

**Public Building Commission**  
**July 28, 2014**  
**Pool Committee Meeting Minutes**  
**Room 207, Town Hall**

Members Present: Mr. Art Crooker, Co-Chairman  
Mr. Mark Nash, Co-Chairman  
Mr. Dave Gavin, Energy Commission  
Mr. Matt Levine  
Mr. Bill Kunde  
Mr. Kevin Wetmore

Others Present: Mr. Tim Slocum, Town Council  
Mr. John Purtill, Chairman PBC  
Mr. Thomas Beebe, ARCADIS  
Mr. Michael Markowicz, Murtha-Cullina

Staff Present: Mr. George Noewatne, Director of Public Works  
Ms. Sheila Adams, Aquatics Director

Meeting called to order at 7:03 pm. Roll was called and it was determined a quorum was present.

Discussion of proposed Arizon Contract for Pool Dome Structure

***Background:***

- Murtha-Cullina drafted the Design-Build Agreement for Arizon to design and erect the pool structure
- The Agreement was reviewed by Arizon staff members last week. The Arizon legal representative has been out and will return on August 4, at which point the Agreement will likely be reviewed again for final comments.

***Arizon's comments/requests to date:***

Re: Section 10.6: Professional Liability Insurance

- Town proposed \$3,000,000.00
- Arizon proposes \$1,000,000.00  
(The RFP does not specify an exact amount.)

Re: Section 10.7: Performance and Payment Bonds should reference the scope of work in the July quote

Re: Section 6.4: Liquidated Damages

- Town proposes \$500/day liquidated damages.
- Arizon requests that a firm schedule be developed before the liquidated damages terms be set
- The Town Attorney will negotiate these terms.

Re: Section 9.2: Retainage

- Town proposes 5% retainage.
- Arizon asserts that the retainage requirement is satisfied by the final 10% withholding pending substantial completion in conjunction with the schedule of values.
- The Town Attorney will negotiate these terms.

***Conclusion:*** Mr. Markowicz stated that all of these requests are reasonable; none of the concerns are insurmountable.

Discussion of Design

The Planning and Zoning Commission will need a schematic design from Arizon before they can consider approving the project. The earliest the Planning and Zoning Commission can approve the project is October 13, 2014.

Per the contract, Arizon will be paid initially only for the design. Construction/fabrication will require a specific directive to commence.

The Committee feels the project should not be started until the majority of the costs are known.

Arizon may be interested in serving a General Contractor for the project.

*Motion by Mr. Gavin to go into executive session to discuss contract negotiations with Arizon. George Noewatne, Sheila Adams, John Purtill, Tom Beebe, Michael Markowicz, and Tim Slocum were invited to attend. Motion seconded by Mr. Wetmore and carried unanimously at 7:50 PM.*

*Motion by Mr. Levine to come out of executive session at 8:08 pm. Motion seconded by Mr. Nash and carried unanimously.*

The Committee desires that contract negotiations continue with Arizon.

The finalized contract should be forwarded to the Public Building Commission for recommendation to the Town Council.

Mr. Nash will be the point of contact for Committee communication to the public.

*Motion by Mr. Levine to adjourn. Motion seconded by Mr. Wetmore and carried unanimously. Meeting adjourned at 8:13 pm.*

Submitted by:

---

George Noewatne