

PUBLIC BUILDING COMMISSION – Meeting Minutes
Wednesday – August 5, 2015
Regular Meeting
7:00 P.M. – Council Chambers, Town Hall

Members Present: Mr. Mark Nash (Chairman)
Mr. Edward Hill
Mr. Art Crooker
Mr. Richard Clavet
Mr. Jim McKenney
Mr. Steven Durkee
Mr. Vincent Robitaille

Members Absent: Mr. Richard Levy
Mr. Joe Barba

Additional Present: Mr. Dan Marseglia, Cheshire Public Schools
Mr. George Noewatne, Public Works
Dennis Rioux, BL Companies
Jimmy Sima, Town Council

PLEDGE OF ALLEGIANCE

The assembled group recited the Pledge of Allegiance.

ROLL CALL

Chairman Nash called the meeting to order at 7:00pm. Roll was called and a quorum determined.

Mr. Nash reported Mr. Barba submitted his resignation and the PBC is looking for a new member.

PUBLIC ADDRESS

There was no one from the public who wished to address the Commission.

GENERAL CORRESPONDENCE

There were no general correspondences addressed.

TOWN ATTORNEY LEGAL ISSUES

There were no Town Attorney legal issues.

MONTHLY FINANCIAL STATUS

Commission members reviewed the monthly financial status report of open Town projects.

CONSENT CALENDAR

Mr. Hill noted the minutes from the July 16, 2015 PBC Special Joint Pool Meeting should be amended as reflected in Exhibit A attached hereto.

Motion by Mr. Hill to approve the consent calendar with the Special Joint Pool Meeting minutes as amended. Seconded by Mr. Robitaille and passed unanimously.

UTILITY TUNNEL IMPROVEMENTS

Mr. Crooker reported that Geolnsight will continue monitoring the utility tunnels until June 2016. Mr. Marseglia reported there was an inspection on July 23, 2015 and expects a report in the next month.

CHS SPORTS LOCKER PROJECT

Mr. Hill reported there was a meeting on July 30, 2015 and this project is on target for substantial completion by August 21, 2015. There is no date certain for delivery of the lockers, but delivery is expected sometime in September. Mr. Hill stated he will have more information after the project meeting tomorrow morning (August 6 2015). Mr. Hill reported there has been more asbestos remediation on this project than originally expected. Mr. Hill reported there was a sewer pipe break at the construction site. Mr. Rioux and the general contractor have a difference of opinion as to who is responsible

and this matter is in the process of being resolved. The subcommittee on this project approved \$1,200 to have a camera installed in the sewer pipe while it was open. Mr. Masciana agreed this project is going well and did not feel a contingency plan was necessary until the lockers are delivered as the space will be usable.

POOL COMMITTEE

Mr. Nash reported the building permits have been issued and the pool project is moving forward. Mr. Nash stated he is glad to see everything coming together and is optimistic and focused on the good things that are starting to happen after a long and arduous process. Mr. Nash reported the steel should be delivered by the end of the week and once construction is started anyone is welcome to visit the project site. Mr. Nash asked that anyone who plans to visit the site should coordinate with the appropriate people for safety reasons. Mr. Nash reported manufacturing of the membrane is completed and delivery is being held to prevent damage. Mr. Nash reported Arizon has submitted an invoice for the substantial completion of manufacturing steel. Mr. Hill stated Arizon is not entitled to the money until steel is completely manufactured, not substantially manufactured. Mr. Hill stated Arizon does not qualify for this payment at this time and Mr. McKenney agreed. Mr. Durkee stated that in his experience, approving a partial payment has proven to be a good solution and suggested the PBC approve payment of the amount Arizon has earned pursuant to the contract. Mr. Nash clarified Arizon is only asking for payment of 60% of the completion of manufacturing work. Mr. Nash reported Arcadis has approved the invoice for payment. Mr. Noewatne stated the Town has ten (10) days from the date of receipt of the invoice to review it and some form of payment must be made within fifteen (15) days thereafter.

*Motion by Mr. Nash to approve the request by Arizon for payment of \$448,303.42.
There was no second on the motion.*

Mr. Hill stated he is prepared to be overruled on his opinion that Arizon does not qualify for this payment at this time. Mr. McKenney stated paying a contract in advance of completed work is a big mistake and he will oppose a motion to approve this invoice "kicking and screaming." Mr. Noewatne stated there are two options: 1) to hold a special meeting once the steel is delivered and vote on approval of the invoice; or 2) the PBC can authorize payment subject to steel being on site. There was a lengthy discussion about the exact contract language and making a motion with a contingency. Mr. Noewatne clarified there are two different payments: one for completion of manufacturing and one after shipment to the construction site. Mr. Sima asked if Arizon has already been given any money to Arizon for the steel. Mr. Nash responded that Arizon has been given \$903,000.00 to date for the steel. Mr. Sima stated that with approval of this invoice, Arizon will have been paid almost \$1.4 million dollars and

there's nothing on site. Mr. Hill and Mr. McKenney both agreed that the appropriate action at this point is to acknowledge Arizon's request for payment and put it under immediate review. Mr. Noewatne stated he felt confident steel would be delivered before the Finance Department could cut a check for the invoice.

Mr. McKenney called a question to vote "yes" to go to vote or "no" to continue the discussion. The commissioners voted 4-3 in favor of continuing the discussion.

Mr. McKenney asked Mr. Rioux to weigh in. Mr. Rioux stated that in addition to Arcadis certifying Arizon qualifies for this payment, a Certificate of Insurance for the manufactured materials should be provided by Arizon. After a lengthy discussion, Mr. Nash amended his motion.

Motion by Mr. Nash to approve the request by Arizon for payment of 60% of the manufactured product with the check being held until Arcadis certifies Arizon qualifies for payment and a Certificate of Insurance for any materials for materials stored off site has been provided by Arizon. Seconded by Mr. Clavet.

The discussion continued.

Motion by Mr. McKenney to table the motion. Seconded by Mr. Hill. The motion fails to pass with no other affirmative votes.

After further discussion, Mr. McKenney stated that since the invoice was not included in the packet and the Commissioners have not had enough time to review it, any action on this invoice is inappropriate at this time.

Motion to table by Mr. McKenney. Seconded by Mr. Hill. Motion passed with one abstention by Mr. Durkee.

Mr. Noewatne reported Arcadis is requesting the PBC approve the testing proposal from Tri State Materials Testing. The testing is mandated by code and the money is already a line item in the budget.

Motion by Mr. Nash to authorize the hiring of Tri State Materials Testing for an amount not to exceed \$15,000 to perform special testing services at the pool. Seconded by Mr. Durkee and passed unanimously.

Motion by Mr. Hill to take Mr. Nash's motion from the table. Seconded by Mr. Durkee. Motion passed with one nay vote by Mr. McKenney.

Motion by Mr. Hill to approve payment to Arizon of all completed items (concrete mobilization \$20,000; fire protection bonds, etc. \$19,147; fire protection mobilization \$7,945; electrical engineering; \$2,500; electrical mobilization \$8,000; mechanical design and engineering \$7,500; and mechanical AHU demobilization \$6,000) in the total

amount of \$71,092. Seconded by Mr. Durkee and passed with one nay vote from Mr. McKenney.

CHS ROOF

Mr. Robitaille reported the 30 year warranty has been received and is on file. This project is completed.

DISTRICT FLOORING REPLACEMENT

Mr. Noewatne reported this project is 100% complete. Mr. Marseglia thanked everyone involved in this project. It was a good project that created healthier school environments which are now easier to maintain.

DISTRICT SIDEWALK, CHIMNEY & MASONRY REPAIRS

Mr. McKenney reported there was a meeting on July 28, 2015 and everything was going well on this project.

DISTRICTWIDE ROOF REPAIRS AND REPLACEMENTS

Mr. Clavet provided an update on this project. There was a brief discussion about the decision to install an ice melt system at the high school.

Motion by Mr. Clavet to approve \$20,417.00 to New England Masonry & Roofing for Phase I of the ice melt system. New England Masonry will subcontract the electrical work to Clark Electrical. Seconded by Mr. McKenney and passed unanimously.

Motion by Mr. Clavet for the PBC to recommend that the Town Council approve and appropriation of \$40,000 for Phase II of the ice melt system. Seconded by Mr. McKenney and passed unanimously.

EMERGENCY SHELTER GENERATORS

Mr. Noewatne reported the RFP has not gone out yet. Mr. Durkee asked that some of the language in the RFP be reworded to eliminate confusion. Mr. Noewatne expects the RFP will go out this week.

CHS BATHROOMS AND CONCESSIONS

This project is in on hold pending action by the Town Council for further funding.

SENIOR CENTER BASEMENT

Mr. Robitaille provided an update on this project.

Motion by Mr. McKenney to approve the \$750.00 invoice to Jacques Consulting for structural analysis of the second floor load capacity. Seconded by Mr. Robitaille and passed with one abstention by Mr. Durkee.

DISTRICTWIDE LAVATORY IMPROVEMENTS

There was brief discussion about the RFP.

Motion by Mr. Nash to accept and put out the RFP. Seconded by Mr. Hill and passed unanimously.

NEW BUSINESS

Motion by Mr. McKenney to postpone review and discussion of the PBC Guidelines until next month's meeting. Seconded by Mr. Robitaille and passed unanimously.

ADJOURNMENT

Motion to adjourn by Mr. Hill at 8:35 pm. Seconded by Mr. Robitaille and passed unanimously.

Respectfully submitted,

Karen Gill

**Exhibit A – Revised Minutes
PUBLIC BUILDING COMMISSION –Meeting Minutes
Thursday– July 16, 2015
Special Meeting
7:00 P.M. – Council Chambers**

Members Present: Mr. Mark Nash (Chairman)
Mr. Ed Hill

Members Absent: Mr. Joe Barba
Mr. Vincent Robitaille
Mr. James McKenney
Mr. Richard Clavet
Mr. Richard Levy
Mr. Steven Durkee
Mr. Art Crooker

Pool Oversight
Subcommittee: Mr. Matt Levine

Town Council
Pool Construction
Oversight
Committee: Mr. Rob Oris
Mrs. Liz Linehan

Additional Present:
Mr. George Noewatne, Public Works
Mrs. Sheila Adams
Tom Sengen, Arizon

The assembled group recited the Pledge of Allegiance.

Chairman Nash called the meeting to order at 7:04 pm. Attendance was taken.

Chairman Nash determined there was no quorum for this meeting and it would therefore be an informal discussion. Chairman Nash reported Arizon was running late and asked for a 15 minute recess to give Arizon time to arrive.

Chairman Nash reconvened the meeting at 7:20 and although Arizon had still not arrived, asked Keith Goldberg from Arcadis to give a brief update on the pool construction project.

Mr. Goldberg reported that over the last few weeks Arcadis has been working Arizon to finalize the design. The design is currently in the hands of the peer reviewer who, after a long deliberation with Arizon, is expected to sign off on the final design. Mr. Goldberg also reported Arcadis has obtained a copy of the liability insurance from Arizon on behalf of the Town.

Chairman Nash opened the meeting up to questions.

Rob Oris from the Town Council asked Mr. Goldberg for more detail about the process of finalizing the design. Mr. Goldberg indicated there was a lot of back and forth between Arizon and the peer reviewer about the design of the foundation, but the peer reviewer has received the final pieces for review. Mr. Oris asked if Mr. Goldberg expected the final design to satisfy the Building Official. Although Mr. Goldberg would not speak on behalf of the Building Official, he indicated he expects the final design will satisfy the Building Official.

Mr. Dave Gavin from the Pool Oversight Subcommittee and the Energy Commission asked Mr. Goldberg what exactly the sticking points were on the foundation design. Mr. Goldberg stated there was a difference of opinion between Arizon's structural engineer and the peer reviewer as to the type of foundation. Arizon designed it as a house foundation when the peer reviewer thought based on the point load it should be designed as more of a retaining wall. There was a discussion about the cause of failure in the previous structures and how storm situations will be handled procedurally with the new structure. Mr. Goldberg reported all of these factors are being addressed and will become part of the standard operating procedure for the new pool structure.

Mr. Hill from the PBC stated that in a contract there should be no debate. It should be incumbent upon Arizon to satisfy the peer reviewer and asked if this was not happening between Arizon's structural engineer and the peer reviewer. Mr. Goldberg reiterated there was a difference of opinion about the foundation design which has been settled.

Mr. Matt Levine of the Pool Oversight Committee asked Mr. Goldberg if the peer reviewer was satisfied with the latest design. Mr. Goldberg reported there was a conference call this week that generated additional information given to the peer reviewer in the interest of satisfying the needs to approve the final design.

Liz Linehan from the Town Council asked about the involvement of the Building Official. Mr. Goldberg stated that the Building Official has been involved but not in the day-to-day matters. Mr. Goldberg stated all parties involved want the same thing: a final design to start building.

Upon Arizon's arrival at 7:38, Chairman Nash asked for a 5 minute recess.

Chairman Nash reconvened the meeting at 7:42 and asked Tom Sengen from Arizon to provide an update.

Mr. Sengen reported Arizon had originally bid this project to build the structure. Arizon subsequently bid for the construction work, to be subcontracted. Mr. Sengen stated the design and peer review process took longer than expected. Mr. Sengen reported there was a difference of opinion between Arizon's structural engineer and the peer reviewer about the foundation design, but the final submission is currently under review. Mr. Sengen reported he expects the final review and approval process to be quick and for the final documents to be submitted to the Town Building Official for issuance of a construction permit. Mr. Sengen reported once a building permit is issued, Arizon can be ready within one week to mobilize construction crews to begin work. The first step is excavation, followed by digging and sinking piers, erecting the frame (which is ready to ship) and then installation of the exterior fabric. This work should be completed in 8 weeks. Once the exterior fabric is installed, the interior work (HVAC, sprinkler and electrical) can begin and should take about 6 weeks. Mr. Sengen stated a likelihood of a few extra weeks at the end of the project for final work, to complete punch list items

and for a final walkthrough with Arcadis, Arizon and the Town. Mr. Sengen reported the expected completion date for this project is the end of November.

Chairman Nash opened up the meeting to questions.

Mr. Oris asked Mr. Sengen if the code for building the pool requires peer review. After a brief discussion, Mr. Sengen reported peer review is a State code requirement. Mr. Oris asked what took so long for Arizon's structural engineer and the peer reviewer to come together and agree on the design. Mr. Sengen stated the soil report created a difference of opinion between Arizon's structural engineer and the peer reviewer about the foundation, but that has been settled. Mr. Oris stated the amount of time it took for the two engineers to agree was unfair to the taxpayers and Arizon is contractually obligated to design the building according to code, including satisfying the peer reviewer.

Mr. Hill asked Mr. Sengen to address the rumor that Arizon has never built a structure this far North. After a brief discussion, Mr. Sengen stated although Arizon has extensive experience building structures of this type, to his knowledge, they had not built a structure this far North. Mr. Sengen also stated he did not think the location of the structure was relevant.

Mr. Hill asked Mr. Sengen to address another rumor that the initial foundation design didn't provide for the foundation to be deep enough into the earth to protect it in the event of frost, which relates to climate. Mr. Sengen responded it was not a matter of frost depth, but a matter of insulation on the outside of the foundation, which was not in the original foundation design. Mr. Sengen reported the posts were at frost depth, but additional insulation was needed to meet the energy code and eliminate condensation.

Mr. Hill asked Mr. Sengen what his top three reasons for the delay. Mr. Sengen stated that although it was being actively worked on by both sides, throwing the foundation design back and forth over the fence was more complex and time-consuming than expected.

Mrs. Linehan asked Mr. Sengen if Arizon has factored potential future delays into the project schedule. Mr. Sengen stated all aspects of the project have been quality checked. There was a discussion about Arizon's experience in the Northeast and its unpredictable weather conditions. Mrs. Linehan asked that the Town Council Oversight Committee be kept abreast of the progress since they are beholden to the taxpayers who have a right to know what's going on with this project. Mr. Sengen stated Arizon will continue to send regular updates on this project to Arcadis.

Mr. Levine reiterated this project was approved two years ago and there is still no shovel in the ground. Mr. Levine asked Mr. Sengen if Arizon understands the importance of this project being completed in a timely manner, even if it means overtime and working nights and weekends. Mr. Sengen stated Arizon is completely committed to this project and as a "for profit" company wants it to be completed on budget.

Mr. Gavin asked Mr. Noewatne if there are any statutory impediments before this project can begin. Mr. Noewatne stated that upon submission of the final documents, the Building Official has 30 days to issue a building permit. Mr. Noewatne stated he could not speak for the Building Official but the Building Official has been involved and he did not expect a delay when the final documents are received. Mr. Gavin asked Mr. Sengen if there was a critical path analysis timeline for this project. There was brief discussion about next steps once the construction permit is issued. Mr. Gavin asked Mr. Sengen to provide a copy of the energy analysis for this project.

PUBLIC COMMENTS AND QUESTIONS

Mary Ciricky, 303 Beacon Hill Road, commented that this project was voted on a long time ago and the taxpayers have many questions about what is taking so long. Mr. Nash clarified that the prior Town Council did not authorize funds to have architectural drawings done for this project. This project was voted on and approved without a design.

Kathleen Maloney, 452 Sharon Drive, reiterated for the record that the prior Town Council did not approve the \$18,000 for a design. Mrs. Maloney stated doing so has cost this project over a year of time and the absence of the prior Town Council at this meeting was aggravating and shows a disregard for the process. Mrs. Maloney stated those who voted against authorizing funds for a design and are now complaining about

the pool project in the papers have no credibility based on their previous decision. Mrs. Maloney thanked Mr. Oris and Mrs. Linehan for attending tonight's meeting.

ADJOURNMENT

The meeting ended at 8:20 pm.

Respectfully submitted,

Karen Gill