

**WESTFORD PERMANENT SCHOOL BUILDING COMMITTEE
MEETING MINUTES**

April 6, 2006

Members Present: S. Brierley, R. Jefferies, K. Morgan, M. Mulligan, G. Murray, K. Ware

Also Present: K. Thompson

The meeting was called to order at 7:38 P.M.

LEGEND

Italics = prior meeting(s)

Bold = this meeting

NOTE: For the purpose of clarity much of the discussions from prior meetings have been omitted. Please refer to the Minutes of the August 18, 2005 meeting for a comprehensive history of prior discussions.

I. INVOICES

OTHER PAYMENTS:

CAROL MORGAN - A **Motion** was made by G. Murray seconded by K. Ware and passed by a vote of five (5) in favor with one (1) abstention, to approve payment of Invoice #57, dated 3/17/06 in the amount of \$100.00 for secretarial services for typing the meeting minutes for March 2, 2006.

KATHY THOMPSON – A **Motion** was made by G. Murray seconded by K. Ware and passed unanimously, to approve payment of Invoice #4 dated 3/31/06, in the amount of \$463.50, for Administrative Assistant Services from March 1, 2006 through March 31, 2006.

WARRANTS SIGNED – Warrant 0636 PSBC in the amount of \$463.41 dated 3/09/06, approved previously by the majority of the committee for invoices previously authorized for payment on 3/25/06.

II. MINUTES

A **Motion** was made by G. Murray seconded by K. Ware and passed by a vote of five (5) in favor with one (1) abstention, to approve the minutes of March 2, 2006 as submitted.

III. CRISAFULLI SCHOOL

No discussion

IV. MILLER SCHOOL

K. Morgan reported that the Christy Lane water main has been tested, has passed the test and has been disinfected. Water samples were taken for testing also. Cincotta has excavated for the water service to the house, with no significant problems encountered. The water service line has been installed into the basement. Cincotta has arranged for a plumber to make the final connection to the house at 4 Christy Lane, which will be coordinated with installation of the water meter by the Water Department. Cincotta will pave the disturbed areas of sidewalk and will begin restoration of lawn areas next week. Discussion followed regarding proposed Change Order #2 for additional rock excavation, excavation of additional unsuitable material and backfill with ordinary borrow.

After discussion a Motion was made by V. Weisenbloom seconded by M. Mulligan and passed unanimously to approve Change Order #2 in the amount of \$6,937.00 for rock excavation, excavation of unsuitable material and backfill with ordinary borrow.

*G. Murray reported that the work is complete with the exception of the final paving of the sidewalk repairs and reinstallation of two (2) property markers. The Lawrence residence is connected to Town water and the filtration system has been disconnected and is stored outside the house pending removal by the School Department. After discussion a Motion was made by G. Murray seconded by K. Ware and passed unanimously to approve Change Order #3 to the contract with Carl Cincotta Landscaping in the amount of \$15,616.80 for water main modifications, additional 40 ft. of water service line to the house at 4 Christy Lane and additional rock excavation & disposal. After discussion a Motion was made by A. Harkness seconded by K. Ware and passed unanimously to approve Change Order #4 to the contract with Carl Cincotta Landscaping in the amount of \$2,600.00 for the plumbing connection to the house at 4 Christy Lane. K. Morgan reported that the work is essentially complete. S. Lawrence has requested that Cincotta inspect a tree that may be unstable and leaning. K. Thompson has asked C. Cincotta to visit the site and report to the committee. After discussion a Motion was made by A. Harkness seconded by K. Ware and passed unanimously to approve Change Order #5 to the contract with Carl Cincotta Landscaping in the credit amount of (\$9,684.50) for Rock Allowance not used. Cincotta has submitted an invoice for the balance of the contract minus retainage, plus a request for a Change Order in the amount of \$500.00 for infrared pavement treatment and additional curb resetting. After discussion a Motion was made by K. Ware seconded by R. Jefferies and passed unanimously to approve payment of an invoice from Cincotta Construction in the amount of \$4,215.00 subject to confirmation by Berkshire Design of the additional work. **M. Liu has reported that Cincotta will perform the infrared repairs during the April school vacation and will visit the site this week to observe the overall condition of the site.***

V. STONY BROOK

C. Metcalf and D. Vose (?) representing Westford Friends of Recreation (WFR) addressed the committee for the purpose of informing the WPSBC of their proposed project to install additional tennis courts adjacent to the existing tennis courts. The committee explained that care; custody & control of the site had been returned to the School Department in 2004. WFR requested a copy of the plans and specifications for the school contract to use as information. K. Thompson was asked to provide a copy to WFR.

K. Morgan reported that G. Brackett has responded in writing to the bonding company's recent letter and G. Brackett has been attempting to speak with the bonding company representative. G. Murray noted that, in all likelihood, the committee would be seeking reimbursement of additional incurred costs in excess of \$400,000.00, since it appears unlikely that the bonding company will complete the Punch List. K. Thompson was asked to request a unit price proposal for vinyl tile repairs from Northeast Flooring. K. Morgan reported that Northeast Flooring has completed removal, slab preparation and reinstallation of the rubber floor tiles. K. Morgan and R. Harbaum will inspect the work on September 3. Northeast worked overtime and on weekends in order to complete the repairs prior to the beginning of the school year. B. Olsen previously indicated that the School Department might contribute 50% of the cost of overtime for the school maintenance personnel. K. Morgan

presented time sheets from school maintenance personnel Maurice Godfroy and Rick Harbaum adding up to \$1,752.50 for after hours overtime while Northeast was working. After discussion a Motion was made by V. Weisenbloom seconded by K. Cavanagh and passed unanimously to approve payment to Westford Public Schools in the amount of \$1,752.50 for custodial coverage during overtime hours for rubber tile replacement. There are several areas of vinyl tile that continue to exhibit “oozing” of adhesive. K. Morgan reported that there is no additional information regarding the ongoing discussions with the bonding company. K. Morgan reported that two (2) walkie-talkies were reported missing from the Stony Brook School after completion of the rubber floor tile replacement. This equipment is used to assist a severely handicapped student. After discussion a Motion was made by A. Harkness seconded by K. Ware and passed by a vote of five (5) in favor with one (1) against to authorize purchase of replacement walkie-talkies at a cost not to exceed \$100.00. Town Counsel has provided, at the committee’s request, a status update regarding discussions with the bonding company. The bonding company continues to suggest that the PSBC did not follow proper procedure to declare Peabody in default and terminate them and also to notify St. Paul Travelers, thereby negating the bonding company’s responsibilities. After considerable discussion it was agreed to update the project financial statements for discussion at our next meeting as it pertains to our future course of action. The committee also agreed to join with the BOS in sending a letter to the state’s Insurance Commissioner indicating our difficulties in dealing with St. Paul Travelers and inquiring as to actions that could be taken to recover our costs, the process to decertify St. Paul Travelers from working in Massachusetts, as well as the procedure for disallowing acceptance of St. Paul Travelers as a bonding company on future projects. K. Morgan agreed to request from Town Counsel the proper procedure for corresponding with the Insurance Commissioner. K. Morgan reported that Northeast Flooring has provided a cost proposal in the amount of \$160,391.00 for replacing the entire vinyl tile on the ground floor utilizing the procedures employed in replacing the rubber floor tiles. There was considerable discussion regarding the ongoing problems securing performance by St. Paul Travelers, the bonding company for Peabody Construction. During the discussion it was noted that the Highway Garage Building Committee is experiencing similar performance issues with St. Paul Travelers. A Motion was made by G. Murray seconded by A. Harkness and passed unanimously to request, at the earliest possible date, a joint boards meeting with the Board of Selectmen and the Highway Department Building Committee to seek guidance and support for the following actions: 1. A Town of Westford suit against St. Paul Travelers, the construction bond holder for the Stony Brook School, for recovery of expenditures on the part of the town because St. Paul Travelers’ failure to perform its’ responsibility under the school construction bond following the default of Peabody Construction in Dec. 2004 and for the cost to complete the project. 2. Employment of appropriate counsel to serve the town in this action to achieve timely action from St. Paul Travelers. R. Jefferies reported that the January 10, 2006 meeting posted agenda does not have our discussion, after discussion it was agreed to request time sat the Jan. 24, 2006 BOS meeting. R. Jefferies also reported that the Highway Department Building Committee has declined to participate because their project has been reactivated and is scheduled to be completed in May. K. Morgan reported that he and G. Murray had attended the Board of Selectmen meeting on January 24 and had received BOS support to interview firms and make a recommendation to retain outside counsel to assist the WPSBC in attempting to achieve completion of the project through the bonding company. As a result, the committee conducted extensive interviews with the firm of Hinckley Allen Snyder, represented by Mr. Charles Schaub and the firm of Quinlan & Sadowski, represented by Mr. Edward Quinlan. During the discussion flowing these interviews the consensus was to recommend to the BOS that we retain Quinlan & Sadowski and to proceed with an initial phase of information collection, review, analysis of the relative strength of our position and recommendation. K. Morgan will request that the PSBC be put on the agenda for the February 14, 2006 BOS meeting. K. Morgan reported that he spoke to Mr. Quinlan, who indicated that he expected the contracting process with the Town to be completed within two weeks, that he will provide next week a memo outlining next steps and that he would attend our next meeting. T. Ellis reported that he is involved in a lawsuit where Quinlan & Sadowski represents the other party that may require that he resign from the committee, or at least recuse himself from any discussions regarding the services performed by Quinlan & Sadowski. **K. Morgan reported that he had spoken to E. Quinlan on 4/3 and that E. Quinlan would attend tonight’s’ meeting. However, Mr. Quinlan is not in attendance. There was discussion regarding the types of documents that we should begin to**

assemble, including PSBC meeting minutes, Change Orders, Contractor's Payment Requisitions, Punch List, correspondence between PSBC and Town Counsel and between PSBC and Peabody Construction, correspondence related to testing and investigation of the rubber floor tiles, minutes of the 3.1 Conference on April 12, 2005. K. Morgan will speak to C. Franceschi (DRA) to advise that we will be requesting documents.

The Action Items List was reviewed. *There is no update available regarding the Levitron module. G. Murray will speak with R. Harbaum regarding this item. Levitron has requested information from R. Harbaum and has indicated that they will send a replacement circuit board within two (2) weeks. G. Murray has spoken with a representative from Levitron and has provided equipment information to Levitron. K. Thompson reported that Levitron has visited the site. A new module is not required, however, some other components may be required. R. Harbaum will provide information to the committee. G. Murray reported that Levitron was to have provided a report describing the work needed to be done, which part of that work is covered under warranty and what is not under warranty (circuits that need to be rewired). To date, no report has been received. K. Thompson will ask R. Harbaum if this work has been performed. The only information that R. Harbaum has provided is the telephone number of the technician the visited the site previously. After discussion it was agreed to delete this item from the Action Items List.*

*K. Morgan reported that at the previous meeting R. Jefferies offered to speak with Nick Reed in order to develop a design alternative to the concrete pavers. R. Jefferies reported that he will meet with N. Reed at the school on Jan.10 or Jan. 11 to review the existing conditions. T. Ellis will provide drawings to R. Jefferies. R. Jefferies reported that he visited the site with N. Reed and that N. Reed has submitted a fee proposal in the amount of \$13,000.00 for design, contract documents and construction administration. During the discussion it was noted that this amount exceeds the threshold for best business practice and would require that the PSBC publish a Request for Proposals. R. Jefferies will speak to N. Reed and attempt to reduce the scope of his services to conceptual design and preliminary construction cost estimate. K. Morgan reported that he has received a report that the pavers in the front plaza continue to deteriorate to the point that chunks of some pavers are being drawn into the snow blowers used to clear the plazas. R. Harbaum was asked to photograph the situation. **R. Jefferies reported that he had spoken to N. Reed, who agreed to reduce the scope to services to Conceptual design (s) and preliminary construction cost estimates, for a revised proposed fee of \$7,540.00. After discussion it was agreed that upon receipt of a written proposal K. Morgan would authorize work to proceed to an amount not to exceed \$5,000.00.***

*K. Morgan asked for volunteers to form a subcommittee to review Change Orders, etc. related to the exterior and site work in order to complete the E&O process. T. Ellis and G. Murray will act as a subcommittee to review all exterior work changes from an E&O perspective. T. Ellis and G. Murray will begin their review before the next meeting. **Status unchanged. G. Murray will request the marked up plans from T. Ellis.***

T. Ellis reported on his site visit with a representative from Laughton's. There are some trees that are dying and will be removed and there are several trees that will be transplanted to locations that are better suited. K. Thompson reported a conversation with Laughton's. Spreading of the compost and seeding will be done in the fall. T. Ellis reported that the agreed upon transplanting of several trees will be done in the fall. Status unchanged. K. Thompson will speak to T. Ellis. T. Ellis reported that the tree replacements and relocations have not yet happened. He will speak with Laughton's to schedule this work in the spring. **Status unchanged.**

The issue of the improperly located fence between the basketball and tennis courts has not been resolved, pending completion of the close out procedure with Peabody. Fences Unlimited, PCCI subcontractor, has sent a letter to PCCI requesting the balance of the monies owed to them by PCCI. This item is on the Punch List. G. Brackett has advised, in writing, that he will pursue this item with the bonding company. **Status unchanged.**

R. Crocker has received a cost proposal from R.L. Legacy & Son, Inc. to perform the site work required for installation of special surfacing for the track & field additions, in the amount of \$20,850.00. After discussion it was agreed to request Cape & Island Tennis & Track to revise their June 17, 2005 proposal based on the site work being performed by others. T. Ellis will provide information on additional vendors for the special surfacing to B. Olsen. K. Morgan reported that B. Olsen has received a cost proposal from another vendor for the special surfacing and will give the information to K. Thompson. K. Morgan reported that B. Olsen has received a cost proposal from Maine Tennis & Track in the amount of \$10,965.00 for the special surfacing. The committee had previously received a proposal in the amount of \$20,850.00 for the site preparation work from R.L. LeGacy & Son, Inc. The combination of the two proposals is \$31, 815.00. The committee has previously authorized an amount not to exceed \$35,000.00 for this work. Considerable discussion followed and a Motion was made by G. Murray seconded by T. Ellis to award the contract for the site preparation to R.L. LeGacy & Son, Inc. in the amount of \$20,850.00. The motion failed to pass. Subsequent to the last meeting B. Conley, Athletic Director, requested an opportunity to address the committee to explain the School Department's justification for the Track & Field facilities. It was explained both by B. Conley and B. Olsen that the long jump, high jump and triple jump are parts of a basic track meet and that Westford middle schools participate in a league where every other league member has these facilities. The committee has received an opinion from Town Counsel that this work is within the scope of the Town Meeting authorization of this project, that the PSBC is within the scope of its' duties when considering this work and that this work is separate and distinct from the ongoing discussions with the bonding company. The committee following our last meeting requested this opinion. K. Morgan noted that, as part of the FF&E purchases, the PSBC has already purchased a High Jump Landing Mat, High Jump Standards, High Jump Cross Bar, Discus and Shot Puts. After considerable discussion a Motion was made by K. Cavanagh seconded by S. Brierley and passed by a vote of eight (8) in favor with one (1) opposed to reconsider the vote from the 9/22/05 meeting not to award the track & field site preparation work to R. L. Legacy & Son, Inc. A Motion was made by K. Morgan seconded by K. Ware and passed by a vote of eight (8) in favor with one (1) opposed to award the track & field site preparation work to R. L. Legacy & Son, Inc. in the amount of \$20,850.00 in accordance with their cost proposal dated 7/18/05. A Motion was made by K. Cavanagh seconded by T. Ellis and passed by a vote of eight (8) in favor with one (1) opposed to award the track & field surfacing work to Maine tennis & Track in the amount of \$10,965.00 in accordance with their cost proposal dated 9/22/05. Following this vote it was agreed to inform the Board of Selectmen (BOS), in writing, of these actions. V. Weisenbloom offered to draft the letter and R. Jefferies offered to request its' inclusion in a BOS meeting. Legacy has visited the site prior to beginning work. R. Jefferies reported that the letter written by V. Weisenbloom was read into the minutes of the recent Board of Selectmen (BOS) meeting. After discussion the BOS declined to entertain a motion to overturn the PSBC action to authorize this work. K. Ware reported that the site work appears to be complete. K. Thompson will communicate with R. Crocker to confirm. K. Thompson reported that she has spoken to R. Conley and that the rough site work and grading has been done. The bituminous sub base and finish surfacing will be done in the spring. K. Thompson was asked to remind R. Conley to obtain a schedule for completion from LeGacy. **K. Morgan reported that he received a telephone call from R. Conley, who reported that**

the track has been damaged by last year's construction. LeGacy has been informed and will be responsible for repairs. LeGacy will install the binder for the new areas during April school vacation and the remaining finish work will be completed as soon as possible.

VI. OTHER

After discussion a Motion was made by G. Murray seconded by K. Cavanagh and passed unanimously to revise the meeting frequency to monthly, or as necessary.

B. Olsen has requested that the PSBC consider funding HVAC training for R. Harbaum and a newly hired HVAC mechanic. The training would consist of five (5) sessions provided by Siemens and the total cost is estimated to be \$14,950. There was considerable discussion that the PSBC had previously provided training for R. Harbaum and others when the project was substantially complete and that this training is beyond the scope of our project. It was also noted that our other recent projects have also trained School Dept. personnel on the Siemens equipment.

*The School Dept. received a bill from Combustion Services for the following:
Boiler #1 front plate overheated and cracked. Combustion Service removed the burner and found burner blast tube burnt out, front plate insulation failed and front plate cracked. They reconnected the burner and left boilers off. The invoice amount is \$900.00, which the School Dept. would like the PSBC to pay. After discussion it was agreed that this is a School Department responsibility, not the PSBC.*

There was general discussion regarding submission of audit related material for the Crisafulli and Miller Schools. K. Thompson has completed compilation of the documents for Crisafulli, however there are unfinished items for Miller related to Christy Lane. Discussion followed as to whether it is prudent to also complete and submit the documents for Miller anyway. R. Jefferies volunteered to discuss the situation with S. Marchand, Finance Director. It was decided to submit the documents for Crisafulli.

There was general discussion regarding apportioning the cost of preparing audit related material for the Crisafulli and Miller Schools. K. Thompson has completed compilation of the documents for Crisafulli, however there are unfinished items for Miller related to Christy Lane. Discussion followed as to whether it is prudent to also complete and submit the documents for Miller anyway. K. Thompson discussed the situation with S. Marchand, Finance Director and it was her recommendation to submit the documents for Crisafulli and Miller together. At this time K. Thompson is spending her time dealing solely with issues surrounding the Stony Brook School.

The next meeting is scheduled for Thursday, April 6, 2006, at 7:30 P.M. at the Central Office.

The meeting was adjourned at 7:57 P.M.

Respectfully submitted,

Steven Brierley, Secretary

Minutes approved _____ by a vote of _____

Signed _____