

Litchfield Schools Building Committee Special Meeting Minutes

LOCATION

Litchfield Intermediate School Cafeteria

DATE OF MEETING

March 10, 2009

TIME MEETING STARTED

7:07 PM

PERSON PREPARING THE MINUTES

Marianne Arancio Stilson

MEMBERS PRESENT

- | | |
|---|-----------------------------------|
| 1. Jack Healy, Chairman | 2. Lynn Chapman |
| 3. Jeff Zullo, Treasurer & BOF Representative | 4. Bob Blazek, BOS Representative |
| 5. William J. Buckley, Jr. | 6. Stacie Kavle, Vice Chairman |
| 7. Gary Waugh - BOE Representative | 8. Mac Bramley |

MEMBERS ABSENT

- | | |
|-----------------|-------------------------|
| 1. Kent Gilyard | 2. Leo Paul, Ex-Officio |
|-----------------|-------------------------|

OTHERS PRESENT

Anthony DiPentima, Esquire from Guion & Ryback, from O&G: George Graikoski, Mike Brennan and William Stanley, from Herbert S. Newman: A. Brooks Fischer, from Tectonics: David Sammel and Jim Sullivan, from Richards Corp: Jeff Levines, from GPI: Conrad Mayer, and from the school: Tony Crowe and Peg Perusse

QUORUM PRESENT

Yes

1. CALL TO ORDER

Jack Healy, Chairman called the meeting to order at 7:07 PM.

2. EXECUTIVE SESSION – take action as deemed necessary

Motion: Bob Blazek moved that the Committee go into Executive Session to discuss pending legal action.

So moved. Seconded: Mac Bramley

Discussion: The Chairman invites George Graikoski, Mike Brennan, William Stanley, A. Brooks Fischer, Tony Crowe and Peg Perusse to stay for Executive Session.

Vote:

Absent: Jeff Zullo, Gary Waugh, Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: None

All Ayes

7:08 PM Gary Waugh and Jeff Zullo arrive

7:09 PM - *The public leaves*

Motion: William J. Buckley, Jr. made a motion to come out of Executive Session. So moved. **Seconded:** Mac Bramley

Discussion: None

Vote:

Absent: Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: None

All Ayes

Out of Executive Session at 7:58 PM and *the meeting is open to the public.*

Jack Healy, Chairman notes that no action was taken in Executive Session.

3. TECTONIC REPORT REVIEW - take action as deemed necessary

Jim Sullivan and David Sammel from Tectonics and Conrad Mayer from GPI introduce themselves. Mr. Sammel gives a brief overview of their objectives. He states that a report was submitted to the Committee.

Jack Healy, Chairman wants to discuss the issue of the concrete and the sidewalks. Mr. Sullivan states that the concrete has two issues one is with the strength according to the specifications which did not pass and the other issue is with the pitch of the concrete and how the concrete was poured. He states that there are instances where the sidewalks are pitched toward the building and the plans are clear as far as elevation and pitch are concerned. Their recommendation on the concrete is to remove and reconstruct the sidewalks based on improper construction. He states that salt would not have caused the damage in the period of time that has elapsed since the concrete was created. Discussion ensues of salt and the impact on concrete. Also areas from which test results were not supplied should be reviewed. The concrete cylinder test results taken in a specific area don't indicate the extent to which that particular batch was poured. Discussion of how many test results were supplied and the lack of test results supplied ensued. Jack Healy, Chairman wants to know if the twenty-eight day failed but passed on the fifty-six day what is it considered. Mr. Sammel states that the concrete failed. He goes into detail why. William Stanley of O&G discusses the cylinders and the concrete coming up to strength. He states that he believes that the strength does not necessary correlate with how the surface of the concrete is going to withstand the deicing and winter conditions. He also discusses the damage he believes is attributed to plowing and salting by public works. Discussion ensues. Mr. Stanley states that he is here tonight as Richards Corporation supplier of the concrete and not on behalf of O&G as the construction manager. He discusses the settlement that was agreed upon last year but fell apart because of the issue of the topsoil. He would like to see an agreement reached that addresses both issues. The agreement is discussed. Jeff Zullo states that the independent report provided by Tectonics needs to be taken into consideration. Discussion of the individual areas of the concrete and their issues ensues. William J. Buckley, Jr. discusses the settlement issue. He has no problem with voting the original agreement but that Richards didn't want to. Jeff Levines from Richards Corporation wants to settle. Mr. Sullivan recommends that the contractor should identify which areas of the sidewalks were associated with the failed concrete cylinders and then have those areas removed and replaced. William J. Buckley, Jr., notes that the deal was to replace every area that was damaged and looked terrible. He still has no idea what area failed because he has repeatedly asked for it and has never gotten it. Lengthy discussion ensues. The detailed map from the last agreement is gone over and discussed. The settlement financial issues are discussed. The Committee would like to come up with a global settlement but does not have enough data at this point to make any decisions. They would like the contractor to come back to the meeting next week with a new outline of their intent with all the areas defined and the total square footage and the square footage that will be replaced. Mac Bramley would like the issues in the Tectonics report to be incorporated into the settlement. The Committee wants the prior map revisited and the sloped areas included in the replacement

as well as any areas that have deteriorated since the last map was looked at. Gary Waugh wants a commitment from the Selectman's Office to pay for any damage to the sidewalks caused by public works. Discussion ensues. The Committee agrees that the Selectman have to make the commitment to pay before the Committee can vote on this issue. The Committee wants to be sure that the cost for the replacement is not borne by the Building Committee. The Committee's sidewalk committee will meet next week to look at the sidewalks. Mike Brennan from O&G will send to all the Committee members by email a copy of the last map with the areas marked up by next week. Tectonics will work with the construction manager.

Jack Healy, Chairman wants to discuss the topsoil. Mr. Sullivan states that the lawn did not take and the spec states that the contractor is responsible for establishing the lawn. He states that the lawn needs to be redone. Discussion ensues of the fertilization in the Spring but that it will not last to the Fall. The Committee has never gotten the assurance of six inches of topsoil and that there has been a lack of assurance that everything that was supposed to be done was done. William J. Buckley, Jr. states that lawn was being put in during September and October and the organic topsoil was fifty-two percent. He states that he did not see one topsoil sample that showed an organic content that met the spec. He did not see one gradation analysis. Discussion ensues. The discussion of the bond issue that the Committee is not interested in ensues. Discussion of taking five random test spots of the soil ensues. Discussion of a cash settlement ensues. Discussion of the grass being cut, fertilized and watered by Richards ensues. Discussion of the weeds growing around trees ensues since the Committee does not know how much maintenance Richards did. After discussion it is decided that Richards will come back with a plan next month for the Committee to consider.

Mr. Sullivan from Tectonics states that some catch basin rims were not set at grade and need to be reset. He states that the report should be read and those other issues addressed. The parking lot catch bin in front of the high school is discussed and William J. Buckley, Jr. states that the whole area is under mined. The gym roof is discussed in detail. Mr. Sammel discusses the procedure for putting up the roof and states that it is acceptable even though it does not look good. He states that the wrinkling comes from stretching the material. He feels that there will be no performance issues with the roof. The mushroom vents and the dripping on the walls is discussed again. A. Brooks Fischer hands to the members of the Committee a Letter dated March 9, 2009 to Jack Healy, Chairman, RE: Litchfield High School – Gymnasium Roof Project. A. Brooks Fischer states that the installer did not follow the specifications and that is why the roof is the way it is. Discussion of patching or doing the whole roof over ensues. Discussion of pursuing a credit ensues. Tectonics agrees that it did not meet the specifications but they feel that the only remedy would be to redo the roof. A. Brooks Fischer states that there are air pockets in the roof and that needs to be addressed. The Committee does not feel that the roof was expertly done and it was not the quality of the work that the Committee expected. Lengthy discussion ensues. Discussion of what the Committee wants ensues. They are clear that they do not want the roof patched. Jeff Zullo states that the Committee has accepted and lived with non-compliant material on the siding, coping that does not meet the drawings, a canopy that does not meet the drawings and roofing that looks not like an expertly system of work from the same contractor. He feels that a credit should be sought. Stacie Kavle, Vice Chairman states that the Committee did not get what they paid for in terms of contracting with a design professional and having them provide a service. She states that there is a problem with this particular contractor and you can not ignore the fact that in almost every place that he touched the project, it has failed to meet the specification. She wants to know how much the Committee will accept work that was not in the contract documents. She states that even the workmanship of the siding at the high school is not quite what it is at the intermediate school. She states that she has a problem with the aesthetics and the functionally of the work done. She feels that the Committee deserves a credit from this contractor. Mr. Sammel agrees that the letter from Newman is factually correct but the nature of the building that the roof was being built on and the difficulties in installing the new roof, the Committee may not get the design

outcome that they want. He states that even if the roof is redone, you may not be satisfied with the outcome because of the care and time that would take for it to be done properly. Discussion ensues. George Graikoski states that a roofing consultant was on site brought in by O&G and there was a report done. A. Brooks Fischer states that the consultant wrote in his report that there were bubbles in the roof and that they needed to be redone. George Graikoski went over the procedure. He states that the procedure was documented. Tectonics never saw the report from the roofing consultant and thinks that that report is very important. Jack Healy, Chairman wants the roof reports sent to him immediately so he has them for next meeting. The Committee would like Newman to write a similar letter referencing the inspection report of O&G's subcontractor for the roof. Jack Healy, Chairman states that he needs to get back to their attorney quickly so the Committee needs to make a decision as to what they want soon. This item will be discussed in Executive Session at the next meeting.

Tectonics states that there are still punch list items that need to be done such as the rolling door that was not installed properly at the intermediate school. He states that there is some poor quality defective roof that needs to be addressed. Some of the work was not professionally done and needs to be corrected in the report. William J. Buckley, Jr. wants the items that should not be on the punch list taken off if it was clearly not part of the contracted work.

A. Brooks Fischer also hands out a memorandum from CES to A. Brooks Fischer – Newman Architects dated March 5, 2009 RE: Greenman – Pederson, Inc. Report received 2/26/09 from Lewis C. Pia. The memo discusses the fumes from the chimney getting into the heat ventilation system issue, the kitchen heat supply issue, the dishwasher and the propane gas for the science room issues. It addresses the items in the Tectonics report. William J. Buckley, Jr. would like the balancing done before next meeting. The shop drawing for the chimney needs to be looked at and if the Tectonics report is correct it was not built to the drawings. George Graikoski will look into this issue for next meeting. Discussion ensues.

3A. O&G LETTER DISCUSSION – take action as deemed necessary

Jack Healy, Chairman states that the letter from O&G was written by Mike Brennan and the Committee asked to address the letter with him. Mike Brennan discusses the letter he wrote to the Committee. Stacie Kavle, Vice Chairman states that a lot in the letter was not accurate and fair and that she does not agree with a lot of what is in it. William J. Buckley, Jr. states that the letter was not accurate and that the minutes are an accurate reflection and not newspaper articles. He feels that the criticism of Newman was too late and should have been done sooner if they felt that way. Mike Brennan states that the point of the letter was that the references in the newspaper including the issue of the dishwasher were not accurate and that he wanted to address those issues in writing to set the record straight. He states that O&G will work with the Committee to get this project done. Jeff Zullo states that if Mr. Brennan had issues with the newspaper articles then the letter should have been written to the newspaper and the minutes are the only accurate reflection. Mr. Zullo states that a year and a half later there are still CO's and COR's from the Fall of '07 that are still open and a punch list that was put together in February of 2008 that still is not complete. He states that this has taken way too long but the execution of punch lists and change orders and change order requests lie on the construction manager and that this part has taken too long. Mr. Brennan believes that there are only five to six change orders left. Mr. Zullo states that this issue was a year and a half ago. Mr. Brennan states that there was supposed to be repetitive meetings with Newman and the building committee and that that never happened. They both believe that these issues are now water over the dam and that the project should just get done and be over with. Mr. Zullo would like a timeframe for the remaining issues because all the dates given have never been accurate. He would like George Graikoski to come to the meeting next Thursday night with a definite schedule of closure dates and what

the items are that are still pending. He would like to see everyone resolve to finish the project. Gary Waugh states that he is a teacher of writing and he found the tone of the letter was offensive, aggressive and condescending. He feels that the letter was based on hearsay and that there was no evidence to back up the letter. He states that when O&G bid the project they had twenty-eight members of the company here who are also members of the community and that this project was going to be their personal responsibility and somehow that this has degenerated to this defensive posture and he wished that it didn't get this far. William J. Buckley, Jr., states that the letter is now public record and that there needs to be a response on the record to that letter. He feels that a letter of mutual ground of both frustrations are combined into a letter of understanding. He would like the Chairman to sit down with Mr. Brennan and write a letter so that O&G's letter is not the final letter in the record. Gary Waugh feels that this is a good idea for clarity of the position so that it's on the record. Jack Healy, Chairman states that Richard Munday sent a letter the other day addressed some of the issues in Mr. Brennan's letter. Jack Healy, Chairman will email it to the members of the Committee and to Mike Brennan. Mr. Munday references five points in his letter. The Committee feels that that a response to the letter should be done. Jack Healy, Chairman will write a letter to Mr. Brennan in response to the letter.

4. ALLIED ROOFING REQUEST FOR PAYMENT – HSN Report - take action as deemed necessary

Discussed in Tectonic Report Review above.

5. CHANGE ORDER REQUEST (COR's) AND CHANGE ORDERS (CO) – take action as deemed necessary

Discussed in Tectonic Report Review above.

6. APPROVAL OF INVOICES

Approval of Invoices

Jack Healy, Chairman hands out to the members of the Committee the list of the invoices to be approved.

Motion: William J. Buckley, Jr. moved that the following invoice be forwarded to the Chairman for approval subject to his review to make sure that the proper signature and certifications are there.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Brooks Landscaping	4980	11/5/2008	\$5,842.00 Split	Middle/High
Brooks Landscaping	4980	11/5/2008	\$4,446.00 Split	Intermediate

So moved. Seconded: Bob Blazek

Discussion: Total is \$10,288.00.

Vote:

Absent: Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

Motion: William J. Buckley, Jr. moved that the following invoice be forwarded to the Chairman for approval.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Cramer & Anderson	77131/77531	1/1/2009	\$1,188.25 split	Middle/High
Cramer & Anderson	77131/77531	1/1/2009	\$585.25 split	Intermediate

So moved. Seconded: Bob Blazek

Discussion: Dan Casagrande, Esquire's bill. He looked into litigation and then was stopped. There was a retainage letter signed.

Vote:

Absent: Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: Bob Blazek

Ayes: William J. Buckley, Jr., Mac Bramley, Jack Healy, Chairman, Lynn Chapman, Stacie Kavle, Vice Chairman and Gary Waugh

Motion passed

Motion: William J. Buckley, Jr. moved that the following invoice be forwarded to the Chairman for approval.

VENDOR	APP/ INV#	INV. DATE	AMOUNT	SCHOOL
Marianne Arancio Stilson	1162009	1/16/2009	\$144.52 Split	Middle/High
Marianne Arancio Stilson	1162009	1/16/2009	\$71.18 Split	Intermediate

So moved. Seconded: Bob Blazek

Discussion: None

Vote:

Absent: Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

Motion: William J. Buckley, Jr. moved that the following invoice be forwarded to the Chairman for approval.

VENDOR	APP/ INV#	INV. DATE	AMOUNT	SCHOOL
Marianne Arancio Stilson	02192009	2/20/2009	\$77.70	Middle/High- Intermediate

So moved. Seconded: Mac Bramley

Discussion: The school needs to split the bill.

Vote:

Absent: Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: None

All Ayes

Motion passed

Motion: William J. Buckley, Jr. moved that the following invoices be forwarded to the Chairman for approval.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Tectonic Engineering & Surveying	195138	1/26/2009	\$7,647.16	Middle/High
Tectonic Engineering & Surveying	195138	1/26/2009	\$3,766.51	Intermediate
Tectonic Engineering & Surveying	196023	2/24/2009	\$6,683.89	Middle/High
Tectonic Engineering & Surveying	196023	2/24/2009	\$3,292.06	Intermediate

So moved. Seconded: Bob Blazek

Discussion: None

Vote:

Absent: Kent Gilyard and Leo Paul, Ex-Officio

Abstention: None

Objection: Bob Blazek

Ayes: William J. Buckley, Jr., Mac Bramley, Jack Healy, Chairman, Lynn Chapman, Stacie Kavle, Vice Chairman and Gary Waugh

Motion passed

Motion: William J. Buckley, Jr. moved that the following invoices be forwarded to the Chairman for approval.

VENDOR	APP/INV#	INV. DATE	AMOUNT	SCHOOL
Newman & Partners	17355	2/3/2009	\$985.40 split	Middle/High
Newman & Partners	17355	2/3/2009	\$485.35 split	Intermediate
Newman & Partners	17356	2/3/2009	\$1,237.09 split	Middle/High
Newman & Partners	17356	2/3/2009	\$609.31 split	Intermediate

So moved. Seconded: Bob Blazek

Discussion: This is for time beyond the contract.

Vote:

Absent: Kent Gilyard and Leo Paul – Ex-Officio

Abstention: None

Objection: William J. Buckley, Jr.

Ayes: Jeff Zullo, Jack Healy, Chairman, Mac Bramley, Lynn Chapman, Stacie Kalve, Vice Chairman, Bob Blazek and Gary Waugh

Motion passed

7. ADJOURNMENT

Jack Healy, Chairman asks for a motion to adjourn. Jeff Zullo moved to adjourn. The motion was seconded by Lynn Chapman at 10:34 PM and carried unanimously by the members of the Committee.

Respectfully submitted,

Marianne Arancio Stilson

Marianne Arancio Stilson