

**Town of Hull
Building Committee Meeting
Thursday, August 7, 2008**

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
Kevin Richardson/Committee Member
Charlie Ryder/Committee Member
Dr. John Silva/Committee Member

Debbe Bennett/Support Staff
David Twombly/Support Staff
Peter Lombardo/Support Staff
Scott Dunlap/Ai3
Troy Randall/Ai3
Steve Rusteika/PMA

Absent:

Jim Tobin/Committee Member
Kathleen Tyrell/Committee Member
Dave Walsh/Committee Member

The Building Committee meeting was held in the Exhibition Room at Hull High School, and the meeting was called to order by Phil Lemnios at 7:00pm. Phil Lemnios noted we have a relatively small agenda and there is another meeting scheduled on the 21st that Mr. Richardson will be asked to chair.

1. **Approval of Today's Agenda:** Phil Lemnios noted there are three items for discussion revolving around the contractual obligations remaining with PMA and Ai3 and what happens once those obligations complete themselves. *Cathy Bowes made a motion to approve the agenda. Bill Dwyer seconded the motion. All approved.*

Pat Finn asked about the memo from Jim Lampke that the Committee was supposed to receive. Phil Lemnios noted he has it and he passed it out to the Committee members. Phil Lemnios asked if the Committee would like some time to read it. The Committee took a recess at 7:03 and reconvened at 7:07pm.

Charlie Ryder said in terms of the PMA contract it says in Jim Lampke's memo that it was for 26 months commencing July 16 2007. He asked, didn't PMA come in after construction began. Steve Rusteika said June 2006 was the first month.

Phil Lemnios noted under Ai3's contract their contract is complete 60 days following Substantial completion and after that 60 days they are compensated at the rates specified in the contract, which is an hourly rate schedule. Scott Dunlap said that is correct. Phil Lemnios said some questions asked are, what happens once Substantial Completion is realized, what is our relationship with Ai3 and PMA and, how do the punch list items get completed. *Peter Lombardo entered the meeting.* Phil Lemnios stated PMA has a contract for a period of time with clauses within the contract for specific items for them to complete. Jim Lampke has indicated this should be reviewed in the future to ensure those elements have been completed. The contract has a term and time and not a term and objective. It is a durational contract vs. specified outcome.

Further down on page 2, the 4th paragraph of the memo, it states, "therefore, it would appear PMA and Ai3 have or are about to have completed their contractual services to the Town." In terms of overseeing punch list work, normally the architect handles this but that is not to say PMA cannot provide services but he believes Ai3 would need to be involved as it is their design. Dr. Silva said regarding the commencement date, on phase 2 he thought we were taking about an August completion. Phil Lemnios said at the time the contract was drawn up the anticipated completion date was June 27 but it started later after Town Meeting action was required which got us to where we are now. Steve Rusteika noted the contract was from June 06 thru June 08 and two months were added due to the delay which would take it thru the end of August. Dr. Silva stated Ai3 services are for 60 days after Substantial Completion. Scott Dunlap noted that is 60 days from the date of Substantial Completion named in the bid documents, which is June 27, so that would take it through the end of August. Dr. Silva stated that is three weeks away. Phil Lemnios added per the contract, beyond that, Ai3 bills hourly. Scott Dunlap noted that is a good rate for the Town because it is Ai3's 1999 rates.

Phil Lemnios informed the Committee that is where we are with these firms relative to the project and noted member have asked about warranty items. He said Jim Lampke addresses that in his memo "*In terms of overseeing warranty items, that work could be handled by either Ai3, PMA or by in house staff. I am sure that PMA and Ai3 would make themselves available for consultations with in house staff should it be necessary.*" Phil Lemnios said PMA has provided a proposal, which articulates what their concept is over the next several months to a year and that rate structure. Ai3 has done something similar.

Cathy Bowes asked how the commissioning agent comes into play regarding training. Paul Dunphy said they are still involved until after everything is 100% complete and working properly and that may go beyond the move-in date. Cathy Bowes asked if that is typical. David Twombly added they are also involved in training right now and for one heating season. Paul Dunphy asked if we have to renegotiate with him too or did he won the building completed. David Twombly said maybe down the road we could extend the contract, if needed. Paul Dunphy asked Steve Rusteika if we have a completion date where the contractor walks away from the job. Steve Rusteika said they are working towards August 22 and there is a big push on now. Steve said PMA has people working with Scott

Libby for free to make that happen and activity has picked up significantly. Paul Dunphy asked if there are any penalty clauses in the contract for the general contractor if they miss a date where PMA or Ai3's time become back charges. Scott Dunlap stated the liquidated damages are \$2,000 per day as of August 23 if they are not Substantially Complete. Troy Randall noted it is not a penalty it is liquidated damages.

Paul Dunphy asked in terms of actual Substantial Completion, is that decided by a jury of you guys. Steve Rusteika said there are a couple definitions of Substantial Completion. One is 1% of the work is remaining (about \$225,000) or beneficial occupancy. Paul Dunphy asked if that is based on the Building Inspector. Steve Rusteika said yes he would have to issue an occupancy certificate but a lot of pieces to go with that. Dr. Silva asked if on August 22 and Substantial Completion is met, does that Substantial Completion have to be accepted by this Committee. Scott Dunlap said no, not legally, but in the past, they have collaborated to make sure everyone is in agreement. Dr. Silva said if there are questions on some items and we decide not to accept it, where does that leave us. Scott Dunlap said that would not really happen. Scott Dunlap said the Town most likely will end up occupying the building in the fall and it at that point it would be hard to say it is not Substantially Complete and it will most likely be that date plus or minus. Peter Lombardo said there would still be punch list items outstanding. Scott Dunlap added that does not mean you pay them everything; there can still be significant punch list at Substantial Completion. Final completion is when all punch list work is complete.

Pat Finn said in accordance with Scott Dunlap's memo, he makes a motion to extend Ai3's contract beyond August 26, 2008. Phil Lemnios noted there is nothing fundamentally wrong with that motion but he would like to wait for Town Counsel, when he is here on the 21st, so he will know what, if anything, in the contract documents needs to be adjusted and make sure this Committee does not take action on something he has not been able to review. Pat Finn said it seems crystal clear to him. Phil Lemnios said because it is a contract with significant value, we need to make sure our attorney is brought into the loop. Jay Meschino asked what the end date of the extension would be -- should it be extended per month or for a certain amount of months. ***Jay Meschino seconded Pat Finn's motion for discussion purposes.***

Paul Dunphy asked how do we manage their services – would they expect a phone call. Paul Dunphy asked if the core home team makes the decision to commit a work order or checklist of items or does Ai3 generate their own hours. Scott Dunlap said they would continue to have Darren attend the job meetings and have him continue to develop the final punch list and forward it to TLT and whatever else needs to be done to close out the project. Scott Dunlap added they would want to minimize his time. Scott Dunlap said ultimately you would see monthly invoice with the hours broken down to include detail and what the hours were spent doing. Phil Lemnios noted for the committee that this is unique because the other schools rolled into one another. This is a different closeout process for the Committee and asked how we want to handle it. Phil Lemnios asked Ai3 and PMA if they have yet monetized the punch list and identified the high value items vs. the relatively small items.

Scott Dunlap said they would do that at Substantial Completion. Troy Randall added right now the 2nd floor classroom wing is completed and they are working behind TLT to finish the punch list on the lower level of phase 2. Phil Lemnios asked if they had a sense of the value now. Scott Dunlap said no. Dr. Silva noted we are talking about an August 22 Substantial Completion and the Committee is meeting on August 21 so he thinks this vote should be postponed until August 21. Dr. Silva asked if we would have a punch list then. Scott Dunlap said they would know the magnitude. Dr. Silva noted the Committee could make a more intelligent vote at that time. Phil Lemnios said he appreciates the motion and asked Pat Finn if he would be willing to hold the motion until the 21st. Phil Lemnios said so far the core discussion has been 1.) how to extend either one of these contracts (Ai3 and PMA) and 2.) once we look at the size of punch list, how does that get accomplished and does the committee want to have additional oversight.

Pat Finn said since the beginning, Ai3 has handled the punch list and there is an additional services clause already in their contract. He said we are lucky enough to have a firm with a long-term contract with them that has kept the original hourly rate. The only issue would be if we want more detailed billing and he thinks we should have that. Pat Finn said he would hold the motion but on the additional services clause the monthly bills should include more itemized documentation like dates, times, hours worked, specific activity and the work accomplished. The Committee can take that on a month-to-month basis and evaluate.

Phil Lemnios stated one option is to have Ai3 only for professional services aspect and have them work with internal staff and the contractor to make sure it gets done. The second path is to have both PMA and Ai3 to participate in the punch list completion in order to have a double layer of quality control. He stated PMA has driven the project on a daily basis and has been our eyes and ears on the ground. That is the decision point for the Committee.

Pat Finn said when we originally went with the Project Manager rather than a Clerk of the Works, he thought it was a duplication of Ai3's contract regarding the services provided and he thought the money was excessive. Phil Lemnios said the fact is, the School Building Committee brought on board two series of professionals to manage this project and he feels PMA's contract is complementary of Ai3's services rather than a duplication. Dr. Silva stated in Jim Lampke's memo it mentions that PMA was responsible for coordinating training of the staff. He said at the August 21st meeting, he would like verification that the training was accomplished. Steve Rusteika stated it is ongoing. Phil Lemnios stated PMA could update the Committee on the 21st on where the training stands.

Jay Meschino asked PMA if there is any duration to this and do we run any risk if we don't contract you in a certain amount of time in terms of PMA's availability. Steve Rusteika said they structured the letter to include a certain level of oversight with a not to exceed amount for the next 60 days when most activity will occur. After that an hourly rate for Scott Libby on an as-needed basis. He said if you don't want him, he will go work somewhere else. If you only want him one day a week, that is fine. He added it is going well now and they

would like to finish out the job. Jay Meschino asked if the Committee were to decide on the 21st, would that be sufficient notice. Steve Rusteika said yes it should be.

Charlie Ryder asked if the punch list will be monetized on the 21st or 22nd at Substantial Completion. Scott Dunlap said yes. Charlie Ryder added, the contractor has a certain time frame to complete the punch list work. Troy Randall said 60 days. Charlie Ryder said so either they complete the work or the Town takes that money and self perform. So 60 days seems to be the big factor but the question is in order to do the punch list work, they have to schedule it when school not in session so we don't need PMA there during day if there is no activity. Scott Dunlap said most likely it could be performed between 3:00p-10:00p. Jay Meschino noted PMA's proposal is for 100 hours a month. Steve Rusteika said it is not just punch list work, it is the close out process, training, O&M manuals, MSBA process, etc. Charlie Ryder said it looks like we are going to have both groups for at least 60 more days. Phil Lemnios said the School Building Committee needs to consider the monetary size of the punch list, the number of items on the punch list and determine if certain items are larger than others. That may lead the committee in one direction or another. There are also the MSBA requirements to consider. There is a physical completion piece and a paperwork piece required to ensure that our reimbursement posture is as complete as it can be. We have done a good job of record keeping so the MSBA will have all of their documentation to ensure the Town receives as much reimbursement as possible.

Cathy Bowes said on the high school project we had a lot of oversight. The School Building Committee contracted with Tom Gould to oversee the punch list work after the Owner's Rep so to just go with Ai3 on this project might not be a good idea. Phil Lemnios said the high school model was to have Ai3 and additional on-site oversight. Pat Finn said we had Tom Gould at \$35 an hour and that was 50-page punch list. Our attorney, Bob Garrity, noted on the high school project that we had the best documentation he had ever seen. Pat Finn said his motion was not to exclude PMA, it was that Ai3 should be automatic and a slam-dunk. Pat Finn added he would not have a problem with PMA continuing for a while but his concern is the cost. Phil Lemnios said every member is concerned about that. He said the size and nature of the punch list would be constructive. Another factor to consider is familiarity with the project from day one to where we are now -- that may play a role. Phil Lemnios noted he would not be at the meeting on the 21st.

Peter Lombardo said he gets a sense that a lot of the punch list is being taken care of as the project goes along and the list should be small. Peter Lombardo asked the status of the phase 1 punch list work. Scott Dunlap said it gets updated and rolled into the final list. Phil Lemnios said so we will have one master punch list. David Twombly asked Steve Rusteika if contracted, would Jeff Costa be working after hours or during the day. Steve Rusteika said it would be as needed. He said there is a lot they can do during day like site work. But if some activities were required during the night, he would be there then.

Paul Dunphy said the project is near the goal line and it has been a real team effort between PMA, Ai3, the general contractor and the subs. Everyone is working as a team and these two

companies have been the glue that held it all together. Paul said he thinks it's critical to keep the team together for another couple months and it would be living dangerously to do otherwise. Dr. Silva agreed. Phil Lemnios noted this portion of the discussion is closed. The motion was put on hold until August 21, 2008

- *Jacobs Traffic Flow:* Phil Lemnios noted one other item for the Committee that is late has to do with the traffic flow. Phil Lemnios said Chief Billings met with Ai3, PMA, David Twombly and Peter Lombardo at the site to review how the buses will load and unload etc. and he submitted a memo that Phil passed out to the Committee. Phil Lemnios said the purpose of the meeting was to reaffirm the traffic flow within the school site to ensure the buses can unload safely. Chief Billing writes that he is reaffirming the one-way traffic flow and asked the School Building Committee to reaffirm a previous vote. Peter Lombardo said following the discussion the other day, his interpretation is the traffic flow is currently two ways and the bus would drop off is on the right side of the building on the low number side of Harborview Road and for the parent drop off it is a two way road and they pulled into the island area and go back down.

Peter Lombardo said the **proposed** idea on the 2nd page diagram is to make the road one-way on Town property. *John Reilly entered the meeting.* Phil Lemnios said as soon as it hits school property it becomes one way. The parent drop off would be at the front entrance and the buses would drop off in the cut out where the trailers were, do so the parents would not have to stop for the buses. Dr. Silva said so they would come up from the sewer plant, they will come up Nantasket to Harborview Road and it would still be two ways for normal traffic. Phil Lemnios said it provides a safe place for the buses to turn in and drop off. David Twombly said he would like to talk to the superintendent first to make sure she is onboard with this proposal. He thinks it will work out but she needs to be on board. David Twombly said so basically they are flip flopping how it was before. The buses pull into where the modulars were and get off the street. David Twombly said overall it is a good process but he just wants to make sure the superintendent is aware. David Twombly said on August 18 the paving should be complete. On the 19th he and everyone else, along with the bus company, will go back up there so on the 21st the Committee can decide. Peter Lombardo said there would have to be signage on Nantasket Ave. Phil Lemnios said the parents would come up the same direction.

Cathy Bowes said two years ago there was a meeting with the Police and abutters and there was a discussion about making it one-way during school hours with blinking signs and designating certain hours. David Twombly said the Chief is against that idea and would prefer it be 24/7 since it would be hard to control. David Twombly said he would like to discuss it with the superintendent first. Jay Meschino said he thinks Cathy Bowes is right and he thinks the board acted on this at one point already and he thinks this board turned it over to the then-superintendent. He thinks the plan, as proposed, was already accepted. Dr. Silva said this has to go to the Board of Selectmen also. David Twombly said we would need to purchase signage. Jay Meschino added the signage has to be crystal clear unlike what was up during construction. He said if someone comes up the high number side of Harborview

Town of Hull
Building Committee Meeting
Thursday, August 7, 2008
Page 7

Road and misses the first sign, there needs to be additional signage. Phil Lemnios said the loop was not always anticipated and it is a great place to get the buses off the road and it keeps the flow of parents going. Peter Lombardo added they talked about trying to get together with the neighbors too. Phil Lemnios said this would be an added agenda item for the meeting on August 21.

Pat Finn said that road is not wide enough to be two directional traffic and it should be one way permanently with the sidewalks extended to get to the school and one-way traffic all around. Phil Lemnios said that is not a topic relative to this Committee. Phil Lemnios said this discussion is about the school property section of the street. Pat Finn asked if it has to go to the Board of Selectmen. Phil Lemnios said because it is school property, it does not fall under Board of Selectmen purview. John Reilly said at some point there will be a meeting with the Highway Department, Police Chief and Town Manager to look at the entire length of Harborview Road and determine if it should be one way with parking on only one side of the road, improve drainage, etc. David Twombly asked if there could be additional parallel parking on the other side by the fence.

Cathy Bowes asked who was on the ribbon cutting sub committee. Pat Finn said he is and so is Dr. Silva and noted they would meet following this meeting. Cathy asked that this be communicated in the future.

Charlie Ryder commented while attended construction meetings about two weeks ago we saw a fallback in progress. He said Scott Libby and Chris have worked hard to bring them back into line and they take a lot of interest in the project. Phil Lemnios said his reports are that the work site is a beehive of activity and they are coming together. Steve Rusteika said it is a group effort, TLT is getting the message and things are happening.

Paul Dunphy made a motion to adjourn the meeting. Dr. Silva seconded the motion. All approved. The meeting adjourned at 7:54pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary