

**Permanent Building Committee
Minutes of December 11, 2013**

Present for the Building Committee was: Chairman Ellis Neofotistos, Harvey Gagnon, Phil Thibault, Michael McNamara and Paul Jussaume (5:17p). Also present was Ann M. Vandal, Acting Town Manager and Samantha Carver recording secretary. The meeting was held at the Historic Society Building at 1660 Lakeview Avenue, Dracut, MA.

Absent: Doug Dooley

Also Present for the High School Project discussion:
MVG – Frank Tedesco, Bill Peters, Al Cuevas
From Marshall Gary – Ben Gary
From Nitsch Engineering – Bill Maher
From CP – Mike Carroll, Kris Stephenson, Paul Kalous

The Chairman opened the meeting at 4:45 p.m.

Mr. Tedesco began the discussion on the peer review that was done regarding the infiltration system. He stated that the issue was that they found unsuitable soils and had to redesign the system but believes they've come up with the right solution and need to get a price on it. He introduced Mr. Bill Maher of Nitsch Engineering and also Al Cuevas who went over a detailed chart showing the different systems designed from the original system 12/14/2011 to another design after the project was value engineered dated 06/21/2012. After the soils were determined to be unsuitable they needed to design a larger system which was shown on the chart and dated 08/23/2012.

The summary was explained that the original system designed had 258 chambers and the system was reduced to a 170 chambered system however the chambers were larger in this system. When the soil material was discovered to be different they had to design a larger system to meet the requirement of a two-year storm event.

Mr. Tedesco asserted that because a negative determination was received by the Conservation Commission they did not have to follow the Storm Water Management Standards as stated in the peer review. This work was not in a wetland area.

Mr. Maher of Nitsch Engineering stated that they were asked not to conduct any testing in the ball fields because it would damage the fields and they relied on the information they had based on data commonly used to design infiltration systems and they did not need to comply with storm water standards because they received a negative determination from Conservation.

Mr. Neofotistos asserted that the soil material was discovered eight months ago and the system was not designed for these soils yet the PBC found out about only in August 2013 when it was learned in April. (FYI the site visit was 4/26/13)

Mr. Maher discussed storm events for 2 year, 10 year and 25 year storm event calculations and stated they meet all the requirements for the 10 year and 25 year storm events. He discussed soils not being an exact science and how you could have sand for eight feet and then you go deeper

and it changes. The reason they moved part of the infiltration system higher is because they had better soils and they could use gravity to help the system work.

The Committee questioned when construction on the project started it was determined August/September 2012. There was a question on the perk tests and typically how deep they do the perk tests. It was noted that the perk tests were performed approximately 1-2 feet below existing grade adjacent to the B-112 boring. Mr. Maher responded that typically you like to go down to where the system is going to be put. Mr. Kalous asked that when the different soils were discovered in April or May of 2013 why that information was not brought forward to the Committee.

Mr. Neofotistos stated this could be another cost delay for the Town because when these soils were discovered the PBC was not notified until the end of summer and the Committee finds out that the system needs to be increased and the Committee ordered a peer review. Mr. Neofotistos also noted that he received the result of the peer review dated November 13, 2013 and we are just getting a response from MVG and their consultant on December 11, 2013. The Chairman questioned this delay as well as the date of the letter which was noted as November 20, 2013. Mr. Tedesco noted that the date was not correct and that MVG had just received the letter that day December 11, 2013.

Mr. Carroll noted that his concern was not only the cost of the additional system, but also the potential additional costs due to delaying the contractor as their baseline schedule showed the work in the fields to be completed in the fall of 2013. Mr. Tedesco responded that he doesn't see it delaying the project and if we go to court we go to court we can talk about it later. He believes that once the Committee reviews the material in response to the peer review and feels they have a competent engineer (in Nitsch) they need to move forward.

The Committee looked at the photographs provided in the material and questioned whether a proposal was ready by MVG on the cost of the additional design for the system. Mr. Tedesco stated the proposal is ready. The Committee will review the material provided by Nitsch Engineering in response to the peer review by Hancock Associates and discuss it at their next meeting.

Site Survey

Mr. Tedesco asked Mr. Gary to update the Committee on the bounds for the site survey. Mr. Gary stated that all the bounds are in except one because a piece of equipment is in the way of placing the bound. After discussion it was noted that it's a Conex box that is in the way and needed to be moved. The Committee asked about the survey stamp on the plan. Mr. Gary stated it would be one plan with stamps from both surveyors one for survey one for the bounds.

Mr. Carroll questioned where the Conex box was located and wanted to make sure it was not on the abutter's property. After discussion it was determined it was on the Town's property and Mr. Carroll will give direction to the contractor on its movement.

Acceleration and Extended Hours

Mr. Carroll stated he had received a schedule from CTA that he had been waiting for awhile to receive however he did not include it in the packet for the Committee. He provided a copy for them to review and stated that the baseline, as well as some of the actual dates noted on the schedule are not correct. Mr. Carroll stated they will have a planning session next Wednesday at the construction trailer instead of the usual construction meeting to go over the schedule with the Team to still meet the end date goal of August 2014.

Mr. Carroll and Mr. Graham discussed re-arranging the schedule internally to get accomplished what they need to accomplish. For example instead of getting the library in February, it could be turned over at a later date, but Mr. Graham would like to get the classrooms and then the cafeteria, turned over on time if possible. There was a discussion on the letter received by CTA today regarding the 71 day delay on the project. Mr. Carroll noted that ten weeks ago he was trying to get the contractor to start acceleration to mitigate some of the issues noted in the letter, which are now written as a delay to CTA.

There was a discussion amongst the Committee and team present about CTA lacking on keeping up with their paperwork. Mr. Tedesco commented that his feeling is that the schedule is secondary and that they would like the construction done and need to focus on the quality of the construction. Mr. Carroll countered that if you don't have a schedule first, you fall behind and then the quality will suffer and corners will be cut, and he feels this is what is happening.

Mr. Tedesco stated he was not apologizing for CTA he was trying to keep the project moving. Mr. Graham stated he will need at least two weeks to mobilize and move the cafeteria area and stated he needs to know the schedule so that he can make plans for what needs to happen over February vacation. He also needs to make sure he has personnel available to move things around. Mr. Carroll stated he proposed several possible schedule alternatives to CTA ten weeks ago, to try to hold on to the upcoming February vacation transition and that he believes that the cost to start now rather than then will be at least double because of the time remaining as well as the number of subcontractors that will now be effected.

Mr. Tedesco stated he will sit with Mr. Peters on Friday to respond to CTA's letter. Mr. Carroll asked if it could be done quickly so that they have something for next week. Mr Tedesco would not commit to a date when the draft of the response would be available to CP and the PBC.

The Committee asked Mr. Graham when he needed to know the plan for February. He stated "yesterday" because the Academic folks need to know earlier than him and he needs to be sure he has the personnel available to do the move. He stated that he needs to move the entire cafeteria back over from the Junior High School. He stated that after rethinking the February priorities he would like the academic wing (A) then the cafeteria and then the library. He stated if it causes a delay he'll wait for the cafeteria until April. He would like to see the cafeteria accelerated and have them slow on the library.

Mr. Carroll stated the two things driving the legitimate part of the delay claim in the academic wing are the snow days from starting Phase II and the bathroom wall fixtures that they've had to rebuild a wall. Mr. Carroll noted there are other items in the library and cafeteria that have also delayed CTA, including removing some walls, and a column and duct conflict in the cafeteria area. Mr. Carroll stated, that the OPM and Design team have been willing to sit down to work out these delay issues for over 2 months and in his opinion, CTA should have been working to

issue PCOs with delays noted rather than write this letter. Mr. Tedesco stated he wants to keep the Contractor going. He stated that Mr. Carroll has done a good job of keeping them going. Mr. Tedesco believed that this letter was in place of the Contractor not being able to reserve his rights on the change orders so he's trying to reserve his rights on these issues. Mr. Carroll agreed, but also noted that the contractor agreed that they would not reserve their rights and that they agreed to review items on a case by case basis, which is not being done. Mr. Carroll was told by the Contractor that they were unable to provide a baseline for the schedule, this leads him to question durations in the letter if the schedule does not have the correct logic. Mr. Carroll is in the process of reviewing this now.

Update on Contractor

It was reported that back punching of the punch list should be completed by the end of the week and monetized by next Wednesday. Mr. Tedesco discussed the damaged concrete beam and that Mr. Schweitzer is drawing a fix to be done. Mr. Tedesco is suggesting that Souza True do the engineering on the beam.

Change Order 41 issued by MVG – There was a discussion on C.O. 41 which is a credit issued for the moisture mitigation. There was a discussion between Mr. Carroll and Mr. Tedesco regarding the issuance of this change order. Mr. Carroll stated that it is usually the PCO is approved by the OPM and Designer, and then it is presented for approval by the PBC prior to the design team issuing a change order. Mr. Carroll went on to note if Mr. Tedesco is not going to follow this process that he should at least present the change order for review by the PBC before it is issued to the contractor.

Mr. Tedesco stated that he is issuing the change order to move on with this issue that this issue was discussed at the job meeting. He stated that he would be issuing the change order for the credit of \$100,000, and if the Building Committee did not approve it that it would wind up in court and that the town would lose because he is the Architect of record and he will have issued the change order. Mr. Carroll questioned the motives for this statement and questions if this was in the best interest of the Contractor or the Owner, by asking “and you are not working for the contractor?” on this issue. Mr. Tedesco took offense to this item and suggested a number of things including threatening to take Mr. Carroll out to the parking lot to assault him and having the MVG lawyer issue a letter to Mr. Carroll. Mr. Neofotistos of the Permanent Building Committee called all parties to order and stated that the Committee would need to review it before voting on this change order

CCD63 – Add lockable trim sets per Owner to Door C012A per attached material cut sheets. Mr. Carroll reported that Ms. Vandal already signed this CCD and this is at the request of Mr. Graham to be able to lock the set of doors that Mr. Carroll had showed the Committee on the walk through. The Committee needs to ratify this CCD with a vote of the Committee.

Mr. Thibault made a motion to approve CCD63 as recommended by Collaborative Partners. Mr. Gagnon seconded the motion. The motion carried unanimously.

CCD64 – Provide shelf angles and add relieving angles at the auditorium brick veneer as indicated in the attached elevations, revised shop drawings and attached summary. Discussion by Mr. Peters was that they would move the angles that were to be placed at the bottom of the wall to

the top and then would have to purchase more angles for the bottom. There was an issue with spacing on these angles due to the Contractor going with a particular epoxy manufacturer. Mr. Carroll questioned if the owner was going to be paying for additional costs due to the contractor's choice of epoxy? The Committee questioned the cost of the angles for this area. After a brief discussion it was determined that the figure is not to exceed \$10,000 and once they have the figure they can bring it to Ms. Vandal to sign. If the figure is over the not to exceed then it will be brought back to the PBC.

CCD65 – Elevator roof tie in – Mr. Carroll explained that the mason and the roofer will need to do work in this area. The Committee discussed this to be a not to exceed figure that Ms. Vandal can sign for once they get the figure.

PR for a Cage around ladder on building – Mr. Carroll stated that they were going to make this into a CCD however on further discussion decided that it should be a Proposal Request.

- Replace wood surround for lockers – The discussion was that the Contractor owns replacing the existing wood, however if we replace the wood new the owner would own paying for the new wood only because the labor is already owned. Mr. Carroll suggested that this be issued as a PR so that the cost and potential delays could be address prior to release of the work.
- Lockers/Closet wood or marlite panels – P.R.
- Classroom counter tops; dumpster at cafeteria – P.R. and if no P.R. is issued, then install per contract.

Invoices

The Committee reviewed Collaborative Partners Invoice #49 in the amount of \$54,083.75. Mr. McNamara made a motion to approve Invoice #49 in the amount of \$54,083.75 from Collaborative Partners for services through November on the High School Project. Mr. Jussaume seconded the motion. The motion carried unanimously.

Mr. Carroll reported that he has not received an invoice from Mount Vernon Group. Mr. Tedesco seemed surprised and would like into this. However, Mr. Tedesco did bring up the last invoice and how the survey cost had been cut out of it due to lack of performance. He mentioned that the bounds are now in except for one and was asking to be paid for the survey work.

Mr. McNamara made a motion to pay MVG the balance for the survey of \$27,525.00 which had been deducted by CP from Invoices 73, 74 & 75 in the October 2013 Invoice Summary from MVG. Mr. Thibault seconded the motion. The motion carried unanimously.

CTA Invoice

Mr. Carroll explained that CTA did attempt to finalize the requisition and forwarded it to the team at about 9:00 this morning. He noted to the Committee that they are still waiting for some backup paperwork from CTA on materials stored and seven other items. It was also noted that this requisition was just given to the Project Team six hours before this meeting and the Team

has not had a chance to fully review the requisition. The PBC stated they have an issue with approving requisitions that do not have the proper paperwork attached. Mr. Neofotistos was not comfortable with voting on a requisition without all the information the PBC needed. Mr. Tedesco mentioned the holidays coming up and advocated for the Contractor for payment of the requisition and stated that they could estimate what they thought should be held back and pay the Contractor a reduced amount and make adjustments on the next requisition. The Committee noted that CTA seems to have this issue on every requisition and it has become a habit.

Mr. Gagnon made a motion to approve a reduced requisition to CTA for an amount of \$1,500,000 and that the adjusted balance to be reviewed at the next PBC meeting as a one time exception to CTA not having proper backup paperwork. Mr. McNamara seconded for discussion. Discussion ensued about the figure on the requisition and if the paperwork is not received whether some type of incentive should be made to the Contractor to encourage them to get the proper paperwork in. Mr. McNamara withdrew his second on the motion.

Mr. Thibault suggested that the full amount be approved if paperwork is received by a deadline date and time and if the paperwork is not received then the Committee's original motion to go forward with the \$1.5 million figure be acted up. Mr. Carroll suggested giving them until the end of the day on Thursday to supply the paperwork to him, which would then allow CP to complete their review and provide a package to the town by noon time on Friday. The Committee seemed in agreement with this action.

Mr. Thibault made a motion to approve CTA's requisition in a not to exceed amount of \$1,915,945.00 with the condition that a certified requisition be signed by the Architect and produced with all proper backup paperwork being submitted to the Project Manager and that the OPM will provide a cover with a total recommended amount to be paid by this Friday 12/13/2013 at 12:00 noon. As part of this motion this is a one time exception for CTA due to the upcoming holidays. Mr. McNamara seconded the motion. The motion carried unanimously.

FF & E – Mr. Graham was asked by Mr. McNamara about the wrestling mat. Mr. Graham stated they still have and are using the old wrestling mat however would like to have a new one ordered and has spoken with Alison Smith of MVG. The Committee mentioned this would need to be revisited for bidding.

The next meeting was discussed for the High School Project. The PBC is meeting next Wednesday on the Town Hall project and next on the High School on December 30, 2014 at 4:30 p.m. which will be a Monday because of the Christmas and New Year's Holiday both falling on Wednesdays.

Minutes

Mr. Neofotistos had one question on the October 9, 2013 minutes that there was no adjournment noted. These minutes were done by Ms. Laffin and it will be added to the minutes before signature. Mr. McNamara made a motion to approve the minutes of October 9, 2013 with one correction noted. Mr. Gagnon seconded the motion. The motion carried unanimously.

Mr. Thibault made a motion to approve the minutes of October 16, 2013 as presented. Mr. McNamara seconded the motion. The motion carried unanimously.

Mr. Thibault made a motion to adjourn the meeting at 8:20 p.m. Mr. Gagnon seconded the motion. The motion carried unanimously.

PERMANENT BUILDING COMMITTEE



Michael F. McNaw



_____ Absent: Doug Dooley _____