Members Present: Chair Greg Kenney (Hopkinton), Craig Louzon (Charlestown), Arthur Nelson (Charlestown), William Day (Richmond), Erick Davis (Richmond), Leon Millis (Richmond), Doreen Dolan (Hopkinton), Dorothy Gardiner (Hopkinton) and George Abbott (Hopkinton). Absent: Vice Chair Holly Eaves (Charlestown).

Also Present: Superintendent Barry Ricci, Director of Administration and Finance Brian Stanley, Director of Buildings and Grounds/Project Manager Dan Cartier, KBA Representatives Paul McAndrew and Dave McKinley and District Clerk Donna Sieczkiewicz.

I. Meeting Call to Order
Chair Greg Kenney called the meeting of the Chariho Building Committee, which was held in the Chariho Administration Building, to order at 6:30 PM.

II. Approval of Minutes
Erick Davis stated he had one correction to the minutes under Item VI – Award of Bid – the amount should be $260,000 versus the $60,000 that was listed for the HVAC system. He discussed this with Dan Cartier who confirmed the figure.

Erick Davis made a motion, seconded by Craig Louzon and it was

III. Transfers and Payment of Bills
There were no transfers to approve. Doreen Dolan noted that she had several questions regarding the bills. The invoice for $413,606 was not initialed; she wanted to make sure this was OK'd by Dan to which Dan replied that it should been initialed as it is OK to pay this. Doreen questioned the status of checks that are "on hold"; KBA for $10,225 – still being held; NE School Services – still on hold (issue with doors) and S & S Landscaping – still on hold (waiting for paper work). Dorothy Gardiner asked how much more computer equipment is needed (CDW Government invoice) to which Dan replied that this was for the upgrades to the telephone system and wireless. There will be another bill for the work for this. We discovered that some of the wiring in the Middle School is older and needs to be replaced as it will not work with the new technology. Craig Louzon questioned the invoice for Complete Irrigation Services to which Dan explained that this was for any damage that was done to the irrigation system when they were making the fields ADA compliant. Craig then asked about School Outfitters to which it was noted that this was for new trash receptacles. Doreen stated that the Stephen Turner invoice was not initialed to which Dan responded that it came in late and he neglected to sign-off on it but it was OK for payment. Dorothy questioned if the irrigation system is mapped out to which Dan explained that when it was installed (2003) there were no as-buils. We only have plans that show the approximate location.

Doreen Dolan made a motion, seconded by Erick Davis and it was
VOTED: To approve payment of the bills (with the exception of those that are on hold). In favor: Unanimous.

IV. Change Order Requests
Chair Kenney asked Dan to review the list of change orders. Dan went through each line item and explained the need for the additional expenses. It was noted that item #248 (Replaced Damaged Brass Cleanout for $617.00) was on a prior change order and should be removed
from this change order. Anthony DiFazio from American Site was in attendance to explain the reason why there is a change order (item #223) in the amount of $17,942.00 listed for his company. While he was out recuperating from a broken leg, his staff forgot to include profit and overhead in the paper work (which is due him). He noted that his company received approximately twenty change orders so that is why there is additional money due. Bill Day noted that there are too many generalities; he would like more information and an opportunity to research thus further. Dan stated that Bacon Change Order #13 can be approved without this item. Superintendent Ricci requested clarification. Is this a result of change orders that were billed inaccurately that the Committee has already approved to which Dan replied “yes”. There was a discrepancy noted in the amount of the invoice contained in the packet and the amount listed on the cover sheet. The Superintendent asked if the figures supplied to the Committee had been checked to which Dan responded that he hasn’t had time and he recommends that the Committee not approve this until he has a chance to review it. Doreen asked if American Site had been paid to which Anthony commented that everything they have billed for has been paid to them from Bacon. He is looking for what wasn’t included on the bill. Brian Stanley noted that the District does not have a contract with American site; the contract is with Bacon. He has encumbered money as the project went along but this is money that has not been included. The Superintendent asked if this was included in cost proposals to which it was noted that it was not. Dan stated that Bacon included what was given to them by American Site. As there was an error in what American Site submitted to KBA, this was not included. Chair Kenney noted that this will need to be reviewed further before the Committee takes any action on it.

Superintendent Ricci questioned item #233 (Remove and reinstall flagpole at MS in the amount of $2,623.00) – was this not part of the original contract? Dave McKinley replied that this was missed in the drawings. The Superintendent then asked about item #261 (Demo temporary walkway at Courtyard in the amount of $1,121.00). He thought Bacon was responsible for temporary walkways – this was included as part of the contract. Dan explained that this was not Bacon’s responsibility as the temporary walkway was needed because of the work being conducted in the courtyard area. It was decided to put in cement and wait to do the concrete until the renovations in that area were complete. Bacon did not owe us cement. Dan noted the issues with item #262 (crack sealing for $4,649.00). This was the senior parking lot area. Work was stopped and we made them correct the defects. The company feels they have done a good job; we feel that the job needs to be better. The company has agreed to come back in the spring to correct the issues. Dan recommended that the Committee pay them $3,500.00 of the $4,649.00 and hold the rest until they return next spring. Erick Davis questioned if there would be any risk in waiting until spring to which Dan replied that he feels it is better to wait so that if any other problems arise this winter, they will be responsible for them. Craig Louzon questioned item #272 (Reinstall site signage for $3,514.00). Dan, at first thought this was for the High School interior signage, but it was noted that this was for outside. Superintendent Ricci questioned how many signs were replaced to which Dan replied ‘15’. This was a result of having to relocate some due to the expansion of sidewalks and some that were knocked down by plows. There should not be an issue this winter with the plows as the sidewalks are wider and the signs are not as close to the driveway. Dan stated that the District is owed fencing around the dumpsters by RYSE. Arthur Nelson commented that when the Committee was seeking bids for an architect, they asked one question about change orders. This is #13 and he has never seen so many. He is not challenging the value of them; just the process. How many were actually requested by the owner or found to be needed and how many are errors on the part of the architect? Paul McAndrew responded that, to date, there have been a total of thirty-nine design-related change orders. That is less than 1% according to their addition. Requests from the owner totaled $1.5 million. About 3% were requested by the Fire Inspector or about $240,000 total and $255,000 were unforeseen conditions. This is about 5% of the total job with the owner requesting about 11% of the total job. Chair Kenney stated that once the initial bids came in, the Committee found that it could do more. Craig Louzon commented that the Committee also cut some of the work out. Paul noted that a lot of extra work was done.
Doreen Dolan made a motion, seconded by Craig Louzon and it was VOTED: To approve payment of Bacon Change order #13 minus items #223 (in the amount of $17,942.00), #248 (in the amount of $617.00), and #262 (in the amount of $4,649.00). In favor: Unanimous.

Doreen Dolan made a motion, seconded by Erick Davis and it was VOTED: To table item #223 – Invoice from American Site in the amount of $17,942.00. In favor: Unanimous.

Doreen Dolan made a motion, seconded by Craig Louzon and it was VOTED: To pay $3,500 of the total invoice of $4,649.00 (item #262) for crack sealing and hold the balance until April. In favor: Unanimous.

Erick Davis questioned if Brian Stanley should encumber this amount until a decision is made to which Brian replied that he would encumber the total amount.

B. Middle School AC/HVAC Upgrades – Superintendent Ricci requested that this item be addressed under V – Award of Bid.

V. Award of Bid
A. Middle School AC/HVAC Upgrades – Superintendent Ricci referenced the memorandum from Brian Stanley to him in which Brian recommended award of this bid to the lowest responsive bidder, CAM HVAC & Construction, Smithfield, RI contingent upon available funding and the ability to value engineer this project. Right now we do not have the funding to approve this and he is asking that the Committee wait and give administration the discretion to value engineer it. They have not yet met with the contractor. Chair Kenney asked if this could be broken out in pieces to which the Superintendent replied that they need to meet with the contractor on this. George Abbott asked if there would be additional costs from KBA to which the Superintendent answered “no”.

Erick Davis made a motion, seconded by Craig Louzon and it was VOTED: To move award of this bid to CAM HVAC 7 Construction, 116 Lydia Ann Road, Smithfield, RI not to exceed $264,000 contingent upon available funding and value engineering of the project. In favor: Unanimous.

B. Middle School Bathroom Painting – Superintendent Ricci stated that Martone Painting has agreed to hold the bid pricing as award of this project was contingent upon the cost for the Middle School AC/HVAC Upgrades and available funding. He does not think the Committee will have enough money to do both projects. George asked for an explanation as to why “based on insurance” this was not awarded to the lowest bidder. Brian explained that there are proponents that are required of all bidders. This bidder did not provide references or an insurance certificate with this bid so he/she is considered non-qualified. George asked if follow-up phone calls were made to which Brian replied that he is not allowed to do that. This would not be fair to the other bidders who complied with the requirements. It was clearly stated on the bid specs what was required.

Erick Davis made a motion, seconded by Craig Louzon and it was VOTED: To award the Middle School Bathroom Painting bid to Martone Painting Co., Inc., 22 Sextant Lane, Narragansett, RI in the amount not to exceed $89,332 contingent upon available funding and value engineering being done. In favor: Gardiner, Nelson, Davis, Millis, Day, Dolan, Louzon and Kenney. Abstained: Abbott. The motion carried by a vote of 8 in favor with 1 abstention.
VI. Status of Legal Counsel and Project Manager
Superintendent Ricci reported that as of the end of November, legal counsel is done. He had three options to offer: 1) he can be finished as of November 30th (Superintendent did not recommend this), 2) you could continue with the monthly retainer fee (Superintendent did not recommend this), or 3) he spoke with Jon Anderson and Jon has agreed to only charge the retainer fee if the Committee utilizes his service. This is what he would recommend. Doreen questioned how long would he agree to this to which the Superintendent responded that Jon was not crazy about the idea but he didn’t give a deadline. Erick asked when was the last time the Committee used him to which the Superintendent noted that it was about a month ago. Chair Kenney added that it had been at least four to six weeks since he has consulted with him. Dorothy asked about retaining the Project Manager to which the Superintendent replied that Jon did not offer a legal opinion one way or the other. Doreen noted that she would prefer to have whatever they decide upon in writing to which the Superintendent noted that we always get a letter but Jon has never changed his mind in the four years he has worked with him. Bill Day added that the worst that could happen is that he could put us back on the monthly retainer fee.

Erick Davis made a motion, seconded by Craig Louzon and it was VOTED: That the Committee agrees to Jon Anderson’s proposal that he will only charge the retainer fee when the Committee utilizes his service. This would begin on December 1, 2011. In favor: Gardiner, Nelson, Davis, Millis, Day, Dolan, Louzon and Kenney. Abstained: Abbott. The motion carried by a vote of 8 in favor with 1 abstention.

Project Manager – Superintendent Ricci noted that as of November 30, 2011 the Committee will no longer have a Project Manager. Discussion ensued on the need to retain this position. Erick asked if Dan would be comfortable going month-by-month (maybe use his services one month but not the next). Dan stated that he feels that the Committee should be pretty well set in January. He was OK with going month-by-month by then. Dorothy and Doreen both agreed that the Committee needs to ensure that his services for the Building Committee are kept separate from the District payroll. Dorothy added that the Commissioning Agent can determine when the services of the Project Manager are needed. We can pay him when we need him to which Bill questioned how would the compensation be determined if he was paid by the project. We could end up paying more.

Bill Day made a motion, seconded by Doreen Dolan and it was VOTED: To keep the Project Manager on until December 31, 2011 at the rate of $1,000 for the month. In favor: Unanimous.

VII. Charlestown Appointment to Building Committee
The Superintendent noted there is a vacancy now for a representative from Charlestown as Craig Louzon has filled the vacancy for a School Committee member from Charlestown.

Erick Davis made a motion, seconded by Doreen Dolan and it was VOTED: To send a request to the Charlestown Town Council for a Charlestown representative to fill the vacancy on the Building Committee if they wish to fill it. In favor: Unanimous.

Chair Kenney recessed the meeting at 7:33 PM and the meeting was called back to order at 7:37 PM.

VIII. Liquidated Damages and Potential Legal Action/Nadeau Corp.
Dan reported that Nadeau has done some work and has paid some subcontractors. Some are still not paid. They also dropped off the as-builts to Paul. They are moving slowly and he suggested that the Committee give them one more meeting cycle to see if they complete the work.
IX. Reports

A. Architect – Paul stated that Nadeau did provide as-builts as required in the bid specs. There is still an issue with the front entry to the Maintenance/Technology building. We are holding $5,000 for this. They have submitted final invoices but are not receiving their final payment because of liquidated damages (delay – did not finish on time). The Superintendent questioned the total that was being held to which Paul replied around $30,000-$32,000. The late charges ceased once we received the OK from the Building Inspector and we occupied the space. Dan stated that he would like to invite the subcontractors to the meeting when Nadeau receives his final check. George asked what amount was due the subcontractors to which Dan replied around $75,000. Bill stated that he is not comfortable with inviting subcontractors unless legal counsel gives us the OK. We do not have any dealings with them. We only deal with Nadeau. Chair Kenney agreed. Our solicitor has told us that we have no legal obligation to the subcontractors; we deal with Nadeau. Doreen did not want to leave “a bad taste in anyone’s mouth” as Nadeau subcontracted to a lot of local people. Brian added that Jon has told us to give the subs the bonding agent’s phone number which we have been doing. The total currently due Nadeau is about $79,000 to which George questioned if there was any correlation to this amount and the $75,000 that is due the subcontractors. Dan replied “no” as Nadeau made more than enough to cover the subs. Paul stated that Nadeau asked for the whole balance this month; not just a partial payment – that is why he is not recommending payment. Erick requested a spreadsheet of what is left to which Paul replied that he will put this in his report. Paul then reviewed a hand-out on the High School. They have held all the money for the High School bathroom floors (just under $7,000). Arthur Nelson requested a comment from Brian Stanley regarding the balance of $79,167 in the Middle School account and $699,968.29 in the High School account. Brian stated that he agrees with these figures; the money is encumbered. There is a very small amount left of the $19.5 million that was issued. We have about $195,000 on hand which covers all we have in contracts. That is why we have to do value engineering on the last two Middle School items. George questioned the leak by the greenhouse to which Paul noted that it does not appear to be a grading issue as it seems to happen when there is a wind-driven rain. It may be water running down the building. Doreen noted her concern with the paving work in the front of the High School. This area does not drain and she is concerned when it starts to freeze. Dave McKinley explained the issues they are having with this area. The contractor did not put the asphalt in right; there are waves in it. The lawn is higher than the asphalt so the water stops and does not go anywhere. He felt that this area will not drain perfectly unless the contractor takes up the entire asphalt and redoes it. He does not own the drainage in this area as it was not put in originally. There are a couple of options: 1) put in a leaching pit in the middle of the parking lot or 2) create a trench drain. It is a dilemma as he did not do this to spec. Dan added that the contractor did not do this to spec so he owes us that but it still will not drain correctly. We will need to add something. He thinks that a trench drain in the middle will help but he still owes us. Craig asked how the cost would be calculated to which Dan responded that this is the same contractor that is looking for the $16,000.00. It is a defect plus the site does not drain properly to which the Superintendent had a different opinion. The contractor did not install it to bid specs; he did the same thing on other parts of the campus (bus loop being one area). He needs to take responsibility. Dan stated that he still does not think it will drain right to which the Superintendent replied that it drained before this was done. It was either put in wrong or the drawings were not correct. It is not the responsibility of the District to fix this. This Committee should not have to spend money to fix what wasn’t done right. Bill Day agreed. He will not bail out the subcontractor because he did not do what he was supposed to. Dorothy added that the Committee paid someone to design it and paid someone to pave it. If the architect designed it wrong, it should be redesigned and done properly at their expense. Doreen stated that if the Committee goes with a trench drain and that doesn’t work, then it becomes our problem. She does not want to make it the District’s problem. Dan noted that we paid for a parking lot and it isn’t working; we are holding money to cover this. Paul added that the next month or so is a critical time in the job to hold on to the Project Manager as they have only received about half of the as-builts. Brian Stanley brought up the issue with the High
School freezer. They owe us money. He has sent the bill twice and we have not yet received the credit. We lost over $7,000 in food that wasn't covered and we haven't been able to use the freezer since summer. No check and no working freezer. He wants a check or credit. It sounds like they are reluctant to give us the money. Paul noted that all parties involved are meeting tomorrow on this. Dan explained the issue with the freezer. They were making assertions that we weren't operating it right. This is not the case. The High School Aramark staff has had to store the food at the Middle School and run back and forth for it. We should add on extra labor costs for their time. Bill Day questioned the status of the security gates. Dan noted that they should be operational within two weeks. The section at the CTC has not been done as they are waiting for us to complete the brick work on the building.

B. Project Manager – Dan noted that the cameras for the license plates are not working as well as we would like to which Brian added that they are really not working at night when condensation builds up – the glass is fogging up and this is a major issue. One contractor provided the bollards; another provided the cameras so this is where there is an issue. There is nothing wrong with the cameras; it is the bollards they are sitting in. The two integrated is the problem. As we clearly stipulated what we wanted, this is the contractors’ problem.

The next meeting dates were scheduled for Monday, December 19, 2011; Monday, February 6, 2012 and Monday, March 19, 2012 beginning at 6:30 PM in the Administration Building Conference Room.

X. Adjourn
Craig Louzon made a motion, seconded by George Abbott and it was VOTED: To adjourn at 8:22 PM. In favor: Unanimous.

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Donna J. Sieczkiewicz, Clerk