

## COMMITTEE ON JOINT SCHOOL BUILDINGS

**February 5, 1997**

**6:30 PM**

Chairman Higgins called the meeting to order.

The Clerk called the roll.

**Present:** School Committee Member Higgins, Aldermen Clancy and Domaingue

**Messrs.:** Richard Donegan, Bill Frisella, Kyle Barker, Fred Matuszewski, Richard Moher

This meeting was held for informational purposes only due to the fact that the Committee did not have a quorum.

West High School Science Lab Renovations punch list report provided by Messrs. Matuszewski, Moher and Frisella.

Chairman Higgins stated the last assurance the Committee was given was that everything would be done by January 2, 1997. There was still an outstanding list of items that had not been taken care of, including the shades, which have not been right all along. She wished to recommend that this be put into the hands of the City Solicitor. This project originally should have been completed by the beginning of the school year, September 4, 1996. The second date of completion was around September 20, 1996. The third date was November 20, 1996. The fourth date was early December, when the Committee did its walk-through. At that time the Committee was assured it would be completed by January 2, 1997.

Mr. Moher stated the punch list handed out at this meeting was the first time he was made aware of these things. The issue of the shades, Kelly Construction had been through a series of mishaps with these shades, the last problem was three weeks ago, on a Saturday, and the shades that had been sent were the wrong ones and had to be sent back to the manufacturer.

Alderman Domaingue stated West High School is not on my side of the River, so I will probably be more gentle with you than some of the other members here tonight. I do not think we are looking for excuses but I have to tell you, by

listening to what you just said, you have explained what happened a few weeks ago, but this dates back to September, we are now in February. City taxpayers fund this, it is not a private corporation so when they look at us, they hold us responsible for what you don't do.

Mr. Moher stated we have a lot of money on the table for this job, and we would like to complete it and get out of there so we can get paid. The holdup is getting the right materials and manpower there to finish the job.

Mr. Frisella stated if I could shed some light on some of these issues, like the rooms that are too hot or too cold. There were two separate contracts over there, what we did was paint the covers on the existing baseboard heat, and we supplied and installed new unit ventilators in each room. There was also boiler work going on as a separate contract. Although we have worked with Fred and Ekhardt & Johnson to try to correct this problem, it is out of the realm of Kelly Construction's responsibility.

Chairman Higgins stated there are three items on the list that are heating and ventilation related, we are not holding you accountable for that, we are holding you accountable for the rest of this stuff.

Mr. Donegan stated the shades are usable but not correct.

Chairman Higgins stated we are talking to you on February 5, 1997, and you (addressed to Mr. Frisella) gave me your word, and I take people at their word. You have not done what you said you were going to do. This is mickey mouse stuff that should have been done weeks ago.

Mr. Frisella stated as I go through this list, I see things that were not on the original list, that are now on this one. Such as the fume hood, faucets freezing in cold weather, this is the first we have heard of it. I would not say that there is nothing on this list that was not there in December, but...

Alderman Domaingue stated if only four items on the list are heating and ventilation problems, then the rest would fall under construction, correct?

Mr. Matuszewski stated the date of the final walk through would be a subjective date, depending on when the work was completed. I would like to point out that there was a warranty period that initiated with substantial completion which was September 20, of one year. During this period, if failures occur, they could be called back to make repairs.

Ald. Domaingue stated I guess I get a little uneasy, there have been a hundred business days, roughly, give or take, between September 4 and now. What I am hearing is as soon as they know there is a problem the subcontractor gets a call. How old are these issues? Since the Christmas vacation...

Mr. Frisella stated Fred has dated when each item has been brought to our attention through PBS, with the exception of the shade issues...

Ald. Domaingue stated so then the rest of these issues have only been brought to your attention within the last thirty days?

Mr. Matuszewski stated the items that do not have dates, like the shades, and room 229, I was not informed that this room did not have heat. There are items here that were brought to my attention, for example the lens on the light fixture, I do not know if that was broken when the display case went in...

Ald. Domaingue asked has Kelly Construction done business with the City before? And have they been reliable?

Mr. Houle answered yes, they did an excellent job on the science labs at Central High School and did everything as they said they were going to do.

Ald. Domaingue stated I see adults sitting in this room, hearing the problems, and I am assuming they know how to correct them from the architect on down. Unless you have a real serious problem legally that I am not being made aware of, and I am welcome to hear, I want to get it done, I don't want to fight about it in a court of law.

Chairman Higgins stated let me ask about the things that are not dated, would you say those are prior to January 16?

Mr. Frisella answered the shade issue is prior to January 16, the table for fume hood, there has been discussion that the teacher himself would like to change it, this is the first I have heard that it is unacceptable.

Chairman Higgins asked Mr. Donegan about the table.

Mr. Donegan stated the table is a wooden table that was an art table, however the initial design was to be a cabinet with a Formica top that was sitting next to it. So it is very different than what they thought they were getting.

Ald. Domaingue stated Mr. Matuszewski, we do a lot of business in this City, I am hearing an awful lot of silly excuses. I am trying to be patient, I am respectful of the construction company, I am sure they don't want to be doing this for the next six months. These are little things to you but they are big things to the school.

Mr. Matuszewski stated they are not little things to me. Frankly I am losing a fair amount of money on this project, I have repeatedly drafted reports and met with Mr. Baines, wrote the Dunning notice in November, and I am still here tonight. If we wish we can talk to the solicitor, and find out what options are open to us. I am not making excuses.

Mr. Houle stated maybe we could do a change order for a new table for room 114.

Mr. Matuszewski answered we will get it done at no expense to the City.

Mr. Moher asked if anyone knows how the table is unacceptable.

Mr. Matuszewski answered it is unacceptable to the art teacher.

Chairman Higgins stated my recommendation still stands.

Ald. Domaingue asked is there anything that can be said tonight on the part of the architect or the construction company and the Public Buildings Services Director that will give us faith that it will be done by a date certain?

Chairman Higgins stated with all due respect, here is my word, right here, January 2, 1997, that was the date certain, that was a promise. If these things are not done, we need to put something in motion that will get it done, and we have a retainage, and they also have a bond, we can call the bond, and the bond will get it done.

Ald. Domaingue stated that is why I am asking if there is any kind of commitment here by the parties in this room about a date certain so that we don't have to go to those steps.

Mr. Moher stated before I came here this evening, I thought that the only thing left to do was the shade work and that has been scheduled for Saturday. These other items I was not aware of, most of them. I know that the damaged terrazzo step was not damaged by Kelly Construction, we talked about this months ago. We tried to fix it, and the repair didn't work. We tried to fix it in good faith, it wasn't our damage.

Mr. Houle stated we don't know who was responsible, one of the two contractors in the building was responsible for moving some heavy equipment down these steps and broke part of the step.

Mr. Frisella stated I want to add that the chipped step is in the building that Kelly Construction was not in.

Chairman Higgins stated this is your responsibility, Fred, I am leaving it on your shoulders, you and Dick need to take care of this, period. I appreciate that you came but you must appreciate how I feel, that school is in my district and I am furious. It should have been done a long time ago and I do not understand why it wasn't done a long time ago, at least the punch list stuff, the shades, well, okay, the manufacturer did something, whatever, I will accept that. What I don't accept is that you told me that it was going to be done over Christmas vacation. I am well past excuses. You have my recommendation.

Mr. Frisella stated the floor tiles problem is on a floor that was done as part of a change order, Fred asked me a week or two ago, the rubber tile on the ramp was damaged so we had to order new rubber. When it is coming in I am not sure.

Mr. Moher stated this is work outside of our contract. We agreed to try to take care of it, it is nothing that has anything to do with our contract. The dark room door allowing light into the room; it is what was specified, we installed it according to the manufacturers recommended procedures, I am not sure what you want us to do about it.

Chairman Higgins suggested having a representative from the manufacturer of the door take a look at it.

Ald. Domaingue stated Chairman Higgins, I know that you are very frustrated with this situation, I would wonder whether or not we could, as a group here, suggest that these contributors have these items done by the next meeting, and that at that point, if this work is not completed, that we could go with your recommendation. I know where you are coming from, and I know that Kelly Construction has worked for the City before, for that reason, I have faith that if I have Mr. Moher sitting here, and I have someone sitting here who knows these problems, that it will get done. I would respectfully ask that given that the majority of the list comes from within the last three weeks, we give them one final opportunity to make good.

It was agreed to allow Kelly the opportunity to get the work done before the next meeting.

Update by Mr. Marinace relative to the Middle School.

Mr. Barker stated the drawings for the Middle School were more than 95% done, and it was anticipated they would be completed within the next few weeks. They were waiting to set an exact bid date until all the permit approvals in. Mr. Stumpf from CLD met recently with people from the Wetlands Commission and that approval seemed to be looking good. It was anticipated to have a written Wetlands approval within a few weeks. The bid date appeared to be late March.

Chairman Higgins asked if that was according to schedule.

Mr. Barker answered exactly on schedule to have construction start in March.

Chairman Higgins asked if the specs were done.

Mr. Barker answered they were done.

Chairman Higgins asked Mr. Houle if he would be reviewing the specs. Mr. Houle answered he would review them from PBS's perspective. The maintenance requirements, roof, windows, heating systems, bathrooms, floor finishes, etc. We do not have the technical capacity to review the specifications, we rely on the architect, who was responsible for the specs. They were also reviewed for approval and permits by the Building Inspection Department.

Chairman Higgins asked at what point the Fire Department would review it.

Mr. Houle answered Mr. Gaudreault had agreed to coordinate that.

Mr. Barker stated there have been several preliminary reviews done with Mr. Gaudreault and members of the Fire Department. There was a technical committee meeting a couple of weeks ago also.

Mr. Houle stated the specs were available for review at PBS for anyone wishing to see them.

Chairman Higgins asked Mr. Barker if there was anything he wished to show the committee that might impact on the final numbers or anything that might have deviated from the original model or anything.

Mr. Barker answered no, they had been working closely with Mr. Houle and all the other parties involved and were all set on their part.

Alderman Domaingue stated she understood there had been a meeting in Concord before the Environmental Board to discuss the site itself and that the abutters had been notified. Is that correct?

Mr. Barker answered I think that was the meeting that Eric Stumpf was at, he did not mention any particulars, only that the meeting went well, with no foreseeable hang-ups to getting a permit.

Chairman Higgins thanked Mr. Barker for addressing the Committee.

There being no further business to come before the Committee on Joint School Buildings, the members present voluntarily adjourned.

A True Record. Attest.

Clerk of Committee