

COMMITTEE ON JOINT SCHOOL BUILDINGS

June 23, 2008

4:30 PM

The Clerk called the meeting to order.

The Clerk called the roll.

Present: School Committee Members Beaudry, Craig, Gelinas
Aldermen J. Roy, Sullivan
Alderman M. Roy arrived late

Messrs: T. Clougherty

Chairman Beaudry addressed item 3 of the agenda:

3. Update on various projects as follows:
 - a. Approval of monies from CIP 310207 for repairs to Highland Goffs Falls School.
 - b. Update on Manchester School of Technology Project
 - c. Update on settlement of Design Build project
 - d. Update on the status of the Site Sync GPS Clock System and intercom systems to be installed at Beech Street School and at Wilson Street School.
(Note: Attached is a revised quote from Williams Communication Services.)
 - e. Punchlist of all items to be completed

Mr. Tim Clougherty, Chief Facilities Manager, stated thank you Mr. Chairman. In your packet you should find a letter from Barbara Connor documenting the monies that we are looking to transfer from project #310207, actually not to transfer but just to utilize for the issues that were experienced with the heating and ventilation system at Highland Goffs Falls. At the time we did bring this issue before the Building and Sites Committee, the project was approved. Just doing some clean

up at the end of the fiscal year, we realized we hadn't brought this to the Joint Committee as project #310207 is overseen by this Committee and we would just like a vote to use those monies for such purpose.

On motion of Alderman J. Roy, duly seconded by Alderman Sullivan, it was voted to accept the monies.

Mr. Clougherty stated the next is an update on the Manchester School of Technology project. I will just give you the Reader's Digest version. You have a written document from our architect Mr. Matuszewski. Bottom line is we received bids on May 15th. We received three bids. One was from Eckman Construction, and one was from Harvey Construction. Eckman Construction was a low bidder. We executed a contract with them. The amount is \$6,973,110. That contract has been fully executed between the School District, the contractor and City Solicitor's Office so they are on board. We have been working with the School Administration and faculty to get stuff packed up. They are going to be starting in earnest next week, as soon as school gets out. There is a ground breaking scheduled, I believe Thursday of this week at 11:00 AM. We are very excited about the project. We are looking forward to a successful project. The numbers did come in favorable. We have broken them out and as you can see on the attachment, we have a pretty healthy contingency that we are hoping to preserve. We have a healthy amount of equipment that we have budgeted for and again we are looking forward to a successful project.

Chairman Beaudry stated I have a question on the contingency. I know that we lowered the rate on the design/build to \$2,500. I don't know what the Committee wants to do as far as having Tim come back to us for approval for the expenditures of the contingency. It was up to \$25,000 originally for the design/build and then we lowered it to \$2,500 as money started getting down. Where this project isn't that big, it's \$10 million, I don't know if you want to keep it at the \$2,500 level. It's really up to this Committee on what you want to set for a level.

Mr. Clougherty stated I don't know. There is no policy in place. Correct, Mr. Chairman?

Chairman Beaudry stated I don't believe so.

Mr. Clougherty stated I believe that falls to design/build project. I am not comfortable with the \$2,500 unless there is language contained in it that says the Highway Department/Public Works has the authority to move forward with any change orders if it would be detrimental to the schedule, or something like that, not to do so. We are operating under a very tight schedule, at least during the summer. There are issues that come up where we have problems during days. For

example, at this point in time we are going to have excavators on site and they may call me up and say they have ledge and need to get a blaster out there soon or there will be problems with the roadway. So if we are given that flexibility, I am not overly concerned. The contract recognized the base bid as well as all the alternatives that we have built in should the project ever come in over budget. At this point in time I don't see a lot of elected type of change orders coming down the road, at least not in the foreseeable future. \$2,500 may be a little bit low.

Chairman Beaudry stated I would recommend keeping it at \$2,500 with a caveat. We had that same language in the design/build. All you have to do is just pull it out of the design/build. If it's going to slow the project down or there is some other problem, they would have authority to go ahead and spend it. Then at the next meeting they would have to come back and justify why they spent the money or what they spent it on. What is the contingency?

Mr. Clougherty stated this is how this works out. There is \$10,010,120. We had some costs identified. The Committee may have seen a preliminary budget. I don't know. This may be the first time you have seen anything. The Building and Sites Committee certainly saw the preliminary budget to the state. It recognizes all costs to date what we know our design costs to be. We have got a budget in there for construction administration. We have got our construction contract. We have got a rounded number for equipment and the balance I basically throw into contingency. We will be taking newspaper ads and things like that. There might be small expenses. Right now contingency is at \$1.3 million.

Alderman J. Roy stated best case scenario would be the contingency we never touched. Not that I believe that will happen. I am just saying, you don't have plans to use all of that.

Mr. Clougherty stated we don't. It really depends how the equipment side goes and if there are any unforeseen conditions. One thing that I should have put in here, and I don't see it, is testing. We anticipate that to be \$20,000, something like that. I would have put in a line item that just says miscellaneous expenses and put it at \$75,000 or something like that, which I really should have done. As far as the \$2,500 goes that is a very small number and I think administratively that's going to tie our hands quite a bit, in my opinion.

Alderman J. Roy stated again with the caveat, if it's going to slow the project up, it's an emergency, expend it and you would have to come back with the justification as to why.

Committee Member Craig asked the \$1.3 million, this is after all equipment?

Mr. Clougherty stated yes.

Chairman Beaudry stated this is public.

Mr. Clougherty stated we have to be very careful.

Chairman Beaudry stated these are public minutes.

Mr. Clougherty stated the bids came in very favorable. That is why you see the numbers that you see.

School Committee Member Craig asked in this design is there any space for storage, a lot of storage?

Mr. Clougherty stated I don't know specifically how much storage. We are expanding the building. We are obviously expanding to accommodate the storage needs. We have taken into consideration all of the requests that came up from faculty. Was every one of those incorporated? I can tell you with confidence they were not. They start high in the sky and we work our way to a workable project. Are there specific concerns relative to storage that you are hearing from faculty? Because I know the principal is confident with what we have right now.

School Committee Member Craig stated no. I am just thinking of needs throughout the district and wondering if what we are building could maybe help with other needs within the district.

Mr. Clougherty stated we need to be very careful with any of these. The contingency looks like a very healthy number and it is in fact a very healthy number, but any monies that we spend at Manchester School of Technology needs to be approved by the state in order to get the 75% reimbursement. So if we go look for storage somewhere at the school for other needs, we are really paying for that dollar for dollar. Whereas you can see in the top right, the FY2002 Bond and \$100,000 and two items below that, the FY2008 bond, \$2,475. That's money that the City is bonding. The \$7,425 is the 75% state match.

Chairman Beaudry stated before we go any further I would like to entertain the motion to have it at \$5,000.

Alderman J. Roy asked can you work with that?

Mr. Clougherty stated Mr. Chairman, could I ask that this spreadsheet be modified to change this \$1.3 million to \$1.225 million and another line item be created that

just says miscellaneous at \$75,000, and be allowed to use that money for miscellaneous things as the project moves along?

Alderman J. Roy asked what is the testing you are talking about?

Mr. Clougherty stated concrete compressive strength testing and structural testing.

On motion of Alderman J. Roy, duly seconded by Committee Member Craig, it was voted to move \$75,000 from contingency to a miscellaneous account.

School Committee Member Craig moved to have anything over \$5,000 comes back to the Board unless it's emergency or it's going to delay the project. Further, Mr. Clougherty will have the authority to expend more than that and then come back to the Board with justification. Alderman Sullivan duly seconded the motion. There being none opposed the motion carried.

City Clerk Carol Johnson noted Alderman Mark Roy has joined the meeting.

Chairman Beaudry addressed item 3(b) and 3(c) of the agenda:

Mr. Clougherty stated this is a progress report on the design/build. We know there is a settlement agreement in place. There is \$1.8 million dollars that is earmarked toward specific projects that we are working to complete. I have provided you with a financial breakdown as well as a summary on where we stand on each of those items. More significantly, we've engaged an electrical engineer and he is going to be getting back to us within a month or so on electrical issues that we are having at West. We have also solicited proposals from mechanical acoustical engineers to look at HVAC, sound, duct work and fire damper installations. I do see some more favorable proposals that we will be moving forward with. There are two different firms. We are going to look at two schools and then basically observe the right to choose which one we want or a combination thereof to move forward and conduct the rest of the evaluations at what we believe to be twelve schools right now.

Chairman Beaudry asked have you found the problem with Memorial's gym yet? As far as what... obvious with today's rain...

Mr. Clougherty interjected today I was out of the office. My staff had mobilized our scissor lift to be over there about a month ago. I went over there and visited the site with Mr. Adamakis, and quite frankly, we couldn't find the damage. I think that it was climatic conditions that caused the room to scowl and basically revert back to the position that we're in. We did find a connection. We think it's coming from the HVAC units. That is one of the other items that I have to update

the Committee on. Regarding other work issues at Memorial, visiting and talking with the principal, I have my staff going in there and talking to him. I am relatively confident that the issues that we are seeing are mechanical. The fans are running too fast. I think that is causing noise and it's also causing water to be sucked into the duct work as it travels down the duct work, then leaks into the building. Then we get a call that the roof is leaking. We send somebody up there; they can't find any leaks because in fact the roof isn't leaking. So those problems are extremely hard to find and to pinpoint but we are going to work with it. We are going to work on slowing the unit down. We are going to work specifically on the gymnasium. Hopefully my guys will have something to report in the not too distant future on trying to find the roof repair. They did find a sprinkler pipe that showed signs of leaking that was above the duct work in the mini gymnasium so that could be part of the issue as well. The floor was sandy last week. It's a part of their work and they cleaned it up. This problem will not be nearly as extensive as Parkside.

Chairman Beaudry asked where the floor buckled, I am assuming with the expansion...won't that continue to keep buckling?

Mr. Clougherty stated not if the moisture is gone. The moisture came from above. We believe it did come from above, in contrast to Parkside where it came from below. So it continued to propagate. Above the floor is sealed. Could there have been a breach in that seal or something like that? Yes, there could have been, but there wasn't nearly the amount of water that Parkside had.

Alderman M. Roy stated Tim, you mentioned that you were having some engineers come in to look at the noise issues, just so I am clear, if they find something they are looking to fix, they are not looking to blame. There is no recourse left?

Mr. Clougherty stated that is why you see the dollars that you see here for HVAC, sound, duct work and prior issues. What we are going to do is let these two firms be in two schools, I think it is Hillside and Parkside, in order to pick two similar schools. They will go in there and tell us what they think the problems are and give us proposals for a solution. I have seen five or six different firms try to fix the issues on behalf of our former contractor and their engineers and everybody else. These problems aren't easy to fix from what I understand. We are going to let these two firms go in there, give us their ideas of what the problems are, evaluate those, maybe even engage both of those firms to do a design and implement their selections and see how they come up. That is why we picked two schools that were relatively similar, so based on that we will move forward with the balance of the schools.

Chairman Beaudry asked Tim, if there is in theory a workmanship, why couldn't we go after the subs? I can see you have a one year warranty on workmanship and that but if it's something that the sub or whoever installed it did so inappropriately or something, why couldn't we go back and have them rectify the problem?

Mr. Clougherty stated I believe that was recognized in the settlement.

Chairman Beaudry asked even with the subs?

Mr. Clougherty stated I would direct that question to our Solicitor.

Alderman M. Roy stated again I know this is extremely complex but we are getting questions from our constituents. Now with the severance agreement, and some of them are subs...so if we can clarify that one last time as to what we can do...

Mr. Clougherty asked to summarize, are you asking if the City has any recourse towards the contractor or even subcontractors for the issues that we are discussing?

Alderman M. Roy stated as it pertains to not only quality of product but workmanship. Are there any areas that we should be looking at that may save the taxpayers dollars, in writing?

Mr. Clougherty stated and how would you like the response?

Chairman Beaudry stated I would like it in writing. If it's confidential just send it to the Committee stamped confidential.

Mr. Clougherty stated perhaps a more appropriate party to pose this question to would be your outside legal counsel that represented the City throughout the settlement agreement. How about if I pose the question to the City Solicitor, and if he feels that the answer is better coming from an outside legal counsel, then we go to them. We have monies budgeted. Some would agree with this.

Alderman M. Roy stated that's one of my concerns as well. We are now finding other problems while we still haven't settled. I know are kind of walking the tight rope now, and I think you have done a great job with it but the settlement agreement that we have been working from for nine or ten months now, is not to my understanding, great. I was told there was some language being bantered around. Is that accurate?

Mr. Clougherty replied not to the best of my knowledge. There are a couple items that are outstanding. They are important. Outside of that I believe that our contractor has satisfied their obligations relative to actual work being done in the field. So I am not sure exactly what you are talking about. All of the issues that you see on this spreadsheet were contemplated prior to the settlement agreement and that was part of our line of thinking.

Chairman Beaudry stated again we can go back to some of the stuff that were key things like the door mechanisms and door hardware, but that stuff was inferior either in workmanship or product. I would like to know if we can go back to the sub to put that stuff in. From my understanding they are no longer in business. Somebody else took over. They hired somebody else to fix those problems. It seems like we let the subs and the contractors go without having their feet held to the fire on the type of workmanship and the type of material they were putting in. As far as the MST project, can we have a list of the subs that are going to be hired for that project?

Mr. Clougherty replied yes, I don't see why not.

Alderman J. Roy asked while we are talking about MST again, so that we don't have problems like this design/build in the future, what is the possibility of having our Building Department inspect the construction that goes on? In the construction field, if you are doing HVAC you have to have it inspected at the beginning and after it's finished. That is to protect the consumer so why don't we be proactive to try to eliminate these problems in the future and get our own inspectors to inspect what is being built for us?

Mr. Clougherty replied we actually have a clerk of the works that does the inspections at MST.

Alderman J. Roy asked did they do them with the design/build?

Mr. Clougherty replied they did. Not ours in house. We have a program manager who did the construction inspection.

Alderman J. Roy stated then my point would be that they missed a lot.

Mr. Clougherty stated I would disagree. The issues were brought up with our contractor and that was the source of their attention. The issues were identified. The matter was getting the contractor to comply.

Chairman Beaudry stated I agree with you Alderman Jim Roy.

Alderman J. Roy stated I am just trying to think ahead and say let's not let this happen again. I am not trying to point the finger or place blame. I am just saying let's get a program in that is going to protect us.

Mr. Clougherty stated I am not going to sit here at any point in time and tell you that the design/build is the last potential break in construction litigation or anything like that.

Alderman J. Roy stated I wouldn't expect you to.

Mr. Clougherty stated but that agreement, that relationship, the entire project delivery method was unconventional. It was unconventional even as it relates to traditional design/build projects. So I think it had some unique challenges. It brought some successes and obviously it brought some failures. We are hopeful of learning from those failures.

Chairman Beaudry stated one advantage we have with the MST project is the architect is going to be working with us separately. He is not hired by the contractor. It would be another set of eyes and ears on the project to be watching over it. They did miss some things. We still have class B or whatever that is, plywood at Central High School. We will see how long that stuff lasts.

Chairman Beaudry addressed item 3(d) of the agenda:

Mr. Clougherty stated the update included the intercom and clock estimates as was requested at the Building and Sites Committee meeting.

School Committee Member Craig asked would it be the same type of clocks and intercoms that are outlined here?

Mr. Clougherty replied yes. Honestly, the clocks are really what I am concerned with. I don't want to mess with any of their systems. That is the technology and the district took a motion to standardize it. I think we may have some alternatives for installation of clock systems.

City Clerk Johnson stated I just want to clarify to make sure I understand this motion. Beech Street School, Wilson Street School and Bakersville School are included?

Chairman Beaudry responded Bakersville is for the intercoms.

City Clerk Johnson stated you are asking for a change so it would be for clocks and intercom replacements, if I understand that correctly.

Chairman Beaudry stated the clocks are only for Wilson and Beech Street Schools and the intercoms are for Wilson Street, Beech Street and Bakersville.

City Clerk Johnson asked at a price not to exceed...is that what I understand?

School Committee Member Craig added technology consistent with what is outlined but not necessarily the vendors that are here. Is that correct?

Chairman Beaudry stated like I said, if you have the expertise to do it, we don't have a problem. I think the motion should be not to exceed the contracted amount as stipulated in the document.

On motion of School Committee Member Craig, duly seconded by Alderman Sullivan, it was voted to replace clocks at Wilson and Beech Street Schools and replace intercoms at Wilson Street, Beech Street and Bakersville Schools at a price not to exceed the quote as outlined.

Chairman Beaudry addressed item 3(e) of the agenda:

Mr. Clougherty stated lastly, I was requested to provide some of the punchlist items that are being worked on. There is a line item within the design/build that accommodates these.

Alderman M. Roy stated I am skipping ahead to replacing exterior doors. Are those in front of the gym going to be replaced at Webster School?

Chairman Beaudry stated that Beech Street item for front concrete apron repair is something they are going to be talking about tonight at the regular Building and Sites Committee meeting. They want to repair something else and my argument is that it should be part of the design/build because we did fix the concrete apron in the front doorway and now...

Mr. Clougherty interjected that is why it is on this list. I think it should be part of that project.

Alderman M. Roy asked what is the other item that is being taken up in Committee?

Chairman Beaudry stated it has something to do with the apron at Beech Street. Maybe it is the exact same thing we are talking about.

School Committee Member Craig asked is this list prioritized? How are you going about this?

Mr. Clougherty replied it is alphabetical.

School Committee Member Craig asked in terms of utilizing the money or addressing these projects, how are we doing that?

Mr. Clougherty replied there is a placeholder within the budget. I think it is \$1.2 million that we have set aside.

School Committee Member Craig asked how are you determining what is being addressed?

Mr. Clougherty replied we do have the list prioritized.

Chairman Beaudry asked can you get us a copy of that?

Mr. Clougherty replied yes.

Alderman J. Roy asked are there other things being done in the buildings besides this such as the noise abatement and things like that?

Mr. Clougherty replied yes, this is just what we consider to be minor. These are things that have come up over the past year or two. It is not uncommon. Some of them are uncommon and some of them are not uncommon. We usually can pick up under a maintenance item. Here we have a placeholder. We knew we would be running into some of these issues.

Chairman Beaudry asked what does UST stand for?

Mr. Clougherty replied underground storage unit.

Alderman M. Roy stated Tim, the Central kitchen, they take louvers taking in exhaust fumes. Correct me if I am wrong but intake draws in fresh air from outside?

Mr. Clougherty replied that is correct.

Alderman M. Roy stated the bus is parked outside and it meets the air outside.

Mr. Clougherty stated right, we are going to move it out to the road.

Alderman M. Roy asked is that the same location the intakes were before or did we put them there?

Mr. Clougherty replied no, there was no garage there before. We expanded the kitchen around that area. It is on Concord Street, the east side of the newest part of the building just west of the delivery entrance.

Alderman M. Roy stated on a side note there is some type of charcoal filter or something that can be put on those that is less expensive than burning the fence unless there is a way to get to the roof easily. Just examine that because that seems like a lot of work to clean the air. How high are those off the ground?

Mr. Clougherty stated probably about 12 feet. We are going up two stories with it. Unfortunately, we are going up two story drills so it is expensive, but it also could be a necessary evil. I haven't heard a lot of complaints about this. I am going to look into it again, maybe looking at reprioritizing some of these. With the HVAC sound stuff you have standards that contractors and engineers went by, some of them were very subjective others are more hard lined. We are talking with the principals at each of the locations to get their subjective opinions on where the problems areas are.

Alderman J. Roy asked have the neighbors been asked for their input on that, whether or not the noise is a problem? I understand it is a serious problem in the classroom but I have already received calls about the noise from the neighborhood.

Mr. Clougherty stated honestly, we haven't gone down that road.

Alderman J. Roy stated I am just thinking, when you are looking to prioritize you might want to get all the input that you can because if it is big enough for me to be getting calls about the noise then I am sure it is going to be a problem inside the school as well.

Mr. Clougherty stated maybe we should have a conversation afterwards because I am aware of a couple of situations that are pretty egregious but I don't want to open the door to making a commitment to solve the problem that you turn on a fan that wasn't there before. There are those that can perceive that to be a problem. There is nothing that we can do about that.

Alderman M. Roy asked just because I haven't been in an active classrooms, I have been in when students aren't there; noise in the classrooms is it typical of what we have heard?

School Committee Member Craig replied it depends on the school.

Mr. Clougherty stated I can point out a couple classrooms to you that I was horrified when I went into them. There were also some that there was a lower octave hum or a rumble.

Alderman M. Roy asked but more extreme than what we are faced with here?

Mr. Clougherty stated I don't think this is an issue here.

Chairman Beaudry stated Bakersville, it says install screens on classroom windows. I thought we were going to replace the windows at Bakersville.

Mr. Clougherty stated these are just potential items. I actually had this debate with someone in our office last week. Don't throw good money after bad. If we don't replace the windows maybe they can live with them for another year or whatever. Screens are extremely expensive. I don't know if the Committee understands how much we spend on screens, \$50,000 to \$70,000 probably annually.

Chairman Beaudry stated I agree. If we are going to throw screens on there, they need new windows.

Mr. Clougherty stated what we discussed internally is that maybe we can put one or two in each classroom or something like that to get by. I don't know what the time frame is or if the School Board or of the Board of Mayor and Aldermen want to pull the trigger on that and fund it.

School Committee Member Craig stated it would make sense to look at the cost of replacing the windows versus replacing the screens.

Chairman Beaudry stated the CIP stuff is gone now because there is a two year CIP budget. The money for 2010 and 2009 is gone, right? Any other questions on this list? I have a couple things I want to bring up under new business and we have to get moving. We can also bring it up again next meeting now that we have it with us. Two things, Tim: Closing in the walls at Highland Goffes Falls is apparently in CIP to be funded, but the way things happened this year it is obviously not going to get done because it had to be started by April. What is the likelihood of starting that in the spring? Is there anything we can do this summer to at least start getting ready for that?

Mr. Clougherty stated I don't think so. I want to review the design again to make sure it is still current. It is probably a year and change prior that we bid it out. So to make sure that the design is as current as possible, we are going to be putting a

higher emphasis on energy efficiency moving forward in our projects and making sure that is a key component. Talking with the architect we are probably going to be putting it out to bid toward the end of the calendar year. Then we should be getting some favorable numbers around that time. We are basically going to look to see how the economy goes. If we see it rebounding a lot we will put it out on the street. Fortunately, unlike Parker Varney we are going to have a luxury of a planning process, if you will of three, four or five months. The principal and the faculty over there...No matter how you parcel it out though, this is a lot of work to undertake in any period. They are going to be inconvenienced. There will be problems. All I can promise to do is to minimize those problems.

Chairman Beaudry stated I can tell you from the constituents that I have been talking with, there have been several. I think they are willing to work around the problems if they can get the place closed in. It has been a long time overdue. One other thing I have, if you can look at Memorial field houses...in talking with the City Solicitor's office, if we can get some update on where that litigation is as far as the field houses down there. Thank you.

Alderman M. Roy stated just on that, the School Board may have gotten a safety update on the condition, what's going on.

Chairman Beaudry stated we have not had any updates at all down there. They are still using them. I don't know how much seepage is getting through into the building. I should say that Dave Gosselin did mention that some things were getting damp down there. I know they are being monitored for mold and that. Are they still coming in quarterly or monthly to check for mold? I am not sure...

Alderman M. Roy interjected an update would be great.

There being no further business, on motion of Alderman M. Roy, duly seconded by Alderman Sullivan, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee