

Town of Hull
Building Committee Meeting
Thursday, July 26, 2007

In attendance:

Cathy Bowes/Committee Member
Paul Dunphy/Committee Member
Patrick Finn/Committee Member
Phil Lemnios/Committee Member
Jay Meschino/Committee Member
John Reilly/Committee Member
Kevin Richardson/Comm. Member
Charlie Ryder/Committee Member
Dr. John Silva/Committee Member

Jim Tobin/Committee Member
Kathleen Tyrell/Committee Member
Dave Walsh/Committee Member
Debbe Bennett/Support Staff
David Twombly/Support Staff
Jim Lampke/Support Staff
Peter Lombardo/Support Staff
Scott Dunlap/Ai3
Troy Randall/Ai3

Absent:

Bill Dwyer/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 7:06pm. Phil Lemnios noted it is a relatively light agenda and we need Town Counsel who is on his way for Executive Session and to talk about the high school roof item.

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

2. Owner's Project Manager Report:

Phil Lemnios noted Scott Libby was unable to be here and he forwarded an update that was circulated to the Committee. Phil Lemnios noted he would read the update into the record. John Reilly entered "*As we discussed on the phone, there does not appear to be a need for PMA to attend this week's School Building Committee meeting due to the fact that the project is moving along smoothly. There are no pressing issues that need SBC involvement at this time. As you are aware Jacob School project is going very well with an anticipate on time delivery of phase 1 for the owner to occupy prior to the start of the school year In September. In addition we have been able to get a jump on phase 2 approximately 4 weeks ahead of the original schedule. We believe this will allow for less impact on the students and teachers when school reopens. Based on the progress reported and discussed at Tuesday's meeting PMA does not have any pressing issues that require SBC votes at this time. As a matter of updating the Building Committee we request the attached summary of progress for July and anticipated work August be distributed.*" Phil Lemnios noted the back of the document includes work completed in July and that scheduled for August. Phil said it should be noted some SBC members, the fire prevention officer and IT director were at that weekly meeting and he will summarize that meeting. Phil Lemnios said the work is ahead of schedule and the moving of material has commenced There is a yard sale scheduled for Saturday, August

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4th from 9:00 until 12:00pm and this was authorized by the Board of Selectmen during their first meeting in July. Things seem to be going along well. There are very few opens issues and those that are open are being tracked and resolved in an efficient manner. Charlie Ryder agreed. Phil Lemnios asked David Twombly to give report or update on the abutters meeting that occurred earlier this evening relative to landscaping. David Twombly informed the Committee that the Battery Road abutters were invited and Scott Dunlap and Troy Randall attended the meeting. There were a couple of different ideas about fencing, a change in slope install more trees. Scott Dunlap said they discussed a variety of different possibilities such as adjusting some grade on the abutter property to fencing and the possibly interchanging some of the trees on the property line. At this point they are going to give the abutters some time to think about it. This will allow them some time to get information on the long-term growth rates of some of the trees and adjusting some of the types of trees. They would prepare a written discussion and come back with a site plan to help the Committee understand what was discussed and ultimately go back to the abutters again in a few weeks. Dr. Silva stated he received letter from an abutter about the affects the dirt has had on his property and what it done to their stain and paint. Phil Lemnios noted the letter was brought up at this week's construction meeting and it was forwarded to TLT as a claim. The finish of their home has been marred or diminished and this would be a claim against TLT and they will forward it to their insurance. Bill Tramontana noted for record the letter was not from him.

Phil Lemnios asked Bill Tramontana and Jay Meschino for their observations of the meeting and asked if it initially met their expectations. Bill Tramontana said they hit a bump in the road because he thought it would be the fence on the retaining wall and some plantings. However the slope is a huge incline and some mitigation is necessary that will affect his property and the grade and he will have a huge slope. Another option is putting a fence at the property line with the retaining wall fence and then shrubbery and some kind of plantings to block the top of the building. Bill Tramontana said before this meeting he did not realize they would have to do that. Phil Lemnios asked if the process is satisfactory. Bill Tramontana said yes. Jay Meschino said he thought it was very good dialogue but there was no landscape architect present and they thought there would be. He said they got through all the issues and it was good and productive and they got the impact from each of the abutters.

David Walsh said about a week ago he stopped and spoke with Bill Tramontana about the sloping. He said one option that looks like a solution or a compromise is looking at the school from far left of Bill Tramontana's property, fencing the wall and Y it off to the back corner of the property so there would be a double fence area where plantings could still go and gradually slope his land and he would retain all his land and have a diagonal fence. *Jim Lampke entered the meeting.* Scott Dunlap said they discussed a variety of different options. David Walsh said that would take the dangerous slope out. Phil Lemnios said if any individual committee member wants to attend that next meeting they were welcome to. Phil Lemnios asked David Twombly to inform the committee members of the next general meeting date. Phil Lemnios said he is most interested in if we have a process in place to

allow the neighbors to have a good discussion with this committee to help mitigate some impact and it sounds like we have achieved that goal. He suspects any number of options will be presented.

Pat Finn asked Scott Dunlap the last time he was here he suggested a way to go about this was to do Bill Tramontana's area separate from the job and have a landscaper take care of it. He was wondering if Scott thinks that is a good idea or should it be incorporated into the project. Scott Dunlap said he thinks we need to follow the current course first before taking that kind of action. One option may be to leave it relatively consistent with the contract documents and make sure we get the kind of growth on the slope Bill Tramontana wants in order to reduce noise, echoes and as a visual barrier. So before we modify too much we need to have continued dialogue with him. Pat Finn said we should find out what he wants and figure out how to give it to him. Phil Lemnios asked Scott Dunlap if he would report back. Scott Dunlap said yes.

Paul Dunphy asked on the work completed in July item #12 the emergency generator and fire alarm system. He asked if that is just a contractor test or if that is an acceptance test by the Fire Department. David Twombly said they are planning to have the occupancy permit on August 13. Part of it is that TLT does some of that testing and then the inspectors come in during the week of August 13 to go through the testing. Paul Dunphy said early on in the project we talked about emergency lighting and we talked to the consultant and got additional items out on there. The only way to test that is during the evening hours. We also talked about it being a neighborhood-type emergency center so he thinks any testing of this equipment should be done by a number of interested parties not just the contractor.

Paul Dunphy stated for the work scheduled for August it says complete all owner training by August 27. Paul Dunphy asked if the contractors for the school will be attending such as the plumber, HVAC controls, electrician, etc. and will they be part of the process and will the training be videotaped. David Twombly said they talked about including the contractors and the training will be videotaped, in fact they started that process a few months ago. David added Steve DiGiacomo would be attending as well.

David Walsh stated under work completed, item #2 it says they completed punch list on the 2nd floor. He asked if every item been completed. If so, that means it is ready for turnover. He asked if PMA is saying everything is done. David Twombly said his understanding is TLT and Ai3 are working together on the punch list and TLT created some of the punch list that they shared with Ai3. Ai3 prior to the furniture move has been walking the building. There was a preliminary punch list and that will be refined. David Twombly it is a moving target. Scott Dunlap said he thinks they means they completed preparing the punch list.

Phil Lemnios said regarding the concept of substantial completion on August 13, he did inform the architect, Daren Sawyer and TLT as far as the town is concerned, the Committee

needs to vote to accept the building. The architects will prepare documents that say the contractor thinks they are substantially completed and that will be presented to the School Building Committee at the August 23 meeting for the committee to make a determination because at that point we take possession of the building and ownership of it.

David Walsh said maybe the work-completed item should read, “completed compiling the punch list”. Scott Dunlap noted Ai3 will be the ones who determine if they completed punch list work or not. Phil Lemnios noted it is not a closed punch list and additional items can be added. Phil Lemnios added under work completed for July it says the architect is in the process of compiling the punch list for #2. Pat Finn added for the meeting on the 23rd we talked about doing a walk thru. Phil Lemnios said they are still planning to have that for the Committee because the committee will be asked to evaluate the information presented to them. He noted our inspector staff will have gone through the building at that point and it will need an affirmative vote from the School Building Committee that it accepts the building.

Charlie Ryder noted thanks to Peter, we did discover one problem, where the masonry blocks come together they do have a sharp corner edge which could cause injury. David Walsh said that was brought up during the walk through with PMA and we were told they could get a clear edge cover. Phil Lemnios said we can go back to PMA and maybe get a clear corner molding that could be used or they could grind it down a little bit but we TLT was concerned with that because they have just gone through the cleaning. There are some concerns about the aesthetic appearance of the clear plastic or decorative wood molding. They left it to Ai3 and TLT to come up with a solution.

Peter Lombardo said he walked through the gym and there are some areas in the gym where there are exposed corners with no padding that need to be addressed with padding over them as well.

3. Architect Report:

- **High School**

- **Punch List Update:** Troy Randall noted the summary document is on the first page. He said Vertex and CTA have completed 98.5% of the 2000+ items on the punch list and the most significant item is the roof removal and replacement which will be starting soon. There are 42 items to complete on the punch list and noted they have done quite a job since taking on the project.

Paul Dunphy commented that there are many items on the punch list that we will not see on the Jacobs School due to the hiring of a Commissioning Agent. He is already sorting these out proactively. We are not going to see the same problems with the Jacobs project as we did for the high school.

Charlie Ryder said he assumes since we have \$108,000 in unresolved items, we are going to have to negotiate which we want to take the money for and which ones we can't live without. Troy noted the \$108,000 represents potential credits to the Owner. Vertex and CTA recommend these potential credits and at some point in time there will be a negotiation with the bonding company. Charlie Ryder asked if we are supposed to make a decision now or is that between the architect and bonding company. Troy Randall said Ai3 would take input from the School Building Committee and noted these are small in nature such as scratches locker doors or on casework in various areas, which would be accepted as a credit. Scott Dunlap said these are the kinds of items that when Vertex and CTA get to the end of the project and the roof is complete and when all major work is done, the bonding company will want to negotiate and School Building Committee can decide if they want to take the credit and complete it themselves or just take the credit.

David Walsh said on the final page of the punch list, one item is the stainless steel fan shafts. He said they are doing the roof now and we may want to address that now rather than later. Troy Randall said that will be independent of the roof and that could be a decision later on.

Pat Finn asked which ones we are going to make sure are done before school starts. Scott Dunlap noted they have been having school for two years while punch list work is completed. Scott Dunlap said this is nothing that would impact school and it will be a matter of which ones you want to complete yourself or take a credit and we are prepared to have the discussion later. Phil Lemnios asked if there are any life safety issues on the punch list or anything that would inhibit the school's ability to operate. Scott Dunlap responded no. Phil Lemnios asked if there is anything that if not addressed would lead to a worsening situation. Scott Dunlap responded no.

Jay Meschino said each item has a value but if we had to pay our own contractor it would cost more than the \$108,000 so we should try to get them to do it, like the toilet partitions and drop cords. If we do it on our own it will cost more. Scott Dunlap said when we have that discussion, the amount can be adjusted.

Phil Lemnios stated everyone received the Change Order history on the high school. We now have this document available and it will come up as a future agenda item. Scott Dunlap stated it is essentially to close out as many outstanding Change Orders as possible. Troy Randall said there are two items, Change Order #18 and Change Order #19. He said #18 contains the credit for the infield mix remediation in the amount of -\$41,280.40. Change Order #19 is the larger portion

of the document. He said if you recall the process of the Change Orders, the general contractor submits proposed Change Orders, RFIs, PR or CCDs that is in turn reviewed by Ai3 and the OR of the project. At the time the bonding company took over there were 61 unresolved Proposed Change Orders. They have gone through these over the last 18 months with Vertex and reviewed each Proposed Change Order and the 47 items they have gone through. He noted the original value was over \$250,000 and they have gone through each of them so the current value is \$60,442. It is important to note that at this point this is a negotiation of these items. Each item may not have had all of the documentation back up from the general contractor since Jackson Construction and some subs no longer exist. This is the complete information they had on file that responds to the general contractor and they have reviewed this with Vertex and believe this is fair and reasonable value for each of the items which is in addition to the original contract. Many items are a \$0 change in contract value. Scott Dunlap this was a very long negotiation and in instances where there was no back up, on the Town's behalf they made sure you got a fair process. Jackson Construction's original value for this was over \$250,000 and they got it down to \$60,000, which is a very fair settlement for the Committee. Scott Dunlap asked the Committee to look at Change Order #19 and vote on it at the next meeting. Phil Lemnios said the net out of pocket is about \$19,000 with the credit Change Order. Pat Finn said it sounds like Ai3 did a great job.

Paul Dunphy thanked Scott Dunlap for the explanation. He said he picked it up Tuesday and looked at a few things like PCO 55. Now he understands what he said about not sufficient back up. He said he thinks on one of the other ones you had actually reduced the amount but they did not. The paper trail for PCO 86 is for exhaust fans and you questioned their multipliers and requested a reduction. Paul Dunphy said at this point it is minimal compared to what Ai3 has knocked down and this work was in fact done. Scott Dunlap said it is important to understand these were legitimate items and Jackson Construction had just been sloppy with their paperwork and it hurt the bonding company's attempt to negotiate with you. You got a fair value on these items due to the failure of Jackson Construction to document items at that time. Paul Dunphy said if you look at the billing from the contractors there are numbers that jump off the page for electrical work that are outrageous. The company charges at list price and adds a kicker on it, it is not invoice pricing. He said for the few he went through it is not worth trying to have Ai3 negotiate any further. Scott Dunlap added there were 47 items valued at \$250,000 that were negotiated to \$60,000.

John Reilly asked if after you subtract the credit, is the \$19,000 in the form of a check or a credit off the back charge list. Phil Lemnios said \$41,000 is the credit on the field that the bonding company has agreed to and there is Change Order

#19, which is in essence an agreement between the bonding company and the architect that this is the proper value for the associated work in the amount of about \$60,000. The \$60,000 less the \$41,000 leaves approximately \$19,000 due to the bonding company. He asked Jim Lampke if it should be held in abeyance while other outstanding items are pending and unresolved. Jim Lampke said he would have to review it and give thought to that and consult with Bob Garrity. It was noted it would be an agenda item for the next meeting and the Committee should be prepared to vote on it at the next meeting. Phil Lemnios asked if there was any time sensitivity. Scott Dunlap said no. Jim Lampke noted he would not be able to attend the August 23 meeting. Phil Lemnios said they would need an answer before that.

4. **Fiscal Report:**

- Warrant #492 was presented to the Committee containing six invoices for the Jacobs School totaling \$20,719.19.
 - One invoice from Rentacrate in the amount of \$544.50 for equipment and labor of 30 crates and 8 file crate dollies. The Committee approved this on May 24, 2007.
 - One invoice from Ockers Company in the amount of \$14,083.00.
 - One invoice from EMA in the amount of \$5,520.00 for commissioning services.
 - One invoice from David Reinks in the amount of \$60.00 for videotaping services at the July 12 meeting.
 - One invoice from Nantasket Charters in the amount of \$60.00 for courier services to deliver documents to the MSBA for the audit.
 - One invoice from PMA Consultants in the amount of \$451.69 for Briggs Engineering for July 1 thru July 20.

Charlie Ryder made a motion to approve Warrant #492 in the amount of \$20,719.19. Pat Finn seconded the motion. All approved Warrant #492 in the amount of \$20,719.19.

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

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

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

8. **New Business:**

- **Location for lunch:** David Twombly informed the Committee that the new Jacobs principal is looking for ways for the children to have an area for lunch and not eat in the classrooms.

Phil Lemnios said they discussed this at Tuesday's meeting and it would be preferable for the social well being of the students and eat on a portion of the gym. They would have a lunch line and by grade could sit and eat lunch. Dr. Tyrell noted there is a cleanliness issue as well. Phil Lemnios said food items would be contained to one area of the building, which would have a positive affect on rodent problems. It would get the children out of the classrooms but the down side is how to adequately protect the gym floor. At this point in time the Town would have accepted that building and maybe it is a School Department issue. Dr. Tyrell said they were looking to the Committee for advice on how to protect the floor. David Twombly said they had a lengthy discussion about the floor and don't want to have lunch on half the gym floor and talked about alternatives. One option was ram board, which is a thick cardboard, and mats at strategic locations. The drawback is it could become a board of health issue with any spills and then it would have to be ripped up and replaced. There may also be issue with sunlight hitting the floor and it would be a different in color than the other side. They talked about a plastic covering but there could be a moisture issue that could cause the floor to warp. The last idea was have the cafeteria tables delivered as early as October 1, so from September 5 thru October 1 lunch would be served in the classrooms. He noted the tables will have wheels on them and the chairs are attached which could be folded up and taken out of the gym for the community to use the gym. It is a full size gym and one year from now we will have the entire full size gym.

John Reilly said we bought material for the gym floor at the high school. Perhaps we could look to see if that can be transferred if it is suitable for that use. It could be rolled out for lunch and rolled back up afterwards. This would address the moisture and the sunlight issue or unbalanced wear. John Reilly said part of the selling point for that product was the ease in rolling it out. He said this Committee should get the kids out of the classroom. We owe it to them even if there is an added cost of having the floor refinished because this will result in less wear and tear in the classrooms. Phil Lemnios asked if the Committee endorses the idea of getting the children out of the classrooms. The Committee agreed they did. Phil Lemnios then asked how. David Twombly noted the floor covering at the high school is a big job and difficult to roll out and it takes several guys to do it. Phil Lemnios asked if they are proposing that the tables be situated into the gym and moved as appropriate but there would be no protective covering put down and at the end maybe the floor needs to be refinished or touched up. David Twombly added there would be mats placed at the high traffic serving area. Phil Lemnios asked Ai3 to comment. Scott Dunlap said it depends on our commitment to refinish the floor but it would make sense to get the students in there as soon as possible but you would definitely have to refinish the floor. Phil Lemnios asked the estimated cost to do that. Scott Dunlap said approximately \$1.75/sf and there is about 7,000 s/f. Scott Dunlap said that would be a light sanding and a final topcoat. Phil Lemnios said if it had to go deeper, the cost could be \$20,000-\$25,000. Phil Lemnios added there would also be less cleaning needed in the classrooms. David Walsh said he thinks the School

Committee and principal have to be proactive and asked if in the winter it would be possible to have the students remove their shoes or use slippers instead of sneakers in there. Dr. Silva said if the school is going to be accepted by School Building Committee why are we even voting on it. Phil Lemnios said he thinks the School Department would come back in a year and look for money to refinish the floor. Dr. Tyrell said they wanted to find out if the Committee thought it would be unwise to do this and if so they would rethink it. Peter Lombardo added they might look to use the outdoors and add picnic tables and benches so when the weather is permitting they can eat outside to cut down on wear and tear on the floor. Phil Lemnios said the Committee has indicated they are in line with the idea to keep the classrooms food free. He asked if it would be wise to ask the School Department to come up with an operational plan showing how it is going to be and their plan to minimize the impact i.e. is it going to be cleaned every day and how is it going to be cleaned. The School Building Committee recognizes there will be an impact and a cost associated that could come back to the Committee.

John Reilly noted that over the course of the year it is being used, the other side of the gym is going to be used by the school and youth groups. When all is said and done the wear may be even on both sides. John Reilly said the one thing that needs to be done is to okay to order for the café furniture now and get it in place. David Walsh asked if there is going to be warranty issues if we do cover the floor or if it is used in another way other than its intended use. Scott Dunlap said he doesn't believe there is, you are not proposing storing heavy equipment on it. It would only be the finish warranty.

John Reilly made a motion to authorize the purchase of the cafeteria furniture as soon as possible. Dr. Silva seconded the motion. All approved.

John Reilly made a motion to state for the record that the School Building Committee is in favor of having lunch in the gym and requests the School Department will come forth at the next meet with a maintenance plan if that is so the case. Dr. Silva seconded the motion. Charlie Ryder stated we are turning the building over to the School Department so they do not have to come back with a detailed maintenance plan. He said it is also their responsibility that if it needs to be refinished, to do it on their budget. Jay Meschino said he thinks the same thing. If we deem it is not part of project anymore he doesn't see the point. Phil Lemnios asked Dr. Tyrell she will come back to the School Building Committee to pay for the refinishing. Dr. Tyrell said she is not sure. They plan to monitor it carefully and add more precautions if necessary so we don't have to refinish it but she agreed it was a School Department issue. David Walsh said the motion should be amended to add there is no guarantee that the School Building Committee will be responsible for refinishing the floor. Phil Lemnios said his initial instinct was it was the responsibility of the School Department, however, the fact that there is no lunch room available is a proximate result of the building project not the result of the School Department doing something wrong. We could say you figure it out or

keep the kids in the classroom. The reason why he is asking for a maintenance plan is so we have a maintenance standards and if that plan is not followed that would void this committee's responsibility to take care of the cost associated with this. This trial-runs the idea of maintenance and accountability and gives us an ability to see if a maintenance plan will be followed and gives the committee greater comfort that the larger maintenance plan will be followed on a regular basis.

Cathy Bowes said beyond the social and educational benefit, she noted this addition is two floors and the students would be walking up a full flight of stairs to their classroom. Peter Lombardo said there was talk weeks ago about the gym floor having to be done again anyhow because the lines were done wrong so we might want to talk to the contractor and ask them to hold off on that for this school year. John Reilly reiterated his original motion to hold lunch in the gym and request a maintenance plan for it. David Walsh said is amendment was that we cannot guarantee the School Building Committee will pay this. No second noted for the amendment.

Charlie Ryder said the contractor will be relining the gym floor next week and his point is how are we going to ensure we can get him out here in another year to redo the lining of the gym. John Reilly said perhaps Ai3 or Jim Lampke can negotiate a credit and we could get someone else to do it next year. Scott Dunlap said the best thing to do is let the construction proceed and don't interfere with that. David Walsh said relining has nothing to do with refinishing it. *All approved the motion to hold lunch in the gym.*

Pat Finn asked if we can contact PMA to get their input on Peter Lombardo's suggestion. Phil Lemnios said they talked extensively about it at the weekly meeting and they would recommend allowing work to progress and see a work plan from the school and we'll cross the refinishing line when we get there. Phil Lemnios said PMA is an advocate of keeping the process moving and not slowing it down.

- **Lunch delivery quote:** David Twombly informed the Committee he tried to get pricing for leasing and purchasing a van and having someone delivery the lunches. His understanding is car dealerships don't do leases with municipalities they only do lease/purchases and the Town would own the vehicle at the end of the lease. The lowest price he received for this option was \$15,150 for a Ford E150 van.

They received to bids for lunch delivery. One quote was in the amount of \$17,900 and would be a trailer pulled by a vehicle to allow it to be towed by another car if the primary one breaks down. A proposal in the amount of \$21,981 was received from the bus company. David Twombly added they did get one estimate for \$12,659 to rent a van for one year about \$2500 more to own a van. David Twombly said he did have a discussion with the Business Manager of Concord Carlisle and they purchased a van and when another town department needed it they just borrowed it. It was a community vehicle.

Pat Finn made a motion to go with the low bidder for lunch deliver services of Dunn Delights in the amount of \$17,900. He said this way we won't lose man hours and since there will be more work to them to do with the gym floor maintenance plan. **John Reilly seconded the motion.** Charlie Ryder asked if this is an expense for the School Building Committee. It was noted the Committee agreed last meeting it was. David Walsh asked what each bid entails for the lunch delivery service. Are these people bringing them in and setting it up. David Twombly said at 11:00am they would arrive at the high school, load the trailer and then transport it to the Jacobs School where they would unload the material and food. At 12:45pm they would pick up the dirty pans and return them to the high school.

Cathy Bowes asked if lunch will be in the gym, what do we have in terms of refrigeration and storage from the current kitchen that can be put in. She asked if there is enough electrical service to handle these appliances. David Twombly said about six months ago we looked into this when we decided to set up the buffet. At that time CNM installed additional electrical outlets. There will be a new freezer and cash register and storage in the phys ed storage area. Cathy Bowes said we also have a breakfast program and asked if this covers that. David Twombly said he talked to Tish Collins about it and there is no need to transport anything for breakfast.

Dr. Silva said he has concerns about using an open trailer pulled by a car on a rainy day. David Twombly said it is an enclosed trailer and passed around a picture of it. David Twombly added prior to the food shipment, they will take the temperature and log it and then bring it to Jacobs and take temperature again to ensure it maintains the temperature. Paul Dunphy said he was going to ask if the Board of Health had reviewed this, which they have. Phil Lemnios noted before we vote the motion could be contingent upon passage of all appropriate permits. Phil Lemnios asked if, before the project, the preparation of school lunches was done on site so now the preparation is being done off site if there is any savings. Cathy Bowes noted when the high school was done lunches were prepared at Jacobs and there was not cost savings. David Twombly noted it could end up being added costs since we'll need more staff at the high school for preparation as well as a staff at the Jacobs to serve it. Phil Lemnios noted the motion was to have services and asked what arguments there are against purchasing. John Reilly said there are pros to having a vehicle but there are always issues of maintenance at all the buildings and more cleaning needed in the gym and would be drawing of the manpower and their time away from their duties. Phil Lemnios asked if it is possible to go back to the low bidder to see if he would match the low bid of the van purchase. David Twombly said possibly. David Twombly said we are lucky we have two custodians at Jacobs and the floater would be available to do this. David Twombly said with the lease, ultimately the Town would be able to purchase a van for \$15,150 and at the end of the year you will have something to show for it. Jay Meschino said he agrees it is better to go with the

service because with the fuel, maintenance and insurance costs. There are a bunch of added costs to buying or leasing a vehicle. Jay Meschino asked if they have broken it down to an hourly rate. David Twombly said they gave bids per day and it's for 179 days (except for the day before Thanksgiving) and Dunn Delights was \$100/day and North River was \$122/day.

David Walsh said his concern is, are there some guaranty that no matter what the weather is, that the meals will always be delivered and how many drivers are there. Jim Lampke said they did not put in a performance bond for the practical reason that if the vendor does not perform we will have a backup plan and the vendor will not be paid if they don't perform and would be charged for any additional costs we incur. If the vendor stops complying, they may be terminated. He said it is a good question but there are no guaranty even if we had a performance bond. Phil Lemnios asked David Twombly if it makes sense that the vendor is required to park the trailer at the school Monday thru Friday and do we have a vehicle that it can be hitched to if the vendor is unable to perform. David Twombly noted the School Department does have a vehicle that has a hitch. Phil noted then part of the deal is he agrees to leave the trailer on site and the risk is the vendors. Jim Lampke asked if the vendor is proposing purchasing a trailer just for this purpose and nothing else. Phil Lemnios said they would have to for public health reasons at least during the period of the contract and that should be written into the contract. Jim Lampke asked the cost of this type of trailer. Phil Lemnios noted the School Department will have to find a location to store the trailer but at least we have an alternative to get the food up there if the vendors primary and secondary vehicles break down. David Twombly said it's an excellent suggestion so we can control it that way.

John Reilly said it is an important service but it is about a one-mile transport. For the high school we were overcharged and even though it will not be reimbursed, it is a cost associated with construction. We are getting a good value and he only cares that the food is there each day. There should be a clause in the contract that says if they are not there stating we can get a new provider. Phil Lemnios said in terms of the contract, it needs to state what triggers the town to get a new provider. John Reilly said it needs to be a zero tolerance.

Paul Dunphy said he doesn't think this has anything to do with renovating the school and is totally to do with the operation of the school and we are trying to micro manage it without the School Department weighing in. Cathy Bowes stated the past practice has been that this is a School Building Committee issue.

The motion to accept Dunn Delights was unanimously approved. .

- **Football Goal Post Warranty:** David Twombly said he included information in he package from M.E. O'Brien and Jaypro who provided a \$1,350 credit for the goal posts,

cutting the price in half and Mr. Lampke reviewed the warranty. We have football and soccer starting in August and this needs to be ordered immediately. Scott Dunlap noted they were involved with this issue only initially. Jim Lampke said he is still not satisfied with the resolution about why they are not replacing it and we would still reserve our rights but David said you need to order it immediately one way or another. Phil Lemnios said when these were installed they did not do the caps which caused the failure. Jim Lampke noted we would be responsible for installation and adding the caps.

Jay Meschino asked if this mean that we won't be able to go back to them later. Jim Lampke asked who installed the goal posts. David Twombly said M.E. O'Brien and they rusted from the inside out. He added one issue is a two-year warranty and they were installed in August 2005 and they failed in April 2007, and that is the gray area. David Walsh said at a meeting held at the high school library, there was an Ai3 memo with a notation they were rusting at that time going back to the punch list. This was long before the two years came in to play that Ai3 said there was rusting and rotting. We should not settle for 50 cents on the dollar but pursue the entire replacement value since it was never right. Kevin Richardson said that is what he was going to say. Phil Lemnios asked if they are indicating that if we accept this offer that we would also release them from any future liability. Jim Lampke said that is a likely proposal and asked how long it would take to order and get them installed. David Twombly said we have to do this in the next couple weeks. Jim Lampke said the Committee could authorize David Twombly to procure the goal posts up to a certain dollar amount and they will continue to work on it and if not satisfied maybe get them from another source. He asked if this was part of Jackson Construction. Scott Dunlap said it was under Jackson Construction. Jim Lampke asked why it is not a punch list item. Scott Dunlap said because it is a warranty item and at one point was on the punch list but in order to expedite the process the installer was contacted. They (Ai3) had initially said it was probably an item to pursue with the bonding company but that will take longer than you have to get it ready for the fall season. Paul Dunphy said it is crunch time. ***Paul Dunphy made a motion to authorize the School Department to procure the goal posts not to exceed \$3,000. Pat Finn seconded the motion.*** John Reilly noted one is unusable and proposed a substitute motion to get one and direct Town Counsel to go after them and pursue the warranty. John Reilly said it makes sense to try to get the full amount back under the warranty. Pat Finn said he agrees with John Reilly but thinks that would be covered in Paul Dunphy's motion. David Twombly asked if we were to go to Jaypro and give the \$1,300 if that is wiping out our case again them. Jim Lampke said it depends on how they view it or any release that would need to be signed. We would not necessarily be releasing our claim with them. David Twombly asked why not get them and continue to work on them. Jim Lampke suggested sticking with the up to \$3,000 limit and authorizing the sub committee to make decision on it. Phil Lemnios noted David Twombly will work with Jim Lampke to resolve it in the most beneficial manner to the Town. ***All approved the motion.***

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Rhoda Kanet asked if there has been any resolution to who owns the FF&E portion of the contract. Phil Lemnios state the Committee is still in the process of reviewing it.

Dr. Silva made a motion to go into Executive Session for the purpose of discussing strategies relative to litigation and reserves the right to return to Open Session if necessary. Charlie Ryder seconded the motion. All approved by roll call vote.

Paul Dunphy made a motion to exit Executive Session and return to Open Session. Pat Finn seconded the motion. All approved by roll call.

Pat Finn made a motion to adjourn the meeting. Kevin Richardson seconded the motion. All approved. The meeting adjourned at 9:24pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary