

**Minutes**

**Minuteman School Building Committee Meeting**

Monday, August 24, 2020 at 5:00 p.m.

Via Remote Participation

**Voting members present:**

Edward Bouquillon, Frank Cannon, Mike Majors, David Frizzell, Alice Kaufman, Alice DeLuca, Bill Blake and Nawwaf Kaba

**Others Present:** Greg Joynt, Henry McElroy, Sy Nguyen, Maryanne Williams, Kevin Mahoney, Rick Ikonen, Bob Gerardi and Julia Pisegna

**Absent:** Ford Spalding, Don Lowe, Dana Ham, and Orlando Pacheco

**1. Call to Order: Open Session**

Dr. Bouquillon called the meeting to order at 5:05 p.m.

**2. Approval of Draft Minutes of July 27, 2020**

The vote to approve the draft minutes of July 27, 2020 was taken as follows:

Moved (Frizzell) and seconded (Majors)

To approve the draft minutes of July 27, 2020, as presented,

**VOTE:** Motion passed.

Roll Call:

Dr. Edward Bouquillon (Yes)

Alice DeLuca (Yes)

Bill Blake (Yes)

Michael Majors (Yes)

David Frizzell (Yes)

Alice Kaufman (Yes)

Nawwaf Kaba (Yes)

Frank Cannon (Yes)

**3. ADOPTION OF REMOTE PARTICIPATION**

**VOTE:** To adopt remote participation by all members of this Minuteman School Building Committee pursuant to and in accordance with Sections (2) and (3) of the Executive Order Suspending Certain Provisions of the Open Meeting Law made by the Governor of Massachusetts on March 12, 2020, such adoption to be effective until said Executive Order is rescinded or the Commonwealth's State of Emergency as referenced in said Executive Order, is terminated, whichever happens first.

Moved (Frizzell) and seconded (Majors)

To approve the adoption of remote participation, as presented

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)      David Frizzell (Yes)  
Alice DeLuca (Yes)                  Alice Kaufman (Yes)  
Bill Blake (Yes)                      Nawwaf Kaba (Yes)  
Michael Majors (Yes)                Frank Cannon (Yes)

**4. Approval of Team Invoices**

Dr. Bouquillon reviewed the details of the invoices identified below, and the following vote was taken:

<b>Category</b>	<b>Firm</b>	<b>Invoice Number</b>	<b>Amount</b>
a. OPM	Skanska	No. 80	\$ 9,440.00
b. Architect	KBA	No. 45	\$ 133,639.94
c. CM for Construction Services	Gilbane Pay Requisition	No. 37	an amount not-to-exceed \$ 1,578,160.10

Moved (DeLuca) and seconded (Frizzell)  
To approve Skanska Invoice No. 80 in the amount of \$9,440.00, as presented,

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)      David Frizzell (Yes)  
Alice DeLuca (Yes)                  Alice Kaufman (Yes)  
Bill Blake (Yes)                      Nawwaf Kaba (Yes)  
Michael Majors (Yes)                Frank Cannon (Yes)

Moved (Frizzell) and seconded (DeLuca)  
To approve KBA Invoice No. 45 in the amount of \$133,639.94 as presented,

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)      David Frizzell (Yes)  
Alice DeLuca (Yes)                  Alice Kaufman (Yes)  
Bill Blake (Yes)                      Nawwaf Kaba (Yes)  
Michael Majors (Yes)                Frank Cannon (Yes)

Moved (Kaufman) and seconded (Frizzell)  
To approve Gilbane Invoice #37 for an amount not-to-exceed \$1,578,160.10, as presented,

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)	David Frizzell (Yes)
Alice DeLuca (Yes)	Alice Kaufman (Yes)
Bill Blake (Yes)	Nawwaf Kaba (Yes)
Michael Majors (Yes)	Frank Cannon (Yes)

Ms. Nguyen noted that Mr. McElroy was away on vacation and documents were not received in time to provide a value. She noted that they expect Gilbane to finalize the figures next week, and is requesting that the School Building Committee approve it for an amount not-to-exceed \$1,578,160.10 with final information to be sent to Committee members when finalized.

Ms. DeLuca shared that while she voted yes, she does not approve of the process.

**5. Updates:**

**a. Project/Schedule Update:**

Ms. Nguyen provided Committee members two Change Orders, No. 24 and No. 25, and reviewed the projected balance remaining of \$3,852,292.00 which takes into consideration the cost of the contaminated soil, vault, decommissioning and the closure of the two wells. She noted that this will complete the major Change Orders but that she expects additional smaller Change Orders totaling an amount of approximately \$40,000.00.

Change Order 25 in the amount of \$358,371.00 is part of the global settlement with Dow and seeks approval of the School Building Committee pending the signed Settlement Agreement.

As requested, Ms. Nguyen reviewed with Committee members that the site contractor, Dow, settlement reflects outstanding changes where Dow claimed they did the work and for claims submitted in the amount of approximately \$740,000.00. After negotiations, the agreed amount was for \$400,000.00, a portion of which was paid under another allowances, which brings the remaining balance of \$358,371.00.

Mr. Joynt further explained that this is a combination of a number of changes and disputed work items and claims, and he noted that this type of dispute resolution typically gets resolved at the end of a project and includes disputed work value, work completed and add-ons which totaled an estimated amount of \$764,000.00. Both parties reached an agreement so that they could continue to move with the project, and Mr. Joynt believes it is a fair settlement which required a lot of work to get to that settlement point.

Mr. Frizzell inquired on the status of the resolution with the Town of Lincoln regarding excessive permitting fees, and Dr. Bouquillon confirmed that they are waiting for receipt of the final Certificate of Occupancy before looking into that issue further.

Mr. Cannon inquired whether the gas station was included in the Change Order, and Mr. Joynt confirmed that a portion of that is included in Change Order No. 24 and explained that the cost

associated at this time for the gas station was for the differential cost for oil impacted soil versus the cost of asbestos containing soil, with an additional cost of approximately \$53,000.00 for the gas tank.

## **6. Approval of Change Order No. 24**

Ms. Nguyen emailed Committee members Change Order No. 24 and noted that Change Order No. 24 is a credit in the amount of \$270,444.00.

Mr. Joynt explained that Change Order No. 24 is set up to credit back owner allowances and highlighted the following:

- OS-234 – PR#076RI - Clarification to landscape drawings credit in the amount of \$20,028.00;
- OS-137 – Athletic field additional estimating and pre-construction services in the amount of \$98,869.00;
- No. 773 – PR127 – Well decommission and abandonment of two monitoring wells discovered during demolition of the existing school in the amount of \$3,468.00;
- OS-761-PR-108R - Credit for electrical scope deleted in Phase 2 in the amount of \$22,412.00

Ms. DeLuca inquired about OA-00010- 758 - Speech reinforcement allowance credit in the amount of \$50,000.00. Ms. Nguyen responded that the GMP included a list of allowances which were estimates at that time, and as the end of the project was reached, allowances were credited, and the speech reinforcement item which would enhance the teacher’s speech volume for selected classrooms, and was decided later that this item was not needed.

Moved (Frizzell) and seconded (Majors)

To approve the Change Order No. 24 credit in the amount of \$270,444.00, as presented,

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)

Alice DeLuca (Yes)

Bill Blake (Yes)

Michael Majors (Yes)

David Frizzell (Yes)

Alice Kaufman (Yes)

Nawwaf Kaba (Yes)

Frank Cannon (Yes)

## **7. Approval of Change Order No. 25**

Dr. Bouquillon noted that Mr. Joynt referenced the Dow settlement and Change Order No. 25 in the amount of \$400,000.00.

Moved (Frizzell) and seconded (Majors)

To approve Change Order No. 25, as presented,

Ms. DeLuca asked if there was back-up documentation.

Mr. Joynt explained Change Order No. 25 includes the items pending resolution, disputed items, and pending items in the amount of approximately \$760,000.00. After negotiations, the agreed amount was \$400,000.00. Mr. Joynt noted that they are requesting the School Building Committee to approve Change Order No. 25 pending resolution of the Settlement Agreement document to be drafted by the school's counsel to ensure costs included are final and there is no ambiguity to the agreement.

Ms. DeLuca shared that it was frustrating not having the actual documents available to review, and that as the numbers continue to decrease, it is cutting into the funds available for the fields, and shared that this Committee has the responsibility of oversight on these items, and she is conflicted to vote on an item she has no detailed information for.

Mr. Joynt explained that while he can not change the document availability issue, the original prediction was the higher value of that Change Order, and it has been adjusted in the budget projection to reflect the \$400,000.00 Settlement Agreement.

Dr. Bouquillon noted that if Committee members do not feel comfortable voting on this item, then the item can be tabled until such time as the appropriate documentation has been provided and reviewed by Committee members.

Mr. Frizzell withdrew his previous motion.

Moved (Cannon) and seconded (Blake)  
To table approval of Change Order No. 25 until documentation is provided,

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)	David Frizzell (Yes)
Alice DeLuca (Yes)	Alice Kaufman (Yes)
Bill Blake (Yes)	Nawwaf Kaba (Yes)
Michael Majors (Yes)	Frank Cannon (Yes)

## **8. Athletic Complex Update:**

Mr. Joynt updated Committee members on the upcoming Chapter 30 Bid. Ms. Nguyen reviewed the fields schedule with an anticipated date of September to go out to bid, followed by a review of all bids received, an expected date of approval by the School Building Committee of October 5<sup>th</sup>, work to commence immediately after that, and a project completion date of September 2021.

Dr. Bouquillon noted that decisions about the project will be made when all bids are reviewed, what we can get done and at what cost, and that the plan is to schedule a School Building Committee meeting on the same evening as the School Committee meeting to present a final recommendation for vote.

**9. Next Meeting:**

Dr. Bouquillon noted that the next meeting is expected to be October 5<sup>th</sup> or 6<sup>th</sup>, and that a final meeting notice will be forthcoming.

Mr. Blake inquired as to the status of the work in the theatre. Mr. Joynt confirmed that the theatre work has been completed, with the exception of some small wiring issues and a damaged door.

**10. Adjournment:**

There being no further business, the following vote was taken:

Moved (Cannon) and seconded (Kaba)  
To adjourn the meeting at 5:54 p.m.

**VOTE:** Unanimous

Roll Call:

Dr. Edward Bouquillon (Yes)

Alice DeLuca (Yes)

Bill Blake (Yes)

Michael Majors (Yes)

David Frizzell (Yes)

Alice Kaufman (Yes)

Nawwaf Kaba (Yes)

Frank Cannon (Yes)

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Julia Pisegna, Recorder.