

**Town of Hull
Building Committee Meeting
Thursday, August 21, 2008**

In attendance:

Cathy Bowes/Committee Member
Paul Dunphy/Committee Member
Patrick Finn/Committee Member
Kevin Richardson/Committee Member
Charlie Ryder/Committee Member
Dr. John Silva/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
Scott Libby/PMA

Absent:

Bill Dwyer/Committee Member
Phil Lemnios/Committee Member
Jay Meschino/Committee Member
John Reilly/Committee Member
Jim Tobin/Committee Member

The Building Committee meeting was held in the Exhibition Room at Hull High, and the meeting was called to order by Kevin Richardson at 7:17pm.

1. **Approval of Today's Agenda:** *Dr. Silva made a motion to approve the agenda. Charlie Ryder seconded the motion. All approved.*
2. **Approval of Minutes:**
 - Thursday, June 19, 2008, Open Session minutes. *Charlie Ryder made a motion to approve the Thursday, June 19, 2008 Open Session minutes. David Walsh seconded the motion. The motion passed 7 to 0 with one abstention (Kathleen Tyrell).*
3. **Owner's Project Manager Report:**
 - **PMA Budget Report:** Scott Libby said the report is based on the invoices being presented for tonight's approval. The project is over 97% complete for construction at the end of July. He said as he mentioned at the last meeting, on the budget report, the 3rd column credit for future exposure, he has noted some significant credits and they have

put that forward and the actual contingency we were exposed for is going to go down. We have approved \$187,000 in Change Orders to date and they anticipate a credit of just over 17,000, which, as a result, has been added to contingency. Overall, we still have over \$1 million of contingency remaining. There have been a couple small items raised by the inspection team that are being addressed for approximately \$5,000 in changes. Overall, the job is ending healthy. He said he feels comfortable that what we have here is where the project will end from a dollars point of view. At the end of July there is \$1.1 million gross to finish, including \$500,000 in retainage and for actual work about \$600,000. He also feels comfortable they will hit the target date and will open on time. They did have some schedule slippage during July that was impacted by weather. With some teamwork and good weather, they are up there now working. The inspection teams have been on site this week and last and electrical was there today. It appears everyone is on track with only small items added.

- **PMA's PM Report:** Scott Libby said nothing much has changed on the graphs and there are photos included. Landscaping is occurring tonight and may finish Friday or Saturday. The final cleaning started yesterday and will continue through the weekend. They anticipate the teachers will move in on Monday with school starting on the 3rd.

Scott Libby said some members of the team have been very involved over the last couple weeks and he thinks overall everyone is happy with where we are. Kathleen Tyrell said on behalf of the School Department, they are very pleased. Kevin Richardson noted the difference in one month is amazing. This is a testament to Scott and the entire team. Scott Libby noted TLT has been getting bad press lately and it all comes down to people and the people we have makes the difference. Scott Libby said Ai3 has been extraordinary to work with. The contractor was committed to the Town of Hull, they believed in PMA and Ai3 and he is extremely pleased.

Paul Dunphy added he had the good fortune to be the electrical inspector this week while Pat Cannon was on vacation. He walked through today and everything looks really good. He has a small punch list but there are no showstoppers and he has been through every room of the building. He said he has been involved with construction for most of his career and he has never seen this level of substantial completion before, it is way beyond what he normally sees. This is to the credit of PMA and the contractors and subs. He said CNM Electric was great to work with and was eager to jump on anything that was called out. Paul Dunphy said he does not know if a motion is in order to vote on Substantial Completion. Scott Libby said that is a little premature. Kevin Richardson said the big thing is that it is on schedule for the teachers to move in. David Twombly said they are making progress with the cleaning that will occur this weekend. Scott Libby said by tomorrow night, other than the final paving, the landscaping would be ready to go.

- **Contract Extension:** Kevin Richardson asked if the committee should talk about the contract extension now or later. Scott Dunlap noted the punch list discussion is somewhat related so it might be better to discuss that later.

4. **Architect Report:**

- **Jacobs School**
 - **Phase I Punch list – Update**
 - **Phase II Punch list – DRAFT**

Scott Dunlap noted at the Substantial Completion date we have a draft punch list but we have not finalized it or monetized it because the contractor has the opportunity to go ahead and complete the items. Ai3 went through it due to the Committee's request for an order of magnitude. What they have provided is the draft of the phase 2 punch list and the actual phase 1 punch list so you can get a flavor of it. Having been through all of it, they have been very conservative, which they always are on the first monetization, to make sure they withhold enough money to complete the items. It is still probably only going to be about \$300,000 worth of punch list items and that will be pricing it in a way that ensures absolutely that you can get that work done. It is not a lot of work considering the total outstanding balance to the contractor is \$1.1 million including the retainage and a majority of the rest is for work that will be performed during August. They will want to finish up and get out quickly. Scott Dunlap said, as mentioned earlier, it is a good level of Substantial Completion - better than what we saw on either of the other two projects.

Scott Dunlap said it should give you the flavor and there are definitely items we want to close out. Scott Libby added once the punch list started to come out, we immediately got them to TLT and they started work already. They think it is in their best interest to get the work done before the building is occupied. Therefore, a lot of these items have already been worked off of the list since it was issued. Scott Libby said some of the electrical, fire protection, architectural and HVAC have already been closed. Kevin Richardson said relatively speaking, the punch list seems small. Scott Libby said the first page also contains items like the as-builts and they would put a heavy value against that. A lot of these items are administrative, not just work items and to date they have been very responsive to the documentation you need. A value of \$50-60,000 has been assigned to that so that minimizes the value of work remaining.

Paul Dunphy said regarding commissioning, he got an e-mail this week from the Commission Agent. It looks like he did a thorough inspection and there were a lot of items on the commissioning report. Paul Dunphy asked where that stands and does he need everyone out of the building to complete his effort. Scott Libby said he issued that on Tuesday and today was supposed to be the follow up. The plan was he would come back and immediately start working on it. He left Tuesday and on Wednesday they started working on it to get it complete. Scott Libby said he did ask that Steve attend the meeting tonight but to his knowledge there were no showstoppers on the commissioning report. Paul Dunphy said he seemed to be very picky and he hopes Jim Griffin has been

involved. David Twombly said yes he has. Scott Libby said he has some recommendations that he may make which are outside of the contract. He made the recommendations to the project team and Scott Libby has asked him to hold off and to present them to the owner to take under advisement. They are items that will not affect the building function. Scott Libby said right now it would be more of a distraction to the contractor, so he asked that he present them to the Town separately.

Pat Finn asked Ai3 to tell the Committee about the MSBA model school program. Scott Dunlap said they were pleased to have been involved in the process and have their project selected to be a model for high schools. He said for those who don't know, they were only allowed to submit high schools that were between 900-1350 students. They happened to have done one that was all new construction – it couldn't be a renovation. They were very proud of it and the MSBA has selected it as the model that will be used in Norwood, Wilberham and possibly a number of other towns as well. Pat Finn asked if the idea is to go with a standard designed instead of every town starting from scratch. Scott Dunlap said right now there are a number of towns that need large new high schools. He said the new MSBA was looking for a very safe way to proceed with those projects without incurring risk associated with the design process. The way to do that was to select a handful of projects that were well documented, had good construction periods, that were on time and on budget. Also after they opened, the owner was satisfied with them several years later. They toured that building probably thirty times and talked to the owner about how they were operating, the fuel costs, efficiency post occupancy and then it was selected. Scott said they spent a lot of time on it and they are pleased with the result. Scott Libby said you guys picked the right team. Pat Finn asked if they utilized a project Manager on the job. Scott Dunlap said yes, they used a small firm named Ted Gentry & Associates.

- **Contract Extension:** Kevin Richardson said with regard to the contract extension, the need is there. He asked if there were any questions or motions. Pat Finn said at the last meeting he made a motion to extend Ai3's contract beyond August 26, 2008 and we held it for this meeting. Pat Finn said we were waiting to hear from Jim Lampke on the wording. We know we have used them for additional services since the high school and we are familiar with their billing and they are keeping the same hourly rates from 2000. All we have to do is make a motion to extend Ai3's contract beyond August 26. Jim Lampke added "in accordance with the provisions of the existing contract". Pat Finn said he would add that to his motion. Dr. Silva asked how long the extension would be. Jim Lampke said until you determine it is no longer needed. Scott Dunlap said as a reminder, every month once they go into extended services, along with the invoice comes a detail of what task is being performed. The committee can vote to terminate the services at any time. Jim Lampke said he spoke to Phil Lemnios and we do need to try to come up with some understanding of the dollars involved to ensure the money is encumbered. We will want to have an understanding of the funds to budget for and they will be monitored. Scott Libby said he would like to have an upset limit to work against. If Ai3 were the same order of magnitude as theirs, it would be approximately \$30,000 for a 60-day

period. So when you look at the exposure report, the committee can vote to increase it if necessary as we approach that limit. Scott Libby said it is his recommendation to have a value to target against. Jim Lampke asked if they have any idea, based on the punch list, how much longer Ai3's services would be needed. Scott Dunlap said if TLT continues to be aggressive, there is no reason to assume it couldn't be closed out in about three months. If TLT really got aggressive during the next month, during month two and three, their time would be minimal. It should not take a lot of time to finish out. Scott Dunlap said they are guessing three months but the third month would be much lower. Jim Lampke asked for an estimate of the third month. Scott Dunlap said it has been averaging \$15,000 for the last few months. He said if the committee wants to set an upset limit of \$30,000 that should work. It was noted the not to exceed amount should be added to the motion. Pat Finn said he would like to use the same number of \$56,000 that PMA has in their proposal. Jim Lampke said Ai3 has stated \$30,000 would be appropriate and the number can be adjusted later, if necessary. Pat Finn said we still have the high school going on. Scott Dunlap said they are separate and the high school can continue until you shut it off. Scott Dunlap said on the high school, the motion was to acknowledge that the contract would extend on the hourly basis. ***David Walsh made a substitute motion to extend Ai3's contract for the length of time discussed not to exceed \$30,000 in accordance with the provisions of the existing contract. Dr. Silva seconded the motion.***

Pat Finn asked how that affects the high school. Scott Dunlap said each school operates independently within the one contract. David Walsh said they (Ai3) don't believe it is going to exceed that and he has stated it could go down in the later months. We will be meeting each month and can review it. Charlie Ryder noted the contractor has 60 days to complete the punch list and \$30,000 would cover 60 days and at that point it is a matter of monetizing the punch list. Scott Libby said it is actually three steps – it is 30 days, and then notice at 15 days, and then another notice for 14 days so technically it is really 59 days. The next 30 days are the critical ones but you have the right to stop the bleeding at 60 days. If it trickles over that time period, most clients find value in not terminating and giving them time to finish. It is really 30 days with two notices. Scott Libby said at a minimum, he would want Ai3 involved for 60 days.

Pat Finn asked who does the close out because they have been doing that for us. Scott Libby said affidavits and paperwork that relate to design are Ai3's responsibility. On PMA's end, there is the audit but the bulk of that work is carried by the Town. The MSBA will probably call a meeting to reconcile the audit that they will probably want PMA to attend. He added they have worked with the MSBA on the new hybrid process and they work with the MSBA efficiently and their projects have been paid in a timely manner. Scott Libby said he and Debbie Bennett have been auditing the job throughout the life of it. Based on their forecast, it could close out quickly. What PMA will do will be different from what Ai3 does. Scott Dunlap said Ai3 will accept the as-built and O&M manuals to review and verify and turn over to PMA for a quick compilation to make sure it gets to the owner. Jim Lampke said he spoke to the MSBA today and raised

an interesting question. State law requires a project manager for this project and it is unclear how long they need to stay on board. They are going to get back to us with any policy they have and any requirements to keep them on board and at what point. Jim Lampke added working together with the same team effort, there would be a clearer understanding about whose services are needed. Since both are providing services on an hourly basis, the town will be able to decide whose service is needed to do what but if we do need their services they will be available.

Pat Finn said the additional services to consider Ai3 look into is the preliminary conception to relocate the town offices to Memorial School. Dr. Silva said he does not think that has anything to do with what we are talking about. Jim Lampke said we are talking about additional services as it relates to the Jacobs School. If the Town wishes to pursue that, he thinks it should come from the Town Manager and he will advise the Selectmen and this committee to the extent they are involved. Pat Finn said he would like them to review their plans to find out what our options are. Scott Dunlap said the way to pursue that; you would have to ask them for a professional service supplement, which defines a scope of work but would not specifically have anything to do with the Jacobs budget or the additional hourly services. Jim Lampke added that would also complicate the audit if there were funds used outside the Jacobs School. Scott Libby said early on in the job that is what had to be ironed out, you cannot spend money on a project outside of what you were given money for. *All approved the substitute motion.*

Pat Finn made a motion to authorize additional services from PMA beyond August 29, 2008, with the original rates in the original contract, monthly bills that must include detailed, itemized, documentation with dates, times, and hours work, and the specific activity performed and the work accomplished, not to exceed \$56,838 from September 2008 thru August 2009. Paul Dunphy said the motion states the rates are based on their previous contract but the numbers don't agree. *Paul Dunphy made a substitute motion to accept the proposal as submitted to us and sign that off and return it to them.* Jim Lampke noted the contracting authority rests in the Town Manager and this committee has cosigned agreements with the Town Manager. What PMA had presented to the Committee was a proposal and it is fine in terms of content. Under the contract we have with PMA, it can be done by a letter of agreement or a contract amendment and he prefers it be done by way of a contract amendment so it is clear and it stipulates the terms. Jim Lampke said he spoke with Steve Rusteika and the dollar amount will be slightly different from their proposal since the proposal had a higher figure for the hourly rate and his reading of the contract is that it should be the rates in the existing contract. Jim Lampke said Steve did say if PMA needs to be involved much longer than everyone anticipates, they might request a rate adjustment. Jim Lampke said in talking to Phil Lemnios they would prefer the Committee authorize the Town Manager to enter into a contract extension with PMA for the two periods of time - the September 1 thru October 31, 2008, and November 1, 2008 thru August 31, 2009. It will have to be revisited after October 31. Since it is an hourly basis, when it is done it is done but you can authorize the Town Manager to proceed in that fashion. *David Walsh made a substitute motion*

that the SBC authorize Town Manager, Phil Lemnios, to enter into contract negotiations with PMA for an extension of services with a not to exceed amount of \$56,383. Kathleen Tyrell seconded the motion. All approved.

5. Fiscal Report:

- Warrant #544 was presented to the Committee containing eight invoices for the Jacobs School totaling \$46,745.11. *PMA has reviewed and approved these invoices.*
 - Two invoices from PMA Consultants totaling \$21,140.22. One invoice in the amount of \$1,876.88 for Briggs Engineering and Testing, which will be charged to the Testing Account. One invoice in the amount of \$19,262.56 for project management services 7/1 through 7/31, which will be charged to the OPM Account.
 - Two invoices from David A. Rienks totaling \$110.00. One invoice in the amount of \$60.00 for videotaping/cablecast for the July 12 meeting, and one invoice in the amount of \$50.00 for videotaping/cablecast for the August 7 meeting. Both invoices will be charged to Owner Administrative.
 - One invoice from J. Truglia Lawn Care & Landscaping in the amount of \$4,725.00 for tree plantings at 47 Harborview Road. This work was approved by the School Building Committee on June 12, 2008. This invoice will be charged to the Contingency Account.
 - Three invoices from Architecture Involution totaling \$20,769.89. One invoice in the amount of \$18.08 for Postage and Delivery expenses which will be charged to the Architect Account, one invoice in the amount of \$2,380.50 for services performed associated with Structural Steel Testing by Engineer of Record which will be charged to the Testing Account, and one invoice in the amount of \$18,371.31 for Professional Services from 7/1 through 7/31 which will be charged to the Architect Account.

Charlie Ryder made a motion to approve Warrant #544 in the amount of \$46,745.11. Cathy Bowes seconded the motion. All approved Warrant #544 in the amount of \$46,745.11.

- Warrant #545 was presented to the Committee containing one invoice for the High School from Garrity and Knisely in the amount of \$2,652.90 for legal services rendered during the month of June 2008 in relation to the Closeout of the High School contract with USF&G and in relation to the Dumas litigation. This invoice will be charged to the Legal Account.

Charlie Ryder made a motion to approve Warrant #545 in the amount of \$2,654.90. Cathy Bowes seconded the motion.

Dr. Silva asked for an update on the high school. Jim Lampke said mediation is scheduled for September 25, he believes, and Bob Garrity will be there and Troy Randall will mostly likely be there too. They made it clear to them that we don't anticipate the town having to pay anything towards this judgment but will share in the mediation. There is still the dispute with the general contractor thru the bonding company and the roofing subs as to who owes what to whom and whether the roof was satisfactory. Pat Finn asked if it is binding mediation. Jim Lampke said it is non-binding. The mediator is an experienced construction law attorney and he tries to bring the parties together to resolve it. ***All approved payment of Warrant #545 in the amount of \$2,652.90.***

- Warrant #546 was presented to the Committee containing three invoices for the Jacobs School totaling \$18,818.60. *PMA has reviewed and approved these invoices.*
- One invoice from Brander Alarm & Electric, Inc. in the amount of \$2,631.60 for parts and labor associated with the Aiphone video door entry system. This invoice was reviewed and approved by Judi Saide and will be charged to the Technology Account.
- One invoice from Ockers Company in the amount of \$15,630.00 for HP ProCurve switches and modules. This invoice was reviewed and approved by Judi Saide and will be charged to the Technology Account.
- One invoice from Computer Tech Inc. in the amount of \$557.00 for contract labor associated with ongoing network rollouts. This invoice was reviewed and approved by Judi Saide and will be charged to the Technology Account.

Dr. Silva made a motion to approve Warrant #546 in the amount of \$18,818.60. Kathleen Tyrell seconded the motion. All approved payment of Warrant #546 in the amount of \$18,818.60.

- Warrant #547 was presented to the Committee containing three invoices for the Jacobs School totaling \$10,390.50. *PMA has reviewed and approved these invoices.*
 - One invoice from Rentacrate in the amount of \$540.50 for crates and plastic file crate dollies. This invoice will be charged to the Furnishing Account.
 - One invoice from Charles River Movers in the amount of \$3,850.00 for moving services on 8/4/08. This invoice will be charged to the Furnishing Account.
 - One invoice from Energy Management Associates in the amount of \$6,000.00 for Commissioning Services performed between July 8, 2008 and August 19, 2008. This invoice will be charged to Contingency.

Cathy Bowes made a motion to approve Warrant #547 in the amount of \$10,390.50. Charlie Ryder seconded the motion. All approved payment of Warrant #547 in the amount of \$10,390.50.

- Warrant 543 was signed by the sub committee in the amount of \$502,076.83 to TLT Construction. *Pat Finn made a motion to reaffirm the vote. Dr. Silva seconded the motion. All approved.*
6. **Town Manager's Report:** None this evening.
 7. **Superintendent's Report:** None this evening.
 8. **Old Business:**
 - **Jacobs Traffic Flow:** Kathleen Tyrell said Mr. Twombly and the Police Chief had numerous conversations about traffic flow. They spent a lot of time out there and they believe we can get seven of the nine buses in the circle at student arrival with two in the road. So they think the best traffic flow during arrival and dismissal time would be one-way, with do not enter signs at the gymnasium for one hour in the morning and afternoon. From the gym south, it will be two ways because of the Superintendent's office and HFN traffic. They have looked at it and feel that is the best way to proceed and if it turns out there is a better way they will revisit it. David Twombly said one of the things they are cautious of, is cars coming up Harborview and dropping off students who would walk in front of the buses. When you get to the gym we have administrators, HFN and teachers arriving and it would cause undue burden on Christine Road if it were all one way. The plan is a good plan. The original plan was that the buses would drop off on Harborview Road and the parent drop off would be where the modulars were. This is a valid plan and it can be reviewed again later if need. Charlie Ryder asked if the Police Chief agrees. David Twombly said he wanted it one way 24/7 because it is difficult to police. Kathleen Tyrell said the cars from our office and parents for HFN would all be arriving at the same time and they would be caught behind buses and parent drop off which will cause an unsafe situation. Pat Finn said he is not familiar with the operations of the school but he does know about traffic flow and the width of Harborview Road is not wide enough for two-way traffic. He thinks the traffic commissioner should take it up with the Police Chief. Pat Finn said the committee should consider mitigation for the abutters and repave the entire road, provide signage and put in sidewalks. Dr. Silva said he would like the Police Chief to concur with the traffic flow in case of an accident. If this is not what the Chief advised there could be problems. He thinks the Board of Selectmen should also be involved. Dr. Silva said with regard to Harborview Road, we are only eligible for funding to the extent of the school property but they did not say they would not reimburse if it were under control of the School Committee. So what if the Board of Traffic Commissioners made the road, down to Christine Road the property of the School. Scott Libby said the contract

documents already identified the limits. David Walsh said we talked about this before. Regarding the traffic flow, he thinks that is outside the scope of this Committee and he was nearly arrested 20 years ago for driving up a road that was one way for a few hours in the afternoon because it was poorly marked. Having a public road marked one way for only a few hours a day could get confusing. However, we should leave that with the School Department, the Police Chief and public safety officials. Peter Lombardo said the signage needs to be in place for the first day of school. Kathleen Tyrell said when David originally met with the Police Chief it was before the flip-flop and they will meet with him again. Pat Finn said the Police Chief handles the signage. Scott Libby said new curb cuts are in at the project limits and the road width has changed at the bus drop off. It will be lined next Friday, the 29th. It will be striped and signed according to the contract documents but you may need to police the situation the first few days.

School Area Dedications: Kevin Richardson said the School Committee is setting up a sub committee for naming parts of the buildings and they will be looking at the policy regarding potential changes. Kevin Richardson asked if any two SBC members would want to serve on it. Pat Finn said he would. David Walsh said he would think about it.

Parent Walk thru: Kevin Richardson said they would have a walk through on August 28th for parents. They split the alphabet, and A-L will be from 6pm-7pm and M-Z will be from 7p-8p. He just wanted the School Building Committee to be aware.

9. New Business/Submission of Agenda Items

- *Grassy Knoll:* David Walsh said he would like to get something on a future agenda regarding the grassy knoll area by the Avakian's. There was talk about benches and making it accessible and it would be worthy of spending a few dollars on from the contingency. David Walsh said he would volunteer his services if the committee would purchase the materials for a few picnic benches to put over there. David Twombly said there is a guardrail there and a 4-5 foot opening needs to be cut in there. David Walsh said during the walk thru with Mr. Lemnios, they looked at removing guardrail at the far end, closest to the school. He said it would be nice for the people of the Town.

Meeting schedule: Kevin Richardson noted the next meeting is scheduled for September 11 and typically the town has other things going on so it may make sense to reschedule it for a week later. ***Paul Dunphy made a motion to reschedule the meeting to September 18. Dr. Silva seconded the motion. All approved.***

10. **Sub Committee Update:** David Walsh said regarding the correspondence submitted by the Avakian's regarding their paint; he has the paperwork and is meeting the Benjamin Moore

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representative tomorrow morning at Hingham Lumber. The rep may be able to get out to Hull tomorrow but he comes out only once a month.

Dr. Silva made a motion to adjourn the meeting. Paul Dunphy seconded the motion. All approved. The meeting adjourned at 8:16m.

Respectfully submitted,

Debbe Bennett
Recording Secretary