

COMMITTEE ON JOINT SCHOOL BUILDINGS

August 18, 1999

6:30 PM

Chairman Higgins called the meeting to order.

The Clerk called the roll.

Present: School Cmte. Members Higgins, Healy, Herbert, Aldermen Pinard, Girard

Absent: Alderman Klock

Messrs.: T. Brennan, D. Dill, R. MacKenzie, F. Matuszewski, D. O'Shea, R. Robidas, K. Sheppard

Chairman Higgins addressed item 3 of the agenda:

Projects status report submitted by Deputy Public Works Director Sheppard.

Mr. Sheppard updated the Committee on the status of each project:

Parkside Jr. High School Addition -
Parkside Jr. High School Life Safety -

The project has had a substantial completion walk through on the addition last week. Today we did the walk through on the Life Safety improvements. The project is done except for the sprinkler system in the existing school, which will be finished early September/October. They will be working on that nights off-school hours and that was anticipated from the beginning. That will not effect the school opening. School will be opening on schedule. The principal, earlier in the year, requested if there was any additional funds left over from the project, he would like to see the parking lot expanded due to the increased number of teachers at the school.

Alderman Girard asked is there a reason why the teachers cannot park on the other side of the building where there are very wide-open expanses of asphalt.

Mr. Sheppard replied that is a question for Mr. Wade at the school. He has explained to me that is the schoolyard and there should not be parking there.

Chairman Higgins asked Alderman Girard what wide expansion of asphalt.

Mr. Healy stated not only that, it is the Gossler Park side of the school.

Chairman Higgins stated that parking lot is full.

Mr. Healy stated what happens over at Parkside is that when school is dismissed that area is used for dismissal of the busses, about fifteen of them.

Chairman Higgins thanked Mr. Healy, she had forgotten about that. There is definitely not adequate parking.

Mr. Sheppard stated we would discuss that at the SCIP Committee once the project is complete; take a look at contingency money. One thing that has come up is the cafeteria floor, which is part of the asbestos abatement. The tiles are old in the school in the first place; especially the cafeteria, some of the tiles are buckled up. They are asbestos tiles so we are looking to get those taken up on Monday and get the new tiles put down next week. It is not something that we could chase the contractor for. It is about \$6,500 to do the whole project. The asbestos contractor will pull up the tiles at no cost to the City. We have to pay to put the new tiles on.

Northwest Elementary Reroofing -

Mr. Sheppard stated things are moving along. We have worked with Dr. Duclos and Tom Brennan on all of these projects and things seem to be going well. Dr. Duclos found a lot of help. Right now they are looking to have a library or a media room completed and open for school by next Thursday. The school can move things as necessary. The other two wings will possibly be opened by the beginning of October. We are not pushing so much to make that possible but the completion date is October 1st on the contract.

Henry J. McLaughlin, Jr. Middle School –

Mr. Sheppard stated this Friday is the one-year walk through on the school. We will be meeting with the principal, the contractor, the architect and the City to see if there are outstanding punchlist items. Bonnett, Page & Stone has been working all summer to complete the majority of these items but most of them have been nature...there has been some drainage backup in one closet that Bonnett, Page & Stone is taking a look at right now. Most of the issues have been addressed.

Chairman Higgins asked what happens if you do the final walk through and everything is not addressed, what is our protection.

Mr. Sheppard replied those items are not released, they still need to be guaranteed or repaired by Bonnett, Page & Stone which is the reason for the final walk through.

Chairman Higgins in reference to the drainage backup, asked could you give us a little bit more information on that.

Mr. Sheppard replied I went over today and spoke to Principal Albert and he showed me the area. Right off the main entrance there is a closet, it looks like a mechanical closet where there is a small six-inch diameter drain in the floor. What he was explaining to me was when we had the rainstorm, water had come up all over the floor. I took a look at that and I knew there had been issues from the school as far as drainage from the beginning noting it should be tied into the sewer system not into the drain system and should not be a drainage problem. I checked the catch basins in the courtyard, they all looked clean. It may be a clogged pipe whether it was from someone flushing something down the toilet or accumulation over time. When we meet with Bonnett, Page & Stone on Friday, that is when the big issues will be discussed.

Chairman Higgins stated that particular drain is an intra-school drain, is nothing to do with the exterior drainage. For example, in your house if you have a clogged pipe...

Mr. Sheppard interjected that is right. It should be a sewer pipe; it should not be tied into the drain. But where it happens during rainstorms, there is a question as to what could be occurring. Eric Cason of Bonnett, Page & Stone today said he would pull the plan and try to trace that pipe.

Chairman Higgins stated that could be almost anything.

Mr. Sheppard indicated it could be, it is too early to say what it might be.

Chairman Higgins stated there was also a roof leak, we will have to skip back to the drainage. Has that been taken care of. The roof has been a very sticky issue and what I do not understand is that we have already gone through a year of seasons and why is it leaking at this juncture. Why is it just showing up here and there.

Alderman Girard interjected shoddy workmanship.

Mr. Sheppard responded I am not too sure of the particular reason, but one thing that we will make sure of during the walk through is that we will talk about the roof noting there is a ten-year warranty on the roof. The contractor knows he is responsible for it if there is damage caused by any roof leaks, he is responsible for that also.

Mr. Herbert asked if on the walk through you have not figured out what might be the problem with the drain are they going to be responsible for it beyond that walk through.

Mr. Sheppard replied any punchlist items that are or have not been resolved...we are still holding \$100,000 from the contractor on the project partially because of the floor, which is more than enough to pull out the remaining punchlist items to make sure they do complete those.

Alderman Pinard stated that he would like a follow-up on the gym floor to make sure that is addressed.

Mr. Sheppard replied that meeting is this Friday also at 1:00. The maple flooring manufacturer or association. The rep is so concerned they really represent the maple-flooring guy, I checked into that a little bit that group represents the architects or the owners as well as the floor installers. I feel it is going to be an independent review of that floor.

Alderman Girard asked is this a new roof leak or an old one.

Mr. Sheppard replied I am not familiar with that particular roof leak.

Alderman Girard stated we have gone around with this roof thing before and we were told that in a "nine and a half million dollar project, you have to expect there to be some mistakes". If this roof keeps springing leaks, we have to do something...call the contractor on the carpet in a real serious way, it is a design defect. We will have a little chat with Mr. Marinace.

Mr. Sheppard stated I was not aware of it. We will definitely discuss that on Friday. We do not disagree with that.

Chairman Higgins stated we also had a special consultant for that roof, if I am not mistaken, to oversee the work.

Mr. Healy replied I do not recall. All I know is that there was a lot of discussion on putting in one of those flat roofs.

Alderman Girard stated I'd like to see him put his money in too.

Chairman Higgins addressed item 8 of the agenda:

Memorial High School Science Lab and Other Improvements -

Mr. Sheppard in reference to Memorial High School, stated things are moving along fairly well. I have invited Fred Matuszewski here to give a more detailed update. He can give you a better status. One of the things that's happening at Memorial is the \$30,000 contingency, \$20,000 that was spent in asbestos abatement. We are running very tight in the numbers and we will meet with the SCIP Committee to discuss that.

Chairman Higgins asked, Mr. MacKenzie, are you aware of the possible deficit.

Mr. MacKenzie replied yes, Kevin Sheppard briefed me on that. It was a tight contingency to begin with.

Chairman Higgins stated we were all aware of that, there was not a whole lot of money in case something came up.

Fred Matuszewski stated we are down to nail-biting time. The good news is that the casework has arrived on site. Science casework never arrives early and this project is no exception. It has arrived on site, I was there as late as this afternoon and they have initiated an assembly line installation. Harvey Construction has it well in hand and they are going through room by room setting up and mounting the equipment; followed by the other subs; the plumbers, electricians. They will be there through the weekend and expect to be ready for washing and waxing of floors mid-week next week. Installing furniture; we are scheduled to punch the project next Thursday. We have walked through; the work is very good. I recommend any of you to take a trip through. We did have a date of completion, which is accurately defined as beneficial occupancy. The casework is supposed to be installed and ready for August 16th. We revised that and gave them until the 26th.

Chairman Higgins asked do we have a penalty, was there a penalty clause.

Mr. Matuszewski responded yes. But they have been working aggressively and the project is good.

Chairman Higgins asked the Committee if there were any questions on this project.

No questions were posed.

Chairman Higgins addressed item 9 of the agenda:

ADA Accessibility/School Elevators -
McDonough School

Mr. Sheppard replied this project has gone very well. Meridian Construction has done a great job. The elevator was anticipated not being operational until October.

Mr. Matuszewski stated the elevator crew will be on site October 1 and we have completion for October 22. The project is two projects; because we have bathroom renovations which if you were to visit McDonough you would see the crews moving through an assembly line style of ceilings, ceramic tile, etc. They are working toward completion by the week's end, beginning of the week. All dirty activity is behind us and the crews are moving up from the west end of the school to this end.

Chairman Higgins asked if you are receiving bids for the handicap ramp, how can you have it in place for school opening if you are just getting the bids now.

Mr. Sheppard replied we have received the quotes for the handicap ramp at Webster School. Bonnett, Page & Stone was low quote by quite a bit. They just did one over at Parkside and it is a very nice ramp. They are going to be starting on that probably tomorrow or Friday to get that ramp in before school opens.

Chairman Higgins stated they have about a week to get it done.

Mr. Sheppard replied that is right.

Chairman Higgins asked will they get it done in a week.

Mr. Sheppard replied they are going to get it done.

Chairman Higgins asked is it a concrete ramp.

Mr. Sheppard replied yes.

Chairman Higgins asked the Committee if there were any questions.

No questions were posed.

Chairman Higgins addressed item 10 of the agenda:

West Heat & Ventilation Improvements -

Mr. Sheppard stated the project is moving along, it is a typical renovation project. We found some things in the wall as you have seen in the past change orders or with permission and brought before you. I have invited Dave Dill here to get a quick update on that. Do you want to discuss the Tech Ed at the same time.

Chairman Higgins replied in the affirmative.

David Dill stated the H&V project is doing quite well. The major areas for occupancy have been turned over to the school. The administration area, the area above that and the gym. Painting is in progress under separate contract with Meridian Construction. The Industrial Arts work is nearing completion. Everyone has been waiting to see how things go with Tech. Ed. renovations.

Mr. Sheppard stated we have received bids for the Tech. Ed. renovations. We haven't had the SCIP Committee as far as funding. Funding this year from the SCIP Committee was very tight. This was not one of the identified projects in the CIP this year for the SCIP Committee. I would like to present the bids to the Committee and make a recommendation that the Committee award the project subject to funding from the SCIP Committee. The other problem is funding of the Tech. Ed. furniture.

Chairman Higgins in reference to the person you are awarding the bid to indicated this is not a name that I am familiar with, is this somebody that the City is familiar with.

Mr. Sheppard replied they were pre-qualified to bid on this work. David Dill has done further investigation.

Mr. Dill stated I spoke with P.M. MacKay, I visited their web site. It is an impressive web site as far as that goes but anybody can set up a web site. I talked to them about the scope of the job. Their bid is in line, a bit on the low side relative to the other numbers. The City is fortunate to get active participation in the bidding, given that it does involve somebody who is already on site. I am aware that P.M. MacKay is also being looked across the street at the athletic field, which has helped them be competitive with this project. I spoke with one of the Vice Presidents, Jim Allard, last week, asked if he was confident with this number, he said yes. He got competitive numbers from the principle sub-trades. He has no reservations about Meridian Construction and visa-versa. We reviewed the situation at the job meeting with the contractor Meridian yesterday and there

seems to be no conflict. The break out of the scope of work (H&V) involves a lot of sheet metal installations. The re-arrangement of the walls and partitions in the Industrial Arts area, to accommodate technical education needs, requires some plumbing re-routing. We have the plumbing under the bids for P.M. MacKay and all associated sheet metal HVAC work. There were some scope changes that required Meridian, under that project, we sought a separate number for that which is relatively small. The purpose of this letter is to recommend P.M. MacKay; I am comfortable with them as contractors.

Chairman Higgins in reference to change orders when there is a low bidder asked are they comfortable with this.

Mr. Dill replied yes they are. I did not have time to meet personally with them, as I would like to. We have not personally done business with this firm. I know that they sought pre-qualification, as part of the H&V work and we did not make a recommendation because we do not know anything good or bad about them. I understand the City has done some larger projects on this order. This is how companies grow. I do not think it would be in the City's best interest to award this, other than to the low bidder in a pre-qualified bid situation because we have had only one bidder.

Chairman Higgins stated I am not questioning that. We have to go with the low bidder...usually.

Alderman Girard asked what is Meridian doing at West High School.

Mr. Dill replied they are doing the H&V renovations in the Industrial Arts area, the administration area and the gym with their sub-contractors.

Alderman Girard asked how long have they been doing the work at West.

Mr. Dill replied this is their fourth year.

Alderman Girard asked they are very familiar with the building and its systems and everything else.

Mr. Dill replied absolutely.

Alderman Girard asked what other work has P.M. MacKay done in the City. You mentioned that they are doing the field renovations across the street, which doesn't mean they are familiar with the building.

Mr. Dill replied absolutely not. They attended the walk through. When I spoke with Mr. Allard about his knowledge of the project, I said that I know sometimes when bids come together, you may have questions in your mind, and he was comfortable.

Alderman Girard asked how is Meridian been with change orders. They pretty well on target.

Mr. Sheppard replied yes.

Alderman Girard asked do they have a lot of "I forgot" types of things.

Mr. Sheppard replied no. Any change orders with them, for example, if they open up a wall and find a pipe not expected, it has to be moved.

Alderman Girard addressed the Chair and stated, normally I would agree that the low bidder should be our preference but where we have a company that has been in the building for several years and familiar with the building and the work that is taking place there. We are foolish for \$8,000 not to go with someone who is tried and true and have been very responsive to the City. I have concerns about bringing in a separate contractor given that for \$8,000 we can have one that is already on site and very familiar with the facility. That is a bit fool hearty. On that basis I will make a motion to award the bid to Meridian.

Mr. Healy asked are we allowed to do that when bidders meet all the qualifications.

Chairman Higgins replied it has happened before where we have awarded to the next lowest bidder because something was not included in the bid.

Alderman Girard in reference to the bidding process stated Mr. MacKenzie might have some information for the Committee.

Mr. Sheppard stated Mr. MacKenzie agrees that there were pre-qualified contractors for this job. We check their financials and check their past experience. After going through these procedures and not awarding to the low bidder, by City Ordinance, we could end up in Court on this. We should check with the City Solicitor's Office.

Alderman Girard asked if this is a strict bidding situation or a request for proposals.

Mr. Sheppard replied bidding.

Alderman Girard stated this underlines some of the problems that we have all had with the bid process. I understand wanting to go with the lowest bidder. But you have an experienced contractor in the facility, he knows this facility intimately and for \$8,000 not to let them do the work does not make sense to me. It is going to be tied into what they are already doing on site.

Mr. Sheppard stated we have checked with City Solicitor's Office on various other projects about extending on the scope of work the contractor has where he is on site...it makes sense to continue working with that contractor. The City Solicitor informed us that by ordinance, what you go out to bid for is what you get for a contract. It makes a lot of sense to us also, but we are not allowed to do that.

Chairman Higgins referencing Alderman Girard's motion asked do I have a second.

Mr. Herbert stated to withdraw the motion.

Chairman Higgins stated if there is no second the motion fails. There being no second I will accept another motion.

On motion of Mr. Herbert, duly seconded by Alderman Pinard, it was voted to award the contract to P.M. MacKay & Sons.

Mr. Sheppard stated I would like to make that subject to SCIP Committee for funding. Actual total cost for this project, when you add in the change order, it may have to go with Meridian.

Alderman Girard asked would some of that money explain this change order from Meridian.

Mr. Sheppard replied because the H&V work would be done under Meridian since they are doing H&V work for this area.

Chairman Higgins stated the motion on the floor is to accept the recommendation to use MacKay in this. What you are advising us is that we need to amend the motion subject to financing by the SCIP Committee.

Alderman Girard asked for clarification on the \$219,000. In going with P.M. MacKay, the project is not going to be \$196,000; it is going to be \$219,000. We are looking at a situation where they may not in fact be the low bidder.

Mr. Sheppard replied we bid out of WV Engineering, because the intent was to get a contractor to do the renovations. Meridian was already doing the H&V work in the schools and would be retained to complete H&V work in that area.

Alderman Girard asked would the project cost go up for Meridian if we take P.M. MacKay. The actual cost of the project is not \$196,000 it is \$219,000.

Mr. Sheppard replied in the affirmative.

Alderman Girard asked what would the actual cost of the project be if Meridian were to get this award.

Mr. Sheppard replied it would be \$219,000 plus the eight.

Alderman Girard stated it would go up in any event.

Mr. Sheppard stated and these prices do not include the furniture that was requested by the school.

Alderman Girard stated and it should not.

Mr. Sheppard continued that is another thing that needs to be addressed for this Tech. Ed. area.

Chairman Higgins stated that needs to go back to the Finance Committee of the School Board.

Mr. Healy stated for information, it should go over to Building & Sites so the School Department is aware of what is eventually going to be charged back to them.

Chairman Higgins asked as a report.

Mr. Healy replied you could let it go here but also to the Building & Sites.

Chairman Higgins stated, Mr. Herbert, you need to amend your motion to include subject to finance approval by the SCIP Committee or appropriation of funds.

Mr. MacKenzie stated that this project is already \$49,000 over. We don't know where we will get the money for the equipment. It will be up to you to decide whether you want to start the project without money for the equipment or whether perhaps the School Board will have funding.

Chairman Higgins stated we have already talked about that at the last meeting. The motion is the proposal not including furnishings. Mr. Sheppard is covering himself and I don't blame him. We should all be aware that it doesn't include furnishings.

Mr. Sheppard stated it is subject to the funding by the SCIP Committee and also subject to funding of the school furniture.

Chairman Higgins stated the SCIP Committee would not fund the furnishings.

Mr. Healy asked Mr. O'Shea, do we have funds allocated this year for furniture.

Mr. O'Shea replied in the negative.

Mr. Brennan stated regardless of whether this furniture or equipment is funded we must make it work.

Chairman Higgins stated it is important that we all know this, as I do not want this to come back at Mr. Sheppard because the Committee Members do not know that furnishing is not included. At the last meeting I asked do we want this to go forward because of the furnishing issue. We agreed that it should go forward and I asked Mr. O'Shea if we could find the money and he replied in the affirmative.

On motion by Mr. Herbert, duly seconded by Alderman Pinard, it was voted to award the project to P.M. MacKay subject to availability of financing by the SCIP Committee.

Mr. Healy asked does the furniture have to come from the School Department's finances.

Chairman Higgins replied in the affirmative and stated that it would have to go back to the Finance Committee.

Mr. Healy stated we have to make it work as Mr. Brennan stated. The schools are overcrowded and we need that space. We are going to need to get that furniture in quickly.

Mr. Sheppard stated that he had spoken with Mr. Brennan yesterday, Mr. Donahue today and their biggest concern is getting space, as mentioned earlier. They said one way or the other they could make it work with or without furniture, they need the space. That is what was relayed to me.

Chairman Higgins stated it is important that everybody is clear on that because this is not the first time where we have put in science labs (Central and West) and there were not adequate monies for equipment. We know that furnishing is not included in this space, but we are going ahead with it.

Mr. Healy stated that there is a possibility that the School Department does not have the funds to adequately provide all the new furniture or furnishings that are necessary for these rooms. We might have to beg and borrow from different facilities but we are not going to open up a new facility with all brand new furniture. It is going to be another issue for us.

Chairman Higgins replied in the affirmative and asked if there was any further discussion.

Alderman Girard stated he would like to be recorded as opposed to the motion.

Chairman Higgins addressed item 11 of the agenda:

NORESCO Performance Contract -

Mr. Sheppard stated Mr. Robidas is here to give a quick update. He is now full-time working for the City on security issues with NORESKO.

Mr. Robidas stated the report that you have is rather accurate. We completed a walk through the schools yesterday with C&M Engineering whom has been contracted by NORESKO for that portion of the contract. We will have the drawings back by the beginning of September, giving me an opportunity to sit down with Kevin Sheppard and the School Administration to show them the final plans before we do go out to a bid process. Then those plans will be returned with any modifications to NORESKO by the middle of September. We are hoping to have the figures back by the middle of October at the latest. Then we are hoping to begin installation by the end of October. The bid process will be as a total package, all the schools will be bid simultaneously and itemized as well. Depending where the dollars and cents come back on the bid package, we may have some discussion regarding the priorities of where to locate these items. That's a little premature at this point. In conjunction with that I have been working with the School Administration, Kevin Sheppard and NORESKO, regarding some monitoring issues, which we need to address prior to awarding these contracts. These alarms will have to be monitored which is different from our current contract.

Chairman Higgins stated we were aware of that a couple of years ago.

Mr. Healy stated that before the contract gets awarded, Mr. Robidas could come before the School Committee and explain what is going to be done at the schools and the safety concerns so that they are kept apprised with these issues.

Chairman Higgins agreed with Mr. Healy and stated the last time we met we had an issue about what the principals needed to be involved in. We did not hear anything else after that so it would be important that you came back and explained what was going on.

Mr. Robidas stated through the assistance of Mr. Brennan, we sat down with all the administrators as we visited the schools. We went over the plans for each particular school. If at all possible, we walked through the school with the administrator, showed them what we planned to do and how we planned to modify their needs. Every school has its own little special needs and we want to be able to modify this equipment to service their needs and don't just approve this as a whole.

Chairman Higgins asked is everybody going to get the same security system, a key-card system.

Mr. Robidas replied not initially. The initial portion is dealing with intrusion and duress buttons that deal with safety issues of faculty members. The card access will be subsequent to this because realistically we know that we don't have the money to proceed with card access at this time.

Chairman Higgins stated that is really important for us to know that. It was a very good suggestion that you come to discuss everything with us.

Jr. High School Tech Ed -

Mr. Herbert asked why did the Hillside gym get delayed.

Mr. Sheppard replied we got some decent bids on it and have discussed several contract schedules with the contractor and have been discussing them with Mr. Brennan.

Mr. Brennan stated there are two opportunities to do the work; one is from the 29th of September to the 2nd of November, the other would be sometime in May into June. We had hoped that we could do end of June into July after the school year was completed but that contractor was unavailable, we could not move forward with that. May to June is a very difficult time to take the floor up. It looks like we are going to be leaning toward the end of September into early November because most of the time students can be outside if they need to be. That is the hold up

right now; getting with the principal to confirm which of those two time frames to go with. I personally feel is go with September to November and get it done.

Mr. Herbert in reference to the contract schedule asked for which year.

Mr. Brennan replied this year.

Mr. Sheppard stated the rest of the information on the update is just for the Committee's information.

Chairman Higgins addressed New Business:

Chairman Higgins stated something that has come to my attention, and I thought that the rest of the Committee should know about it, is the jurisdiction that this Committee has, the purpose of this Committee. It is something that I have always wondered about and if you read the legislation that creates us, it has two parts; one part states "no school house shall be erected, altered, remodeled or changed in any City School District unless the plans have been previously submitted to the School Board of that District and received its approval". This is the way we have always done things. Then the next part states "all construction relating to school houses in any City School District shall be done under the direction of Joint Building Committee" and continues on to explain about what it does. It addresses construction of a new school, not what we have been talking about here. After reading this and other information and speaking to the Board's Attorney, we need to be doing most of this work in Building & Sites Committee at the School Board level. I leave it to the Committee to think about and hopefully you can get back to me and we can discuss it further.

Alderman Girard stated there are some legal questions we should run by the City Solicitor, as to the proper jurisdiction of this Committee.

Chairman Higgins agreed with Mr. Girard and stated that is a good idea.

Mr. Herbert asked if there is a problem with the way it is working.

Chairman Higgins stated no but if it is not within the purview of this Committee, if all we are supposed to be looking at is building new schools and about final report and dissolution of the Joint School Building Committee. We are only supposed to be looking at new buildings that we are constructing. Why are we meeting.

Mr. Herbert asked does it say specifically new buildings.

Chairman Higgins replied in the affirmative.

Mr. Herbert asked for a copy.

Chairman Higgins stated that it is something I have always wondered about. But this is the way we have done it. Six years ago when I got on this Board and Committee, we weren't doing very much. I think we met two or three times in the two years that I was on the Committee and we talked only about Hallsville and Wilson Schools. We have done quite a bit of work in the schools since then and it has always been that first it goes to the Building & Sites then to the School Board, like the legislation says, and then to this Committee. But perhaps that's not the way we should be doing it.

Alderman Girard asked Chairman Higgins are you saying that only new construction belongs here, not additions or renovations.

Chairman Higgins stated that she has always thought that.

Alderman Girard asked Mr. MacKenzie do you have any thought on that, having been to this Committee and been involved with the process for several years.

Mr. MacKenzie replied I have read the law many times, it does refer to all construction within schools is under the jurisdiction of the Joint School Building Committee. You could argue the point but I found it valuable because it provides a great communication tool between the Board of Mayor and Aldermen and the School Board. If there's an issue that comes up that is a problem and because you have representation of both bodies, this group has been able to solve it. In that regard, I think it has worked extremely well. We have had a tremendous amount of construction over the last four years. There are benefits to having this particular group. It could be done at a staff level, or by certain agencies, but this provides input to the elected officials that have worked fairly well.

Alderman Girard asked are you operating under the impression or with the knowledge that it is "all construction" in schools.

Mr. MacKenzie replied it is the terminology that has been used. Historically most construction has come here. The smaller projects that are more maintenance-related from Fire Safety improvements to painting, to boiler replacement, has been handled by Public Building Services. This Board has overseen all the other projects. I will leave it to your interpretation as to whether or not it has been successful.

Alderman Girard addressed the Chair stating the jurisdiction of this Committee in the past has been subject to scrutiny. I am familiar with a lot of the scrutiny that it has been subjected to prior to my being on this Committee. I would have to say

that I do not agree with your understanding that it is new construction or construction of new schools only. If you have any real question about what the jurisdiction is, I suggest this Committee send a letter to the City Solicitor asking whether or not we have been conducting ourselves appropriately and allowing the City Solicitor to respond.

Mr. Healy stated I had asked the Superintendent if this Committee was acting in its appropriate role. We checked with Attorney Dean Eggert, on the second page of this handout it reads "In conclusion, NH RSA 199:3 explicitly confines the role of the joint school committee to overseeing new school house construction".

Alderman Girard stated, Mr. Healy, it is still appropriate to have the City Solicitor give us his opinion. Given the date of this letter July 20th and this agenda was put together well after, without being on the agenda is not constructive or productive. I sense another attempt by the School Board to remove the Board of Aldermen from what its role has historically been and put under the law it interpreted to be.

Mr. Healy stated that he did not bring it up.

Chairman Higgins stated that she brought it up under new business. It does not have to be on the agenda if you are bringing it up under new business.

Mr. Healy stated there is no recommendation coming forth through the Chairman.

Alderman Girard stated we have a letter dated a month ago, which means some inquiries of this type have been in the process for some time. I do not think that activity like this fosters cooperation between the two Boards.

Chairman Higgins stated I am sorry you feel that way but I made the inquiries this morning myself.

Alderman Girard stated it is pretty hard to get away from a letter dated July 20th.

Chairman Higgins stated I was not aware of the letter. I was handed it tonight just like you were.

Mr. Healy stated any Board member, whether it be Alderman or School Board Member, has the authority and the right to ask for whatever judgement or whatever authority somebody might have. If I ask the Superintendent this question and I received a copy of this letter, it does not necessarily mean that this Committee has to have a copy of this letter.

Alderman Girard stated I am not saying it has to, but to bring it up under new business...

Mr. Healy interjected I did not bring it up, Alderman Girard. Our Chairman brought it up. I think there is no recommendation at this point. It states clearly, if you read a copy of the letter, the School Board's Building & Sites has delegated more or broader authority to this Committee than what has probably been done many, many years ago. I am not saying that might be the direction that the Board of School Committee wants to go, but those are the facts. No one is making a recommendation; all we are doing is bringing up the facts.

Alderman Girard stated the law itself, 199:3 section 2(a) says "all construction relating to school houses in any city school district shall be done under the direction of the joint building committee, which shall be established and chosen equal numbers by the city council and the school board". All construction to me means "all construction". The language toward only the construction of new schoolhouses does not limit it. In a further section 3(a) "oversee and decide all matters relating to any construction on the school house buildings". This letter from Mr. Eggert is bogus and I do not know what is behind this but the law is pretty clear.

Mr. Herbert stated I tend to agree with Mr. MacKenzie in terms of the way it has been working, it has done well. It says in the last sentence "there is no statutory prohibition against that grant of authority and whether or not the Board continues to make that delegation is a political decision for the Board". My opinion, based on what I have seen here is that this Committee works fairly well. The aldermen get a good sense of what the school is doing and that the facilities construction is a major part of our budget and they have a lot to say with our budget. My inclination is that this works fine let's not diddle with it. I don't see a real reason to fix what is working well. At some point if we feel that we need to protect ourselves from this Committee, then we have this. But as far as this working well, I like it. I agree with Mr. MacKenzie, this is a nice forum which two of the aldermen are trying to be up to stream on what is going on. That would never hurt our School Board in my opinion. I would just like to make a motion to file it.

Chairman Higgins stated no it is under new business, I do not think we need to make any motions.

Mr. Herbert asked, Mr. Healy, is this coming up to the School Board.

Mr. Healy replied not that I know. I do not believe that it is the authority of this Committee to decide whether they are going to continue or not. It is up to the Board of School Committee to decide what authority it will give its Building &

Sites to then be brought to Joint Committee. I believe that the process can continue. It can be a part of the transition plan, which the School Department is working out with City Hall. I think things can be worked out, you are bringing it up purely as informational. I don't think we need to cut a core right now and move on. What we can do, it can be part of the transition plan, we can look at how things might change but it is food for thought and we should continue the process to continue with the way things are.

Chairman Higgins agreed with Mr. Healy and stated that is all it was and we will leave it at that.

Alderman Girard addressed the Chair and stated he disagreed and that food for thought would have been placed on the agenda for everybody's consideration and research. What is written here in the law is very unambiguous "all construction related to school houses" falls under the jurisdiction of 9 & 10. This is an effort by someone in the School Department to "sandbag" the aldermen on yet another front.

Chairman Higgins stated that is not the case.

Alderman Girard stated it should have been on the agenda for discussion by this Committee and to drop it under new business and give us a letter dated a month ago is hardly incidental "oh by the way we just found out that we may not have to be here", that is garbage.

Chairman Higgins stated for your information I just brought it up this morning. I had no knowledge of what was done prior to that.

Alderman Girard asked how did you find out about what was done prior to this.

Chairman Higgins replied I got the letter tonight just like you did.

Alderman Girard addressed the Chair and stated somebody is playing around.

Chairman Higgins stated I really don't care. I made the inquiry this morning and I am bringing it up for everybody...

Mr. Healy addressed the Chair and asked can we move on. When someone is not happy with the findings we are not going to sit here and belabor it all evening, let's please move on.

Chairman Higgins replied that there was no further business.

Mr. Herbert asked did we have a painting contract with no bid.

Mr. Sheppard replied I forget where we were at the last Committee meeting but we did receive new bids and they came in really low. What was allocated by the SCIP Committee was \$400,000 for painting that is identified as hallways in a lot of the schools. The bids came in lower than \$400,000 so we signed and executed a contract. We had put out five contracts and the same contractor, J&W from Massachusetts, was low bidder. I am very pleased that they are starting work tomorrow (August 19th) at West administration area and Central cafeteria. They will be on site and working nights. They were very aware of the concerns people have regarding odor of paints and making sure schools are cleaned up. That is something we will be addressing and we feel that they will take care of that.

Chairman Higgins stated another bit of business, which was just handed to me. Mr. Girard, per your request, here is the middle school computer lab information. If anybody has any questions, I would suggest that you contact Mr. O'Shea directly.

Mr. O'Shea stated we were late in submitting this because our principals have just returned and we only got this information from Mr. Wade as of today. That is one of the reasons why Mr. Brennan is here with me. I am very glad that there might be some additional funds left. We are moving forward educationally into a different platform and it would be nice if there is sufficient funding left so that we could put in the new Windows PCs. It would go along with the curriculum that we are putting into all the Middle Schools. As you can see, these are older models and have worked well with the current curriculum.

Chairman Higgins stated that is strictly for information, this Committee definitely does not have jurisdiction over that.

There being no further business to come before the Committee, on motion of Alderman Pinard, duly seconded by Alderman Girard, it was voted to adjourn.

A True Record. Attest

Clerk of Committee