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JEFFREY A. MACMILLEN

DEPUTY MAYOR  
THOMAS ZAMPANO

TOWN MANAGER  
MICHAEL P. DOWNES



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RONALD PELLICCIA, JR.

**TOWN OF NORTH BRANFORD**  
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**MINUTES**

**PERMANENT PROJECT BUILDING COMMITTEE**

**July 24, 2023**

**Town Council Chambers**

**7:00 PM**

**1. Call to Order**

Chairman Whalen called the meeting to order at 7:10 p.m.

**2. Salute to the Flag**

**3. Roll Call**

**Present:** Chairman Whalen and Member Fonda.

**Present for NBPB Project:** Member Palumbo and Member Pietrandrea

**Also Present:** Town Manager Michael Downes; Purchasing Agent Michael Fumiatti; Police Chief Halloran; Deputy Police Chief Lovelace; Thomas Hibbard with Hibbard & Rosa; Camil Zuk from Gilbane; Rusty Malik and Carson Collier from QA+M; Attorney Donofrio; and John Florio from BOE.

**Not Present:** Vice Chairman Bailey, Member Canosa, Member Canada and Member Siena and Member Rose.

**4. Citizen Statements**

**5. Approval of Minutes from 07/17/2023**

**Motion:** Member Palumbo motioned to table the meeting minutes from 7/17/2023; seconded by Member Pietrandrea.

**Discussion:** Chairman Whalen requested correction on page 10 on the bottom of the first paragraph where it says defendant glass, it should be spelled Defended glass.

**With all in favor, motion is passed. Minutes tabled to 7/31/23 meeting.**

**6. Document Submission Review**

The document submission policy that was shared states: The Permanent Project Building Committee is providing this outline to all contractors under the committee purview. This outline details the submission process for construction change orders and any other correspondence.

1. Construction Change orders must be received by the Purchasing Agent no later than noon on Thursday, in order to be included in the next agenda. The change orders need to be signed by the contractor and the architect/ engineer for that project. Only documents meeting these criteria will be copied and available at the next meeting.
2. All other correspondence must be sent to the Purchasing Agent by noon on Thursday, in order to be included in the next agenda.
3. If there is a schedule change due to holidays, etc. All contractors will be notified as far in advance as possible.
4. If an emergency arises, the information must be transmitted to the Purchasing Agent who will make the committee aware of the situation and will advise if the committee approves of a late add on. If a late add on is approved, the contractors will be responsible for bringing 15 copies to the meeting.

**Motion:** Member Pietrandrea motioned to accept the Document Submission Policy; seconded by Member Palumbo.

**Discussion:** None.

**With all in favor, motion is passed.**

## 7. STWCC

### a. Punch List update / Trim Update

Mr. Hibbard shared that he and members of Silkdown were on site today at 12 noon with the metal super and Silkdown staff. There are a few punch list items left and the biggest issue is the fascia. Mr. Hibbard said it's not a bad job but the issue is that in the 135 wind zone it has a heavy cleat screwed in every 6" and it does cause some distortion in the metal because of how it is fastened. They are going to take a look at it and see what they can do to improve the extension. should be done within the week or so.

Member Pietrandrea said Silkdown is shimming every 6" and they are using #3 cleats and #4 cleats; also using .040 metal and they shouldn't be using different fasteners. Mr. Hibbard said those fasteners were the ones specified by the fascia manufacturer. Member Pietrandrea also said the corners are also an issue. Mr. Hibbard said actual manufactured fascia has premade corners, the extension pieces don't come with premade fascia. Some of those spots were not done well and it was reviewed today.

Member Pietrandrea also said they aren't watertight. Even though the membrane.060 comes over the top if water builds in the pocket it will heave and pop those joints. Mr. Hibbard said they are designed to drain out.

Member Pietrandrea said there is white silicone, rivets missing, and joints missing. Mr. Hibbard wonders why Silkdown doesn't use green caulk. They used clear caulk. They used white silicone on the gutters and on the expansion joints. They are going to get green paint and touch up those spots.

Member Palumbo would like to see the front of the building by the gym be fixed and the admin wing, also the fascia on the corners.

Member Pietrandrea said they (Silkdown) will need to shim out those cleats and it would take them only ten minutes to do so. Mr. Hibbard said if it was all removed not much could be salvaged. Member Pietrandrea said if it is not done properly then it needs to be fixed and if they can't salvage it it's on them. It's going to break apart, the silicone isn't even the proper color. Mr. Hibbard said the silicone that was used was clear, and it's going to be painted. Member Pietrandrea said it shouldn't need to be painted if the correct color caulk was used. The problem is when the caulk expands, the paint will start flaking off.

Purchasing Agent Fumiatti said that the price to rip and replace \$225,000 with a .050. Member Pietrandrea said that .050 is not the correct metal and should not be used. Mr. Hibbard said it could even make it worse to use that metal. Member Pietrandrea said the .040 specified was the right metal but it needs to be fixed. Member Palumbo asked to have the meeting set up for the first week of August.

**Motion:** Member Palumbo motioned to add Tri State to consider a PO for fire caulking testing to item 8 D on the agenda.; seconded by Member Pietrandrea.

**Discussion:** None

**With all in favor, motion is passed.**

**8. NRPD**

**i. Tom Bailey – COTW - Update**

**b. Silver Petrucelli**

**i. Update**

**ii. Siemens SPD update**

Member Pietrandrea said he read all of the submittals and Bob Banning approved the submittals and cuts to expedite the job. The issue is that he put a Ditek service protection system into an aftermarket product. This puts the contractor in a bad spot, as since it's approved the contractor wants it that way. There were 4 specified vendors, Square D, Eaton, Siemens, and GE. It is supposed to be built and integrated into the switch gear which is about \$10,000-\$15,000. It looks neater and has multiple resets and a data line that can extend to the computers in the event of a surge it can be reset manually or automatically. The unit that Mr. Banning approved is not specified and it's not the town's problem. The architect needs to pay for the correct item. This is a Ditek unit, it's a one shot wonder so if it goes down that's it it won't auto reset. We have an emergency EOC and it needs to have an auto reset. Siemens was a preferred unit but then Silver Petrucelli expedited it with another manufacturer and was not approved. It was supposed to be integrated and the exterior has been ordered. It's a large unit and 1,000 amps.

Member Pietrandrea said via email in response to Mr. Banning's email was sent to the PPBC members "This is your problem and issue, you approved the surge protective device that doesn't meet specs and plans, that your office designed. The Town will consider a remote device that meets specs and plans. The original drawings and specs call for it to be built into the gear. The Siemens gear was approved, then provided, a remote Siemens surge protection device that meets specs and plans. Bob, this cost and issue is on you and your company."

**Motion:** Member Palumbo motioned that Silver Petrucelli needs to follow the spec and go with Siemens, as he approved something that was not approved by the board. The correction needs to be completed by Silver Petrucelli ; seconded by Member Pietrandrea.

**Discussion:** None

**With all in favor, the motion is passed.**

Police Chief Halloran asked if there had been any consideration about the power and data outlets in the EOC on the second floor? Now is the time to get this in.

**Motion:** Member Pietrandrea motioned to have Silver Petrucelli add 4 quad outlets in the slab of the 2nd floor EOC room with 4 data over voice and an adjacent box in the slab with our measurements so we can tell them where to put it; seconded by Member Palumbo.

**Discussion:** None

**With all in favor, motion is passed.**

Police Chief Halloran wanted to discuss the Butler Building. There was conversation about the garage door openers and using remotes. He feels they would be better served with a mechanical button similar to what is benign done in the sallyport and the dispatch center. The garage door opener is all coded the same right now, which we don't want. They are looking to get a mechanical button inside the dispatch center to operate each individual garage door. Deputy Chief Lovelace suggested it could be programmed into the dispatch consultation with Motorola. Member Pietrandrea said it's going to be tough as the slab was already poured and there is no conduit going in there and it will have the conduits accounted for. There is going to be a 1" conduit for all of the communications and another one for all the returns with all the control wires. We could also set it up with access controls and wireless controls from their phones or computers or access points. That could be much cheaper.

**Motion:** Member Palumbo motioned to have Silver Petrucelli and the design team and work with Motorola if it could be put together with the conduits in the slab; seconded by Member Pietrandrea.

**Discussion:** None

**With all in favor, motion is passed.**

Police Chief Halloran also shared that Town Manager Downes wanted to change the flag poles to 3 flag poles at the PD. This will change the set up for the base of the flags. Town Manager Downes said the third flagpole will be for the Town's flag. Mr. Florio asked if the flagpoles were lit.

**Motion:** Member Pietrandrea motioned to have a price to change from a single flag pole to a 3 base flag pole. seconded by Member Palumbo.

**Discussion:** None

**With all in favor, motion is passed.**

Police Chief Halloran said that nowhere through the design have they taken into consideration for a street level sign. There needs to be something at the street level. Member Pietrandrea said that the committee had agreed on having a 4' x 8' for the sign, and have it set back from the road so it would contour with a retention pond.

**Motion:** Member Palumbo motioned to accept the stone veneer for the front of the building and the photos of the joints that they wanted and when they start the stone work, they are going to layout a section of the block to be inspected; second by Member Pietrandrea.

**Discussion:** None

**With all in favor, the motion is passed.**



### c. Newfield

Member Pietrandrea shared that Newfield is having issues getting information on the steel elevator shaft. It has been 12 weeks since they have gotten any word. In another week if there is no response it will have significant impacts on the project. It was mentioned by Newfield at the sub-committee meeting. The responses have not yet come from Silver Petrucelli.

### d. Tri State- consider PO for fire caulking testing

**Motion:** Member Palumbo motioned put in a PO not to exceed \$5,000 for Tristate to have fire caulking testing completed on the NBPD site.; seconded by

**Discussion:** Member Fonda asked what are they inspecting? The fire caulking inspectors have a responsibility to ensure that everything is posted and done properly. Member Pietrandrea said there is going to be on the average every room has 50 penetrations, 75 rooms times 2 floors. Every contractor is responsible, and the fire marshal has to sign off on it.

Member Palumbo retracted his motion. Purchasing Agent Fumiatti mentioned he will add it to next week's agenda for discussion with the whole committee.

## 9. NBIS

### a. COTW

Purchasing Agent Fumiatti said the spec can be put together and get it set up for next year. Member Pietrandrea asked if we could continue the project with CSG and have them on this project. The committee asked to have Purchasing Agent Fumiatti investigate that with CSG and having Mr. Gombotz as the COTW.

### b. OAC Rep

Purchasing Agent Fumiatti asked if someone from the board would want to attend the Owner's meetings. Mr. Malik said they are currently scheduled on Thursdays at 1:30 p.m. The meetings are on an as-needed basis. Mr. Florio would also like to attend those meetings. Member Pietrandrea wanted to be sure it was stated that regardless of who from the committee attends the owners' meeting no decisions can be made.

**c. PVC roof color – review and possible action**

Mr. Malik said there was a gray roof picked out. It has been suggested that if they went with a white roof there may be savings. The white may be more readily available and be able to be completed before the end of the summer. The gray part is not going to be exposed. There is also a white PVC roof on the High School. Member Pietrandrea asked where the white portion is going to go? Mr. Malik said it would be going on the flat portion of the roof and would not be seen. Mr. Collier said it will be .80. They wanted to bring it up to the committee so they can see how much cost savings if this color is approved.

Mr. Collier showed the committee a sample of the roof color. The committee asked for a pricing for the savings, and then they will decide.

Member Palumbo said that the school looks better now that it has been cleaned. Mr. Malik said it looks more similar to high school. They are going to start repointing the joints. Member Palumbo said the NB sign was taken down. New Haven Sign is going to fix the sign at no charge and store it. The Town Council can decide on what they want to do with it.

Mr. Malik said they plugged all of the holes. they did open up the sills at the windows and didn't find what they thought they would find. The sills were flat and not sloped. They will look at the details so there is a positive slope.

**10. NBHS**

**a. CSG – Weekly report**

Mr. Gombotz is away on vacation but sent an email with his updates. Since school is on summer break several small groups have walked the area. He has been pushing for the teams (construction/design) to issue a sketch memorializing these walks so everyone could get on the same page regarding the replacement scope. Based on the recent emails a final walk (7/24 mentioned) is needed to establish a final direction. During Phase 2 turnover conversations these areas were to be addressed this summer. At no point did he hear that we would be waiting until Spring 2024.

**b. QA+M – Weekly Report**

**i. Sidewalk Update**

Mr. Malik shared there was discussion about the change orders and to have QA+M to provide written reports and can be discussed during the Gilbane ATP section. There were areas needing to be replaced, and other areas that needed to be repaired. They wanted to memorialize it and be sure there was a record of what the design team feels is appropriate to be done.

Member Palumbo met with Mr. Collier and Mr. Zuk for the driveway. He was satisfied with the vibratory roller and the compaction of the driveway. Member Palumbo also asked Whitestone to provide a support letter and that was no problem. They need to take out the traction mat and re-grating where the gates are.

There seems to be no issue putting binder down while they finish the driveway. K + W said it was a good thing they were told to wait. Mr. Malik said it has been pretty wet weather.

Member Palumbo's opinion is that cleaning the two pads for the sidewalk was not acceptable. If they want to clean it again that's fine but they don't feel it will come clean. Mr. Florio also said the stains are not going to come out. Member Pietrandrea said the day they were out there Rusty's report in yellow, they used a white polymer plastic and agreed to take out all of the square footage that was requested. The glass wasn't being protected from the jackhammer at all. Member Pietrandrea said every time they power wash it with 3,000 PSI it takes 5 years off the concrete. They poured the concrete slab but did not tie the slab to the other slab. Mr. Florio said there was rebar existing and put the matting in. Member Pietrandrea said when the slab was poured they didn't put the dowels in there with epoxy. Now there will be a floating foundation.

Mr. Malik said their letter was very clear and August 27th that it is not in acceptable condition, and it will need to be replaced.

Member Pietrandrea asked Attorney Donofrio if there are any legal steps at this time. Attorney Donofrio stated that if there was a letter issued that August 27th is the drop-dead date, legal mechanism if they are not proceeding to replace it after that drop dead date.

Attorney Donofrio said if it's purely aesthetic because it doesn't meet specs, if it can't be done this year Gilbane will need to have a plan in place to have it completed.

Member Pietrandrea said they are pulling money from CM contingency to repair all of this stuff unrelated to the sidewalk. Could they pull from the CM Contingency, there was a comment at a previous meeting that they weren't going to hold their contractor hostage and he will be paid one way or the other.

**Attorney Donofrio stated that paying the sub to remediate defective work would not be an appropriate use of CM Contingency.**

Member Pietrandrea stated that the contractor is in trouble, and they can't get him to come back. It's the focal point of the whole building.

Mr. Zuk the majority of it has not been paid to the contractor. Mr. Malik said they haven't approved anything. Member Pietrandrea said the glass guy is on the hook for defaulting. There are two potential issues.

Member Pietrandrea said under no circumstances did Member Palumbo direct anyone to do anything. He only went out there to mark spots to help out.

Member Pietrandrea asked if when they take out those sidewalks in the back are they going to fix the drain. Mr. Zuk said the drain is going in as he speaks. Mr. Florio said the line is already out, but it's not tied to the building.

Member Palumbo stated that there was some confusion about cutting the lawn. Mr. Merola and the Public Works Department will not be cutting that lawn.

Mr. Malik said the other document that was handed out to the committee was to comment on change orders as they come through.

QA+M's comments on ATP-0164- This is for the security door button. The design team does not typically recommend manual buttons like this that override the security system, since all the doors have the ability to be locked based on the time schedule. But this is an item at the sole discretion of the Administration and the security protocols utilized.

They want a button to turn on the security and then turn it off. The concern is what if someone turns it off and forgets then you are putting the security at risk. This is the school's protocol. The superintendent has a binder that talks about security and that's basically rule number 1 never disarm the security. Mr. Collier said it came from the NBHS principal and staff, and Bruce from IT.

Mr. Florio said the principal doesn't have the authority to request that it has to come from the superintendent. Right now the security guard locks them down and puts push bars on the doors that can lock them down. It is not suggested to do it electronically. Member Pietrandrea said Scott Schoonmaker, Police Chief and Deputy Police Chief should work with QA+M to handle this and decide what needs to be done.

### **c. Gilbane – Report**

#### **i. ATP – Review/Approve**

**ATP-0165 PR-63 for the Cafeteria AV screen Reprogramming.** Mr. Collier shared this was another request from the Administration having been in school for a few months. The one display monitor against the Servery was designed to be tied into the overall large media wall. The request is to reprogram this smaller display to allow for it to function independent from that screen to post schedules and meals for the day. This is just the cost of reprogramming. Mr. Malik said the way it is worded is to change the functioning of the monitor so it can be reimbursable. Member Pietrandrea questioned the amount being charged by Red Thread as it appears there are too many people being put on this job, when it is primarily a programming issue. Mr. Florio agrees it should be operating separately from the other 9 panels.

**Motion:** Member Pietrandrea to accept ATP-165 not to exceed \$2,061, after proof of some sheets; seconded by Member Palumbo.

**Discussion:** None

**With all in favor, motion is passed.**

#### **ii. General Construction Update**

Mr. Zuk shared that excavation for foundation is mobilized. K +W is mobilized on site. Select is finishing up the remnants of the basement.

Member Palumbo said Whitestone was out there and the basement issue was brought up. It was talked about in the committee about potentially leaving the slab. Then it changed to taking out slabs and putting stones in and in the future, we don't know what will be done there. Whitestone said they will leave the slab, punch holes in it and put some stone and common fill. The problem is Select owns the basement and has Select take it out. Whitestone did agree and recommended taking the slab out and putting in 2 inch stone and fabric and then putting in a couple inches of  $\frac{3}{4}$  stone in there. Member Palumbo recommended that they take the slab out and put in a couple inches 8-10  $\frac{3}{4}$  processed stone and common fill. they are better off putting in more stone than less.

Mr. Collier said the letter was for the north drive lane. He did request a revised recommendation for the info for that basement. They went back to have a further conversation in writing.

Mr. Zuk said with the basement Select their excavator broke down and the other one was removed from the site. They did find the back wall; the interior wall had 8 ft of black mastic which was 2 more than anticipated.



They cut and cap the water line 10-15 ft from the footing and that work is now complete. Mobilizing for forming the footings to come next week. The sequence of excavation and pouring foundations will be forthcoming in the next 2 weeks.

### **iii. HVAC Warranty sequence for review and action**

Member Fonda said the one issue is the MAU #1 and #2 are Phase 2 pieces of equipment and haven't even been run and won't even run within the year so we can't accept the warranty on it. We want to make sure that is not going into warranty. The 1 year from Sequence 4 is what it states in the spec for the VFDs and the controls so it should match. The chillers, compressor only 5 years, it seems it's only 1 year on the unit itself. This is the matrix but the warranty is going to be specified per spec. Mr Zuk said he will get it revised and then present it at the next meeting.

### **iv. Hauling Weight issues**

Member Pietrandrea said a few weeks ago there were tickets for weights of the trucks, and he went through the line item, the weight from the scale, what they hauled and the amount. We know a truck can hold about 27 tons and we have tickets 39-41 + tons. Minerva scales, there could have been a secondary truck and got half a load and watching the ticket come out it prints out 43 tons and drives the whole way, and they get to Ohio and dump 27 tons and the town gets hit for way more. and they drive to Ohio, and they are only registered for 80 tons.

The State of Connecticut only allows 80 tons. If they load at 41, 49 tons bc you can blow the tires off them. They get there and go to the dump. We want the dumping tickets. The town should only pay for how many trucks at max 27 tons and subtract the rest. This is HazMat material, and hundreds of thousands of dollars of stuff.

Member Palumbo said the carrier takes it upon themselves and the onus is on the carrier. Member Palumbo said he can only haul 80 tons in his tankers, and they don't let you out if it's overweight. Every truck should have gone to Tilcon or Palumbo Trucking to be weighed again. Member Pietrandrea wants to see the tickets from Connecticut to Ohio and what they are. We want tickets from Ohio to match up with the tickets that went out.. If there are 130,000lb the fine could be \$10,000 per 1,000-pounds over. The state limit. Mr. Zuk said some of the trucks did get busted for being overweight.

Member Palumbo asked if the tickets we saw in the packet were copies and horrible. it would be good to see the original.

Mr. Zuk said the company said there were no additional tickets, they have the manifest and the .pdf of the tickets. Purchasing Agent Fumiatti called Minerva and was told that they had to speak with the trucking company as they have a relationship with them. A spreadsheet was requested from Minerva by Purchasing Agent Fumiatti. Member Pietrandrea said we called in and there is no DOT permits in Pennsylvania or Ohio And if the ticket from Ohio says 27 tons and we are paying for 41 tons this town is in trouble Member Pietrandrea asked Mr. Malik if CM Contingency should be audited. Mr. Malik said it is within their purview. The committee decided they would review it. Member Pietrandrea said within 2 months \$2.6 million to \$1.1 mill in the Owner contingency and the CM contingency also decreased significantly. There is a lot of work left to be done and we don't even have 2% left in contingency. Member Palumbo said we couldn't really make out the tickets. The bigger problem is that there are many guys who go on dirty dirt jobs and no scale on site. We should have known better and had the truckers leave and get re-weighed. Member Palumbo said he is

always sending weight tickets to his customers. Member Pietrandrea said we just paid about \$300,000 for hazmat materials and the trucks are overweight.

Purchasing Agent Fumiatti will make a formal request to Minerva and Ohio sites to get the certified scale tickets.

Member Pietrandrea said it is really difficult to get out of Connecticut with multiple trucks and being overweight. Member Palumbo said some of the owner/ operators got busted for being overweight.

Those were trucks that Select had hired to move the product. Member Palumbo said that even when we get certified scale tickets, what if he left North Branford with 15 tons and then added more somewhere else.

#### **v. Motor Update**

Mr. Malik presented a letter from RZ about the motors. He would like to have the engineer at a future meeting. Member Pietrandrea said his concern is the drives and the hertz and the damage that can be done. He and Member Fonda were on a call for commissioning, and it was brought up about the drives, hertz etc. It was a design issue and they couldn't meet the air flow and the criteria for the state and because they screwed up the design they cranked up the VFDs. We know the system has flaws and they are being cranked, and harmonics all over the place. Mr. Malik said it will be addressed as part of the overall discussion. Member Pietrandrea said we have a design issue. It was not properly designed. In order to fix it, we took a 4 hp motor and put a supercharger on it and cranked it until the warranties run out. Member Malik said there was discussion with the first unit rerating it from a 7.5 hp to an 8hp unit. That goes into the aspect of the design. Member Pietrandrea said this could be a serious issue, those drivers can't be pushed that long.

Member Pietrandrea shared the information about the VFD motor issue with Attorney Donofrio.

Attorney Donofrio said the concern is not that the motors are operating within the design limits; but whether it's essentially a workaround to address a design flaw and putting stress on the drives beyond that which is intended by the design and while in the short-term solving a problem but in the long term it is cheating another problem.

Mr. Malik will make a recommendation on what needs to be done about it. Mr. Malik said it is complicated and the engineer needs to respond to those comments. Member Pietrandrea said that Baldor will not accept any of their equipment, as it has to be designed and calibrated. Mr. Florio said it will affect all the other components of that motor. The older it gets the more it wears. Mr. Malik said that there was a rep from Ferguson stating it was a design flaw and then Ken from RZ couldn't meet the requirements of air flow and then cranked the VFDs.

#### **vi. Punch List – update**

Mr. Zuk shared that the numbers on the punch list sheet are current as of today. The painter also did complete and super didn't update. The major outstanding is the light fixtures, expecting samples next week. Privacy shutters have been ordered. Also glass is still working on it with J & G. Member Pietrandrea asked what they are doing about J & G glass who is in financial trouble. Mr. Zuk said they are working on pulling him across the finish line and also pricing out Cherry Hill and then price it. Member Pietrandrea said that we had paid for 40% of the stored glass that is on his site. Mr. Zuk said all of the glass that was paid for is on site. Member Pietrandrea asked if the sizes of the glass were correct as what was being ordered was wrong? Mr. Zuk said Cherry Hill is picking through it all and doing the verification of the sizes that are supposed to be there.

Member Fonda asked about the glass as we had been waiting for it for months. Mr. Zuk said it was ordered and should arrive in August. Member Pietrandrea asked who ordered it as he is shut down and can't order anything in the entire U.S. Mr. Zuk responded that Gilbane did a joint check with J & G Glass for the glass. Member Fonda said we didn't agree that glass was temporary and for safety reasons and should've been replaced by the end of the summer.

Mr. Zuk said next is the light fixtures custom is working on it, there are two vendors, samples will be reviewed with QA+M and privacy shutters should be done by the start of school.

## **11. Legal:**

Member Pietrandrea wanted to discuss some of the items of concern with Attorney Donofrio. The architect for STWCC approved the billing and overpaid. We have \$120,000 left over but if they won't finish we can't repair it. Fascia issue. Attorney Donofrio said Silktown is responsible for the bond and issue. Purchasing agent Fumiatti said we are currently withholding \$120,000 plus retainage. Member Pietrandrea said Silktown wants \$220,000 to replace the metal, even if it was \$180,000 we wouldn't have enough to cover it. Attorney Donofrio said it's on Silktown. There is a sequence of events, you have directed them to fix affected work. Member Palumbo said the response from Hibbard was that they are working on it with Silktown. If they were to come back and they don't believe it's defective or respond within a certain period. We put on notice they are in default and if they don't cure within the contractual cure period, the next option is performance bond surety and bring it into pre termination performance bond is total for contract. Purchasing Agent Fumiatti said the performance bond is for the full amount of the project.

Another question is by August 27th, if Gilbane does not fulfill certain punch list obligations, it can be taken up then. Attorney Donofrio said the sequence of events would be that the sub has been given a deadline to rectify the problem and if the problem hasn't been satisfy addressed the next step would be for Attorney to talk with Gilbane on how to process, if they want to hire someone else, or supplement on the subcontractors balance, if they want to make claim.

Member Fonda said they have a performance bond; it was thought they were working under Gilbane. Mr. Zuk said they have default insurance but they have their own bond. Attorney Donofrio said there is SDI on this project and in his experience it is superior to a performance bond. Unlike a performance bond where there is no legal requirement that the performance bond surety do anything within a pacific amount of time with subcontractor default insurance, it's an insurance product and submit the claim for reimbursement and get a check pretty quickly.

Member Pietrandrea wanted to also discuss that in the event RZ comes back for a design issue for it not being a design issue what's the next steps. Attorney Donofrio said the contract is with QA+M, so the question becomes do they agree with subconsultants' opinion? QA+M may want to have a third party take a look at it as a tiebreaker. This is our subconsultant. On the one hand there is a contract with the owner and we want them to be satisfied and fulfilling contractual obligations and then on the other hand we have a contract with our subconsultant and the way to resolve it is to get a decision made. It is less expensive and less damaging to address the problem now, then to wait for a premature failure.

Attorney Donofrio said there is a long statute of limitations for design E & L in Connecticut. Member Pietrandrea and Member Fonda said they have experience with these types of equipment and they only push the motors as there are backups available. They don't even go 10 days if they are pushed to the limits. In this

case if they malfunction, there can be a lot of time lost as they are custom made items that can't be accessed for repair. Member Palumbo asked who would be responsible for the cost of the 3rd party engineer. Attorney Donofrio continues stating that if QA+M agrees, to have a 3rd party evaluate. If QA+M disagrees with RZ and is unable to prevail upon RZ they made a mistake QA+M has a number of ways to put pressure to resolve. If the town has to go higher, ultimately whoever is wrong is paying. Member Pietrandrea requested that Mr. Malik and QA+M have a long talk with RZ about these motors. Mr. Malik said he will speak with RZ and will also talk with a third party engineer himself.

**12. Invoices – off cycle due to scheduling issues**

**Motion:** Member Palumbo motioned to approve the following invoices for the NBHS project; seconded by Member Pietrandrea.

**Discussion:** None

**With all in favor, motion is passed.**

Contractor	Invoice #	Inv Date	Invoice Amount
<b>NBHS</b>			
York Hill Trap Rock	658642	4/12/2023	\$5,760.00
York Hill Trap Rock	658656	4/12/2023	\$2,456.00

**Motion:** Member Palumbo motioned to approve the following invoices for the NBPD project; seconded by Member Pietrandrea.

**Discussion:** None

**With all in favor, motion is passed.**

Contractor	Invoice #	Inv Date	Invoice Amount
<b>NBPD</b>			
Newfield BLDG	980-2	6/30/2023	\$108,239.87
Silver Petrucelli	23-737	7/1/2023	\$948.50

**13. Adjournment**

**Motion:** Member Palumbo motioned to adjourn; seconded by Member Fonda.

**Discussion:** None

**With all in favor, motion is passed.**

**Adjourned at 9:30 p.m.**