

Municipal Building Committee  
Minutes of Meeting  
2 December 2015

Approved:  
December 16, 2015

Location: Room 23, Forbes Building

Members present:

Bob Brown  
John Arnold  
Bob Fryer  
Cal Lawrence  
Peter O'Neil

Members absent:

Dexter Blois  
George Barrette

Others Present:

Peter Collins, Heery  
Tom Ellis, Heery  
Jim Malloy, Town Manager  
Maureen Ambrosino, Library Director  
Pat Cullen, Fire Department

Zachary Schmalz, Heery  
Brian Humes, Jacunski Humes  
Amber Bock, School Superintendent  
Ed Baldwin, Library Trustees  
Marc Richards, Tighe & Bond

Mr. Brown called the meeting to order at 8:30 AM.

**Open Forum**

There were no requests to address the Committee.

**Approval of Open Minutes**

Mr. Arnold made a motion to approve the amended minutes of November 18, 2015 and Mr. Fryer seconded. VOTED: 4-0-1 (abstention: O'Neil).

**Fire Station**

Mr. Schmalz asked if the meeting could begin with a discussion on the Fire Station since Marc Richards from Tighe & Bond was in attendance to explain how their scope of work changed during the course of the job. He also wanted Mr. Richards to let the Committee know what was left to be completed in order to tie out the job. Mr. Richards reviewed the issues they dealt with regarding the groundwater contamination. He mentioned that the DEP made some changes, which created additional work and included the installation of another monitoring well. Tighe & Bond sampled the wells on the abutting land (both Grove Street and the Bartolini property) and they each came back without a reading. Mr. Richards also pointed out the unforeseen conditions encountered with the three underground storage tanks that were discovered and needed to be removed. He mentioned that the tank located in the parking lot area was more problematic since it contained liquid that leaked in to the soil. Mr. Richards explained that the soil was tested and did not need to be excavated and removed. He referred to Tighe & Bond's Amendment No. 4 for Licensed Site Professional Services that was attached to Heery's Report, which provided in more detail the tasks completed as additional scope. He pointed out that they are about \$15,000.00-\$18,000.00 in to this proposal for what has been done that is out of scope. Mr. Richards mentioned that survey efforts still need to be completed on the three parcels that make up the new Fire Station property in order to close out the job. There was discussion about outsourcing the work since the original surveyor is not able to do it. Mr. Richards pointed out specifically the Bartolini property line and mentioned that needs to be resolved since there is a difference of 18 inches. Mr. Humes added that, during the course of the job, they adjusted the property line by the 18 inch discrepancy, but nothing was ever done legally to resolve the dispute. Mr. Collins suggested using the same surveyor that was hired by the Bartolini's. He also mentioned taking the three parcels of land and combining them in to one lot so the property can be registered with the Registry of Deeds. The Committee didn't think it was a problem to go with the Bartolini property line. Mr. Collins pointed out that in order to move forward, we need to figure out the true property line and then have a discussion about what to do after that. Mr. Collins said that he would go back and research conversations with Bartolini's surveyor, and check with the Assessor's office to see what is recorded, and then discuss with the MBC at the next meeting. Mr. Schmalz asked Mr. Richards if the survey work needs to be completed immediately and he said we have a little time. Mr. Schmalz said he will check with R.E. Cameron (Bartolini's surveyor) to see if they can survey the land. Mr. O'Neil was concerned – since we accepted Bartolini's property line in order to move the job along – that we wouldn't be able to go back and re-claim the land. Mr. Humes noted that there were two separate surveyors – ours and Bartolini's – that disagreed on the actual property line. Tom Ellis from Heery pointed out that rules for municipalities are different regarding land disputes and that we didn't necessarily give up our rights to that land. Mr. Richards mentioned that if the Town cannot retain R.E. Cameron as a surveyor, Tighe & Bond can help find one. He pointed out that the third

option is to just look at the lot where the new Fire Station is located, but that would still require a surveyor's help. Mr. Richards noted that they'd like to close out the project as soon as they can and referred to their handout and the extra scope of work and cost. Mr. Schmalz mentioned that Heery hasn't had time to review the amendment submitted by Tighe & Bond. He said he will review it and bring his recommendation before the Committee. Mr. Richards mentioned that he will also need to know about any easements. Mr. Collins asked about a timeline for the final submission to the State and Mr. Richards estimated about 3 months. He pointed out that his biggest concern is the Activity & Use Limitations (AUL) that needs to be submitted. Mr. Richards indicated that the DEP could come back and audit the project at any time. Mr. Ellis asked when the DEP typically comes back to perform an audit and Mr. Richards said that within the first 5 years is when an audit is most likely.

Mr. Schmalz presented Invoice #15300 for Jacunski Humes in the amount of \$3,000.00 for professional services provided during the month of October. Mr. Arnold made a motion to approve payment to Jacunski Humes for Invoice #15300 in the amount of \$3,000.00 and Mr. Fryer seconded. VOTED: 5-0-0.

Regarding the budget, construction schedule, and change order log, Mr. Schmalz said that there is no update to these items at this time.

Mr. Schmalz referenced Mr. Humes handout and what remains on the Contractor Punch List & Close Out Items list. He said that the amount left to complete is under \$50,000.00 in order to close out the job and reviewed the open items. Mr. Humes discussed revising the dumpster enclosure. He had a conversation with G&R about moving the fence posts and installing new ones. He mentioned that the fence subcontractor thought the job was complete, so to bring him back to do anything to a certain degree or scope will cost additional money. He said he will look at the dumpster enclosure today to see how it can be modified minimally and least expensively.

Mr. Humes informed the Committee that he spoke with DPW Assistant Manager, Rich Voutas, about patching Milk Street. Mr. Voutas wanted grinding of the road for 45 feet in each direction, along with fixing the patch. G&R felt the work being requested is now far exceeding a patch job and this will cost additional. Mr. Humes wondered if this was an MBC expense since the DPW was planning on repaving Milk Street in the spring. He pointed out that if the MBC does not want this work to be performed that he needs to inform G&R today since they have that job scheduled for tomorrow. Mr. Arnold felt that the patch should be done but not the grinding of the road. Mr. Humes said that the conversation with G&R and Mr. Voutas was to grind and patch the road. Mr. Arnold still felt that only the patch should be done. Mr. Humes said that he could tell G&R just to patch Milk Street but he will still need the DPW to sign off on the job. MBC members were in agreement to have G&R fix the patch and leave the grinding alone. During the course of the meeting Mr. Schmalz received a phone call regarding this job. He informed the Committee that since G&R already has this work scheduled for tomorrow; they wanted to proceed and noted that G&R will cover any additional costs submitted by Case as long as the charges associated with the underground tank are covered. Mr. Schmalz reviewed the history of the claim for \$16,938.00 associated with the removal of the underground tank. He said that comments on this topic have been going back and forth between Heery and G&R. Mr. Schmalz said that Heery instructed G&R to proceed on a Time & Material (T&M) basis for exposing the tank, cleaning it out, removing it from the ground, and getting rid of it offsite. They also asked G&R to fill the hole created when the tank was removed. G&R submitted T&M slips and Heery has questioned the values since they felt the costs were too high. Heery thought that the value of this work was in the area of \$13,000.00 and not the amount of \$16,938.00 that G&R submitted. Mr. Malloy asked Mr. Collins to find out if G&R would also drop the claim for disposing of the unsuitable soil and we would pay the \$16,938.00 that they are requesting for the removal of the underground tank. Mr. Humes verified that G&R would also be re-setting three manhole covers when performing the work for the patch per the DPW's request. Mr. Collins said he would speak with G&R to try to negotiate. Mr. Fryer made a motion to instruct Heery to settle the deal with G&R regarding packaging the work involved with patching Milk Street, along with the costs for the underground tank, and dropping the claim for the removal of unsuitable soils and Mr. Arnold seconded. VOTED: 4-0-1 (abstention: Arnold).

Mr. Humes again referred back to the Project Punch List. For items #3 and #4 on the list, he said that G&R is in the process of providing Phase 1 as-built drawings. G&R has also stated that they've completed cleaning the storm drainage system and flushing it out. Mr. Humes noted that items #5 and #6 for performing the sewer pipe air pressure and deflection tests can be deleted per Carl Balduf. However, item #7 for the sewer manhole vacuum test still needs to be done. Mr. Humes mentioned that G&R is saying that they don't want to perform this test so we may have to go with someone else. Item #8 referred to patching Milk Street. Mr. Schmalz said he will be present when this work is completed so he can track what is done. Mr. Humes referenced item #9 for the guardrail. He had in his scope of work that the guardrail would be steel. He noted that the contractor who was going to install the steel guardrail is no longer available. G&R went to a different contractor and they want to install a wood guardrail and issue a credit for the difference in cost. Mr. Humes showed the Committee what the wood guardrail would look like. Mr. Arnold felt that wood wouldn't be as

durable as steel and other members agreed. There was concern over the wood being damaged during snow removal. Mr. Humes said that he will go back to G&R and let them know that the Committee wants steel. Mr. Humes referred to his handout regarding open items, along with his sketch for moving the ice machine. He also spoke about the roof drains and said that G&R looked at them and will fix. Mr. Humes said that both Heery and Jacunski Humes will continue to track the open items. He hopes to have most of these items resolved and off the open item list for the next MBC meeting. Mr. Schmalz pointed out that the final occupancy permit is pending resolution of the open items and they still need the DPW to sign off.

The Memorial Park was mentioned and the Committee noted that they are still working on getting ideas from other towns and communities.

### **Forbes Building**

School Superintendent, Amber Bock, was in attendance and mentioned that she met with Mr. Humes to go over a few changes she had to their area at the Forbes Building. Mr. Humes passed out floor plans for the Forbes Building where he had made revisions in May of this year. He also brought along the full set of more detailed plans from August 2012 and pointed out that these plans do not match the floor plans from May 2015. Mr. Humes said that he will have to go back to the design development set of plans and modify the work that needs to be done. However, he may receive more modifications from the schools and possibly the Police, so he may need to modify again. Mr. Humes mentioned that at some point he'll need to have everyone who is concerned with the project sign off to say these are the final plans so he can move forward and get a more accurate cost. He noted that we will also need to determine a start date. Mr. Fryer mentioned that he has a few small changes. Ms. Bock pointed out that the school department is currently using the whole third floor right now and they are growing. She had a conversation with Mr. Malloy and they need to meet with Youth & Family Services to finish up that discussion. Ms. Bock noted that she may need one more working meeting to make sure their changes are all set. She mentioned that she would like to keep the auditorium to be used as a community meeting space since we don't really have anything like that right now. Mr. Fryer pointed out that they were only going to use the auditorium as a way of getting more space if it was needed. Mr. Arnold referred to the size of the rooms on the third floor and thought that if partitions were removed and the offices re-designed then they could get more room. Mr. Humes referenced the plans and said that there will be some new walls installed, though they will try to keep the plumbing in place and the general location of the hallways. He noted that they will reduce the width of the corridors in order to obtain storage and electrical rooms. Mr. Humes felt that the Forbes Building could be updated and renovated much like the Town Hall with little effort. He pointed out having a reception area and noted the new way of doing business. Mr. Humes said that he is incorporating new philosophies to maintain a safer and more secure building and reviewing what the public has access to and what they don't.

Mr. Humes confirmed that they will move everyone out of the Forbes Building during the renovation project since it will be a construction site. There was a discussion about where offices could be relocated. Mr. Malloy said that he is putting out a Request for Proposal (RFP) for renting space to see what types of quotes we get. He thought we were looking at \$15/per square foot. Mr. Malloy noted that we need to determine what we need for net square footage. He pointed out that they left furniture at the DPW so Conservation, Planning, and the Building departments could move there and Youth & Family Services may move to the Forbes Community Building where the Recreation Department was located while the Town Hall was renovated. Mr. Brown asked how close we are to bringing to Town Meeting and Mr. Malloy said that we need to determine the net square footage of what we are moving out. He noted that, for the Police, we will eliminate cells and use neighboring towns for lock up if anyone arrested. The sally port will also be eliminated. Ms. Bock said that she will look at her departments and see if there are offices that can be moved and housed separately. Mr. Arnold was concerned with moving too quickly on this project. Mr. Malloy said that we need a cost estimate by the end of January if we are going to include an article in the Town Meeting warrant for March. He mentioned that he has already spoken to the Board of Selectmen and didn't feel that residents will be shocked if the renovation of the Forbes Building is presented since we've been talking about this project for a while. Mr. Malloy estimated that the Police and School departments use about 7,000 square feet each. He will get prices from Carruth Capital and Bay State Commons for a two year lease with everything included. Mr. Malloy felt that we could get cost estimates for the renovations and what it would cost to rent office space relatively quickly. Mr. O'Neil was also concerned with moving too quickly. Mr. Malloy mentioned that originally they had all three projects – the Fire Station, Town Hall, and Forbes – as part of one big project, but then decided to break it out in to three projects instead. Mr. Humes offered to go over the plans with Mr. O'Neil since he joined the Committee after the initial discussions. Mr. Humes pointed out that items still need to be resolved and Mr. Malloy agreed and said questions need to be answered. He mentioned going to weekly MBC meetings in January for the Forbes project to determine outstanding issues. Mr. Collins wasn't sure if there were funds designated for OPM services. He said he would check with the Town Accountant. Mr. Collins noted that they were selected as the OPM but there is no contract in place yet. Mr. Brown pointed out that he, along with Mr. Malloy and Mr. Arnold, will discuss Heery's contracts for the Fire Station, the

Town Hall, and the Forbes Building with them next Thursday morning, December 10<sup>th</sup>, to determine equitable compensation.

Mr. Schmalz informed the Committee that Systematics submitted an invoice that still has an outstanding balance. Mr. Humes mentioned that Systematics provided extra flat files for MIS/GIS, which have been furnished and installed, for an amount of \$7,454.00. Mr. Schmalz was seeking the Committee's approval and an adjustment to the purchase order. He noted that both Heery and Jacunski Humes approve of this additional work. Mr. Fryer made a motion to approve payment to Systematics for additional work completed in the amount of \$7,454.00 and Mr. Lawrence seconded. VOTED: 4-0-0 (Mr. O'Neil was absent for this vote). Mr. Schmalz noted that Heery will send a cover letter to the Town Accountant's office for this adjustment.

Mr. Humes referred to his handout regarding change orders. Mr. Schmalz mentioned that there were a few pending change orders that were reviewed at the last MBC meeting. It was noted that the change order activity now includes C.O. #10. Mr. Humes pointed out that Mr. DeBurro with R.A.C. has C.O. #10 in hand and will sign it and then pass it along to the Owner. Mr. Humes wanted to review C.O. #11. He would like to have it approved as a not to exceed amount as a worst case scenario since he felt they may get additional credit for revised site grading and paving at the north entry. He pointed out that the other items that make up C.O. #11 were for requested work that's already been completed. Mr. Humes referred to the final item for C.O. #11 for the time extension and said that this needs to be closed out. He mentioned that there were discussions about liquidated damages in prior meetings and we need to determine what will be done. Mr. Humes said if we include in C.O. #11 that the time extension will come at no additional cost then that will contractually resolve this issue. He pointed out that if we agree to not charge liquidated damages then they will agree to drop any claims for a delay to the job. Mr. Malloy felt that was fair, though he wanted items resolved like the sill at the back entrance. Mr. Humes mentioned that he will be reviewing outstanding items with Mr. DeBurro later today. It was noted that Mr. Malloy, Mr. Schmalz, and Mr. Collins are in the process of figuring out what work needs to be done and when it can be completed for the Punch List items. Mr. Collins added that if the Committee agrees to change the substantial completion date from 7/21 to 11/6 and not seek liquidated damages, then R.A.C. won't seek any delay of job claims. Mr. Humes said that he will include that language in C.O. #11. Mr. Fryer made a motion to extend the substantial completion date to 11/6 and to approve C.O. #11 for a not to exceed value of \$44,253.00 and Mr. Arnold seconded. VOTED: 4-0-0 (Mr. O'Neil was absent for this vote). Mr. Collins mentioned that they will include language stating that the Punch List items need to be completed within 65 days from the substantial completion date or there could be damages assessed.

Mr. Humes passed out a copy of a letter he received from Town Planner, Jim Robbins. He pointed out that Mr. Robbins had three items noted that he would like completed. Mr. Humes said that item #3 for the trim boards is already on the Punch List. For items 1 & 2 regarding the entry doors, Mr. Malloy said that he is meeting with Building Commissioner, Mr. Htway, later today to discuss and he will respond back to Mr. Robbins.

Mr. Humes let the Committee know that some additional signage is necessary at the Town Hall, similar to what was requested at the Fire Station. He mentioned that Pillsbury Sign is putting up vinyl lettering for the office hours on the doors and that we can also use Pillsbury Sign for the signage requested by Fire Prevention for labeling the door to the sprinkler room and identifying fire extinguishers. Mr. Collins pointed out that if the Committee agrees, he can send a list of what's needed directly to Pillsbury Sign. Mr. Humes showed the Committee the signs that will be used for identifying offices and said those will be installed today. He has sent a template for laser printing so the Town can update if anything changes.

## **Library**

Tom Ellis from Heery informed the Committee that they have a kick off meeting this Friday with the architectural firm, Lamoureux & Pagano Associates. As a part of the library feasibility study, Mr. Ellis said that they are required to investigate other sites where a new library could be built. He asked what other parcels of land were available in town to build a library and noted that the parcel needs to be large enough to build a library of a comparable size. Mr. Ellis mentioned that then they will compare costs between building a new library versus renovating the existing one. He asked the MBC to help identify property. Mr. Brown asked Library Director, Maureen Ambrosino, where we could relocate the library. Ms. Ambrosino referred to a survey they did and the results indicated that residents don't want the library moved out of the downtown area. With that in mind, Ms. Ambrosino said that the library could be built where the old Tufts Machine Shop is located. She pointed out that we could use a piece of land at the former State Hospital however that would be too far away. Ms. Ambrosino said that she could identify parcels available for that report and then give ideas as to why it wouldn't work. She noted that right now the library is within walking distance of the schools. Mr. Ellis mentioned that the State wants to verify that they are investing money in the right location and that the property makes sense for the community in the long term before awarding us a grant. He will start working on a draft contract and fees. Mr. Ellis also said that they need a current survey of the land, along with a survey for hazardous materials. Mr. Brown asked if they will

need money from the Town. Mr. Ellis mentioned that, if the Town wanted to advance more money, they could get a more accurate cost estimate. He pointed out that the grant could come in over the summer of 2017 if we are accepted in the first round. Mr. Ellis noted that they would likely have something in the warrant for the Town Meeting in October of 2017 to see about the commitment from the Town in order to move forward. Mr. Ellis said that the challenge will be to make the existing library accessible and meet code without affecting the aesthetics of the building.

Ms. Ambrosino reported on projects unrelated to upcoming renovations. She mentioned that the restroom work is still outstanding. Ms. Ambrosino hasn't received a response from the DPW so she is looking to hire an outside contractor to get the work done. She asked for recommendations from the Committee and Richard Walsh Plumbing and Heating was mentioned. Ms. Ambrosino pointed out that there are other items, such as carpet installation, that are on hold until the restrooms are complete, so they have been at a standstill. Ms. Ambrosino said that she would contact Mr. Walsh.

#### **Old Business**

There was no old business brought before the Committee.

#### **New Business**

There was no new business brought before the Committee.

#### **Future Meetings**

The next Municipal Building Committee meeting will be held Wednesday, December 16, 2015, at 8:30 AM in the upper level of Memorial Hall at the Town Hall.

#### **Adjournment**

Having no further business, Mr. Lawrence made a motion to adjourn the meeting at 11:12 AM and Mr. Fryer seconded. VOTED: 4-0-0, with 4 being present (Mr. O'Neil was absent for this vote).

Respectfully submitted,  
Jessica Thomas  
MBC Administrative Assistant