

**Town of Hull
Building Committee Meeting
Wednesday, April 07, 2010**

In attendance:

Cathy Bowes/Committee Member
Paul Dunphy/Committee Member
Patrick Finn/Committee Member
Phil Lemnios/Committee Member
John Reilly/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
Mickey McGonagle/Support Staff
Jim Lampke/Support Staff
Peter Lombardo/Support Staff

Absent:

Bill Dwyer/Committee Member
Jay Meschino/Committee Member
Kevin Richardson/Committee Member

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

1. **Approval of Today's Agenda:** *Paul Dunphy made a motion to approve the agenda. Charlie Ryder seconded the motion. All approved.*
2. **Approval of Minutes:**
 - **Thursday, October 29, 2009, Open Session:** *Charlie Ryder made a motion to approve the October 29, 2009 Open Session minutes. Pat Finn seconded the motion. All approved.*
 - **Thursday, December 10, 2009, Open Session:** *Cathy Bowes made a motion to approve the October 29, 2009 Open Session minutes. Dr. Silva seconded the motion. All approved.*
 - **Thursday, October 29, 2009, Executive Session:** *Cathy Bowes made a motion to approve but not release the October 29, 2009 Executive Session minutes. Pat Finn seconded the motion. Pat Finn noted the first page of these minutes says that Jackson went belly up, but he thought we fired them. All approved.*
3. **Fiscal Report:**
 - **Warrant #587** was presented to the Committee containing one invoice for Garrity and Knisely for the high school, which Jim Lampke has reviewed and approved. *Paul Dunphy made a motion to approve warrant #587. Charlie Ryder seconded the motion.*

Dr. Silva asked where we stand on the Garrity and Knisely bills. Debbe stated she had contacted Bob Garrity directly and he indicated there were no other outstanding invoices. *All approved.*

- **Warrant #588** was presented to the Committee containing one invoice from the School Department for the annual Recording Secretary stipend. *Dr. Silva made a motion to approve warrant #588. John Reilly seconded the motion.* John Reilly said as we are winding down he wanted to recognize the work of Debbe Bennett who kept track of all of the project information. We don't know how we would have done it without her and the Town is very grateful. *The motion to approve Warrant #588 was unanimously approved.*

John Reilly made a motion to formally recognize the services of Debbe Bennett who was instrumental in getting timely reimbursement from the State. The auditors were happy with how orderly the information was which helped get the Town unencumbered reimbursement. All approved.

4. Town Manager Report:

- **Final Report to Town Meeting:** The subject was put on hold until later in the meeting.

5. Old Business:

- **Jacobs School**

Update on project closeout: Mickey McGonagle introduced himself to the Committee.

Water Infiltration: Mickey McGonagle informed the Committee that TLT has been repairing minor issues at the administration area, investigating leaks, repairing the paving stones at the front and rear and they freed up the catch basin. There are three more significant issues many of which have gone on for a long time. The first is moisture related issues – the roof in section C over room 109 leaks and is worse when there is heavy rain and wind. The construction company has been there multiple times and it is still not resolved. Mickey said, based on his assessment, it is one of two things or both – the seam along the building and also the ventilation ducts that face the water. He said he discussed this with the architect and general contractor and he has not succeeded in getting the architect to take a look yet. The general contractor was supposed to be there today but the roofer did not show up. This can be a significant issue in terms of cost and he is not certain if it is an installation or design issue or both.

Elevators: The second moisture issue is rainwater coming down the storm drain on the roof into the elevator shaft. The architect suggests designing a cover for the area

but he would have preferred the architect design it. The other elevator has again gotten water up from the ground. It got about 2 feet of water, which happened before, and it was pumped out and the area sealed. He has asked the architect to investigate if the water is coming from the ground and he also wonders if it is an installation or design issue. He recommends the architect investigate it further. The elevator controls were under water and it is still not fully operational. He is not certain how much permanent damage has been done to the controls.

Sprinkler Leak: In early February one of the sprinkler pipes froze and burst, leaking into the hallway. It was repaired by Fire Alarm Services at a cost of \$2,416.50, custodial overtime was paid to mop it up totaling \$365.96, and \$570.65 was paid for emergency electrical work. So far \$3,353.11 has been spent on costs associated with the leak. The electrical inspector has instructed us to replace the main breaker box and we received a price quote of \$4,782.00 to do. He stated they have not proceeded on that yet but they have notified TLT about it. If TLT determines it is their fault, they will pay for it and we have not yet moved on the electrical work in case they think they can repair at a lesser cost. He has also notified the insurance company but we have a \$5,000 deductible and they would reimburse the balance.

Playground: The third issue is the playground safety issue. There are two sections, one for older and one for younger children. A portion of the equipment has monkey bars and several children fell and broke arms. They talked about taking out the offending piece but the installer indicated it was not an easy fix since removing a piece of equipment would make the remaining structure out of code. The installer will provide an estimate to rectify the issue or it can all be taken out. Jim Lampke has been working on this. It may be a judgment issue that the equipment is not suitable for the age group but it will require some additional funds to remedy the issues.

Elevator (continued): Phil Lemnios asked if the committee had any questions on the elevator issue. One issue is the air intake shaft and the second has water in the pit. John Reilly asked why Ai3 was not here and said for us to kick this around without them is pointless. Mickey McGonagle noted three members of Ai3 were asked to attend the meeting but they were unable to be here tonight. Phil Lemnios noted Mickey McGonagle is still waiting to get a quote from Childscape and Stanley Roofer needs to come back too. When Mickey talks to them he will have a clear idea of the concerns the School Building Committee has.

Playground (continued): Paul Dunphy said a sub committee looked at the playground three years ago and they recommended taking it down but it was turned over to the School Committee and Jim Lampke was working on it. Phil Lemnios said Jim Lampke was not satisfied with the report but the report did not think it was a design or installation issue and suggested better oversight. Paul Dunphy said that equipment was not designed for elementary school kids because they don't have the strength. John Reilly asked if there is any way to build the ground up higher. *Jim*

Lampke entered the meeting. Phil Lemnios stated we have been told that if a piece is pulled out, the balance of the equipment won't be in code but the quote Childscape would forward would make it in code. John Reilly said if the problem is the equipment is too high for the age couldn't the ground level be raised up to make it four feet rather than six feet. Mickey McGonagle said as he understands it, it is not able to be modified and stay in code but he will raise the question.

Dr. Silva said when we had the initial problem, the architect assured us it was up to code and later we talked about it not being age appropriate. Have we had any liability issues with the broken arms and where does that leave the architect with liability. Jim Lampke said he is aware there have been injuries but he is not aware of any claims filed against the Town and whether or not the School Department notified Richardson Insurance directly he does not know. Dr. Silva said if, in fact, we have to remove some or all of the equipment, who is responsible for paying for it. Phil Lemnios said that is the dilemma. Jim Lampke said that relates to the second issue – that monkey bars devices are never recommended for this age group. There are no federal regulations saying you can't use them but there are numerous articles that don't recommend them for playgrounds and he does not know how they got into the design. He suggested before that we hire an engineer to review it. We hired a consultant to do a safety check. Jim said he told them things he wanted them to look at but the report did not include them. Dr. Silva asked where does that leave Ai3. Phil Lemnios said the town could come to the conclusion that Ai3 did not use good professional judgment and that would result in some form of litigation. The second option is to make a determination that it was installed improperly but it seems that it was installed as it was designed. Either we could sue the architect for recommending something that does not have a sound basis or the Town could modify it. Either way, the contractor did what they were supposed to do. John Reilly asked if it was during school hours that the children fell. Cathy Bowes said one was during the after school program. John Reilly said all playground equipment has an inherent risk. He asked if it is routinely supervised. Cathy Bowes said faculty or paraprofessionals supervise the playground. John Reilly said without supervision they will find a way to make it dangerous. It was installed properly and it is equipment used around the country. Paul Dunphy said if you drive around, you don't see them anymore. Paul Dunphy suggested giving Mickey McGonagle the authority to remove it, we'll pay for it and fight with Ai3 later. The point is it needs to come out. John Reilly said if you take that part out it will be out of code. Mickey McGonagle said the alternative to that is a retrofit of some kind. Cathy Bowes recommended a rattle bridge to connect the structure where the monkey bars are. Mickey McGonagle said he would like to see what Childscape proposes and share it with the School Building Committee. The fundamental issue is liability. Cathy Bowes said there are multiple components to select from. Mickey McGonagle said on similar past projects he has had parents work with the company to determine what was appropriate.

John Reilly asked if they would like the sub committee to move ahead and make modification as necessary quickly. Jim Lampke said he knows when there was an issue it was closed off with snow fence and then parents complained that it was closed. The report came back that there was a problem with supervision of the kids who were climbing on top. He said back in August 2009 he wrote to Troy Randall, Scott Dunlap and Daren Sawyer about this and noted he did not find any articles that felt it was age appropriate and said we felt the simple solution was for removal and replacement with age safe equipment without any cost to the Town. They requested copies of the material Jim had and he gave them some information he had. In November he again sent a letter reiterating all points and requesting the monkey bars be replaced with suitable equipment but he does not believe he heard back from them. Jim Lampke said he is skeptical about Childscape coming up with the solution since they put it there.

Pat Finn said the sub committee recommended the equipment be removed but we heard over and over that we do not have any authority over it and that it belongs to the School Department so it is up to them to do what they want with it. The architect designed it and it was built to specs. It is a waste of time to talk about playground equipment that was installed correctly.

Dr. Silva said all injuries are related to the monkey bars. ***Dr. Silva made a motion to authorize the sub committee to use judgment to bring this to a resolution; pending the quote Mickey McGonagle receives from Childscape. Paul Dunphy seconded the motion.*** Charlie Ryder asked which sub committee. Dr. Silva said Phil Lemnios Kathleen Tyrell and John Reilly – the financial sub committee. Pat Finn asked if we are going to allow the sub committee to overrule what the entire committee already decided and pay for it. Paul Dunphy said we are a committee voting to authorize them to take action. Phil Lemnios said the action tonight is to empower the sub committee to resolve this issue. Pat Finn asked if that means financially. Phil Lemnios said yes. The motion passed 9 to 1 (Pat Finn).

Elevator (continued): Paul Dunphy said don't wait on the elevator penthouse vent. He said they are retrofitted by a lot of owners. Paul Dunphy suggested bringing in a tin knocker and having them put a cap on it. He said that does not go back to design. Regarding infiltration from below, you need to drill down and insert material in to stop that. Dr. Silva asked when it came back. Mickey McGonagle said they got about 18 inches to 2 feet in the second storm and the controls are under water and he doesn't know the solution. John Reilly asked if a sump pump is a possibility. Mickey McGonagle said they did talk about that initially but the response he got back from the elevator repairman was that was how it could be done in New Hampshire so he is not sure if it would be code compliant in Massachusetts. Phil Lemnios said there is a provision for a sump pump under the kitchen. Phil Lemnios asked if a sump pump could be installed in the elevator shaft. Peter Lombardo said there is water from under ground.

Water Infiltration (continued): John Reilly asked if the louvers over room 109 would be a simple fix. Mickey McGonagle said that is where you need the architect. His opinion is it is both (the louver and roof seam). Phil Lemnios said when the roofer is rescheduled, get the architect there as well. The vents would likely be a similar situation as the shaft. After every rain storm the ventilation has water coming through and it needs to have a cover of some kind. He would like to have feedback from the architect to assess and design. Pat Finn said he thought the last time it happened David was going to put a sump pump in the elevator. Peter Lombardo said he is not sure but that elevator has been an ongoing problem.

Sprinkler (continued): Captain Evans said his issue is with the safety systems in the schools and whether the problem with the sprinkler system was design, installation or internal controls. But he does not want this problem next winter. He asked if we have anyone internally who could diagnose why this happened. Mickey McGonagle said Paul Dunphy had suggested and we installed ventilated ceiling tiles in the area. That is a simple, cheap and easy solution. He said he recommends leaving it as is to see if that works. Peter Lombardo said you might want to further investigate the insulation and sheet rock that pulled away from the exterior wall. Phil Lemnios asked Peter Lombardo to look at it as the building inspector with Paul Dunphy and Captain Evans and have a recommendation for the next meeting. Paul Dunphy said he was there as the on-call electrical inspector. The pipe is supposed to be installed in a heated area. We needed to fix it and then the chase is on for who needs to pay it. Peter Lombardo said the electrical panel should be replaced right away. Phil Lemnios said what we are struggling with is we keep hearing and we keep battling around who the responsible party is but we can't determine who is responsible. Phil asked what we need to do legally. Captain Evans said we need to have our own hired contractor determine it. Phil Lemnios asked if we have enough information to go after Ai3 or TLT. Jim Lampke said it would be reasonable to broach the subject with Ai3 to get a response or explanation. We have done that in the past. Phil Lemnios said his assumption is they would not admit to errors. Jim Lampke said but we may get an explanation and idea of how to remedy the situation. The next step is to hire a consulting engineer to review it.

Pat Finn said we had a similar situation with the high school auditorium. He said it was not Ai3's problem but they redesigned it for free. Haven't we learned anything from the high school that went on and on. He asked if we are just going to fix it and give the committee the bill to see if they will pay it. Phil Lemnios said we can't order work and not pay for it until the dispute is resolved. Jim Lampke said a meeting with Ai3 would provide an opportunity to hear their explanation. Then we have a decision to make but we would be hard pressed to get Ai3 or TLT to take a lot of responsibility on these issues. Paul Dunphy said if you listen to what he said, they did fix the problem in short order so don't think no action was taken.

Cathy Bowes asked Captain Evans; if this will jeopardize the inspections when the schools are inspected in the summer. He said no, the systems are operational.

Phil Lemnios reviewed the plans of action.

- Playground - More information would be gathered for the sub committee
- Sprinkler - Work with Captain Evans to provide any additional options
- Schedule a meeting with Ai3, Jim Lampke, Phil Lemnios and School Department personnel
- Elevator - Peter Lombardo will research if a sump can be installed.
- Mickey McGonagle asked if the committee wants Ai3 to design or provide standard design for the roof drain.

Elevators (continued): Cathy Bowes if we don't have two operational elevators will the school be in violation of the ADA. Phil Lemnios said not if they are temporarily out of service. As long as we are making an effort to repair them. Phil Lemnios asked Jim Lampke if there is a legal risk. Jim Lampke said the temporary non-availability of things is expected as long as you are moving to correct it. Peter Lombardo said he thinks as an alternative there should be a written policy saying the school would provide assistance.

- **ADA Compliance:** Peter Lombardo informed the committee that he got confirmation from the Architectural Access Board that we don't need a ramp. Myra Berloff, the Director of Massachusetts Office of Disability wrote a letter saying it was in compliance to Chris at the Austin Group. Tom Hopkins, the Executive Director of the Architectural Access Board forwarded the letter to Peter. We have a statement from her saying it would withstand the complaint process. John Reilly asked Peter to provide a copy of that letter be kept on record.
- **Sidewalks:** Peter Lombardo said he had not received anything on the sidewalks yet he is waiting for the architects.
- **Final Report to Town Meeting:** Phil Lemnios said he was waiting to see if the ADA compliance issue could be resolved. He asked if we could wrap up everything by the next meeting. He asked Jim Lampke what the format would be at Town meeting. Jim Lampke said the first article is hearing the different town reports. You could put a hold on one with a recommendation that the School Building Committee is dissolved and responsibility and functions be transferred to someone. Phil Lemnios said or it can still just be dissolved. John Reilly said if on the 29th the architect comes and the work is not completed and a bill comes in where does the money come from. Mickey McGonagle said if you have all the numbers and obligate the funds the committee can be dissolved. John Reilly recommended a report be formulated and asked Phil Lemnios, Kathleen Tyrell and Debbe Bennett to do that. Phil Lemnios said the motion could be to dissolve the committee as of December 31 rather than immediately. Jim Lampke said the risk is if things are still unresolved at that time.

Pat Finn said he thought Paul Dunphy was going to come up with something about school maintenance. He said he would not be comfortable until we have a plan in place to maintain the buildings. We need to have part of the final report be an assurance that the buildings will be maintained.

John Reilly said he agrees with Pat Finn and Paul Dunphy that there needs to be a strong message to the Town that the buildings will be maintained, however that is beyond the scope of the School Building Committee. The buildings are owned by the Town but are under the care and custody of the School Department. A resolution of the Town Meeting could be created informing Town Meeting that a formal maintenance plan is expected and annual updates given on how they are being cared for. Pat Finn keeps hearing from the School people that they are the school's buildings. Dr. Silva said he can't disagree with anything being said but it would just be paying lip service if we stood up at Town Meeting and made this declaration because we don't know where the funds will come from. Does the Town Meeting want to commit itself to the maintenance of these buildings? John Reilly said even if the School Department has \$100,000 budgeted for maintenance, there is no control on what it is really used for. There needs to be another line item in the Town budget for school and town facilities. That is the type of creativity needed. That is when you get into the long-term planning. Dr. Silva said we have to get away from the School Department against the Town mentality and we should all be working together. We have to sit down together and not blame each other. He said he knows what the School Committee goes through and that has been going on as long as he can remember.

Mickey McGonagle said there have been preliminary discussions about doing this jointly. He informed the committee that last year David Twombly contracted out various maintenance services. Some are required by code and others are to properly maintain equipment. With a properly trained facilities manager you can save a lot of money on that. He said he has a lot of information on preventative maintenance and it is not that nothing exists; this is about integrating all the functions together. Pat Finn said we have been talking about doing this for years.

Final Report to Town Meeting: Phil Lemnios told the committee that is there are specific elements they want included in the Final Report to Town Meeting they should send them to him or John Reilly over the next week or two. Charlie Ryder asked if this would change the warrant. Phil Lemnios said no it would be an article. John Reilly said he would like to have a rough draft by the 29th.

6. New Business/Submission of Agenda Items

Harborview Road: John Reilly said last summer we talked about the wear and tear on Harborview Road and we were looking into paving each end. Phil Lemnios said preliminary discussions with the Highway Director indicate it would cost approximately

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\$50,000 to do an overlay on both stretches. They are proposing a grind in place and an overlay. Pat Finn suggested a motion letting the sub committee handle it. It was noted that Harborview Road is in rough shape partly due to the construction. When Fitzpatrick Way was renovated and traffic diverted, Nantasket Avenue was repaved afterwards. John Reilly said when you go back in the minutes, we told the neighborhood we would take care of this. ***John Reilly made a motion to authorize the sub committee to work with the Highway Director to do a repaving project of Harborview Road, not it exceed \$50,000 and it will be brought back to the Committee. Charlie Ryder seconded the motion.*** Pat Finn asked about sidewalks. Phil Lemnios said the plan was not to include sidewalks. John Reilly suggested including Pat Finn in the discussion. Phil Lemnios said he thinks Joe Stigliani did not want to get into sidewalks since that involves engineering and surveying, etc. Pat Finn said this might be the time to decide to make it one way. Phil Lemnios said paving has nothing to do with the traffic control. ***All approved the motion with one abstention (Kathleen Tyrell).***

Paul Dunphy made a motion to adjourn the meeting. Dr. Silva seconded the motion. All approved. The meeting adjourned at 8:25pm.

Respectfully submitted,

Debbe Bennett
Recording Secretary