

PUBLIC BUILDING COMMISSION ORDINANCE REVIEW STUDY GROUP
Special Meeting Minutes - Tuesday, February 20, 2018 - 6:00 P.M.
Town Hall, 84 South Main Street - Room 210

Present: Vincent Robitaille, James McKenney, Richard Clavet, Patti Flynn-Harris and Paul Bowman

Staff: George Noewatne

Others Present: Joseph Schwartz, Murtha Cullina

I. PLEDGE OF ALLEGIANCE

The assembled group recited the Pledge of Allegiance.

II. ROLL CALL

Mr. Robitaille called the meeting to order at 6:00 p.m.

III. DISCUSSION RE: PBC ORDINANCE REVIEW AND POSSIBLE REVISIONS

Mr. Robitaille stated he and Mr. McKenney have been reviewing the PBC Ordinance for possible revisions. Mr. Bowman stated it is important to understand the current ordinance in order to establish principles and practices that are relevant for 2018. Mr. Schwartz stated Connecticut State Statutes give towns broad authority to allow town commissions to effectively do their jobs. Mr. Bowman stated for PBC projects, the Town Council would like transparency and a full mutual understanding of the project and process. Mr. Schwartz stated perhaps a flow chart could help streamline the process and clarify the expectations of Town agencies involved in PBC projects. Mr. Schwartz stated he will prepare something for review at next month's meeting. Mrs. Flynn-Harris stated once a capital project has been approved, the next step should be designating who is in charge of the project, then contract vetting, etc. There was a brief discussion about who is authorized to sign contracts. Mr. McKenney stated the PBC does not negotiate or sign contracts. Mr. Schwartz stated it is the responsibility of the Town attorneys to review and negotiate contracts to ensure they have "sharp teeth," such as "liquidated damages" and "time is of the essence" provisions. Mr. Schwartz stated contractors typically do not like contracts with these types of provisions, but it is sometimes in the best interest of the Town to include them. Mr. Clavet stated it is important for the bid package and project manual to be included in the contract and all contracts should ask for scope specific deliverables. Mr. Masciana stated an exception would be on-going smaller projects, such as the recent BOE window replacement. According to the Town Charter, the Town Manager executes contracts and the Assistant Town Manager in his absence. Mr. Schwartz stated he will review the Town Charter regarding the process of hiring architects and designers. Mr. Noewatne stated maintaining a list of prequalified professionals will shorten the process. Mr. McKenney stated if a project has to go to referendum, the current process does not allow for the PBC to put projects out to bid at the best time of year for competitive bids. Mr. Schwartz

stated according to the current ordinance the Town Council is granted thirty (30) days to vote on projects. Mr. Schwartz stated the Town Council can waive the thirty (30) days on a case-by-case basis. There was a discussion regarding the lack of flexibility with school projects because the window for construction is typically from mid-June to the end of August. Mr. Clavet stated perhaps the scope and schematic design phase can be modified so that once a project is approved by the Town Council, the project can be ready to go. The Town Attorney will still have thirty (30) days to review and revise the contract. It was agreed there are streamlining opportunities not currently reflected in the PBC Ordinance. Mr. Bowman stated the Town Council needs to understand the bidding climate changes, timing for competitive bids and when time is of the essence. Mr. Masciana inquired about other Towns with good PBC ordinances. Mr. Robitaille stated there is currently no statutory language included the current PBC ordinance. Mr. Schwartz stated it is a blessing and a curse that the State has given power to individual towns to write their own ordinances and he will look at PBC ordinances for other towns. Mr. Clavet inquired if the Town Charter allows the Town to request the financials of bidders. Mr. Schwartz stated financial solvency can be a required contract provision. Contractors can object to this provision, but requesting proof of financial solvency is at the sole discretion of the Town. Mr. Noewatne inquired about ways to keep a record of contractor's past performance to direct future contracts. Mr. Schwartz was not a proponent of keeping a "disbarment" list, but did agree having this information somewhere will be useful. It was suggested that a contractor's performance can be included in the comments section of the closeout documents. Mr. Schwartz stated he will dive into the current ordinance and prepare something illustrative for next month's meeting.

IV. ADJOURNMENT

MOTION by Mr. Bowman to adjourn at 7:03 p.m.

SECONDED by Mr. Clavet and passed unanimously by all those present and voting.

Attest,

Karen Gill
Recording Secretary