

# Litchfield Schools Building Committee

## *Special Meeting Minutes*

### **LOCATION**

Litchfield Intermediate School Art Room

### **DATE OF MEETING**

November 6, 2008

### **TIME MEETING STARTED**

7:12 PM

### **PERSON PREPARING THE MINUTES**

Marianne Arancio Stilson

### **MEMBERS PRESENT**

- |   |                                   |
|---|-----------------------------------|
| 1. Jack Healy, Chair                          | 2. Lynn Chapman                   |
| 3. Gary Waugh - BOE Representative            | 4. Bob Blazek, BOS Representative |
| 5. Jeff Zullo, Treasurer & BOF Representative | 6. Kent Gilyard                   |
| 7. Mac Bramley                                | 8. Stacie Kavle, Vice Chair       |
| 9. William J. Buckley, Jr.                    |                                   |

### **MEMBERS ABSENT**

1. Leo Paul - Ex-Officio

### **OTHERS PRESENT**

A. Brooks Fischer of Herbert S. Newman, George Graikoski of O&G, Tony Crowe, Peg Perusse, Winnie Harrison, Jeff Levins from Richards, Wayne Shuhi, Roberta Healy, Attorney Dan Casagrande from Cramer & Anderson, Frank Simone and Don Benvie from Tectonic

### **QUORUM PRESENT**

Yes

### **1. CALL TO ORDER**

Jack Healy, Chair called the meeting to order at 7:12 PM.

**Motion: William J. Buckley, Jr. moved to move Agenda Item #2. DISCUSSION THIRD PARTY INSPECTION. TAKE ACTION AS DEEMED NECESSARY to after Agenda Item #4. DISCUSS PUNCH LIST ITEMS. TAKE ACTION AS DEEMED NECESSARY.**

because Don Benvie from Tectonic is not present.

**So moved. Seconded: Robert Blazek**

**Discussion:** None

**Vote:**

**Abstention:** None

**Absent:** Leo Paul, Ex-Officio

**All Ayes**

**Motion passed**

**3. DISCUSS CHANGE ORDER REQUESTS (CORs) AND CHANGE ORDERS (COs). TAKE ACTION AS DEEMED NECESSARY.**

Jack Healy, Chairman states that there was a meeting last week between himself, Mike Brennan and George Graikoski. He states that it was a three hour meeting. He states that he made it clear that everything needs to be done by the end of November. He states that they will meet again to process the paperwork. He states that things are moving on. George Graikoski of O&G states that he taking the CORs and moving them to change orders and that all the change order forms will be issued by the end of next week. The change orders will be sent to the trade contractors for their signatures and then for the signatures of O&G and Newman. He states that this process will be completed by the end of November. He states that the Intermediate School package is all finished and that he is still working on the paperwork for the High School. He states that there are about six to eight outstanding CORs that have not been signed for both schools. Jeff Zullo wants to know if there will be anything else outstanding after he finishes this process next week. George Graikoski states that there will be nothing else. Lynn Chapman wants to know if the sink in the Art Room was put on the punch list and if it is not to please put it on. The Committee agrees to have Jack Healy, Chairman sign all the change orders as a matter of procedure. None of the change orders increase spending. They are all included on the current report.

**4. DISCUSS PUNCH LIST ITEMS. TAKE ACTION AS DEEMED NECESSARY.**

Lynn Chapman wants the sink for the Art Room put on the punch list. George Graikoski of O&G hands out Herbert S. Newman & Partners/O&G Industries, Inc. Final Punch List – Interior Bldg Report to the members of the Committee. He states that it does not include the BOE items from the last meeting. He states that A. Brooks Fischer made a spreadsheet report that was handed out to the members of the Committee. George Graikoski of O&G states that the BOE items from last meeting on the spreadsheet and the sink are still an open punch list items. He states that Spectrum Services will be painting their punch list items before the end of the month and doing the stairwells and the ceilings during the Winter break. Titan Mechanical will come early next week. They hired another control contractor to correct the server, control system and the control valves. On Tuesday, they will install the fire dampers in the science wing. Jack Healy, Chairman states that he spoke to Jose Hernandez and that Newman can not sign off on the CO until the punch list items are done. He wants Newman and O&G to concentrate now on the contract items to get the base project done by the end of November and that any extra items will be discussed later. Stacie Kavle, Vice Chair wants to know what is going on with the gym roof. A. Brooks Fischer states that Newman has been in contact with the manufacturer and someone from Massachusetts will come down and look at it. The manufacturer needs to review the installation and make sure he is going to approve the warranty based on the issues and then Newman will go to the roofing consultant to approve the installation work. He states it is still a work in process. Bob Blazek wants to know about the residue issue. A. Brooks Fischer states that it will be reviewed after the manufacturer has looked at the installation to make sure it was installed properly. The lists are discussed. The April 1<sup>st</sup> date is the combination of the O&G and the Newman punch lists. William J. Buckley, Jr., states that these items have been around from April 1<sup>st</sup> and have not been done and wants to note that all these items according to what he heard this evening will be done by November 1<sup>st</sup>. He wants that noted for the record. George Graikoski states that all the retainage for the items on the list is still being held.

Jack Healy, Chairman notes that Jeff Levins from Richards is here this evening. He notes that Jeff Levins did look at the Intermediate School area and looked at the landscaping and looked for rocks. He wants to know if samples have been taken of the soil that was put down after their meeting. Jeff Levins states that he has documentation from the project regarding where the soil came from and that he will forward that to George Graikoski of O&G. William J. Buckley, Jr. wants to know how O&G allowed soil to be put down before seeing a testing of the soil material and deem it acceptable. Jeff Levins explains that he wanted to make the site look better and get the work done before the growing season ended to get grass established. George Graikoski states that this all happened within a few days and that a very reputable landscaping contractor was brought on site and brought topsoil. He states that they were working with the season to

get the seeding done to establish grass. William J. Buckley, Jr., states that they missed the season based on the DOT specification. He states that this issue was discussed at the last meeting. He states that the whole procedure is backwards. He states that the last sample had an organic content of fifty-two percent and that it was later deemed an error at the lab. He states that there was never any indication that additional testing or another report was done. George Graikoski states that he has the original topsoil sample that was taken prior to Richards placing the new topsoil. He states the fifty-two was an error. He felt it was necessary to move forward and did not take additional samples to be tested. A. Brooks Fischer has not gone out to look at the landscaping after the original landscaping and he has not seen any additional report on the topsoil. Jeff Levins states they did not run anymore tests on the topsoil other than the original tests and that the work that was just done was to correct the deficiencies and make the site look better. George Graikoski hands out to the members of the Committee O&G Industries, Inc., Title: Grass Materials, Project: Intermediate School received dated reviewed by Newman 1/30/07 and reviewed by Diversified Technology Consultants 1/07/07. It is a two page document. The second page is from The Connecticut Agricultural Experiment Station to Jeff Levins dated 1/6/07 topsoil test results. Lynn Chapman states that the placing of topsoil fell short past the courtyards going down to the tennis courts by the stop signs on both sides. Jeff Levins states that he had issues with the maintenance but that he did put more material in those areas. Lynn Chapman wants to know why more topsoil wasn't placed all the way to Constitution Way. She states there is no topsoil there by the curbing. Jeff Levins will look into this. Jack Healy, Chairman discusses the fact that the turnaround area is still an issue as to whether it was or was not part of the contract. Discussion ensues. A. Brooks Fischer discusses the special inspections that indicate that the intention was that it was going to be a parking lot. Jack Healy, Chairman wants this issue put to an end. He would like a price to put it back to its original state. William J. Buckley, Jr., notes that the Committee voted last month to bring on a third party consultant to review all these issues and get back to the Committee. He discusses the topsoil and rock issue and the report results in length again. He questions the credibility of the results and states that another sample should have been taken right after the report came back. He states that there are two people here tonight to talk about working for the Committee as third party inspector and an attorney. George Graikoski suggests that A. Brooks Fischer contact DTC and have their landscape architect do a walk through and give a report and then move on from there. He feels that DTC should come out and do a report or a punch list. He feels that the project is at that point. Jeff Levins states that the topsoil was screened and rocks were removed and the work was done per the specifications. He states that it was tested and approved. He states that there have been a few issues and that he is willing to walk the site with A. Brooks Fischer and the maintenance department to address any issues. He states that Richards is not going anywhere. William J. Buckley, Jr. states that he wants an independent person looking at all this because the grass during the summer looked terrible. It is his opinion that it didn't look good because the organic content of the topsoil is wrong. Jeff Levins is willing to do anything that needs to be done if there is a deficiency to the contract work. Jeff Zullo notes that the original approval from zoning was to put the turnaround area back to its original condition. George Graikoski states that a new CO will need to be done to get this work done. It's noted that the topsoil is still there but has been pushed aside. Jack Healy, Chairman states that the mounds of topsoil can be seen from Route 202 and look unsightly. George Graikoski believes the estimate to put it back to its original condition is in the \$10,000.00 range. Jack Healy, Chairman feels that a third party can work in concert with the project to assure the Town of Litchfield that they got what they paid for. Jack Healy, Chairman reiterates that the hiring of a third party has nothing to do with getting the contract work done by the end of November and meeting the specifications. He would like Richards to meet with the maintenance department to discuss any issues they may have. A. Brooks Fischer and George Graikoski will discuss getting DTC out to do the inspection. Jeff Levins discusses stabilizing the topsoil, seeding and mulch haying now for the spring growing season. William J. Buckley, Jr. states that a change order should be done based on a specification to plant grass outside of the normal growing season. He states that he does not want to discuss topsoil in April, May or June. He states that the DOT will not allow you to put topsoil down. He still feels a third party should look at this issue. The issue of mulch hay is discussed. William J. Buckley, Jr. states that he brought two people here this evening that solve problems and do not create problems. Further discussion ensues of the specification and

the original contract work. Jack Healy, Chairman feels that a specification for the area needs to be done. He wants the topsoil results emailed to him so he can pass it on to the members of the Committee for review right away.

Jack Healy, Chairman brings up the concrete issue. He wants to know where the Committee stands on fixing the concrete. Jeff Levins discusses the global settlement and the \$50,000.00 back charge for the topsoil. He states that they will honor the concrete settlement but wants to see the topsoil issue put behind them prior to the concrete issue being done. After the topsoil issue is resolved, they will send crews to fix the concrete. He would like it to be in the spring of '09 because of the Town of Litchfield's history of salting and truck damage. Discussion of salt ensues. Jeff Levins notes that he's seen salt on the sidewalk that was two to three inches thick last winter. He states that they took a lot of pictures and talked to Louis Rosenblatt of O&G about the issue. Bob Blazek wants to know if Richards sends out a warning about the use of salt. He states that they do not but that the Town of Litchfield should know. Jack Healy, Chairman states that there were concrete test sample results that did not meet the criteria. William J. Buckley, Jr. notes that the O&G supplied the Committee with a report on eighteen sets of cylinders (each set had four cylinders in it) and 50% (nine of them) failed to meet the minimum compressive strength of thirty-five hundred pounds. He notes that that the specifications said that they shall have a minimum compressive strength in twenty-eight days. He states that the Committee is looking at concrete that did not meet the spec. He does not believe the Committee should still be having this conversation. He states it didn't meet the specifications and needs to be replaced. He feels that someone should have addressed this twenty-eight days after the report was done. Jeff Zullo wants to know if George Graikoski put together an analysis of the spalled areas relative to what panels had the under spec strength that was requested two months ago. George Graikoski states that he started it but did not do a formal report. He states that a letter was sent with the areas that Richard would correct at no cost to the owner and a \$16,000.00 cost to replace those areas Richards felt was not their fault. He states that he made a map of the areas that are damaged. Lengthy discussion ensues of the global settlement. Jeff Levins states that the original global settlement agreement is still on the table but the topsoil issue has to be resolved before they will address the concrete. He states that the \$50,000.00 back charge set them back. Jack Healy, Chair is concerned that Jeff Levins said that all his tickets met the test results and that that statement is not consistent. Jeff Levins states that he gets all his tickets from O&G. He states that he does not get all the test results for the concrete. He states that that is for O&G and Newman to go over. Jack Healy, Chair notes that Richards did not get notification that the test results did not pass. Jeff Zullo is concerned that the communication of the testing was not addressed at that time. George Graikoski states that he was not on this project at that time and could not answer as to why Richards was not notified. A. Brooks Fischer states that they did not receive the site results until six months after the concrete was tested although they did request them. He states that the responsibility to distribute the test results lies with the construction manager. William J. Buckley, Jr. states that this topic has been talked about for a very long time. He does not care whose concrete it is because it's the contractor's work and they are responsible. Any problem with concrete supplied is between Richards and their supplier. He wants to find out where the concrete did not meet the specs and get a cost to get it corrected. He again notes that a third party consultant will get a resolution to this issue. The Committee is only interested in what they were supposed to get under the contract that was bid on. He states that he met with Greg on site and was told that the global settlement was only for concrete and that they wanted another global contract for the topsoil. Discussion ensues concerning O&G as the concrete supplier and Richards. William J. Buckley, Jr. states that that is between them and not the Committee. He states that the bottom line is that the concrete did not meet the specs. Mac Bramley states that he does not care who supplied the concrete because the contractor is responsible for meeting the specifications of the contract. Jack Healy, Chairman wants to know if the sidewalks will be a hold up on Newman signing off on this project. A. Brooks Fischer states that he assumes that the answer to that question is "yes".

Jeff Levins wants to go back to the issue of the grass and wants to know what will happen if the topsoil does not meet the specs. He wants to know what the resolution is that will make the Committee happy. He states that Richards in good faith believed that they were doing it per the specifications. William J. Buckley, Jr. states that the way the grass areas looked this year was not satisfactory. Jeff Levins agrees. William J. Buckley, Jr. states that part of the reason is the topsoil and that it was supposed to be six inches thick and it did not look six inches thick. He states that he will not know until the third party consultant comes back with their findings. He is looking for the grass to look good. He states that the Committee is not looking for anything but what is fair. Jeff Levins states that he was working through O&G and that's why he did not answer William J. Buckley's emails. He feels that emails can be taken the wrong way and he would rather meet. He states that he wanted to follow the chain of command as far as communications are concerned. William J. Buckley, Jr. states that he wants to be sure that the Committee is protected and that's why the third party consultant and the attorney should be brought into the project. Mac Bramley wants a warranty that in the spring everything will look good and that it will be maintained easily and efficiently. Jeff Levins states that Richards will put up a \$50,000.00 bond for a year for the grass issue. Jack Healy, Chairman states that these issues will have to be discussed further but reiterates that he wants all the contractors including Richards to meet the specifications. He also asks Jeff Levins to meet with Bobby Knox and Tony Crowe and walk the site and get their concerns. He thanks Jeff Levins for coming to the meeting this evening. He also wants A. Brooks Fischer to do whatever they need to do to be satisfied and sign off on the project.

## **2. DISCUSSION THIRD PARTY INSPECTION. TAKE ACTION AS DEEMED NECESSARY.**

Jack Healy, Chairman asks William J. Buckley, Jr. to take this agenda item over since he did all the work concerning this agenda item. William J. Buckley, Jr. states that Don Benvie, P.E. from Tectonic is here this evening to discuss being the Committee's third party consultant. He states that he has worked with him before on municipal projects. He states that they would look at all components of the job and determine if the contractors performed their work consistent with the contract specifications and if they varied from the specifications how so and what the dollar value of that was and if the variation can be lived with or if it needs to be corrected. He notes that Attorney Dan Casagrande is also here and is someone he has known for a long time. He notes that he is Corporation Council for the City of Danbury. He states that he is familiar with municipal contracts and municipal law. He states that both of these people are reasonable and understand that they are looking to put some of these issues behind them. He states that he made it clear that they are looking to protect the town's interest and how best to do that. He states that they have been provided with the punch list and that there are also wish list items but that if it is not part of the contract it will not be part of their report. He states that he would like to go forward with both of these contracts this evening.

Don Benvie, P.E. from Tectonics speaks to the members of the Committee. He thanks the members of the Committee for having him this evening. He states that they have offices in Connecticut and New York and employ roughly three hundred and fifty people. He states they work for school districts and over one hundred school districts in NYC. He states that they quoted for the RFI's for both school going back to the beginning and also the punch list of items that are outstanding for both schools. He states they went through the list and went through all the items. They would do a third party inspection of the project as completed and not focus on the design but the construction based on the design documents that were prepared for the project. He states that that is the approach they will be taking. He discusses the punch list approach. He states that they will go through the contract plans and specifications and perform a walkthrough of the facilities to go through and look at the completed construction as it stands today with the punch list and any other items that may have come to light after going through the RFI logs in more detail. They will produce a report summarizing the items that they found and list the deficiencies and in their opinion identify how the issues came to be (whether it was construction, due to not following the plans and specs or due to just other issues that go beyond that) and based on that come up with a recommended course of action for either remediating the deficiencies or if there is more information that needs to be evaluated or more testing that needs

to be done to provide those recommendations as to taking it further beyond that. He states a lot of the deficiencies will be obvious as to how they got there and the remedies to correct them. He states that the timeframe in the proposal is to mobilizing in the next two weeks after the authorization to proceed is given. They will start the review of the drawings and punch list. It will take two weeks to do the walkthrough and three weeks later issue a report. He states it is a timeframe of six weeks from start to finish. Discussion and questions from the Committee members ensues. Mr. Benvie states that the issue of the concrete and the report percentages are a huge red flag. He discusses that statistical analysis and visualization are both equal in the project. He states that the team will be comprised of an architect, a mechanical electrical engineer, civil structural engineers who have building and site construction inspection experience based on the punch list items. He states that they will start with the punch list item issues and address those as far as a resolution and deficiencies and whether or not they will need to do additional work to close those items. The report will contain all the information needed to resolve the issues to either accept the work as is or to build it to the plan requirements and if that is not possible what are the alternate means of addressing the deficiency. If there is not enough information on any issue they would recommend the course of further testing or inspection to be performed. He refers to the topsoil as one example. He would perform additional tests on a more representative basis to see how prevalent the issue is. On the concrete, they would probably recommend to go out and take some cores and do compression testing to evaluate how wide spread the deficiencies are. He states that their review is to focus on the construction quality unless there is something in the design that is blatantly obvious then they would provide their opinion on the design of that area. He states that they have estimators that will be involved with the cost estimates for remediation.

Attorney Dan Casagrande, a partner in Cramer & Anderson Law Firm in Danbury speaks to the members of the Committee. He thanks the members of the Committee for having him here this evening and notes that the hour is getting late and that he will be brief. He states that he has a concentration in municipal law and has been outside Corporation Council for the City of Danbury since 1990 and in the past for the Towns of New Milford and New Fairfield and has represented towns on special assignments over the years. He states that he has a concentration in construction law and has drafted construction contracts for municipalities and negotiated settlements of disputes for both municipalities and for private entities. He has taken construction litigation to final reward at arbitrations. He views his role as a contingent and limited role at this point. He will take a review of the contract documents to make sure no deadlines are coming up that need action and will not do anything else unless and until Tectonics comes back with a list of recommendations and the Committee gets the report. He states that he has worked with Tectonics before. He states that there will be an "A" list and a "B" list. He states that the A list of any items that Tectonics were not constructed according to the spec and need to be remediated in order to sign off on the project. The B list is a list of items that may not technically comply with the contract but comply with the industry standards. He states that in those instances the Committee can do nothing and close out the item, have informal negotiations or use him if there is a substantial dispute to try to negotiate with the contractor or as a last case approach talk about litigation. He states that his approach to these issues is to solve the problem and work with the contractors and Tectonics to get the final project done. His states that his firm has represented O&G in the past and if there is any issue with O&G then he would not represent the Committee. He states that it would be a conflict of interest. Discussion and questions from the Committee members ensue.

William J. Buckley, Jr. states that this is a partnership to get the work done and to work with O&G and Newman to get what the Committee paid for. Jack Healy, Chairman states that all the Committee wants is what is in the specifications. He also feels that this is a dual path. He wants the punch list items completed by the end of this month. He states that Newman's contract is coming to an end and they will have to pay for their services. He states that he made a commitment to get the base contract work done by the end of November. William J. Buckley, Jr. states that the Building Committee is the client and they will give any directive to their consultants.

Jack Healy, Chairman thanks both for coming to the meeting tonight. William J. Buckley, Jr. states that the Chairman has to execute the two contracts in order to go forward. He states that he is ready to go forward. Jeff Zullo reads the motions from last months meeting. William J. Buckley, Jr. states that Tectonics will be doing all the consulting work. He states that the Committee may want to make a motion to correct the motions. Don Benvie states that the contract that was presented for signature was for \$23,000.00. The Committee discusses the remedy to rectify the motion made last month to appropriate funds for the third party consulting firm.

**Motion: William J. Buckley, Jr., moved the Committee to hire these two companies (Tectonics and Cramer & Anderson) to move forward with the work that was described this evening.**

**So moved. Seconded: Gary Waugh for discussion.**

*Discussion:* Discussion is that the motion is premature because there are three standing motions to do what was described. Jeff Zullo goes over the motions from last month. Bob Benvie states that do the extended scope discussed will cost \$23,000.00 based on receiving the RFI's and reviewing the punch list items. Discussion ensues.

**Motion withdrawn**

**Second withdrawn**

**Motion: Mac Bramley moved to reconsider William J. Buckley, Jr.'s motion of October 16, 2008 reading "to hire an outside consulting firm of Tectonics to perform a QA/QC after-the-fact evaluation of the plans and specifications for the contracts that Richards had with the Town of Litchfield, all inclusive in an amount not to exceed \$16,042.00."**

**So moved. Seconded: Kent Gilyard**

*Discussion:* Discussion to rescind or reconsider the motion.

**Vote:**

**Absent: Leo Paul - Ex-Officio**

**Objection: None**

**All Ayes**

**Motion passed**

**Motion: Mac Bramley moved to hire the outside consulting firm of Tectonics to perform a QA/QC after-the-fact evaluation of the plans and specifications for the Intermediate School and the Middle/High School projects for The Town of Litchfield, all inclusive in an amount not to exceed \$23,000.00.**

**So moved. Seconded: William J. Buckley, Jr.**

*Discussion:* Jeff Zullo states that this is not right and needs to be withdrawn and to reconsider first.

**Motion withdrawn**

**Second withdrawn**

**Motion: Mac Bramley moved to call a vote on the original motion to reconsider.**

**So moved. Seconded: Kent Gilyard**

*Discussion:* None.

**Vote:**

**Absent: Leo Paul - Ex-Officio**

**Objection: None**

**All Nays**

**Motion failed**

**Motion:** Mac Bramley moved to hire the outside consulting firm of Tectonics to perform a QA/QC after-the-fact evaluation of the plans and specifications of both the Litchfield Intermediate School and the Middle/High School projects for The Town of Litchfield, all inclusive in an amount not to exceed \$23,000.00.

**So moved. Seconded:** William J. Buckley, Jr.

*Discussion:* None

**Vote:**

**Absent:** Leo Paul - Ex-Officio

**Objection:** None

**Nays:** Bob Blazek and Jeff Zullo

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

**Motion passed**

The motion from last month was read into the record concerning the hiring of a litigation lawyer.

**"Motion: William J. Buckley, Jr., moved to hire a consulting litigation firm for a consultation. So moved: Seconded: Kent Gilyard".** Gary Waugh wants to know about billing. Attorney Casagrande states that he will bill by the hour and his hourly rate is \$275 an hour and that he will bill on a monthly basis. He states that he will bill on an as needed basis authorized by the Committee. Jeff Zullo feels that this motion needs to be specific as to the law firm.

**Motion: William J. Buckley, Jr., moved to hire Cramer & Anderson to provide consulting construction litigation services to the Committee on an as needed basis as determined by the Chairman.**

**So moved. Seconded: Kent Gilyard**

*Discussion:* Mac Bramley is concerned about any potential conflict with O&G. Discussion ensues. Attorney Casagrande states for the record that right now he sees no conflict and if he saw a potential conflict he would not be here this evening. He states that he sees no conflict because the charge from the Committee is that he work with O&G and if that's not the charge, he can't represent the Committee. Jack Healy, Chairman states that he likes having someone local.

**Vote:**

**Absent:** Leo Paul - Ex-Officio

**Objection:** None

**Nays:** Stacie Kavle, Vice Chair, Lynn Chapman, Jeff Zullo and Bob Blazek

**Ayes:** William J. Buckley, Jr., Mac Bramley, Kent Gilyard, Gary Waugh and Jack Healy

**Motion passed**

Attorney Dan Casagrande of Cramer & Anderson, Don Benvie of Tectonics and Jeff Levins of Richards leave the meeting.

##### **5. DISCUSS OPTIONS LIST. TAKE ACTION AS DEEMED NECESSARY.**

Lynn Chapman goes over the 10/16/08 Project Options List. Jeff Zullo states that these items will require change orders to existing contracts and that the Committee has not discussed the issue of O&G administering these change orders and getting the work done. Jack Healy, Chair states that O&G will not charge any additional fees on the base contract, the punch list items and COR. George Graikoski will do the paperwork for the change orders and keeping the budget up-to-date. The Building Committee will be expected to manage any extra work not in the contract. He states that they would have to manage the estimates, review the costs relative to the budget and that the Building Committee would be the effective onsite construction manager. O&G will manage the extra items for a cost if the Building Committee wants them to. George Graikoski will email Jack Healy, Chair with O&G's intentions on this part of the project. Discussion ensues

concerning the list and items not on the list. Mac Bramley is concerned about the cost for some of the items and notes that the \$10,000.00 to fix the turnaround is one of those costs. William J. Buckley, Jr., feels that it is not clear to him that some of the items were not part of the contract and that Tectonics should look at these items. Jack Healy, Chairman states that A. Brooks Fischer and George Graikoski went through the contract and determined that these items were not part of the contract. Mac Bramley is also concerned about the water pressure in the Middle/High School. He states that the Issues List says "decreased water pressure in building. Toilets do not have enough water flow to flush." He states that if it isn't a valve it will be expensive. Discussion ensues. The Committee looks at the 10/16/2008 High School and Intermediate School Construction Issues September 2008 List passed out last month. The Middle/High School fume vent and kitchen exhaust and the lighting by the dumpster are discussed at length. Lynn Chapman would like George Graikoski to get prices for those items. Jack Healy, Chair states that the fumes issue is not a design issue. Discussion of the fumes issue and the code issue ensues at length. Jack Healy, Chair would like the code checked and to give the Committee some options for corrections.

**Motion:** Lynn Chapman moved to purchase the final furniture for LHS for \$78,528.00 and the final furniture for LIS for \$5,362.88 for a total of \$83,891.88.

**So moved. Seconded: Stacie Kavle, Vice Chair**

*Discussion:* William J. Buckley, Jr. would like to know where the contingency stands for both schools. Jeff Zullo states that it is approximately \$300,000.00 after tonight's motion. William J. Buckley, Jr. would like to leave at least \$100,000.00 as a cushion. He feels that the Committee should be cautious. Jack Healy, Chairman is not in favor of going down under \$100,000.00 either and feels that the Committee will need that money for something. William J. Buckley, Jr., thanks Stacie Kavle, Vice Chair and Lynn Chapman for their work on the options list.

**Vote:**

**Absent: Leo Paul - Ex-Officio**

**Objection: None**

**All Ayes**

**Motion passed.**

Jack Healy, Chairman thanks Tony Crowe also. The valve issue is discussed. Bob Blazek is comfortable with leaving \$50,000.000. Gary Waugh would like answers to the vent issues and believes this issue is critical and should take priority. The vents in the kitchen issue are discussed. George Graikoski will contact CS tomorrow and have them look into everything and get back to the Committee as soon as possible. Jack Healy, Chair notes that CS will charge engineering time and the price for the fix. Gary Waugh would like Jack Healy, Chair to handle this issue because heat is being wasted and it needs to be done.

**Motion:** William J. Buckley, Jr. moved to transfer \$100,000.00 into a long term reserve on the project.

**So moved. Seconded: Jack Healy, Chairman**

*Discussion:* Stacie Kavle is comfortable with putting aside \$50,000.00. A lengthy discussion ensues of exceeding the thirty-three million dollars. Bob Blazek agrees with Stacie Kavle that \$50,000.00 reserve is sufficient. Jeff Zullo will vote no for this motion. He states that the BOF wants the Committee to spend all the money. Discussion of the State Funding ensues.

**Vote:**

**Absent: Leo Paul - Ex-Officio**

**Objection: None**

**Nays: Mac Bramley, Kent Gilyard, Stacie Kavle, Vice Chair, Lynn Chapman, Jeff Zullo, Bob Blazek and Gary Waugh**

**Ayes: William J. Buckley, Jr. and Jack Healy, Chair**

**Motion failed.**

Lynn Chapman states that the painting of the four bathrooms was taken out and she would like to see it done. She notes that it will cost \$6,000.00 from Spectrum Services. Discussion of the cost ensues. Gary Waugh discusses painting the bathrooms with volunteers to save money. Lynn Chapman states that she will oversee it. Discussion ensues. Gary Waugh would like to spend the \$6,000.00 on something else if it is needed. Lynn Chapman and Stacie Kavle are meeting with GarSan to discuss the partitions.

**Motion:** Lynn Chapman moved to paint four bathrooms at LHS for a cost not to exceed \$6,000.00.

**So moved. Seconded:** Bob Blazek

*Discussion:* She states they are the ones taken out at the beginning of the project. She notes that it can be painted over the Christmas break. Gary Waugh wants to be sure it is epoxy paint.

**Vote:**

**Absent:** Leo Paul - Ex-Officio

**Objection:** None

**Nays:** Mac Bramley

**Ayes:** William J. Buckley, Jr., Kent Gilyard, Stacie Kavle, Lynn Chapman, Jeff Zullo, Bob Blazek, Gary Waugh and Jack Healy, Chair

**Motion passed**

Bob Blazek would like Stacie Kavle to discuss the canopy. Stacie Kavle, Vice Chair would like to see \$3,000.00 spent to have the design corrected at the entrance of the school. She feels it will greatly enhance the look of the front of the building. She would like to correct the mistake that was made.

**Motion:** Stacie Kavle moved to require Allied to come in and correct the fascia canopy at the Middle/High School to meet the original design requirements for time and materials not to exceed \$5,000.00.

**So moved. Seconded:** Bob Blazek

*Discussion:* The \$2,000.00 credit is discussed. Stacie Kavle states that it will be \$3,000.00 out of contingency. George Graikoski told Allied that it was not going forward after the last meeting and that he reconciled the numbers with Allied already. George Graikoski explained the procedure. He states that there was a \$2,000.00 change order and that when he did the paperwork and closed out Allied's contract, he took the \$2,000.00 into account. Now he will have to go back and do the work on time and materials and then affect the \$2,000.00 credit. Jack Healy, Chair states that it's a shell game and that it will affect a cost of \$5,000.00 now. William J. Buckley, Jr., states that he will vote no for this and does not feel that this money should be spent now. If at the end, there is money after the issues list is done, then it should be addressed. He does not think that this is going to do anything for the school. He would like to see a before and after picture because he feels it is a waste of money and that the Committee should move on. Discussion of spending money for a consultant tonight ensues.

**Vote:**

**Absent:** Leo Paul - Ex-Officio

**Objection:** None

**Nays:** William J. Buckley, Jr., Mac Bramley and Jack Healy

**Ayes:** Bob Blazek, Gary Waugh, Jeff Zullo, Lynn Chapman, Stacie Kavle, Vice Chair and Kent Gilyard

**Motion passed**

**Motion:** Jeff Zullo moved to authorize the construction manager to initiate a change order with Richards to add a French drain in front of the gym as per the design for a sum not to exceed \$5,000.00.

**So moved. Seconded:** Bob Blazek

*Discussion:* The design is already done. George Graikoski does not remember the exact amount. Discussion ensues of draining. Jack Healy, Chair states that it was recommended by HSN. He states that it will help but that it will not be a fix. George Graikoski has to go back and check on this issue. He is not sure of the price and the design. Discussion ensues of the issue of stone and the issue of the design. Jack Healy, Chair states that the reason for the French drain was to drain the water away from the foundation. He states that it is not going to stop the water from running down the side of the building. Further discussion ensues.

**Vote:**

**Absent:** Leo Paul - Ex-Officio

**Objection:** None

**Nays:** William J. Buckley, Jr.,

**Ayes:** Mac Bramley, Kent Gilyard, Stacie Kavle, Lynn Chapman, Jeff Zullo, Bob Blazek and Gary Waugh

**Motion passes**

**Motion:** Jeff Zullo moved to approve the Glu-lam Benches (#6 on the 10/16/08 Project Options List) at LIS for an amount not to exceed \$8,000.00.

**So moved. Seconded:** Bob Blazek

*Discussion:* Lynn Chapman discusses the need. She states that it will be four benches. Two benches at the Seventh & Eighth grade entrance and two at the drop off entrance. She states that the ones that are there now are from the original school.

William J. Buckley, Jr., leaves at 10:40 PM

Jack Healy, Chair states that this is not time contingent and this motion should have been done in two weeks. He is concerned about costs and that the Committee is going ahead and spending money and that it needs to halt.

**Vote:**

**Absent:** William J. Buckley, Jr., and Leo Paul - Ex-Officio

**Objection:** None

**Nays:** Mac Bramley and Jack Healy, Chair

**Ayes:** Kent Gilyard, Stacie Kavle, Lynn Chapman, Jeff Zullo, Bob Blazek and Gary Waugh

**Motion passed**

**Motion:** Jeff Zullo moved to approve the bathroom partitions in an amount not to exceed \$15,000.00 at LIS.  
(not seconded)

**Motion:** Mac Bramley moved a budget not to exceed \$1,000.00 to install appropriate lighting at the dumpster area at the Litchfield Intermediate School.

**So moved. Seconded:** Bob Blazek

*Discussion:* The Committee discusses that it is a safety issue.

**Vote:**

**Absent:** William J. Buckley, Jr., and Leo Paul - Ex-Officio

**Objection:** None

**All Ayes**

**Motion passed**

Discussion ensues and Lynn Chapman will call Kennedy to see if they can come up and do this.

**8. ADJOURNMENT**

Jack Healy, Chair asks for a motion to adjourn. Bob Blazek moved to adjourn. The motion was seconded by Lynn Chapman at 10:43 PM.

Mac Bramley makes a point of order and notes that the meeting can not be adjourned because it is a special meeting and all items on the agenda need to be addressed. Discussion ensues.

**6. DISCUSS STATUS OF FFE. TAKE ACTION AS DEEMED NECESSARY.**

Discussed under #5 Discuss Options List

**7. EXECUTIVE SESSION. PENDING LEGAL ACTION. TAKE ACTION AS DEEMED NECESSARY.**

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

**So moved. Seconded:** Lynn Chapman

*Discussion:* Jack Healy, Chair invites A. Brooks Fischer from Herbert S. Newman and Peg Perusse to stay for Executive Session.

**Vote:**

**Absent:** William J. Buckley, Jr. and Leo Paul - Ex-Officio

**Objection:** None

**All Ayes**

**Motion passed**

10:45 PM - *The public leaves*

**Motion:** Mac Bramley made a motion to come out of Executive Session.

**So moved. Seconded:** Bob Blazek

*Discussion:* None

**Vote:**

**Absent:** William J. Buckley, Jr., and Leo Paul - Ex-Officio

**Objection:** None

**All Ayes**

**Motion passed**

Out of Executive Session at 10:45 PM and ***the meeting is open to the public.***

Jack Healy, Chair reports that no motions or actions were taken during Executive Session.

**8. ADJOURNMENT**

Jack Healy, Chair asks for a motion to adjourn. Bob Blazek moved to adjourn. The motion was seconded by Lynn Chapman at 10:48 PM and carried unanimously by the members of the Committee.

Respectfully submitted,

*Marianne Arancio Stilson*

Marianne Arancio Stilson

Recording Secretary