

**Executive Session
Permanent Building Committee
Minutes of October 2, 2013**

Present for the Building Committee was: Chairman Ellis Neofotistos, Harvey Gagnon, Phil Thibault, Michael McNamara and Doug Dooley. Also present was Dennis E. Piendak, Town Manager and Samantha Carver recording secretary. The meeting was held at the Historic Society Building at 1660 Lakeview Avenue, Dracut, MA.

Absent: Paul Jussaume

High School Project

The executive session began at 4:32 p.m.

The discussion began with recapping what Lyle Coghlin of CTA mentioned at last week's meeting when asked how other towns have viewed the reservation of rights language and it did not seem like other towns agreed with this language either.

Mr. Neofotistos stated by them adding any language unilaterally it changes the contract. By voting on these change orders with this language the Committee does not know the true costs.

On PCO47 they have provided daily reports without anything backing up their costs. Mr. Carroll stated that he did not know if they were capable of providing all the backup material to support their case.

Attorney Hall stated that maybe an incentive can be given to CTA on this PCO for them to get paid.

Mr. Carroll stated they have not received a pencil requisition for September yet from CTA. CTA seems to have a problem with getting their paperwork done. Mr. Carroll stated he has tried to get in touch with Erik Swenson for four days.

Mr. Lemieux, the Project Manager on the Town Hall Project was asked where they stood with the reservation of rights language on that project. Mr. Lemieux reported that Davida Flynn was going to double check on eliminating the language. Mr. Lemieux stated they are in good shape with them on the Town Hall Project however was not sure where they'll go.

Mr. Tedesco stated that he believed the problem was that CTA is not getting the information they need from their Subcontractors and then they encounter things later that they did not anticipate. The Contractor still would have to prove his claim.

Mr. Carroll noted that PCO47 started out at \$80,000. Mr. Carroll does not believe this claim is worth that. He believes they are owed something but not \$80,000. Mr. Carroll does not want to spend his time or the Town's time responding to bogus claims because CTA does not take the time to get their paperwork right.

Mr. Tedesco does not see this company as one putting in false claims. Mr. Neofotistos noted that the Town can back charge them if our Project Manager is doing their work.

Mr. Naughton stated they are willing to go by the numbers, by the book if that's what the Committee would like them to continue to do or they can be more flexible knowing that CTA is not set up to do paperwork. Mr. Naughton felt that CTA is short staffed and this is part of their problem with their paperwork.

The discussion turned to the cost of PCO47 – which started at \$92K and is now at \$65K. The Committee stated they paid \$10,500 already in November 2012. Mr. Carroll believes their owed about \$50K. The Committee discussed making an offer of \$45K with the ability to authorize Mr. Carroll to go to \$50K however they have to accept it now and put it on this month's requisition.

Mr. Dooley made a motion to authorize Mr. Carroll to offer \$45,000 to CTA to settle PCO47 authorizing him to go to \$50K if a counter is received, which encompasses everything from Phase I. As part of this agreement, this cost will be put on this months requisition from CTA to close out the issue. Mr. McNamara seconded the motion. The motion carried unanimously.

The executive session ended at 5:24 p.m.

PERMANENT BUILDING COMMITTEE










