

**Town of Hull
Building Committee Meeting
Thursday, June 14, 2007**

In attendance:

Cathy Bowes/Committee Member	Debbe Bennett/Support Staff
Paul Dunphy/Committee Member	Jim Griffin/Support Staff
Bill Dwyer/Committee Member	David Twombly/Support Staff
Patrick Finn/Committee Member	Jim Lampke/Support Staff
Phil Lemnios/Committee Member	Peter Lombardo/Support Staff
Jay Meschino/Committee Member	Judi Saide/Support Staff
Kevin Richardson/Committee Member	Scott Dunlap/Ai3
Charlie Ryder/Committee Member	Troy Randall/Ai3
Dr. John Silva/Committee Member	Steve Rusteika/PMA
Jim Tobin/Committee Member	Scott Libby/PMA
Dave Walsh/Committee Member	

Absent:

Paula Delaney/Committee Member
John Reilly/Committee Member

The Building Committee meeting was held in the Selectmen's Office at Town Hall, and the meeting was called to order by Phil Lemnios at 7:00pm.

1. **Approval of Today's Agenda:** *Charlie Ryder made a motion to approve the agenda. Paul Dunphy seconded the motion. All approved.*
2. **Approval of Minutes:**
 - **May 24, 2007, Open Session minutes.** *Dr. Silva made a motion to approve the May 24, 2007, Open Session minutes. David Walsh seconded the motion. All approved. Judi Saide entered the meeting.*
3. **Owner's Project Manager Report:**

Scott Libby noted the project is 41% thru the time elapsed and 47% complete by contract value and it is trending ahead of the green early finish schedule bar. That is also reflected in the money spent and are now tracking for an early turnover. Next week the final inspection of ceilings in building C and D will occur which is the beginning stages of the certificate of occupancy. July is the expected phase turnover and they are working with the School Department to transfer personal belongings into the rooms. Scott Libby said there is no reason why that cannot begin during the second week of July. In mid-August the FF&E will be delivered and will keep on track for the school opening. Scott Libby said the goal is to

remove the existing roof on the existing building ASAP. The students are out next Wednesday and they hope to begin as early as next Thursday or Friday if the weather holds out. This will allow them to do the work in an unoccupied space and also get a jump-start on abatement of phase 2 and the early demolition. Scott Libby said the renovation phase by its own nature tends to be more difficult although they do not see any major issues ahead. He noted the early float will allow them time to deal with things that may come along.

Most activities in phase 1 are either ongoing or wrapped up. The roofing is complete and building C is near complete. Most of the tile in the corridors and bathrooms is complete. They are focusing on building D -- flooring and painting needs to be done but that should take 2 or 3 weeks to wrap up. The inspections are going well and most inspectors are pleased with the project. The Fire Marshall commented that it is one of the best jobs he has seen in 25 years. There were a couple of small issues that have come to light regarding the Fire Marshall's review and one may result in a small change order regarding extending the stand pipe. They will evaluate that with Ai3 in the next couple of days.

Change Order #5 will be presented tonight and the backlog of open changes is less than a handful. Of the items remaining, they account for less than \$10,000 of remaining exposure. To date they have issued \$52,880 in changes and the exposure number to date is \$44,777 and that includes the Change Order being presented tonight and accounts for about 1/3 of that value, leaving approximately \$10,000-\$15,000 in potential exposure. Scott Libby said if you recall from last month that exposure has gone down. They have been able to negotiate some potential cost exposure down; some Change Order Requests thru PMA and Ai3, they (TLT) agreed to drop and are not going to pursue extra money for some items. Some recent items that came up, the contractor has agreed to not charge extra for. Normally contractors want every nickel. This is an example of professional people working well together and not creating a war. The involvement of the town (David Twombly, Phil Lemnios and Charlie Ryder) has a lot to do with that. Things get resolved in a timely manner and time is money and everyone is trying to resolve things in a timely manner.

Scott Libby said regarding the budget, a lot has not changed since last month except the exposure has gone down. There has been 22% of contingency consumed either thru executed changes or potential changes, which is very healthy. His goal is to hand back as much of the contingency as possible. The project is financially healthy, the schedule is healthy and TLT has been very cooperative with schedule reviews and complying with specification requirements for the schedule and it has become a tool for everyone to use on the project. He noted the Committee now receives this report a couple days in advance and thinks that is working out nicely and he asked that if the Committee has any questions on the report to e-mail him ahead of time.

Pat Finn said under Change Order status, the third down says Change Order issues to architect is one and asked if that is anything. Scott Libby said TLT responded a couple days ago with Change Order pricing and they were asked by Ai3 to review and revise that proposal. Phil Lemnios asked if that means it is an open Change Order and not ready for

processing. Scott Libby said that is correct. He added the turnaround time by Ai3 is impeccable and the typical turnaround of RFIs is one day and turnaround time on Change Orders is less than a week. Scott Libby said based on other jobs he has worked on there are backlogs of hundreds of issues. Pat Finn said he brought it up because of how it is written. Scott Libby said that is based on the log he keeps that he has reviewed these with Charlie Ryder and Phil Lemnios on the site. There are some committee members who are part of the process before it comes here who know why it is necessary.

Pat Finn asked if phase 1 will be complete on August 23, 2007 and phase 2 will be complete on August 22, 2008. Scott Libby said he see no reason why that will not happen. As long as everyone maintains a positive attitude and works through him that will happen. If they get diversion oriented and don't make timely responses he cannot guarantee that. Phil Lemnios said the way it is going now, it is ahead of schedule and budget and going along well.

Paul Dunphy asked for a comment on the Commissioning. Scott Libby said Steve DiGiacomo came to his first job meeting and introduced himself. As a result, Steve feels his time would be better served not attending those meetings. He will compile a list of problems he sees that will be run thru Scott Libby, David Twombly and Ai3. There is a lot of catch up for him to do. At this point he has reviewed the site and has issued a list of comments today and Scott will review them with Ai3 and David to determine what to do. It may warrant meetings with the particular trades. He (EMA) agreed that the interim technical meetings are probably better served for him. He is onboard and knows the leadership and the channels of communication. Paul Dunphy asked Scott if he would be evaluating his progress. Scott Libby said he had not planned on it and it would be difficult for him to do. David Twombly said EMA did give them a commissioning agent logbook and they will talk about that at Tuesday's construction meeting. Going forward they will bring Steve DiGiacomo in maybe once a month or so and give the Committee updates.

Jodi Trubia asked about them ripping the roof off by next Thursday. She said 80% of the teachers are not packed yet and were told they would have next week to do it. Scott Libby clarified they would be taking off the roof interface at the transition point from the new to the first six classrooms and it is not the entire roof. Phil Lemnios asked if it would affect classrooms. Scott Libby said no it would not, this is needed to finish phase 1. Phil Lemnios said the roof is not over occupied rooms. Debbie McCarthy wanted to give a heads up that several teachers are planning to be in the building on Thursday and Friday. Phil Lemnios said we would make sure it is coordinated. Phil Lemnios said the sections being removed are not over occupied rooms and will not affect staff in the building. Jodi said they abut it and there will be teachers in the rooms that abut it with noise and dust. Scott Libby said there should be no impact on them, it is a steel roof deck that will remain, it is just the membrane and insulation that is coming off. Phil Lemnios said, nothing will fall down or fall through. Scott Libby added there is no plaster. Phil Lemnios asked them to be more sensitive to that. Scott Libby added this is weather dependent and they will discuss it again on Tuesday but they would rather do the roof in the summer.

Jay Meschino asked what is the plan for the gravel and stone on the roof and is there any value in using that in the courtyard. Phil said it is likely scheduled to be removed from the site and disposed of. David Walsh said if it is the type of roof he believes it is, it is a tar and gravel roof and underneath is "pitch". He said when you start digging that up and get the dust up, he is pretty sure you'd get burning eyes. If that is what it is, he would not want to put it anywhere with kids. When stripped, it mixes with the pitch. Phil Lemnios said the short answer is it is scheduled to be removed from the site. The concern that could arise is it could become contaminated and we would not want to put it on a playground where kids would play.

4. Architect Report:

- **Jacobs School**

- **TLT Application for Payment #11:** Troy Randall said in the packages is a copy of Payment Requisition #11 from TLT for the month of May in the amount of \$1,714,071. Phil Lemnios noted it is encapsulated in Warrant #486. Troy Randall said this brings the percentage of construction complete to 48%. He said PMA and Ai3 have reviewed it and recommend payment of Application for Payment #11. It was noted this would be approved with warrant #486.
- **Change Order #5:** Troy Randall noted this is also included in the packages. It is in the amount of \$22,481.00 and includes nine items. The first item is COR 16, which resulted in the removal of casework along the exterior walls to accommodate some moveable computer desks in the kindergarten classrooms and resulted in a credit of \$3,072. COR #26 is in the amount of \$1,666 for modifications of the main office area and some electrical work there and also within one reading recovery classroom, which resulted from modifications during FF&E programming. COR #28 is for modifications to the exterior wall in some locations, which is the result of some moisture problems in schools in Massachusetts. The manufacturer has modified some of the detailing connections to the unit ventilators. This resulted in some additional framing required at the exterior wall and that is in the amount of \$13,432 for the change. COR #30R, is to furnish and install metal framing at the gym canopy. This is the result of a bond beam modification, which is a concrete beam acting as a lintel and changing that to a metal stud back up. This is a \$536 modification in lieu of putting in a steel beam in that location. COR #32R is for the knox box relocation for the first phase and relocation of the alarm annunciation panel during phase one. This goes back to when the electrical engineer and fire chief were talking about the occupancy sensor details, and that is in the amount \$3,208. COR #38 is to install a folding partition in the OT/PT area due to spacing of structural steel, the manufacturer recommends using a few additional pieces of steel there and it is in the amount of \$2,413. COR #39 is for metal studs and a GWB soffit to enclose HVAC pipe at the elevator control room. Above the elevator control room on the second floor there is a custodian space where there is unit. The piping serving

that unit goes through the elevator control room below and as a requirement of code, the GWB soffit had to be provided. Troy Randall said typically they would reroute it but due to structural steel and other pieces of equipment, they were unable to do that. This change is in the amount of \$309. COR #41 is a field cut and reconnecting of a prime finished doorframe. They had to modify some mechanical, electrical and plumbing piping within the corridor dropping a soffit resulting in a modification of that door frame in the amount of \$1,090. COR #42 is to provide additional disconnect switches at the top of the elevator hoist ways. The elevator manufacturers are finicky with their requirements once their equipment is being installed and they required a disconnect switch as a safety precaution at the top of the two elevators. This resulted in an additional cost of \$2,495, bringing the total for Change Order#5 to \$22,481.

Paul Dunphy asked for an explanation and further detail for relocating the knock box and asked if we are buying a new one. Scott Libby said they met with the Fire Department for two hours and as a result of the phasing they asked for those modifications to accommodate them getting into the building during the incomplete stage. They asked that it be relocated over by the trailer and this is that change as well as some annunciator panel changes. The original cost proposal was \$10-15,000 and they met again a few days later to give them what they needed but in a different way resulting in less cost impact but allowing them the access they require. Scott Libby noted this came at their request. Paul Dunphy asked if this is going to be relocated to the new entrance and then taken out. Scott Libby said that is correct, we needed this in the interim. Paul Dunphy said we are not paying for this twice.

Paul Dunphy asked where is the back up for the disconnect switches because that price is outrageous. This is in COR #42, the price is \$2,495 to add two disconnects. Scott Libby said the engineer received a memo from the contractor and this is based on the labor rates the elevator operators get; they charge a day's rate for a few hours of work. It is the nature of the business because they were not currently on site. Scott Libby said the elevator is going very well and there does not appear to be any loose ends. The only issue that came up was the fire rating on the machine room doors. This is something new coming up on projects. That will be a small change coming. He said the elevators are critical to the project. With regard to the cost for the switch, there are two and three tier markups and that elevates the prices. A three-tier sub can result in a 23% markup. The reviews by Ai3, PMA and the engineer found it to be reasonable. Some adjustments were made to the original proposal. Paul Dunphy said he thinks it's outrageous. Scott Libby said there is a thorough review done and maybe we should talk about how to handle these types of things going forward.

Pat Finn said Paul is our resident expert. Scott Libby said that is Paul's opinion and he thinks it is fair and reasonable. Phil Lemnios said Paul commented that

the price was exorbitant but he doesn't think Paul is making that comment relative to PMA's qualifications. Paul Dunphy agreed, he said what Scott explained is the reality of public work and prevailing wage. Paul Dunphy said he is not used to seeing that. Scott Libby said he personally gets offended given the time and effort he puts into this. He said the rates are in compliance with MGL rates. The rates are what they are and sometimes we split the hours. Scott Libby added there is no merit in fighting over \$150 when the team, as a whole, makes \$600-\$700 and you have to stop the bleeding.

David Walsh questioned the credit for the removal of the bookcase and shelving. He said we have the pricing of the material and labor breakdown, but exactly how much footage of open shelving has been removed and is the \$3,000 reflective of the price of what would have gone in. Scott Dunlap said it is a relatively simple 12" deep shelf and it ended up about \$68/linear foot, which was reasonable. Scott Libby added when they first got this, he only put a credit of \$1,500 against it so when \$3,000 came in they thought it was good.

Charlie Ryder made a motion to approve Change Order #5. Dr. Silva seconded the motion. All approved.

- **Gymnasium Center Court Logo:** Phil Lemnios stated there would be some ground rules and this has to be chosen tonight. He said the Committee has had multiple discussions on the merits of each logo and he will give everyone one chance to do their pitch.

Happy Pirate: Cathy Bowes said she feels the smiling pirate is age appropriate for the Pre-K thru grade 5 elementary school students.

Dagger Pirate: David Walsh said he knows we are talking age appropriate and we put a happy pirate at the middle school. He noted the Pirates of the Caribbean are big grossing movies and have been seen by this age group. This is another full-size gymnasium and at some point in time it could host boys and girls high school basketball and the pirate is the town mascot. Dr. Silva agreed. Jay Meschino said he prefers this pirate and he doesn't think for this age group that pirate infers anything other than it is a pirate. Pat Finn agreed this pirate is good. Dr. Silva added this pirate has been modified, they removed the drippings.

Lighthouse Logo: Paul Dunphy said since he brought it up he wants to note they did a nice job on this one and he added this is the type of thing that was in the old Damon School and as a compromise he said if we could work that into the main entrance of the Jacobs School it would be a nice tie in.

Town Seal: Phil Lemnios asked if anyone was in favor of the Town Seal. None noted.

All in favor of Option 1: One in favor (Cathy Bowes)

All in favor of Option 2: Ten members in favor. David Walsh asked if it would be appropriate at this time, to be consistent, to at some point in time change the logo at the Memorial School. Phil Lemnios noted that is outside the scope of this meeting.

- **Dedication Plaque:** Phil Lemnios noted at the last meeting the Committee requested that some names be added. Cathy Bowes requested that the professional designation be added after Paula Delaney and Kathleen Tyrell's names. Phil Lemnios asked Ai3 to verify this with the individuals. Dr. Silva suggested for consistency purposes maybe his professional designation of D.D.S. should appear after his name rather than Dr. John A. Silva. Pat Finn noted the rededication date of 2008. He said in light of what happened at the high school he wants to make sure that date is correct. Phil Lemnios said we just heard it would be done by August 2008. Pat Finn asked what we are going to do about the high school. Phil Lemnios noted that would have to be under new business at another meeting.

Kevin Richardson made a motion to approve the dedication plaque as presented with the changes noted. Dr. Silva seconded the motion. All approved.

- **Other:** None this evening.

5. Fiscal Report:

- **Warrant #486** was presented to the Committee containing seven invoices for the Jacobs School totaling \$1,757,130.70. *PMA has reviewed and approved these invoices.*
 - Two invoices from Ai3 totaling \$18,450.94 for professional services during May (\$18,371.31) and reimbursable expenses (\$79.63).
 - One invoice from PMA in the amount of 19,263.34 for project management services during May.
 - Payment Requisition #11 from TLT Construction in the amount of \$1,714,071.92 for construction costs through May 31 at the Jacobs School.
 - One invoice from David Reinks in the amount of \$60.00 for videotape/cablecast services during the 5/25 SBC meeting.
 - One invoice from Hull Public Schools in the amount of \$5,000.00 for recording secretary services approved by the SBC on April 29, 2004.
 - One invoice from Charles River Movers in the amount of \$294.50 for the boxes and tape needed by the teachers to pack up for the move.

Kevin Richardson made a motion to approve Warrant #486 in the amount of \$1,757,130.70. Charlie Ryder seconded the motion. All approved Warrant #486 in the amount of \$1,757,130.70.

- **Warrant #487** was presented to the Committee containing two invoices for the high school totaling \$2,180.00. *These invoices will be added to the back charge list.*
 - One invoice from Ai3 in the amount of \$1,690.00 for additional services from May 1 thru May 31.
 - One invoice from Gale Associates in the amount of \$490.00 for services performed during April relative to the high school roof.

Pat Finn said the last time we had a sense of not paying any more high school expenses. Phil Lemnios said he does not believe that was the motion or the sense. We talked about where we were financially and we have news that the roof has been approved which Jim Lampke will talk about later but these are regularly occurring expenses not something that would be payable to the contractor. It was noted these expenses were accounted for in the recap of the project. Paul Dunphy noted there is no description on the Ai3 invoices that anyone can be held accountable for. Going forward he has asked Ai3 to give more detail with what was worked on. Scott Dunlap said as result of that request they forwarded a letter detailing what their monthly assignments are during this period, although there is nothing on that specific invoice. Paul Dunphy said it might be important down the road. Phil Lemnios asked Ai3 to, in the future, attach as much detail as possible to invoices related to the high school. Pat Finn said he thought we were not going to pay these types of invoices. Phil Lemnios said we received a letter from Attorney Garrity relative to punch list items and the process by which we pay these if the town cannot get the bonding company to do the work. If the bonding company is non-responsive, the Town gets the work done and holds the amount against the settlement agreement. Dr. Silva suggested Ai3 inform their billing services to cc: the invoices to Phil Lemnios not Chris McCabe. Pat Finn said that addresses construction services but this invoice is for overhead and administrative costs and goes toward liquidated damages and that is why he brought it up. Phil Lemnios said duly noted.

Dr. Silva made a motion to approve Warrant #487 in the amount of \$2,180.00. David Walsh seconded the motion. The motion was approved 10 to 1 (Pat Finn) for payment of Warrant #487 in the amount of \$2,180.00.

6. **Town Manager's Report:**

- **FF&E Installation Management:** Phil Lemnios noted there were several questions that came up relative to FF&E installation. One question was what was PMA's contractual responsibility for FF&E installation. He noted Jim Lampke has had several conversations with PMA and there are still issues in the works and dispute about the obligations. That determination is not concluded this evening and members of the Committee have differing opinions. Phil said his recommendation is, since this is such a critical item, that we hold that aside and the Town will reserve all rights in the matter but

will go forward with the second part of the discussion which is whether or not to use ICD or to use Jodi Trubia both of whom submitted proposals. There was a question about whether there was an upset limit in the ICD contract. They did respond back and there is an upset limit, an absolute dollar cost of \$25,327. Phil added there was some vagueness of what hourly meant and he distributed this to the Committee members and added this is a not to exceed amount of \$25,327. Phil Lemnios said Jodi Trubia has submitted a proposal for \$20,000 and there were some open questions relative to insurance coverage and her ability to perform the work due to her status as an employee of the School Department and as a representative of the School Department to the project. Jodi Trubia said after speaking to Jim Lampke she wants to withdraw her proposal since there seems to be a conflict of interest. Phil Lemnios thanked her for that. He said that leaves one proposal that would be contracted though Ai3 and there would be no additional cost other than what is in this proposal. He said because the project is progressing as it is, we have to make a decision on this item this evening. ***Paul Dunphy made a motion to direct Ai3 to evaluate this contract, provide these services and make a move towards hiring this company (ICD) with a not to exceed amount of \$25,327. David Walsh seconded the motion.***

Pat Finn asked why we did not go out to bid on this and why Ai3 should hire this company when our project manager could hire them since we thought it was in their contract. Phil Lemnios asked Jim Lampke to speak to if there is any benefit or detraction to having PMA hire this company. Jim Lampke said not that he can see, if we are reserving all rights. Steve Rusteika said there is a consistency issue; Ai3 has been working with ICD all along. Scott Libby added there is no pass through mark up, Ai3 has agreed to that. Phil Lemnios said the rational is Ai3 had the initial responsibility for the FF&E bid documents and have an established relationship with ICD. There is no additional mark up to the project as the result of running it through Ai3, whereas we do have an open question with PMA and this may further cloud that issue. One rational may be to keep these issues apart.

Jay Meschino said he is not sure he understands. There is an open question on if PMA is responsible for it but we are going to vote to hire someone. Phil Lemnios said the Town would still reserve their rights to address that question. Pat Finn said Town Counsel just gave a legal opinion that there is no difference if Ai3 or PMA hire this consultant. It was our understanding that it was PMA who would oversee it. ***Pat Finn made a substitute motion to have PMA hire ICD.*** The motion was not seconded at this time.

Phil Lemnios noted there is the primary motion on the floor made by Paul Dunphy and seconded by David Walsh.

Jim Tobin asked if we find out later that PMA does have some responsibility and there is overlapping of responsibility, could we look at a different figure. Phil Lemnios said it would be treated as a deduct from payment to PMA independent of this. Jim Lampke added he received an e-mail from Steve Rusteika today that says PMA is not providing

any of the services that would and should be provided by ICD. So he thinks what they are saying is PMA believes there is no overlap of services.

Dr. Silva noted page 5 of Jim Lampke's memo sites MGL, that estimates between \$5,000 and \$24,999 require solicitation of at least three proposals. Phil Lemnios said they did raise that issue and asked Town Counsel to address it. Jim Lampke said as indicated on page 5 above that paragraph for the high school we did look at it in terms of hiring someone separate or as an amendment to Ai3's contract. Similarly here, the Town can do this as an amendment to Ai3's contract. The discussion he has there regarding Chapter 30b is that alternatively the town could go out with an RFP for these services and if it is under \$25,000 you need three quotes. If it is estimated over that, you have to do certain advertisements. It sounds like the Committee is not going with that option and will have it as an additional service with Ai3 who we already have a contract with.

Jay Meschino said he would like to second Pat Finn's substitute motion to direct our owners project manager to hire ICD. *Jay Meschino seconded the substitute motion.* Steve Rusteika noted if it does go through their contract they would charge a mark up. Phil Lemnios noted with that mark up, it would cost an extra \$2,500 to go through PMA. Jim Lampke said there are all sorts of ways to look at this. PMA has acknowledged that they have some involvement with FF&E and exactly what the involvement is may be a bit unclear but scheduling is part of it. Having them hire the company they are going to be coordinating with may be a little problematic and not the best way to go about doing that. Jay Meschino said his reasoning is, if they do own that portion then maybe it is already in that contract and we won't be receiving that \$25,000 bill and it is already included in their monthly billing to us.

Paul Dunphy said he has been involved with projects for most of his career and he has never seen a project manager take on this responsibility. He said they (PMA) have been consistently clear from the beginning -- in every discussion in the committee chambers -- that it does not belong to them and he believes it does not belong to them. He said to continue this would be counter-productive to what is going on with this project. Pat Finn said he is not trying to be difficult, he is just trying to straighten this out. He said he would ask them (PMA) to accept his motion and take it on themselves. The sense of this board was we wanted to hire a professional company with a large contract to handle these things for us and he is asking them to hire this consultant and we will work it out later. Steve Rusteika said he still believes it would be more efficiently run through Ai3 since they were coordinating this from the beginning. Scott Libby added PMA did not participate in any of the meetings with teachers and staff. Ai3 and ICD worked with the School Department. Had they known, they would have been more involved with the technical aspect of it. Judi Saide said ICD, Ai3 and the School Department have worked closely together and it would cause a lot of confusion to put it in another area at this point in the project.

Phil Lemnios said with regard to the substitute motion to have PMA assume the responsibility to hire ICD. ***The vote was 2 in favor 9 opposed. The substitute motion failed.***

Phil Lemnios noted the previous motion was by Paul Dunphy to have ICD contracted through Ai3 for the purpose of FF&E with a not to exceed figure of \$25,327. Jim Lampke said as part of that motion it should include that the Town reserves all rights relative to FF&E and the contract with PMA. Paul Dunphy said he did not make that part of his motion. ***Pat Finn amended the motion to include that the Town reserves all rights relative to FF&E and the contract with PMA. Dr. Silva seconded the amendment.*** Pat Finn said he would like to reserve our right to back charge PMA for those services. Jay Meschino said he wonders if Jim Lampke can explain that further and why it has to be part of the motion. Jim Lampke said it is appropriate to be part of the motion so it is clearly part of the record and part of the official determination by the Committee that this is how they want to proceed.

Paul Dunphy said he does not understand why we are giving Ai3 an order and attaching belt and suspenders in the name of PMA. He said it is totally separate. Phil Lemnios asked Paul if he would be more comfortable with separate motions that say the Town reserves all rights with PMA regarding the FF&E installation and contractual dispute. Paul Dunphy said he would vote on that. Phil Lemnios asked Town Counsel if he was okay with that. Jim Lampke responded yes, as long as that vote is first. ***Pat Finn withdrew his amendment. Dr. Silva withdrew his second.***

Phil Lemnios called for a vote on Paul Dunphy's motion in accordance with the proposal dated June 13 by ICD. ***The vote passed 10 to 1 (Pat Finn).***

David Walsh made a motion that the Town reserves all rights relative to the FF&E issues and PMA on this project. Pat Finn seconded the motion. Paul Dunphy said he would like to repeat that he wants this ended tonight. He said it is absolutely counter-productive to what is going on up there. He does not want any more time spent on it by Town Counsel or the Committee. Pat Finn said it is not counter productive to protect the town's rights under the contract.

Charlie Ryder said he brought this up originally. When we hired PMA it was very important that they handle the FF&E because we had gone through two schools already and it was done poorly. We left that in the hands of Chris McCabe to contract that with Steve Rusteika of PMA. We did not follow up on that and we did not realize it was not included. It is not in there. We are having an exceedingly good project and a good relationship with PMA and we need a professional person to do it. We have ICD who has come in with a reasonable proposal. They set up the standards and will follow it all the way through. Charlie Ryder said he agrees with Paul Dunphy that we should end this tonight and not hold PMA responsible for it. David Walsh said in principle he agrees with Charlie Ryder and Paul Dunphy and in theory we can end this tonight but this

motion is a just in case and there is no harm in that. David Walsh said it is like life jackets in an airplane it is something you pray you will never have to use. It is no reflection on anything. Jay Meschino said he wants to clarify his position, he thinks it is complementary for us to want them to do it because they are doing such a good job. His previous vote is in no way meant to be a negative towards them. They are a professional company and we should be able to question things and go back and review it. When we get to a point where we are not willing to question things we are going in the wrong direction.

Phil Lemnios reviewed, the committee voted to put the FF&E contract in place with ICD. The motion by David Walsh was to reserve the Town's rights. *The motion passed 7 in favor and 4 against (Cathy Bowes, Kevin Richardson, Charlie Ryder and Paul Dunphy).*

Phil Lemnios asked if there were any other questions for PMA. Pat Finn thanked them for doing a good job. Phil Lemnios said in his observation, the Town has been very well served by PMA. They have done an excellent job managing the project to date as well as Ai3 and occasionally the Committee should take the time to recognize that. *Pat Finn made a motion to recognize PMA and Ai3 for the excellent job they have done for the Town thus far. Dr. Silva seconded the motion. All approved.*

7. Superintendent's Report:

David Twombly informed the Committee that they would start the repairs to the football field on Monday. They will loam and hydro seed between the hash marks all the way down the field. The same company will also start work on the courtyard at the high school on Monday. The installation of the partitions in the library at the high school for the pre-school will begin next week as well.

8. Old Business:

- **Abutters/landscape architect meeting:** Scott Dunlap said when the retaining wall is installed they will meet with abutters to do a visual observation and talk about proposed solutions. Jay Meschino asked if a notice went out. Scott Dunlap said the wall is currently scheduled to go up in mid July. Scott Dunlap said when the wall is complete they will come before this committee and let the committee know and they will advertise it or report it however the Committee would like. Phil Lemnios noted that the abutters meeting wouldn't likely be until August. Pat Finn said he thought that was it tonight and he wanted to set a budget for the landscaping improvements. Phil asked that that be added as an agenda item but only when Scott Dunlap comes back to say the wall is in and they are ready to schedule that meeting. Jay Meschino said don't you have to hear from those people before setting a budget. Phil Lemnios said that is a chicken and the egg scenario. There should be some understanding of what is a reasonable financial parameter before the abutter meeting so they know what resources are available. That

might help guide the abutters' thinking on what type of landscaping to use as opposed to a blank check. Pat Finn said he would rather not pay the architects and landscape architects; he would rather pay whoever is going to do the work. He would rather set a budget for the abutters to get a landscaper. Phil Lemnios said this would be an agenda item for a future meeting.

Bill Tramontana asked if after that retaining wall goes in, would it be graded also so they can see what can be planted there. Scott Dunlap said their intend was to have just enough work done there, including the grading, to let everyone look at it. The wall is a major piece of it. Yes, it will have the grading and surrounding area done. Dr. Silva said we are moving ahead of ourselves. Until the wall is up, it is hard to envision what you want there. Then they can decide what they want to put there but they have to physically walk it first then set a budget later. Pat Finn said the numbers could be scary when you get professional services involved -- the sky is the limit. It is simpler to set a budget and let this guy landscape his front yard because that is what it is going to be. Phil Lemnios said he would advocate continuing this at another meeting.

- **Trees at Janitorial Entrance:** David Twombly informed the Committee this item came up at the last meeting and the trees are definitely dead. He is not sure the custodial staff can cut them down. Jay Meschino said they are 40ft+ trees. David Twombly said so maybe the DPW can or it can be incorporated into the construction project. David Walsh said the trees, especially around the school, are an invaluable source of shade and are sound deadening. He said he drove by and there are three trees. Two are long needle pines and one of those is bright orange and there is also a maple that does not look healthy either. He had a landscaper working on his job look at them. If the trees are on Town property, he does believe there are laws governing this, that if they do come down there is a two for one replacement. Whether or not these laws are applicable he is not certain. However, because of the fact they are in the dumpster area and provide shade and deaden the sound of the trucks in the loading area, if they come down they should replanted. Also one of the pines looks relatively healthy and if we do take them down we need to find out if there is something wrong with the trees or the soil. David Walsh said he is advocating that if those trees do come down that they are replaced and if they do come under the law, that the applicable number be replanted -- whether it's two for one or whatever it is. Phil Lemnios asked David Twombly to verify if there is a two for one replacement bylaw and what the particulars of that are. He also asked he find out if they have to be replaced in the same particular area or someplace else. Phil asked if this would come up as an abutter concern and maybe roll this into the general abutter landscape discussion.

Debbe McCarthy said at the high school project there was a tree to be removed that was dedicated to her uncle Joseph Dunn. She believes one of these trees at Jacobs was planted many years ago in memory of a Campanelli boy but there was no plaque. She wants to make sure we do our due diligence before the trees are removed. Phil Lemnios told her any assistance she can give David Twombly in tracking that down would be

greatly appreciated. Dr. Silva said he remembers that. He also said David brought up some good points about the laws and that the soil needs to be analyzed to find out what happened. Peter Lombardo said those types of trees do drop their needles and one tree looks like it is not coming back. One tree does look dead and the other two do look like there is a mix of old and new. He suggests we leave them until we get to that point of the project. Dr. Silva said he believes the maple tree is the one dedicated. Mrs. Meschino said the maple was beautiful last year and wonders if it was stunted by the weather. She noted the buds started early with the warm winter but then the frost came. She added the pine is gone. Pat Finn said he was in second grade when the Campanelli tree was planted. Pat Finn added he mentioned last meeting and was serious when he said we have a tree doctor/arborist as the Director of the DPW, why hasn't he looked at it. Phil Lemnios said we could ask him to look at it. David Walsh said he knows the last highway superintendent also had the title of town tree warden but whether this applies to the new one he is not sure. The landscaper that he had drive by said you need to get an expert opinion and he is not sure they still do it anymore but if you cut off a limb and send it to UMass Amherst, they can tell you what's wrong with it.

Phil Lemnios asked that this be put on the general landscape meeting with abutters. In the meantime has asked David Twombly to contact Mark Fournier.

- **Transporting lunches to Jacobs:** David Twombly said included in the packages was some bids. He went to the Massachusetts State website to get bids on purchasing a van to transport lunches from the high school to the Jacobs School. During the high school renovation, North River Bus Company transported the lunches and charged approximately \$17,000 to do that. So he went on the Compass website and got a bid of \$15,469 to purchase a van and he contacted a local bus company to find out how much they would charge to pick up the lunches, transport them and then return the material to the high school later in the afternoon. The price they quoted was approximately \$21,000. David Twombly said the point being if we purchase a van, they can have one of the custodians drive the van and it will take about an hour and a half of his time but we would have a van to deliver the lunches and save about \$5,000.

Pat Finn said you are going to lose man-hours and he does not know if purchasing a van would be reimbursable. Pat Finn said if you need someone to pick them up why not put it out to bid and maybe some retiree in town who has a van would do it for a lot less and it would probably be reimbursable. David Twombly said Pat is right, purchasing a van is not reimbursable. However, he would caution against using a mom and pop operation because if they get sick or go away, we will not have lunches. He said we need to have someone reliable like the bus company or using the custodian staff. A mom and pop operation is probably not going to work in this case. Pat Finn said he was talking about a livery service.

Kevin Richardson suggested looking into leasing a van instead of purchasing one. David Twombly said he did talk to a person at MHQ who told him for some reason

municipalities cannot lease vans but he would look into it more. Cathy Bowes noted the proposal is for lunches but they serve breakfast as well and would that preparation be done at the high school. David Twombly said he talked to Tish Collins, the director of food services, and she did not mention that but he would talk to her about it and that could potentially be an additional cost. Dr. Silva said he is not in favor of purchasing a van at all, either lease one or got out to bid with the bus company. David Twombly said we have to get the lunches there one way or another, whether it is a van, private company or delivered by bus. That will have to come out of either the project or the School Department but the School Department was level funded. Cathy Bowes said the breakfast has to be added because there are over 80 students on free and reduced lunch. Jay Meschino said we definitely have to put this out to bid. He asked if the bus company bid includes breakfast. David Twombly told him it was just lunch. Jay Meschino said this would not be reimbursable either.

Phil Lemnios asked the Committee if they feel this is the responsibility of this project to pay for the cost to have the lunches delivered to the Jacobs. The fact that lunches need to be delivered is a direct and proximate result of this project. The Committee agreed. He said, therefore the cost is a project cost not a School Department operating cost. The Committee agreed. Jim Tobin said it really doesn't matter if it is reimbursable or not. Phil Lemnios asked David Twombly if he is aware of any way this activity could be reimbursable. Phil Lemnios asked if the MSBA does provide in this situation a mechanism for reimbursement. David Twombly said is he not aware of any way to get reimbursement, it did not get reimbursed for the high school. Paul Dunphy said the SBC should not be discussing this and suggested the School Committee discuss it and send us the bills. Phil Lemnios said it seems it comes to three options, to put the service out to bid for breakfast and lunch. We need to make sure they are reliable and there is some redundancy in who makes the delivery, and in case the van breaks down or the person cannot make it. The second option would be to purchase a van outright and at the conclusion of the project that vehicle would become the property of the Town and the SBC would ultimately decide to which department that vehicle goes. The third option would be to get the cost to lease a van for one year. Phil asked David if he could assign a custodian to do this work and if there would be any additional labor cost. David Twombly said at the Jacob they have a head custodian and a floating custodian who could do the deliveries and periodically they could get a substitute if necessary to get the coverage.

David Walsh said he agrees it should be put out to bid but if it gets down to leasing or purchasing a van he doesn't think it would hurt to get creative and approach a dealer like Weber Dodge or Quirk to see if they would consider knocking down the price in exchange for advertising on the side of the van something like "Quirk Ford helping deliver lunches". It could be a driving billboard. Phil asked David Twombly to come back with the three options by the end of July.

Pat Finn said we find out about these things when it is too late to go out to bid. Phil Lemnios said it is not too late; the first lunch will be delivered after Labor Day. Phil Lemnios added David went to the State bid list to get pricing to purchase a vehicle which is a document prepared by the State to get the best pricing. The purchase would be under \$25,000 so we would only need to get three quotes.

- **Phase 1 Move:** David Twombly said he tried to get three bids to do the furniture move from the existing to the new building. He was a little late contacting Daley and Wanzer and they were not able to get the bid in today. He did get quotes from McKee and Charles River and that was included in the packages. If the custodians did the move of the pre-school that would bring McKee's quote down to \$7,700. He prefers to go that option if the Committee agrees. The reason they would prefer to use professional movers is because they thought it was only going to be about 10-15 boxes per classroom but it is a much higher number even though they have thrown out a lot. At the kindergarten thru grade 5 level they have a lot of boxes. Although the cost is about \$7,700 if one of these custodians gets hurt that cost will multiply. David Twombly recommended accepting the proposal from McKee for \$7,700 and have the custodians move the pre-school. Dr. Silva said he has a problem giving this task to the custodians and would prefer to award it to the low bidder, McKee. *Dr. Silva made a motion to award the move to McKee Movers in the amount of \$8,800 including the pre-school. David Walsh seconded the motion.* Pat Finn said he would like to ask Town Counsel if we can award this when we have received only two quotes. Jim Lampke said the regulations require you to solicit three written or oral quotes. For values of \$25,000-\$100,000 you have to advertise once in a general circulation newspaper. *All approved the motion.*
- **Marker boards for pre-school:** David Twombly informed the Committee that marker boards are needed for the three pre-school rooms that are being relocated to the high school at a cost of \$265. *Phil Lemnios made a motion to allow them to purchase the needed marker boards at a cost of \$265.43. Cathy Bowes seconded the motion. All approved.*

9. New Business/Submission of Agenda Items:

Jodi Trubia asked when the moving boxes would arrive. David Twombly said they should be there tomorrow, they have been ordered.

Pat Finn asked that the seven-page memo from Jim Lampke for Executive Session be put on an agenda for an upcoming meeting.

Phil Lemnios noted the abutter landscape meeting would be put on an agenda once the retaining wall is in as well as an update from Mr. Twombly relative to transporting the breakfast and lunches.

Peter Lombardo said he was asked a couple meetings ago to look at a pipe at the high school, which he did. It is a sprinkler pipe and he will talk to David and Troy about it.

High School Roof Update: Jim Lampke informed the Committee that the bonding company is moving forward in soliciting bids and they are working with a contractor to iron out a contract. Until the contract is signed they do not want any of the details revealed publicly. Troy has looked at the scope of work and Bob Garrity has looked at the information. We are trying to get a specific start date but they have only given a completion date of September 2. He hopes at the next meeting to be able to report back who the contractor is and what the start date will be. Charlie Ryder asked if we have the right to qualify the contractor selected to do the roof. Jim Lampke said not really. He said only if our independent review determines they are incompetent or not doing a good job. Under the terms of our contract, we did not have the right to qualify at the time of the original contract, they hire the sub contractor.

Paul Dunphy said if they hire a contractor in the near future for the roof, we are going to need some oversight -- someone to be a project manager. Phil Lemnios asked if he wants us to solicit quotes or simply add it to the agenda. Jim Lampke said the Committee could authorize the Town Manager, if appropriate, to find someone to do that. He said he has had a conversation with the bonding company about it but has nothing definitive to report on it. They (the bonding company) intend to have Vertex oversee the work and we may want to consider some oversight. Jim Lampke believes the Town Manager requested PMA give a quote for periodical checking. Phil Lemnios said they would get a quote from them.

Paul Dunphy made a motion to adjourn the meeting. David Walsh seconded the motion. All approved. The meeting adjourned at 8:59pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary