

Litchfield Schools Building Committee Special Meeting Minutes

LOCATION

Litchfield Intermediate School Cafeteria

DATE OF MEETING

April 22, 2009

TIME MEETING STARTED

7:05 PM

PERSON PREPARING THE MINUTES

Marianne Arancio Stilson

MEMBERS PRESENT

- | | |
|--|-----------------------------|
| 1. Jack Healy, Chair | 2. Lynn Chapman |
| 3. Bob Blazek, BOS Representative | 4. Stacie Kavle, Vice Chair |
| 5. Gary Waugh - BOE Representative arrives at 7:16 | 6. Mac Bramley |

MEMBERS ABSENT

- | | |
|---|----------------------------|
| 1. Kent Gilyard | 2. William J. Buckley, Jr. |
| 3. Jeff Zullo, Treasurer & BOF Representative | 4. Leo Paul - Ex Officio |

OTHERS PRESENT

Tony Crowe and Roberta Healy

QUORUM PRESENT

Yes

1. CALL TO ORDER

Jack Healy, Chair called the meeting to order at 7:04 PM.

2. FINANCE COMMITTEE – Take actions as needed

Jack Healy, Chair states that in the packet tonight are two invoices for Richards Corporation. He states that they have agreed to replace the sidewalks and have taken the sample of the soil and agreed to mow the grass per the agreement that was discussed. They called to request payment. O&G and Newman have signed off on the invoice. He spoke to A. Brooks Fischer from Newman today and he agreed that they should be paid. He states that what will be left if these invoices are moved to be paid tonight would be around \$30,000.00 for a retainer. He would like to pay them but does not know what the Committee would like to do. He also states that an attorney faxed a letter to First Selectman, Leo Paul demanding payment with interest. He states that Mike Brennan called him and he told him to tell them to sue the Committee. Mike Brennan from O&G called Richards and they agreed not to mail the attorney's letter. He did speak to Attorney Anthony DiPentima and he had no objection to the bills being paid. Bob Blazek is concerned because William J. Buckley, Jr. and Jeff Zullo are not here to vote on these

bills this evening. Jack Healy, Chair states that he would like to see the invoices approved but with the caveats that a final plan and proposal is submitted for the topsoil/grass issue and the concrete and that the attorney's letter be withdrawn and no interest be assessed in writing. Discussion ensues. Stacie Kavle, Vice Chair feels that it should be approved with Jack Healy, Chair's caveats. Jack Healy, Chair states that no payment will be paid to Richards until the agreements are in place and the attorney's letter is withdrawn without interest. He further states that Richards feels that the Committee is withholding too much money and that they feel that everything but a retainage should be released to them. Mac Bramley feels that this should not be discussed any further without the motion being made. Mac Bramley incorrectly starts with the invoices from Allied Corporation.

Approval of Invoices

Mac Bramley, hands out to the members of the Committee the list of the invoices to be approved.

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures from O&G and Newman and certifications are there and payment of the invoices are subject to a final written agreement/resolution of all outstanding issues and a complete satisfactory withdrawal of the letter from Attorney Scott S. Orenstein, LLC.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Richards Corp	17	4/15/2009	\$31,709.65	Intermediate
Richards Corp	17	4/15/2009	\$85,462.71	Middle/High

Gary Waugh arrives.

So moved. Seconded: Bob Blazek

Discussion: Mac Bramley states that the invoices leave \$30,000.00 in retainage. Jack Healy, Chair states that A. Brooks Fischer confirmed that today. Jack Healy, Chair states that before the invoices are paid he will go back to Attorney DiPentima to make sure it was all done correctly. Mike Brennan from O&G assured Jack Healy, Chair that the attorney's letter has been withdrawn and that they will not charge interest. Jack Healy, Chair states that if he is not happy with the agreements, then payment will not be sent. Gary Waugh wants to be sure that there are conditions for taking care of the lawn. Jack Healy, Chair states that it will be taken care of to at least August. Gary Waugh would like the heat of the summer to go by before they are released from their obligation to be sure the lawn is okay. Jack Healy, Chair will get everything in writing. Jack Healy, Chair states that these agreements are for the concrete sidewalks and the grass. The Committee is very concerned about the date that the mowing and maintenance by Richards will stop. Mac Bramley is concerned about Richards bringing in any other contractors and if the Committee is protected from third party liens. He is also concerned about any other damage that may occur. Jack Healy, Chair will communicate to both O&G and Richards that the demolition and re-pour don't create more issues that will have to be addressed later. He hopes that O&G will be monitoring the process of the lawn and the sidewalks as the Construction Manager. He is also concerned about the coordination of the landscaping around the sidewalks. Discussion ensues.

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: Bob Blazek

Ayes: Mac Bramley, Gary Waugh, Stacie Kavle, Vice Chair, Lynn Chapman and Jack Healy, Chair

5 to 1 - Motion passed

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Allied Restoration	19	9/30/2008	\$15,677.84	Middle/High
Allied Restoration	20	9/30/2008	\$56,594.44	Middle/High

So moved. Seconded: Bob Blazek

Discussion: Mac Bramley states that this will leave zero retainage. Bob Blazek notes that they are not signed by HSN. The Committee is not comfortable approving the invoices while they are still negotiating the roof issue. They are also concerned that the invoices have not been signed by the Architect and that they must be signed off by the Architect. Mac Bramley states that Invoice 20 is for retainage and Invoice 19 is for work done. The Committee discusses not acting on these invoices until the next meeting when they have more information. Jack Healy, Chair states that there was a letter from their attorney early on. Mac Bramley also notes the letter written by Newman asking the Building Committee not to pay the invoices because of the issues with the roof.

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: Mac Bramley, Lynn Chapman, Stacie Kavle, Vice Chair, Bob Blazek, Gary Waugh and Jack Healy, Chair

Ayes: None

Motion failed

Stacie Kavle, Vice Chair leaves.

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
M.J. Daly	25	12/31/2008	\$20,634.55	Middle/High
Titan Mechanical	23	04/30/2009	\$180,793.13	Middle/High
Titan Mechanical	24	10/31/2008	\$12,923.12	Middle/High
Warehouse Store Fixture	5	1/31/2009	\$20,772.65	Middle/High

So moved. Seconded: Bob Blazek

Discussion: M.J. Daly is for final retainage. Titan Mechanical is for a final release and not signed. Titan Mechanical is after the final release invoice. Warehouse Store Fixture is final retainage. Jack Healy, Chair talked to George Graikoski about the invoices and he states that it was a timing issue and that's the only reason they were not signed. Jack Healy, Chair will not release the invoices until they are signed. Mac Bramley notes that Titan's Invoice 24 should be Invoice 23 and Invoice 23 should be Invoice 24.

Amendment to Motion: Lynn Chapman requests that Titan Mechanical renumber Invoice 23 to Invoice 24 and Invoice 24 to Invoice 23.

Second: Bob Blazek

Discussion: Jack Healy, Chair will be sure that once the invoices are renumbered that they are signed by both HSN and Newman.

Vote on Amendment:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio
Abstention: None
Objection: None
All Ayes

Vote on Original Motion:

Motion passed
Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio
Abstention: None
Objection: None
All Ayes

Motion: Mac Bramley moved that the following invoice be forwarded to the Chairman for approval.

VENDOR	APP/ INV#	INV. DATE	AMOUNT	SCHOOL
Marianne Arancio Stilson	3192009-Split	3/22/2009	\$128.84	Middle/High
Marianne Arancio Stilson	3192009-Split	3/22/2009	\$63.46	Intermediate
Marianne Arancio Stilson	4022009-Split	4/02/2009	\$130.92	Middle/High
Marianne Arancio Stilson	4022009-Split	4/02/2009	\$64.48	Intermediate

So moved. Seconded: Bob Blazek

Discussion: None

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul - Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Tectonic Engineering	196704	3/23/2009	\$373.93	Middle/High
Tectonic Engineering	196704	3/23/2009	\$184.17	Intermediate

So moved. Seconded: Bob Blazek

Discussion: Mac Bramley states that the invoice is for copies, Fed Ex and mileage reimbursements. He reads the invoice. Gary Waugh wants to know how many copies of the report there are. He felt that every Committee Member should have gotten a copy of the report. Tony Crowe states that George Graikoski from O&G got one. Jack Healy, Chair states that he also got one. The Committee wants the contract reviewed in regard to other expenses. Jack Healy, Chair will review the contract but he would like to have it approved subject to review of the contract.

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio

Abstention: Mac Bramley

Objection: Lynn Chapman, Bob Blazek, Gary Waugh and Jack Healy, Chair

Ayes: None

Motion failed

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Newman & Partners	17466	3/24/2009	\$3,012.59 Split	Middle/High
Newman & Partners	17466	3/24/2009	\$1,483.81 Split	Intermediate
Newman & Partners	17467	3/24/2009	\$1,478.48 Split	Middle/High
Newman & Partners	17467	3/24/2009	\$728.20 Split	Intermediate

So moved. Seconded: Bob Blazek

Discussion: Bob Blazek wants to know if any of these payments are for contract services. Jack Healy, Chair notes that their contract expired in November and that they are only doing work that the Committee has asked them to do and that they are keeping separate time for issue work. Mac Bramley states that Invoice 17466, Richard Munday's time was spent for general oversight of the project. Jose Hernandez's time was spent for signing CO's, change order meetings and project management, A. Brooks Fischer's time was spent reviewing CO's and meeting with George Graikoski of O&G to review CO's and attendance at Building Committee meetings. The Committee discusses the fact that CO's should have been completed a long time ago. Invoice 7467 was spent on the roofing issue. Bob Blazek states that the roof issue is a problem for him because the Construction Manager and the architect should have been monitoring the roof from the beginning. Discussion ensues. Jack Healy, Chair states that he brought the CO's issue to both companies and felt that the CO's should have been signed a long time ago. He feels that they should have been signed before November. He states that he signed the last of the CO's today. Mac Bramley states that Invoice #17467 should not be a split invoice but should be for the Middle/High School only because it pertains to the roof issue.

Motion is withdrawn

Second is withdrawn

Motion: Mac Bramley moved to table Newman and Partners Invoice #17466 dated 3/24/2009 for \$3,012.59 for the Middle/High School and \$1,483.81 for the Intermediate School and Invoice #17467 dated 3/24/2009 for \$1,478.48 for the Middle/High School and \$728.20 for the Intermediate School until next meeting without prejudice.

Second: Bob Blazek

Discussion: Jack Healy, Chair will go back to Richard Munday from HSN and discuss how Invoice #17466 pertains to the contract.

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

Motion: Mac Bramley moved that the following invoices be forwarded to the Chairman for approval subject to his review to make sure that the proper signatures and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
JJG Contracting	3	5/25/2007	\$2,890.00	Intermediate
Titan Mechanical	20	4/30/2008	\$30,863.94	Intermediate
Warehouse Store Fixture	7	1/31/2009	\$9,048.60	Middle/High

So moved. Seconded: Bob Blazek

Discussion: Mac Bramley states that JJG is not signed, Titan Mechanical is not signed and Warehouse Store Fixtures is signed. Jack Healy, Chair states that JJG Contracting finished the work in 2007 and his invoice fell between the cracks and never got paid. He states that they have been waiting two years to get paid. He told him to submit the bill to George Graikoski for payment. Jack Healy, Chair will make sure the invoices have signatures. Mac Bramley states that Warehouse Store Fixture was for the dishwasher. The dishwasher is discussed. Tony Crowe reports that a solution has been found for the water issue and if there are any other issues with the dishwasher than it will be part of the warranty.

Vote:

Absent: William J. Buckley, Jr., Jeff Zullo, Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

3. ADJOURNMENT

Jack Healy, Chair asks for a motion to adjourn. Bob Blazek moved to adjourn. The motion was seconded by Gary Waugh at 8:17 PM and carried unanimously by the members of the Committee.

Jack Healy, Chair thanks everyone for coming out this evening for the meeting.

Respectfully submitted,

Marianne Arancio Stilson

Marianne Arancio Stilson
Recording Secretary