

**PUBLIC BUILDING COMMISSION – Meeting Minutes**  
**Regular Meeting – Wednesday, January 3, 2018 – 7:00 PM**  
**Town Hall, 84 South Main Street – Council Chambers**

Members Present: Mark Nash, Chairperson  
Jim McKenney  
Steve Durkee  
Phillip Bowman  
David Arai

Members Absent: Art Crooker  
Richard Levy  
Richard Clavet  
Vincent Robitaille

Others Present: George Noewatne, Director of Public Works and Engineering  
Vincent Masciana, Cheshire Public Schools  
Arnett Talbot, Assistant Town Manager/Public Information Officer  
James Keaney, President of Diversity Construction Group

I. PLEDGE OF ALLEGIANCE

The assembled group recited the Pledge of Allegiance.

II. ROLL CALL

Mark Nash called the meeting to order at 7:00 PM. Roll was called and a quorum was determined to be present.

III. PUBLIC ADDRESS

**Moved by James McKenney and seconded by Steven Durkee that a five-minute time limit be observed for those from the public wishing to address the PBC.**

**Motion carried unanimously by all present and voting.**

Mark Nash recognized Mr. James Keaney of Diversity Construction Group.

Mr. Keaney recited the credentials of Diversity Construction Group and its commitment, as a Cheshire-based company, to the local community.

He enumerated some of the difficulties of the CHS Locker Room project, for which his company had been contracted: the tight time frame, additional asbestos abatement, replacement of sanitary and storm lines outside the original scope of work, the locker vendor going out of business, unforeseen problems with the ceiling.

Mr. Keaney asserted that, during construction, he was actively engaged and in good communication with the subcommittee and that no other company could have performed differently. At the end, some Change Orders were negotiated to zero.

Mr. Keaney requested the PBC reconsider its recommendation for contract the Norton Lavatory Renovation project and gave his personal assurance to oversee the project closely.

**Moved by Steven Durkee and seconded by Phil Bowman that the Norton Lavatory Renovation project be discussed first in the Old Business/Projects agenda.**

**Motion carried unanimously by all present and voting.**

IV. GENERAL CORRESPONDENCE

There was no general correspondence.

V. APPROVAL OF MINUTES – DECEMBER 6, 2017

**Moved by Jim McKenney and seconded by Phil Bowman that the Minutes be approved as presented.**

**Motion carried unanimously by all present and voting.**

VI. MONTHLY FINANCIAL STATUS

Members reviewed the monthly financial status report of open projects.

VII. CONSENT CALENDAR

**Moved by Jim McKenney and seconded by David Arai to approve the Consent Calendar.**

**Motion carried unanimously by all present and voting.**

VIII. OLD BUSINESS

1. PBC Ordinance Revision  
No updates

2. Projects

A. Districtwide Lavatory Improvements

Mark Nash reported that Art Crooker intends to resign from the PBC. A new chairperson will be needed for this subcommittee. Jim McKenney and Steven Durkee expressed willingness to serve in this capacity.

The PBC reviewed the bid tabulation.

The PBC discussed the qualifications of Diversity Construction Group, who provided the lowest base bid.

Steven Durkee questioned the missed completion date for the CHS Locker Room project. The project was supposed to be complete by the start of school at the end of August 2015. Mr. Keaney of Diversity Construction Group asserted that a substantial completion certificate and punchlist was issued by BL Companies on October 9, 2015. Steven Durkee questioned why it took three months to complete the punchlist.

Mark Nash reported that, according to Cheshire Public Schools Facilities Manager, Richard Clavet, no As-Builts have been submitted for the CHS Locker Room project. Mr.

Keaney said they had been given to Terry Snell of Cheshire Public Schools. Jim McKenney reminded Mr. Keaney that, as with all PBC projects, the As-Builts for this project are submitted to the PBC, which had responsibility for the project.

**Moved by Jim McKenney and seconded by Mark Nash that the PBC recommend the Town Council award the Norton Lavatory Renovation project to Millennium Builders as the lowest qualified bidder.**

Discussion followed the motion.

Jim McKenney reminded the PBC that Mr. Keaney did not attend the first scheduled pre-construction meeting for the CHS Locker Room project. Further, the PBC, at the conclusion of the CHS Locker Room project, took the highly unusual step of documenting their dissatisfaction with Diversity Construction Group as a cautionary note for future PBC decisions.

Steven Durkee requested clarification on whether Cheshire has a requirement that contracts be inevitably awarded to the lowest bidder.

Mark Nash responded that there is no such requirement. The Town Council will make the award; the PBC makes a recommendation to the Council.

Phil Bowman asked whether asbestos testing has already been conducted on the target lavatories for this current project.

Vin Masciana indicated that ChemScope has done preliminary testing and appropriate abatement is part of the bid specifications.

Steven Durkee reiterated the importance of the completion deadline for any project, but most especially a project that involves lavatories at a school.

David Arai inquired whether a liquidated damages clause is included in the bid?

Mark Nash indicated there is not.

Phil Bowman announced that he would be abstaining from voting on the motion, having not been on the PBC during the CHS Locker Room project and not feeling well-enough informed to make a decision at this time.

**Moved by Jim McKenney and seconded by David Arai to table the motion.**

**Motion carried unanimously by all present and voting.**

Mark Nash will organize a special PBC meeting to consider this one agenda item. In order to keep the Lavatory Renovation project moving forward, the special meeting will be held next week, if a quorum will be available.

B. Utility Tunnel Improvements at CHS

Nothing to report.

C. CHS Ada Interior Code Compliance

The RFP is due on Friday, January 5.

D. CHS Exterior Storage Building

Jim McKenney reported that there has been no additional funding for this project. The subcommittee recommends issuing a Design-Build RFP to see what options the current appropriation will accommodate.

**Moved by Jim McKenney and seconded by Phil Bowman that the PBC recommend the Town Council issue a Design-Build RFP according to the 6/1/17 specifications, 12/16/17 amendments, and any other slight modifications agreed on by the subcommittee.**

**Motion carried unanimously by all present and voting.**

E. School Generator Hook-Up Plugs

Steven Durkee reported that the project is ready to bid. An ITB will be issued closer to Monday, February 19, which is the planned site walk-through date.

F. Doolittle Cafeteria Renovations

Steven Durkee reports that the project is on schedule. Wojas.Arch will have a preliminary design for the subcommittee to review on Tuesday, January 9, at Doolittle Elementary School. That will be the next subcommittee meeting.

G. CHS Concession Stand

Mark Nash passed along a report from Richard Clavet that the overhead door adjustment has been finished, but the Operation and Maintenance Manual and As-Built drawings have not yet been delivered.

H. Districtwide Roofs

Mark Nash passed along a report from Richard Clavet that the Board of Education is very happy with the work of New England Masonry and Roofing. Due to the weather, no roof repairs are currently in progress.

I. Library Renovations

Phil Bowman will attend the January 5 meeting to review the bids.

3. Other old business of the PBC

None

IX. NEW BUSINESS

1. Freedom of Information Act (FOIA) review

Ms. Arnett Talbot distributed an overview of the FOIA highlights (attached).

She thanked the PBC members for their commitment to and work on behalf of the Town. As a public agency, the PBC must follow FOIA guidelines which require that all communication among a quorum of PBC members (including email) is considered a public meeting and a record must be available for public review.

Mark Nash asked about the requirements for Executive Session and whether there were any situations which the PBC might encounter for which Executive Session would be warranted.

Ms. Talbot could think of one applicable instance: when a contract has already been executed but the pricing terms are still being negotiated. Most allowable scenarios for Executive Session would not be part of the PBC business.

Jim McKenney asked whether there is any allowable format the PBC could have employed at its December meeting to discuss experiences with an unsatisfactory company without causing embarrassment to the company.

Ms. Talbot replied that there is not a way to accomplish that. When public money is being expended, the public has a right to know the reasoning behind every decision, even if it results in embarrassment.

In cases in which email is used to collect or disseminate information which is already available to the public through other outlets, this email, even if addressed to a quorum of the membership, would not be considered a meeting. Such information can be read into and attached to the minutes of the next meeting.

A chance meeting between members which does not involve making decisions about a project is not bound by FOIA requirements, even if a current PBC project is informally discussed.

A public comment session is required for all regular PBC meetings. An amendment to the current PBC by-laws can stipulate a time limit for such addresses. Special meetings, although open to public attendance, need not include a public comment session.

David Arai requested a copy of the CT State Document Retention Schedule.

Ms. Talbot encouraged PBC members to contact her directly or through George Noewatne with any additional questions about FOIA. She reiterated her appreciation for the work of the PBC members.

## 2. Project Management Options Discussion.

George Noewatne has contacted some colleges, but due to the holiday breaks, has not received responses.

Steven Durkee suggested that jobs of different scales might be best served by different management options.

Mark Nash reminded the PBC that the importance of quality project management is to protect the Town's interest and investment and to prevent mishaps, such as occurred during the CHS Locker Room project, including the lack of silt fences, inadequate protection of the work site while school was in session, and the low compressive strength of some concrete work.

David Arai reminded the PBC that anything not in the Bid or RFP is not a contractual obligation.

Steve Durkee commented that some Towns have a construction oversight person on staff which saves money in the long run by avoiding costly Change Orders.

Jim McKenney pointed out that, if the PBC so desires, part of each appropriate can be designated to fund a part-time independent consultant to provide project oversight.

David Arai suggested a PBC subcommittee be formed to outline a plan for ultimate approval by the Town Council. Jim McKenney suggested that, alternatively, George Noewatne could formulate a plan for PBC consideration. No decision was reached.

3. PBC roster

No comments or corrections were made.

4. Subcommittee assignments for new projects

a. Bathroom Improvements at Various Parks

Due to the number of absent PBC members, Mark Nash deferred making these assignments until the February meeting.

b. Roof Replacement at Cheshire Library

Phil Bowman agreed to chair this subcommittee since it ties in to his current responsibilities as liaison to the Library Renovations project.

5. Other new business of the PBC

None

**Motion by Jim McKenney, seconded by Steve Durkee, to adjourn. The meeting was adjourned at 8:14 PM.**

Attested to by \_\_\_\_\_  
Janet Ray, Recording Secretary