

**Town of Hull
Building Committee Meeting
Thursday, January 8, 2009**

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

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

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:** *Dr. Silva made a motion to approve the agenda. Pat Finn seconded the motion. All approved.*

2. **Architect's Report:**

- **Change Order #11:** Troy Randall presented Change Order #11 from TLT Construction to the Committee. He said the Change Order includes 7 items totaling a credit of (\$10,574.00). He added all of these items have been previously discussed at the School Building Committee meeting.
 - COR56R is to furnish and install exterior light fixtures on the playground side elevation in the amount of \$4,586.
 - COR59R is for a gypsum soffit to correct and lower the acoustical ceiling to accommodate mechanical ductwork adjacent to the mechanical room in the amount of \$1,436.
 - COR57R is related to PR52, which is to furnish and install light switch and electrical receptacle in the crawlspace under the kitchen in the amount of \$2,015.
 - COR80 is to replace and relocate an existing hydrant at the northwest corner of the site. He explained it was an existing hydrant that was supposed to be relocated and moved and during excavation it fell apart because of her age and was replaced in the amount of \$3,299.
 - COR81R is a credit for not painting the new exterior lentils in the amount of (\$2,002).

- COR83 is a credit for the unused earthwork allowances, which were allocated in the contract to allow for unforeseen excavation or rock conditions and that was unused in the amount of (\$36,180).
 - COR84 is for miscellaneous additional plumbing and electrical revisions required prior to occupancy such as exit signs etc at the end of substantial completion related to plumbing and electrical in the amount of \$16,272.
- The total for Change Order #11 is a credit in the amount of (\$10,574).

Paul Dunphy said \$16,000 is a lot of exit signs. Troy Randall said that was one item, there were also plumbing items. Troy Randall said the Change Order does contain all the detail related to that change. He said they just received it back from TLT signed and will provide copies for review. Phil Lemnios asked this be included in the packages for the next meeting.

- **Application for Payment #28:** Troy Randall presented Application for Payment #28 from TLT Construction to the Committee in the amount of \$315,688.70. He said this nearly completes the contract value. The balance to finish is \$56,645, which is directly related to the remaining values associated with the punch lists for phase 1 and phase 2. It has been reviewed by Ai3 with TLT and PMA and they would recommend payment.

Charlie Ryder asked about retainage. Troy Randall said retainage has been billed out at 100%. He said what remains is the value of only punch list work. He said as you may recall, going thru the project, substantial completion and the related punch list, the certificate of substantial completion required a 60-day completion of the punch list items and we are well past that now. He said if the committee decided to, through counsel and proper written notification, they could hold the \$56,000 and complete that work themselves and that is the value of the phase 1 and phase 2 punch list. Charlie Ryder said so there are no other pending problems with the contractor that we could hold money for. Troy Randall said that is correct.

David Walsh said one of the big things is the issue on the grading. Troy Randall said that is a punch list item. Phil Lemnios reminded everyone that this was an issue of the reveal left along the curb and it was not uniform across the site. David Walsh said it is not enough to re-coat and that could be an expensive punch list fix. Phil Lemnios noted we are carrying a value for this on the punch list and that has not been paid.

Kevin Richardson asked about the sensors and leaks in the classrooms. David Twombly said there are several leaks at the school. One leak is on Harborview Road side and Chandler, the window installer, came out on Monday and applied sealant and blown in insulation. During the storm yesterday, there were no leaks along Harborview Road. They also had Lighthouse Masonry out about three weeks ago to look at leaks on the playground side (C105 and C109). Lighthouse went on the roof and discovered some weep holes that got clogged by caulking and debris and they cleared that out. Through talking to Del Laluc of TLT and Lighthouse Masonry, it appears it may be the flashing at the roofline that needs to be re-caulked. As of today, it appears TLT will have Stanley

Roofing out next week to re-caulk the flashing. After that we will observe the leaks and see where to go from there. There was one other leak along a column on the 2nd floor outside room C204 or C209. That was a new leak yesterday and the custodian went up on the roof to make sure the roof drains were clear but there was a lot of ice on the roof. It was a good size leak but before he left the building today there were no signs of leaks. When Stanley Roofing comes out next week they will check that out too.

David Twombly said the sensor issue has gone back and forth with TLT. Phil Lemnios explained this issue was the excessive tripping of the motion sensors. David Twombly said over the last three or four weeks all motion sensors were turned on and now when the exhaust fans go on or when it is windy outdoors, the doors would shake, it sets off the alarms so they were getting three or four calls a night. He contacted TLT to see if CNM or Signet could reduce the sensitivity. He said that is still evolving, and they have been working with Signet to control the sensitivity of the alarms remotely. David Walsh asked about the \$3,000 reimbursements for calls. He said if the sensors have been installed per code and per spec and they are still tripping who is responsible monetarily for that. David Twombly said they were installed according to spec; however, some sensors were probably installed in locations they probably should not have been like by the univents or in doorways, which will trigger them. He noted all perimeters are completely alarmed and monitored. The first thing he wanted to do was reduce the sensitivity and if that does not work they may have to relocate some of the sensors because when the univent goes on, the shade moves and it sets the alarm off. He has been working with TLT Construction to resolve it but it is moving slowly. Troy Randall said David is going through the right process.

Peter Lombardo said they did a generator test and asked if that is part of the punch list. There were a few items that were not operating properly like the outside lights were not coming on. David Twombly said Judi Saide was collecting all the results but he has not seen them. Peter Lombardo said he would follow up with Judi Saide. Paul Dunphy said during the first test the stairway lights were switched and they should not have been and should have come on automatically. Peter Lombardo said during the second test they were on but there were a few other items that were not as they should be like the main exterior lights did not come on. Phil Lemnios asked Peter to work with David Twombly to make sure Troy Randall is aware of these items.

Pat Finn asked if this is the commissioning agent's responsibility. David Twombly said he was involved with the first test but not the second. He said Judi Saide was tabulating the results of the test. There is a meeting at the end of January to review the punch list and thru that process maybe we can add some of these items to the list. Pat Finn said if they have not had a meeting on the final punch list, wouldn't it be prudent to hold off on the final payment requisition approval. Troy Randall said there have been several punch list meetings and Ai3, PMA and TLT have reviewed it several times – this is an ongoing process that has been going on over several months. Phil Lemnios asked if there is anything they are seeing, now that the building is occupied, that is beyond these known existing items. He asked if there are any large items that have popped up that need to be

added. David Twombly said there have been a couple other items but some are not warranty items because part of the building has been occupied for almost a year and a half. He said they are working with TLT to resolve them. One is related to the boiler expansion tank that is not working properly. There have been several meeting on this and their hope is to wrap it up the process. Phil Lemnios said there have been some new items identified that may impact the punch list.

Paul Dunphy asked if this is in step with commission agent's punch list. Troy Randall said yes, there were one or two remaining items that need to be resolved. Paul Dunphy asked if the numbers to fix the mechanical items on the list is included in the \$56,000. Troy Randall said they have seen his list and he has seen theirs and they have been in communication and reviewed all items. Paul Dunphy said the physical plant assessment has identified \$3,000 in discrepancies for immediate repair like a missing exterior wall joint. David Twombly stated TLT has already addressed that. As soon as that was brought to his attention, he contacted TLT and Jeff Chamberlain, who has periodically been on site, went out to the roof to re-caulk two expansion joints on the rear of the building.

David Walsh said next week will be bitterly cold so any roof work or caulking should be put off. It should not be done in cold temperatures. If it is an issue with ice on the roof, it will not leak until it thaws. If they go up there and it is frozen solid, it might not be the best time. Phil Lemnios asked if the leaks are considered a punch list items. Troy Randall said he would say yes, without knowing the exact locations and scenarios, most likely it is. Phil Lemnios asked if it is possible to hold the punch list items open until March or April. Troy Randall said you could hold the items. Phil said we don't want to remove something from the punch list until we really know it has been fixed. David Walsh said a punch list item is a warranty item so from the day it starts, start documenting it. Phil Lemnios said the key is that David Twombly and the School Department is doing the right thing by contacting the right people to come and address it. Phil Lemnios told Troy Randall he does not want that to leave the punch list until we believe the items have been addressed. In the instance of exterior leaks, even though they might have fixed it in January we might reserve the right to not remove the item from the punch list until after April 15. Troy Randall said or until there is evidence it is resolved.

Paul Dunphy said if you are recommending paying this payment and we only have \$56,000 left and we have roof issues, that is not enough money to hold back. We need to be holding more than \$56,000 because roof repairs can get into big money. Troy Randall said he would hesitate to hold the entire payment until you have assessed exactly what the issue is. It could be \$500 or \$1,000 or \$100,000 but that is unlikely given how solid the roof has been so far. He would caution against that, without knowing the exact detail of the situation. Phil Lemnios asked if the payment were reduced by \$10,000, is that within a range of reason. Troy Randall said they would have to go thru the exact locations with David and determine what the costs would be to repair a specific location and that would be the justification to deduct.

David Walsh asked if there have been any leaks anywhere during just hard rain or has it been just since colder weather where water is frozen. David Walsh said that is a telltale sign, if we have torrential or wind driven rain and there are no leaks or then we have them after standing water on the roof freezes, it is a sign of an ice damming issue. David Twombly said the leaks on the Harborview Road side have been ongoing in 2-3 classrooms, and Chandler Window re-caulked the windows. There were no leaks yesterday in the area. In C109 there were no leaks in the morning and around 1:30pm it started. It depends on the direction of the wind and the amount of rain. There was one other leak by the elevator shaft. There is a vent that, depending upon the direction of the wind, snow builds up and then melts and leaks into the elevator shaft. That was brought to TLT's attention and we were told it was built according to design. They suggested he work with Ai3 to come up with a solution but it depends on the direction of the wind. David Walsh said in this area if you have vent that is candy cane vented down that is not going to stop snow. Some vents may need to have a diffuser on them.

Charlie Ryder said we have a monetized punch list but we also have other roof related issues. He asked if it is reasonable to hold a portion of the retainage because to release all the retainage at this point seems to be flawed. Troy Randall said you have the right to withhold money for incomplete or unsatisfactory work. We would need to look at the order of magnitude and then put a value to it so it is a legitimate and justified amount. Troy Randall added this is not a final payment. Charlie Ryder said all that is left is the amount of the monetized punch list. Phil Lemnios said the \$315,000 being presented tonight is for work performed and we can't withhold money for work that has been completed. The fact that there is a \$56,000 balance left in the contract and if there are problems that go beyond \$56,000, that is a separate issue from what is being presented. Troy Randall explained, once the project is substantially complete, contractually the retainage must be released for work that has been justified and deemed complete and \$56,000 is the value of what has been identified as unsatisfactory or incomplete so far. The punch list and certificate of substantial completion are legal documents and anything after that is a warranty item. Phil Lemnios reminded the Committee, back in August they accepted substantial completion and at the same time there was a walk thru of the project by representatives of the town and staff that identified the scope of the known existing punch list and that money was withheld from payment. Now, if there are items coming to light that were not on the punch list, they would fall under a warranty claim rather than a punch list item. Troy Randall said David Twombly has been going through the right process and notifying the contractor in writing. Phil Lemnios provided an analogy. He said if you go to an automobile dealer and buy a car but prior to picking it up you request additional work done. When you pick it up you verify that those punch list items are complete and you make your payment. As you turn out of the parking lot you hear a strange noise in the engine – that is a warranty item. Jay Meschino asked if, of the \$56,000, is there any number for the roof or leaks. Phil Lemnios said if they were not identified as punch list items at the time, they would fall under the category of a warranty claim.

Dr. Silva asked when the \$315,000 is scheduled to be paid, per the contract. Troy Randall responded it should be paid within fourteen days of issuance by TLT. Dr. Silva asked if TLT has been apprized of the leaks. David Twombly said yes and they have sent out the mason, window installer and will have the roofer out next week. Dr. Silva asked what TLT's reaction has been. David Twombly said they have been responsive and have sent a couple subs out already. Phil Lemnios said the application for payment being presented tonight is for work already performed. Dr. Silva said if nothing else, tonight we have documented our concerns about the leaks because if it comes to a warrant item, vis-à-vis, a lawsuit, at least we have documented it now even if it has been paid. Phil Lemnios said it sounds like David Twombly has been on top of it from day one and has done a great job doing his job by contacting the appropriate folks for effective repair.

John Reilly asked if he heard earlier that it would be within our rights to withhold money for the roof clam. Troy Randall said that goes back to the warranty claim and you couldn't withhold money for that. Paul Dunphy said told John that was his thought too but Phil Lemnios turned him around

3. Fiscal Report:

- **Warrant #568** contains five invoices totaling \$318,684.33 for the Jacobs School. Scott Libby has reviewed all of these invoices.
 - Two invoices from Ai3 in the amount of \$1,222.50 for additional services during December and one in the amount of \$50.83 for reimbursable expenses, which will be charged to the Architect account.
 - One invoice from PMA in the amount of \$1,662.30 for professional services during December, which will be charged to the OPM account.
 - One invoice from David Reinks in the amount of \$60.00 for videotaping services at the 12/11/08 Building Committee meeting. This invoice will be charged to the Owner's Administrative costs account.
 - Payment Requisition #28 from TLT Construction in the amount of \$315,688.70, which represents the remaining balance minus the current value of the monetized punch lists (\$6,885 for phase 1 and \$49,760 for phase 2). This will be charged to the Contractor account.

John Reilly made a motion to approve Warrant #568 in the amount of \$318,684.33. Jim Tobin seconded the motion. All approved Warrant #568 in the amount of \$318,684.33.

4. **Town Manager Report:** None this evening.

5. Old Business:

- *High School Update:* Phil Lemnios said Jim Lampke gave him an update on the status of the Dumas litigation. It is in the process of scheduling pre-trial conferences that should take place in a few weeks. The status of the case will be reviewed by the court and, at that time, based on discovery and research that has occurred, we also will be discussing

with the court the possible of filing a motion for a summary judgment. Phil Lemnios said if you are familiar with the court system, either side of a case can request a postponement and sometimes it is done because both sides are coming too an agreement. John Reilly said he would like Jim Lampke to come to the next meeting.

- *Maintenance Position:* Jay Meschino asked if there is an update on the joint meeting with the School Committee about appropriating funds for maintenance. Phil Lemnios said Jim Lampke is looking into the legal aspect of it and doing the review on that. Phil Lemnios said he and David Twombly talked to Jim Lampke about it as recently as this morning. Phil Lemnios said the first question is the legal threshold question.

6. New Business/Submission of Agenda Items:

- *Physical Plant Assessment:* Paul Dunphy said the physical plant assessment draft has come out and he does not know how the Committee or School Department is going to deal with that. We paid to have the systems assessed in terms of expected useful life and replacement costs when they hit the town budget. Phil Lemnios asked how we could get a presentation on this. David Twombly said it is now in draft form, which will be reviewed by the sub committee. EMG will make any changes and issue a final report. Phil Lemnios asked if EMG would come out to do a presentation. David Twombly said he did not think so since they are located in Maryland. Phil Lemnios said there is teleconference ability in the exhibition room of the high school. Kathleen Tyrell said she thinks it can only connect with one of ten schools. David Twombly said he could get comments and send them into EMG and then send everyone a final copy. Phil Lemnios said once we have a final document the Committee would determine a course of action.

7. Subcommittee Report: None this evening.

David Walsh made a motion to adjourn the meeting. Jay Meschino seconded the motion. All approved. The meeting adjourned at 7:47pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary