall by the occupants and this is all great news. The team sees no reason why that cannot be achieved. Scott Libby reminded the committee that TLT started six weeks late and gained another four weeks, which shows a cooperative effort of the team. Scott Libby said there are very minimal issues on the table and the weekly construction meeting minutes are down to ten items and most are tracking items with no delay results. Scott Libby said since he issued this report they have no backlog of changes. This means at the next meeting he, Ai3 and the group will discuss Change Order #5 and bring to closure all of the issues they have put together as proposal requests. They have been cooperative in keeping the backlog minimal. Everything is moving along on an equal pace and things are continuing to go along well.
- *Cost Summary:* Scott Libby stated under the cost summary there is \$46,000 in executed Change Orders added to the base contract for a total contract value of \$21,652,735. We executed in April Change Order #4 in the amount of \$6,044.97 bringing the current total contract value to \$21,659,580.51. Based on that, to date, we have worked off \$8.55 million of the contract leaving a gross balance of \$13.5 million of work remaining. Based on current work and manpower on the site, they are projecting a \$2 million requisition this month. That would keep us just ahead of schedule from a dollars point of view. From a percentage completion perspective, we are 39% complete on time and 37% billed so no one is getting

ahead of us and it is time commensurate with the payments. The schedule is cost and resource loaded. *Peter Lombardo entered the meeting.* Scott Libby said, in general, we are ahead of schedule and now without any problems, we should hit that end of July date as of right now.

- *Site Drainage:* Scott Libby informed the Committee that since the contractor was able to remove the trailers from the site and occupy the modulares, this week they worked on the drainage improvements and it will be complete this week so that issue will be resolved.
- *Rear retaining wall schedule:* Scott Libby said he was asked to verify the completion date for the wall construction in the rear of the property. He has confirmed that will be done at the end of June and that is consistent with the phase 1 completion on or about the end of July/early August. That being the case, engaging a landscape architect or beginning discussions can begin to look at the property that abuts that wall.
- *Budget:* Scott Libby said with the acceptance of the FF&E bids he was asked to revise the budget forecast to equal the information presented as the hard bid and carry contingency and the costs incurred to date for FF&E related items. He made a note at bottom of the budget that explains the changes to the FF&E forecast. We had a budgeted amount of \$706,500 we now have a forecasted amount of \$651,916, leaving an add back to contingency of \$54,583. So the contingency from the last report has been decreased by \$58,000 because we added a credit back to contingency.

Scott Libby said overall to date, we are 39% complete and based on this add back to the contingency we have consumed only 23.67% of the contingency. Construction is almost twice what the spending is, and was at one point twice ahead of the progress of work. This is all positive news. We still have \$1.128 million remaining in contingency. The renovation typically has more challenges although PMA and Ai3 have gone into the existing classrooms and it appears to be a simple frame structure and really do not see any major coordination issues. Currently they don't forecast any issues. The biggest challenge will be the demo of the main entrance area, which will be removed in its entirety. That is going to have challenges because it ties into the existing building. As part of the discussion about trying to get going early on phase 2 before it is occupied this would allow masonry work to be done in the fall rather than the spring of 08. This is a preliminary discussion that is taking place with TLT and Ai3. Once they put together the detail, they will review it for acceptance. Scott Libby said that was the only major change to the budget. He will add the approval of the \$65,000 for the commissioning agent, which will go under contingency because it was not a budgeted item. If the committee goes with the FF&E consultant, that would be added as well.

Pat Finn said there is credit for FF&E and if we grant ICD the \$23,707, would that come out of FF&E. Scott Libby said that would come out of contingency. Scott Libby added the MSBA payments have been going through because he is handling it the way they want it. It

is a good way of accounting and they want to know how everyone got paid and he would not want to confuse the issue.

Pat Finn asked if we need a motion regarding the abutters'/landscape meeting in mid July. Scott Libby said he was asked about the timing during a meeting that the abutters were present at so he is just confirming the schedule. The drainage work is being done, the grading will be done next week and they will be working on the retaining wall. John Reilly said regarding the meeting with the abutters and landscape architect to look at options, we should probably start contacting them now to put it together. Scott Libby assured the Committee it would be complete so you can take a visual observation. They had to excavate the site and in the next 6-8 weeks it will complete the phase 1 grass area.

Pat Finn said he would like this to go on the agenda for the next meeting. John Reilly added we should notify the abutters that it will be on the agenda.

John Reilly got a call recently about the dirt blowing again, and asked if anything has been done to correct that. Scott Libby said they talked about that at the construction meeting. It is a windy area and there is not a lot of civil work going on but there will be increased activity. They placed calcium on the pile and have wet down the area. The building inspector has made note and meets with Don and Jeff. It is not being ignored; they are doing the best they can to attend to it. John Reilly asked that they be conscious of it. Peter Lombardo agreed they are paying attention to it. Recently the day of the meeting there was a huge track of mud. By the time the meeting was over, they had swept the road and cleaned the area. He said they are doing the best they can.

David Walsh noted the schedule is encouraging and noted early on the contingency usage was a concern. David Walsh agreed that the Jacobs School is a simply built structure. Scott Libby said they did not find any structural issues when they took apart the six classrooms, the deck is in great shape, joists aren't rusted, the walls still have a lot of structural integrity and they did not find any compression cracks. The engineers analyzed the six classrooms in order to anticipate any issues. Scott Libby said so far there is nothing that says we are going to have a problem. It is a long rectangular building and there is good evidence it should move relatively well.

Paul Dunphy said earlier Scott said we might be pulling the move-in date up a month. We just brought the commissioning agent on tonight. He asked if that steps up his pace. Scott Libby said yes and no. The concern was it was a tight schedule in the beginning. By getting it early we are trying to separate the classroom teacher materials move in from the FF&E. The way it was being planned is for moving the two at the same time. This breaks that traffic management to some degree. It is one variable less that we have to deal with. Substantial completion may be a phased approach as to what is acceptable and can be occupied to bring the personal stuff in followed by FF&E. The goal being we want to have as much time as possible prior to school opening. Scott Libby said with regard to commissioning, every day

is critical. A lot has to be inspected. Paul Dunphy said you need to reach out to him and let him know the occupancy schedule might be closer than he thinks it is. Scott Libby asked who would be his contact. Phil Lemnios said they would run the contract through David.

Paul Dunphy asked if the superintendent's portion of the building would be ready for occupancy in July. Troy Randall said he doesn't think so; it wouldn't be substantially complete then. We are talking about mid August for substantial completion of the entire phase 1. Troy Randall added that is the portion that is the furthest behind within phase 1. Paul Dunphy asked if there is a plan to move them out of the existing location. Cathy Bowes said no, central administration would stay at Hadassah Way and the Jacob administration will be using that space for this coming school year.

Paul Dunphy asked, as you get into the new renovated section of the school, are there any issues with opening up the roof that will affect the occupancy. Scott Libby said the existing building would be a reverse process of the new addition. The first goal will be to get away from the interface to take back the roof where the tie-in is and make the connection so there is no chance of phase 2 affecting phase 1 finishes. Phase 2 would be the same as any other unoccupied building during construction. They will keep it as weather tight as possible and will most likely leave the existing windows in place during demo. He doesn't see any major issues with taking the roof off since it will be done before any major finish work would begin.

Jay Meschino said he had two items that abutters wanted brought up. The first is there is a dead tree at the janitorial entrance. He does not know if that is scheduled to be taken down but it would be a good idea to have the landscape architect take a look at it because it could be a fall hazard. The second item is the piece of mechanical equipment on the new roof that seems to be sticking up high and an abutter asked about it. Jay Meschino said we had taken steps early on to lower all the equipment and asked if that is permanent. Scott Libby said yes. Troy Randall said he thinks Jay is referring to the elevator vent. There isn't any large piece of mechanical equipment on the roof -- that was brought inside the building. There are smaller exhaust fans. Troy Randall said he thinks what he is talking about is the elevator clearance extension and mechanical exhaust, which is required. The clearance is the required distance from the top of the elevator as the elevator is on the top level and that is a code-required item with no ability to bring that inside the building. Scott Libby noted the elevator is about 80% completed. Troy Randall noted they would check on the tree. Pat Finn said rather than pay someone to look at the tree he believes we have an arborist at the DPW. Troy Randall said it might be an item already required to be removed. Pat Finn said he would like a diagnosis from the tree doctor. David Walsh said if the tree is on town property you have to get into whether you can even cut the tree down. He recently had a situation on a job where a homeowner wanted to cut down one tree and the town required them to plant six others. Phil Lemnios said we do have a series of oaks from Western Mass. and doesn't know if an oak would be an appropriate replacement. Jay Meschino said it is at the corner and it might

be scheduled to be removed. Phil Lemnios suggested we get a report back at the next meeting.

John Reilly asked if it is in the general contractor's contract that they will ensure the final cleaning at the transition at the end of phase 1. John Reilly asked if it is to our satisfaction or how is it written. Troy Randall said yes. John Reilly said he wants to make sure there are no issues once the children get in there. Troy Randall said he can't sight the exact language but there is a requirement for the general contractor to provide the final cleaning. Scott Libby said there is an initial cleaning and then the punch list work is completed. Once the punch list work is deemed done and then they do a final cleaning with proper cleaners and rags and professional cleaning services. John Reilly asked who inspects the cleaning. Scott Libby said the architect accepts or rejects it and PMA is involved in it. Troy Randall added at the time they do the inspection if there is someone on the Committee who wants to walk thru with them, they encourage that. Scott Libby added what he and Troy may think is clean to industry standards, the School Building Committee may have a different opinion and that is a benefit to everyone. Phil Lemnios recommended that when you get to that point, they include the Health Agent as well as key custodial staff, or whoever Mr. Griffin would like to attend, at a minimum to make sure the cleaning is up to our standards. Phil Lemnios added he would imagine Peter (Lombardo) would be going through for code issues.

Scott Libby added the job site is kept very neat. To date they have stayed on top of it and have not accumulated inches of dust on all the surfaces. Peter Lombardo said as a member of the disability Committee there will be a walk thru toward the end of the job by local disability member, Bill Townsend, to make sure it is in compliance with State and Federal regulations.

John Reilly asked if in the contract the general contractor is responsible for anything left in phase 2. Scott Libby said once we are told they are done -- try to remove as much as possible. It comes down to a judgment call of what is reasonable. The answer is yes, but if, obviously, someone uses this as an opportunity to bring things from home that is when issues arise. John Reilly said anything the School Department leaves there the contractor has to take care of. Scott Libby said we will have one warning and then two and then the next day they are going to gut the place so if anybody forgot anything it will be gone. John Reilly reminded the School Department that anything they do not want to keep or use has to be brought to the Selectmen and offered to other Town Departments and listed as surplus. Anything of value will be auctioned off and anything else will be left. It was noted David Twombly has a list of equipment he is putting together.

Pat Finn said Peter reminded him about the Commission on Disability issue. He said Scott (Dunlap) mentioned at the last meeting he was going to send a correspondence to get on paper and clarify so we don't have any surprises with the front entrance issue. Troy Randall said they received a response letter back, confirming the current process is acceptable and move forward. Peter Lombardo added the disability Committee was on board with that

design and fully supports it and the State based their findings on Troy's letter and we did get confirmation.

3. Approval of Minutes:

- **April 12, 2007, April 26, 2007 and May 10, 2007 Open Session minutes:** *Phil Lemnios made a motion to approve the April 12, 2007, April 26, 2007 and May 10, 2007 Open Session minutes. Dr. Silva seconded the motion. All approved.*

4. Architect Report:

- **Jacobs School**

- **Gymnasium Court Logo:** Troy Randall noted he handed out one package that includes all handouts for tonight's meeting. At the last meeting they were asked to include a Boston Lighthouse logo. At the last meeting they distributed a pirate logo and a banner without the center. Troy said this is one of the options and the Committee will need to decide what to go with in order to continue the process. John Reilly noted the image seems cartoonish and would rather have it reflect more like the town logo or town seal. Troy Randall noted they used the town seal to generate this. Jim Lampke said the old image had several houses. David Walsh said looking at it from a 2nd, 3rd or 4th grader's eyes he still thinks they would like to see the pirate there and he thinks we need to look at it through the eyes of the children. John Reilly said the reason it came up was, in the past there were issues with the pirate's knife and teeth. Troy Randall noted they would probably need a decision by the next meeting. Cathy Bowes noted the Memorial School logo does not have a dagger. Dr. Silva agreed with David Walsh, he likes the pirate. John Reilly asked Troy Randall to work with Jim Lampke and refine the lighthouse image and bring back another pirate image to the next meeting.

Dedication Plaque: John Reilly noted he does not see Chris McCabe's name. Troy said he would add it on. Troy asked that any other items be e-mailed or faxed to him. Pat Finn asked that Jo-anne Trubia be added as the liaison. It was noted it would need to be under professional staff. *Dr. Silva made a motion to add Chris McCabe under Building Committee and Jo-Anne Trubia under Professional Staff. Pat Finn seconded the motion. All approved.* Jim Lampke asked if there was a discussion about adding Ray Joyal under Professional Staff. The Committee agreed to add Ray Joyal to the plaque under professional staff.

- **High School**

- **Punch list Update:** Troy Randall said the first item is the punch list. At the last meeting there were a handful of items that had an asterisk signifying that CTA

completed the item but Ai3 had not reviewed it. They went through the building last Thursday and this document reflects removal of the completed items. There were hardware modifications, glazing stop adjustments and some work in the gym on the under side of the deck. Troy said this provides you with an updated punch list document.

Paul Dunphy asked about the phase 1 seismic certification of the sprinkler system and who does that. Troy Randall said the filed sub contractor is required to provide a seismic certification and he brings in an outside engineer to certify it is code compliant. That is what we need for our engineers to accept the seismic restraints. Paul Dunphy asked if they are going to open ceilings and view the bracing. Troy Randall said they have already conducted the review; we just don't have the form in hand.

Pat Finn asked about the athletic field and said he thinks Scott Dunlap said the athletic fields were never taken off the punch list and there was some discussion about if the bonding company was going to help us out with that. Pat said we were told we own it because we used it, which does not sound favorable. Troy Randall responded, essentially there were several notifications to Jackson Construction at the time and the last notification identified that the town was taking over the field and completing it themselves and that was conducted and the then-OR, through the School Building Committee's direction, had that work completed. Troy said included with the potential credits to the owner on the last sheet of the punch list document, are the athletic field values under phase 3a, page 2 of 2 – it is on the list. It is what the back charge document includes – the actual cost the town incurred in order to complete that work. Once the discussion commences with the bonding company that will be an item on the list so the Town should be reimbursed.

Pat Finn said his understanding was we were up against the wall, we fired the contractor and we had a football season coming up. We authorized the OR to spend \$9-10,000 to get the field ready for the season and we paid another contractor to do the sidewalk to get it ready for school. He does not recall saying we are finishing everything and it is 100% okay with us. We were up against the wall. John Reilly added this is money spent out of our contingency. John said in his mind we have rejected the field and we have a lot of photos and documents to show the sod was put down over mud and not to specifications and it is still not accepted. Troy Randall said the ultimate question would have to be answered from a legal standpoint by Attorney Garrity and Attorney Lampke as far as the process and statues. John Reilly said he thinks we did what any reasonable person would do in an unreasonable situation.

- **Goal Posts:** David Walsh said under incomplete work, phase 3a, reference #497, it says the goal posts on the south side of the football field are rusting and Jackson Construction shall contact the manufacturer representative on the corrective measures. The goal post is now down and we have an offer to replace them at half price. How far back does this go, if was an issue then. Troy said this goes back longer than a year. David Walsh said if never addressed then, is the 50% replacement the best we can get. Phil Lemnios said they did meet today talking about finances and we talked about that too. He would ask that discussion be held for later. We were not satisfied with that response that we may have to spend \$1,300. We will go back and look at the warranty, there is a letter indicating it may be a manufacturing issue.

Paul Dunphy asked if the items concerning the roof come off the punch list if we get a new roof. Troy Randall said if the roof is completed to the satisfaction of the construction documents that would come off the punch list. Paul Dunphy asked if the money associated with the roof line items would come back to us. Troy Randall said he thinks that is a bigger discussion. Phil Lemnios stated he thinks the concept of back charges or items in dispute with the original general contractor and bonding company people should not view them as 100% slam dunks, it is just a tally and does not necessarily mean you are going to get it.

- **Indoor Air Quality Report - Griffith & Vary Review:** Troy Randall informed the Committee that since the last School Building Committee meeting, he met with David Twombly and the project mechanical engineer, Wayne Mattson, to go over the particulars of the indoor air quality report and that was conducted in late January of this year. Since that report was conducted there were a number of items on the punch list that were completed and verified with Griffith & Vary, Vertex and the bonding company. There are some specific items included in the Griffith & Vary letter dated 5/24.07. There was a unit ventilator concern related to elevated CO2 levels. In the report it identifies unit ventilators that were turned off in rooms and obstructions on the air intake and discharge grills. He believes the School Department is addressing these. As far as the balancing report is concerned, they are going to ask that the air balancing sub contractor review some of the areas that are highlight as elevated CO2 levels as part of their final balancing report which means they will look at the air damper to make sure it is at the right position for that space. The music practice rooms, the report identified no ventilation at all in that space, but there is, in fact, ventilation and it is working as designed. Also in the music rooms, the ductless fan coil unit, basically the a/c unit for that space. They said it showed signs that the cooling was uneven. When they (Ai3) were there they engaged the unit and it was working properly and was an even source of cooling. The positioning of that unit is the best location within the space, in the center of the room. Those were the three major items identified.

Paul Dunphy asked if the windows should be left open or closed. Troy Randall said the first paragraph in the letter from Griffith & Vary states they would concur with the individuals who did the indoor air quality report that the actual univents should stay in the on position with windows closed. Paul Dunphy said that is a step back from what the superintendent has asked the teachers to do, which was to turn on the unit ventilators and open the windows. Jim Griffin stated sometimes the teachers or students turn off the units. Jim Griffin said in the report it also states the occupants should monitor themselves and open windows if need be. If they have more than the normal amount of people in the room, they should open the windows. If they have 40 students in a room designed for 20, they should open the window to exchange the air. John Reilly said he thought the band room was given an additional oversized unit that was not in the plans. Jim Griffin said we have two heating univents and a split system for supplemental cooling and the two practice band rooms have exhaust fans. Jim Griffin said also in the report from the State it says the staff should not rely on the mechanical and open up a window and that is part of what the superintendent told the staff.

Cathy Bowes asked if David Twombly got this Griffith & Vary letter. Troy said he would make sure he gets a copy of the letter but David was present for the walk thru.

David Walsh said at the last meeting, after the tour of Jacobs, he noticed at the high school, there are three small steps coming up off Main Street before you cross to get to the main entrance. There is a pvc pipe that looks like maybe a sprinkler pipe that runs across the first step that is about 1 1/2" in diameter and that the stairs had to either be poured around it or more likely the pvc was run directly across the first step. He said it's a lawsuit waiting to happen. Regardless, there is a pipe running across the front steps that cannot be left there between the street and the school on the island between Main Street and the school. Peter said he would check it out.

5. Fiscal Report:

- Warrant #482 was presented to the Committee containing seven invoices for the Jacobs School totaling \$2,141.19. *PMA has reviewed and approved these invoices.*
 - One invoice from PMA in the amount of \$847.69 for testing services performed by Briggs Engineering.
 - One invoice from Ai3 in the amount of \$828.00 for structural tests and inspections performed.
 - Three invoices from David Reinks totaling \$225.00 for videotape/cablecast services during the 4/12, 4/26 and 5/10 School Building Committee meetings.

- One invoice from FedEx in the amount of \$15.50 for shipment of submission #6 to the MSBA.
- One invoice from WatchAll in the amount of \$225.00 for the exterior rodent control performed on May 4.

Dr. Silva made a motion to approve Warrant #482 in the amount of \$2,141.19. Paul Dunphy seconded the motion. All approved Warrant #482 in the amount of \$2,141.19.

- Warrant #483 was presented to the Committee containing four invoices for the Jacobs School totaling \$46,819.00. *PMA has reviewed and approved these invoices.*
 - One invoice from the Hull Times in the amount of \$420.00 for two newspaper ads for the FF&E bid (\$320) which is being charged to furnishings and one ad for the commissioning agent (\$100) which is being charged to Owner Administrative costs.
 - One invoice from Charles River Movers in the amount of \$599.00 for moving boxes and tape approved by the Committee at the 4/12/07 meeting.
 - One invoice from Jodi Trubia in the amount of \$3,000.00 for the building liaison services.
 - One invoice from CBE Technologies in the amount of \$42,800.00 for CCTV work performed by Brander Alarm. Judi Saide has verified the work performed and approved this for payment. Judi has also included a memo attached to the warrant explaining what she has approved.

Phil Lemnios made a motion to approve Warrant #483 in the amount of \$46,819.00. Dr. Silva seconded the motion. All approved payment of Warrant #483 in the amount of \$46,819.00.

- Warrant #479 was presented to the Committee containing two invoices for the high school totaling \$13,081.45. *This warrant was originally presented to the Committee on 4/12 and was put on hold.*
 - One invoice from Architecture Involution in the amount of \$8,742.50 for additional services from March 1 thru March 31. *This invoice will be added to the back charge list.*
 - One invoices 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.

John Reilly asked what the architectural fees were for during March. Troy Randall responded it was for punch list review and oversight at the high school ***Dr. Silva made a motion to approve Warrant #479 in the amount of \$13,081.45. Phil***

Lemnios seconded the motion. Pat Finn said services from March 1 thru March 31 there were 100 hours, that is like 25 hours a week Ai3 is putting in down there. Troy Randall said that is accurate, although there is not a lot of work is going on on-site there is a lot of work related to the roof correspondence and meetings with Vertex Engineering to review proposed Change Orders and discussions and correspondence with attorney Garrity, attorney Lampke and CTA regarding work they did during March and April. There is definitely work being conducted by both Scott Dunlap and himself. Pat Finn noted it is 22 hours per week for the Project Architect on the high school roof. John Reilly said he brought it up because we are frustrated dropping \$20,000 a month on attorney fees, architect fees and this has been going on for four years and it is wearing on all of us. Jay Meschino asked why the legal invoices are not being added to the back charge list. John Reilly said we cannot back charge for costs to defend ourselves. Phil Lemnios said he has been advised by counsel that under the American jurisprudence system we are not able to recover legal fees. John Reilly added we are not questioning the voracity of the bills, it just the frustration of spending our own money years later. ***The motion was approved 9 to 1 (Pat Finn).***

- Warrant #484 was presented to the Committee containing five invoices for the high school totaling \$19,811.25.
 - Two invoices from Garrity and Knisely totaling \$3,283.75 for legal services performed during March (\$2,081.25) and April (\$1,202.50).
 - One invoice from Ai3 in the amount of \$1,427.50 for additional services performed from April 1 thru April 30. *This invoice will be added to the back charge list*
 - Two invoices from Prescription Turf totaling \$15,100.00 for the infield work the Committee approved on March 22, 2007.

John Reilly questioned the source of funding for the infield work. Troy Randall said that was identified with the bonding company and will be a credit change order for the amount actually incurred. John Reilly asked when we would get the money for that. Phil Lemnios said you won't actually get money, you'll get a credit. John Reilly stated he still doesn't understand this. Troy Randall said it really is a credit change order to the bonding company and they are responsible the cost the Town incurred to do that work so that will be in process so the committee will receive a credit for that amount. Pat Finn said he would like to hear from Jim Lampke on this. John Reilly clarified Prescription Turf did the work and Partac is for the clay.

Phil Lemnios made a motion to approve Warrant #484 in the amount of \$19,811.25. Dr. Silva seconded the motion. All approved payment of Warrant #484 in the amount of \$19,811.25. The Committee approved 9 to 1 (Pat Finn).

- Warrant #485 was presented to the Committee containing nine invoices for the high school totaling \$26,180.40 for the deliveries of infield mix material, which the Committee approved on March 29.

Bill Dwyer made a motion to approve Warrant #484 in the amount of \$26,180.40. David Walsh seconded the motion. All approved payment of Warrant #484 in the amount of \$26,180.40. The Committee approved 9 to 1 (Pat Finn).

Pat Finn said he's confused and thought David Twombly said this was not part of our project. John Reilly said this is the infield clay mix and what we just talked about. Troy Randall said those are combined as one item. Dr. Silva added the Committee approved this and it was an emergency situation to allow the JV team to play ball. John Reilly added he has asked for that in writing from Bob Garrity. Attorney Garrity said that verbally to the Committee but he would like to get that in writing. Jim Lampke stated he has requested it but Bob Garrity is away for the next couple days. Jim Lampke noted Debbe Bennett recorded it very accurately in the minutes. Jay Meschino said in the future, the School Department is going to have to maintain this and keep adding soil. Jay Meschino asked if the credit that we would get for that work is already in this credit to Owner figure on the punch list. Troy Randall said that is not part of that list but there have been several documents that have gone back and forth between Ai3 and the bonding company related to the infield notifying them that the Town has solicited a number of contractors to perform the work. This is after they were originally notified last year that the infield mix was not in accordance with the construction documents. In turn, they said go ahead procure the services and proceed. They are in agreement with the process that the Town went through. *All approved.*

6. Town Manager's Report:

7. Superintendent's Report: None this evening.

8. Old Business:

- **Jacobs School**
- **Rentacrate – library move:** Phil Lemnios said he talked to David Twombly earlier today. This proposal is for plastic crates at a cost of \$520 to allow them to store all the library books for a 3-month period. Jodi Trubia asked if these are the same crates used during the summer, the tall carts that can be loaded on either side. Phil Lemnios said it is for standard crates and dollies. There are 7 standard crate dollies and 30 standard crates. *Paul Dunphy made a motion to approve the Rentacrate proposal in the amount of \$520.00 as presented. Bill Dwyer seconded the motion. All approved.*

- **High School**
- **Commissioning for high school and Memorial School:** Jay Meschino said he asked this be on the agenda when appropriate. John Reilly said it is too late for the Memorial School, it has been turned over to the School Department. With the high school he doesn't know what is still owed and it is probably too late there too. Paul Dunphy said it is never too late but that is something that Jim Griffin and David Twombly should weigh in on after we go through the process at Jacobs. If they see some good value in it. John Reilly said that might be cost driven as well. Jay Meschino said maybe it would be a good idea to develop an estimate. John Reilly asked Phil Lemnios to ask him for one. Phil Lemnios said first lets get Jacobs underway. Jim Griffin said maybe if there are specific systems that were a big concerns.

9. New Business/Submission of Agenda Items

- *High School Roof:* Jim Lampke informed the Committee there is nothing new since the memo the other day. They (bonding company) are soliciting bids and evaluating them and hope to have a proposal fairly soon in terms of a recommended contractor. Jim Lampke said he emphasized to them the need to move rapidly to do the work during the summer season and they are mindful of that. Paul Dunphy asked who is going to supervise that work. Paul Dunphy asked what oversight are we going to have. John Reilly said there are still details to work out and part of that is we should pay for that supervision and expenses we are incurring. Phil Lemnios asked if PMA could provide an estimate since they are in town right up the street from the project and it is a small item. Dr. Silva noted there is an Allerton Hill resident with roofing experience. Phil Lemnios said he would get a cost estimate from PMA. David Walsh noted there is a guy in Hull who works with Hartford roofing and worked on the high school. Paul Dunphy said we need full time management.

Dr. Silva made a motion to go into Executive Session to discuss strategy relative to litigation and not return to Open Session. John Reilly explained that on the agenda it appears as finances and generally that is not Executive Session material. However, this is actually posturing and negotiating with the bonding company. Jim Lampke said it is relative to our claims against the bonding company and their claims. ***David Walsh seconded the motion. All approved by roll call vote.*** Open Session ended at 8:45pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary