

WATERBURY BOARD OF EDUCATION

MINUTES ~ SPECIAL MEETING

Thursday, May 30, 2019 at 6:45 p.m.

Waterbury Arts Magnet School, 16 South Elm Street, Waterbury, Connecticut

PRESENT: President Brown, Commissioners Awwad, Harvey, Hernandez, Pagano, Stango, Sweeney, J. Van Stone, and Tom Van Stone.

ABSENT: Commissioner Serrano-Adorno.

ALSO PRESENT: Superintendent Verna D. Ruffin, Deputy Superintendent Greg Rodriguez, Assistant Superintendent Michelle Baker, Director of Special Education Melissa Baldwin, Chief Operating Officer William Clark, Assistant Superintendent Janice Epperson, and Chief Academic Officer Darren Schwartz.

SILENT PRAYER

President Brown called the special meeting to order at 6:45 p.m. with a moment of silence.

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Sweeney led everyone in the Pledge of Allegiance to the Flag.

ROLL CALL

CLERK: Commissioner Awwad.

AWWAD: Here.

CLERK: Vice President Harvey.

HARVEY: Here.

CLERK: Commissioner Hernandez.

HERNANDEZ: Here.

CLERK: Commissioner Pagano.

PAGANO: Present.

CLERK: Commissioner Serrano-Adorno (absent). Commissioner Stango.

STANGO: Here.

CLERK: Commissioner Sweeney.

SWEENEY: Here.

CLERK: Commissioner Jason Van Stone.

J. VAN STONE: Present.

CLERK: Commissioner Tom Van Stone.

T. VAN STONE: Present.

CLERK: President Brown.

BROWN: Present.

PUBLIC ADDRESSES THE BOARD

Upon a motion by Commissioner Jason Van Stone and duly seconded by Commissioner Harvey, it was voted unanimously to suspend the regular order of business at 6:46 p.m. to allow the public to address the Board.

BROWN: Discussion? All in favor, opposed, abstain. Motion carries.

Thomas Pelletier, 112 Concord Street, had the following comments: I know it's been a while since I've been here and I'd like to thank Madam President and I think it's the first time I spoke since Dr. Ruffin has been here and I would like to thank you for your work that you've been doing since you've gotten here. Item number two under the Committee on Finance I think is a no brainer. If it gives you guys any comfort from what I heard this afternoon on TV the state has come to some sort of agreement on the budget you know nowadays until the final vote has gone through that's all we can hope for. But I think it was progress, I think hopefully it makes our job easier but as the transfers we need to do whatever's best to suit the needs of our students and children. You know as a lot of you know that our teachers and our staff are doing the best they can. We all know that our students, some of which come from homes where parents aren't always there, the only education and teaching that they get is from our staff and we need to continue to that. We're finally starting to see the successes. You've seen how many of our kids are going to colleges of big names and I think that's commendable from our staff, our administration and this Board doing whatever it needs to do to help our city staff in teaching our kids.

Item number one on the agreement with the Wendell Cross. I think we need to finally get this project rolling. I have to comment the School Inspector's office and his entire staff on working so hard. As we know this has been a long process. I can tell you our School Inspector used to be in contracting and knows his way around. What we're doing here I would say is saving the City countless money between having to hire somebody such as O & G or people to come in and tell us how to do a project. I think he and his staff have done a commendable job and have been doing it for half the price that we could have ended up paying a private contractor to do. So I think that that's commendable.

On the part of the other half of the swing space, I think that that is a perfect spot. I could tell you as somebody who has worked down there I've seen a lot of progress down there, I work at Duggan School, there was a lot of rhetoric that came out you know people don't like change and I understand that. I don't always like change and it's for the good. Some of the rhetoric that came out was that Duggan School is in constant lockdown which is untrue. Duggan School has only had one lockdown; it shouldn't have been a lockdown in my opinion because it was a bear that was sighted at West Side Middle School. Now I mean I'm a heavy set person, some people told me I'm built like a bear, if I can run 90 miles an hour I mean maybe there's a chance that it might get down that way but other than that what appears to me is that people mistaken our lockdown drills and our safety drills that not only us but everybody in the City does, we have a

very excellent Director of Security, Mr. Herman, comes to the schools unexpectedly which he should to train us in protecting or students. Sometimes I think people get the misconception that there's a lockdown. Like I've said there's only been one lockdown down there, it's a very quiet area. I got to tell you when I was working down there when the old Brooklyn School was down there I used to walk down by myself down to the Brooklyn Bakery; I mean I do like my sweets. I didn't have to drive to get down there; I didn't have to worry about being attacked. A lot of the misconceptions out there, a lot of the people that live down near that swing space are good people, they work hard. Yes unfortunately sometimes people get into disarray with trying to keep up their buildings but these are hardworking old people and I think that we need to move forward with this project. Thank you very much.

Upon a motion by Commissioner Jason Van Stone and duly seconded by Commissioner Stango, it was voted unanimously to return to the regular order of business at 6:51 p.m.

BROWN: Discussion? All in favor, opposed, abstain. Motion carries.

1. COMMITTEE ON BUILDING AND SCHOOL FACILITIES

1.1 Upon a motion by Commissioner Jason Van Stone and duly seconded by Commissioner Sweeney, it was voted unanimously to approve an Agreement with Newfield Construction Group, LLC, for construction manager at risk services for the Wendell L. Cross Pre-K to 8th School Construction Project.

BROWN: Discussion? Commissioner Awwad.

AWWAD: Can somebody just tell me what is the GMP? Do we have a figure of the guaranteed maximum price? I couldn't find a number anywhere.

MICHAEL LeBLANC: Good evening. Michel LeBlanc, Director of Finance. As it relates to the guaranteed maximum price there is not one yet established? That will come about as we go through the establishment of the specific scope of work for what ultimately we anticipate will be two phases of the project. And before giving the notice to proceed there will be the establishment and the firm amendment incorporated into their contract which establishes that gross maximum price.

AWWAD: Okay, so that's why I couldn't find it, it hasn't been established yet.

LeBLANC: That's correct.

AWWAD: Thank you.

BROWN: Any other questions? Commissioner Van Stone.

TOM VAN STONE: Thank you. Michael I'm just not sure who's gonna answer my question; it has to do with some tracking, contract language, et cetera. I actually would like to hear from our potential supplier but if you want to answer them maybe that's okay.

BROWN: I'm having trouble hearing you Commissioner.

T. VAN STONE: Either Michael or our potential supplier will answer these questions so, and I would prefer to hear from the potential supplier and it has to do with contract language in 3.7.3 for updating and it has to do with schedule and reporting of progress. How will the percentages of completed work be made tangible? In my word there's level of effort which time equals percentage complete. I don't want that to be such. So how will we actually have a tangible number to say at any point in time the percentage complete that we hear back on reports is actually the percentage complete?

LeBLANC: Certainly I can provide some comments and it would also be a nice opportunity to introduce you to Tom DiMauro who is the representative from Newfield Construction who will be handling the project, overseeing the project from their end. As it relates to monitoring the percentage of completion of work, generally on a monthly basis there's an application for payment that is submitted. It has a detailed schedule of items within that application for payment and reflects the work completed to date and the percentages as it relates to the overall authorized component for each of those items. That information is as a normal matter of practice would be reviewed by our project manager on our end as well as reviewed and certified by the architect. In this case it will be Friar who will be fulfilling that role and so from the standpoint of validating it tied into all of that is actual on-site visits that will be happening throughout the course of the project.

TOM VAN STONE: You're leading into one of my later questions but I would also like to hear from Newfield on how, and I'm coming at this from a program management type questions to say, it's great to say a month went by, we planned to do this much work in a month and we did it. But that's not the way it happens.

TOM DiMAURO: First of all, Tom DiMauro, Vice President with Newfield Construction. Mike really address the payment portion of the percentage of completion but on the schedule side we develop a detailed baseline schedule that, it's in the bid documents, so the contractors are buying that schedule as well as the scope of work and that's monitored on a weekly basis by us in the field. It gets reported to the committee in our monthly report. We update the overall schedule. And that's really how we track the progress on the job. And it's very closely tied to the payment as well. You have several, you have Santiago, you have Mike Serrano from Friar looking at these payment applications and verifying that that work is in place and that percentage is complete.

T. VAN STONE: And that's why I actually asked the question because I don't just want the time and material here, I want to be able to say yes, we may have scheduled "x" amount of work but we only did this so when it comes times for a progress payment we're paying you for progress, not time.

DiMAURO: That's correct. You're paying for the work in place.

T. VAN STONE: So how are we making that tangible so that not just this Board who will approve that payment at some point, Michael will be able to say yes, that much work has been done. If we just have a line item that says we take it from you that 20% has been done, we're gonna pay you for 20%, how do we know we really did 20%?

DiMAURO: Because through the process that Mike described you'll have several people that will verify that.

T. VAN STONE: People verifying. Will the schedule that gets delivered at the end have any sublines or activities that will say we did this, we did this, we did this, and someone from the City can go out and say yes they did this, yes they did this, yes they did this, it equals 25 percent?

DiMAURO: Yes, we'll track the progress of the schedule but is it directly tied to the pay apps, there's multiple trades involved so not every activity on the schedule appears on their pay app so we kind of track them both as we go.

T. VAN STONE: Okay. If it's not tangible I'm gonna have a lot of trouble with approving payments. I may be only one person but if I can't put a tangible amount of work towards a progress payment how do I know the progress was done?

BOLANOS: I am Santiago Bolanos; I'll be the Project Manager assisting the City and the Board of Education as the eyes of all of you at the construction site. So I'll be regularly on site if not 90% of the time on time verifying that the work they claim on the monthly basis is the work that we're paying for.

T. VAN STONE: We're still talking about an arbitrary person saying work is done. I do we know tangibly the work was done?

BOLANOS: One other way for you to verify it would be for you to come on site and see it in person.

T. VAN STONE: Well I'm not a construction expert which is why I want a schedule to list, and I'm gonna make this very simplistic, I put in brick number one, or I release drawing "x", that's tangible.

BOLANOS: Okay, so at the beginning of the job before construction starts the construction manager is going to give us a schedule of values. The schedule of values will define every single task that will happen on the job site.

T. VAN STONE: With a description of what that task is, a statement of work assigned to that task.

BOLANOS: Exactly. And that schedule of values is reflected in the monthly payment. So we keep track of the work being done as the same rate that we pay it because those two schedules are the same.

T. VAN STONE: So now you're making it tangible which is what I've been trying to get an answer to.

BOLANOS: Yes. I hope I was able to help.

T. VAN STONE: In the end I was helped because I don't want just 18 sets of eyes telling me we're 20 percent done. I want to see that we had accomplishments, we had

a design phase we released an “x” number of drawings. I don’t need to know what those drawings are but if the milestone payment says we will release 18 drawings at this point in time, we release 18 drawings you get your progress payment. And if you don’t release 18, even if it’s 17 you’re not getting it.

SANTIAGO: Another verification process is a monthly progress report that’s provided by the construction manager and we make that report available to all stakeholders who want to see it because again you’re not going to be on site seeing it but you’ll have access to that monthly report.

T. VAN STONE: But, again, I think we’re getting much closer to saying you’re making a tangible milestone to say we should write a check and that’s what I’m after so thank you.

A couple more if I may Madam President. When we talking about schedule and schedule changes because there was language in the contract for that as well, is there a schedule log book that will be available that if one month I look at a schedule and somethings posted as complete in May of whatever year and the next month I look at it and it says it’s gonna complete in June of whatever year, is there a log book that will tell me why that slipped a month? Or am I just gonna magically just get a new schedule that the end date moved out and I won’t know why.

DiMAURO: Typically when we provide the monthly update we include a narrative that explains the differences and why they occurred.

T. VAN STONE: But is there a log book because usually when you build a schedule, if you want to call it an IMS, there’s a log book to tell you why things moved. There’s a signature cycle that says we approve that those dates moved. Is there anything in place, and maybe this goes back to Mike or Will, that will tell me why, not just in a narrative, but a log book that states why dates moved?

DiMAURO: We don’t currently do that on any projects but it’s maybe something we can look into if that’s what you need.

T. VAN STONE: I’m not trying to create work, I’m just saying I don’t want to just get a PDF that one month I look at it and it says May 2020 and the next month I get a pdf that says June of 2020 and I don’t know why, for a finish date or a start date.

LeBLANC: What I can add is the schedule is, maintaining the schedule is one if not the most significant items as it relates to the overall project. I think both Tom and Santiago can speak to the fact that there will be weekly project meetings, there will be minutes of those meetings that will be taken, there will be agendas for those meetings and certainly within that context there will be context put to if there’s any scheduling issues, how they’re being dealt with, and ultimately the objective of what needs to be done to get it back on schedule.

T. VAN STONE: I’m . . . more towards a log because when all of a sudden we see that we’re six months late, I don’t want to have to go through six months times four of weekly reports to figure out why we’re late. If you have a schedule log that says why you’re late that log will tell you why we’re six months late and they could be good reasons, they

could be valid reasons, but at least it's a reason as to why we're where we're at and that's why I'm asking the question.

DiMAURO: I'm sure we can accommodate your request.

T. VAN STONE: To some degree. Like I said, I'm not looking to create work, I'm not looking to put a new line item that you have to track something that we get a new bill for, that's certainly what I'm not doing, so that helps me understand this. But again, Madam President, if I may, I just have a couple more.

BROWN: Certainly.

T. VAN STONE: If you move down in the contract to 6.3, it's very similar to 3.7.3, and again it goes back to progress payments but it moves into more of the construction phase. And again this is probably more important at the construction phase than the design phase where we need to really know that what we're building is where we're supposed to be. I mean I could get a weekly report from you to say I was supposed to put up four walls, I put up four walls, do I really know that unless I go to a site survey but if there's some sort of activities there that we can go back and look at that says okay, and I'm really just trying to make this conversational, we did wall one, we did wall two, we did wall three, we did wall four, now we got four walls – progress payment. That's what I'm worried about. A weekly report doesn't validate that that really got done. You could write to me in a weekly report anything you want but if we don't have our folks going out and saying wall one got done, and I don't want to go back through it, et cetera, we write you a check. Or at least whatever the payment, how that works, that's up to Michael; I don't want to know that part. But at least we know our money is protected and that that progress is truly done because again when it comes to six months down the road and we claim all this work was done and we magically find out it wasn't, I want that money back. I mean I get it, but I want that money back. And that's where I'm going with this. We need real tangible milestones to make sure our money is protected. So that's kind of somewhere between you and Michael and I'll look at Will also, but that's what I'm looking for . . . that we truly have a schedule, we truly have milestones, that are gonna protect our money.

LeBLANC: And those will, they'll absolutely be in place and they will be monitored and verified diligently and regularly throughout the project. I think you know, the accountable parties involved, there's many but one that I think may speak to where you're going is the architect. The architect is going to design the project and there will be an elongated process to go through the development and then ultimately the finalization of design plans. Once those design plans are complete and approve it then is the construction manager's responsibility to build the facility exactly in line with what the architects design specifications lay out for the project. And the architect will have a responsibility and accountability to, again it ties back again yes to the application for payment each month but they have to certify, as the certified architect, each application for payment and again verifying and certifying that the work that the construction manager has claimed has been done is not only been done from a percentage of completion standpoint but has been done in accordance with the design specifications.

T. VAN STONE: So just so I can summarize my thoughts, percent complete is great however if you don't have some sub activities that creates that percent complete it really

means nothing to those of us on this side of the room. Basically if there's nothing to create that percent complete we have to take your word. Okay. So although we've done very well on the school side of on time and under budget or in budget, other projects the city has run has not been that successful. So I'm a little concerned that we make sure we understand when something is checked complete and we pay someone as complete it's validated.

LeBLANC: Absolutely. And there will be a very detailed schedule of values breaking out the components of the project. I appreciate your comments as it relates to past projects. I will say though that you know the City is just coming off of an extremely successful project with the construction of the DPW facility that was on time, on budget, and something that you know we're very proud of from the standpoint of how that project went and it's our expectation that this project will follow suit.

T. VAN STONE: Comment accepted but I won't bring up Municipal Stadium. The last item is we've had the one side of education buildings that we have not done a good job on; we've accepted completion with known issues. I could bring up the crack at Reed School, I could bring up some of the issues we've had here at this building we're in tonight and a number of other schools where things after the fact we could not go after and say there's a real problem here because we're under the gun to sign off the paperwork to go back to the state for reimbursement we did so with known issues. What is gonna be our recourse when, and I'll go back to Reed School, that the crack in the floor the day we took acceptance of that building was not addressed? And it took years before it got addressed.

LeBLANC: And I think it speaks to the problem as far as you know and there's not an easy solution to this but there, you know, we have the ability to withhold retainage for a period of time, be generally it's five percent of the work. Again, that can be withheld for a period of time until all the punch list items have been addressed and then there may be tied to that, and Tom maybe you can speak to this, as far as where there's a duration of essentially a warranty on the work that's been performed but generally once you get a year out past the final completion with all of the punch list items taken care of, there's not much that can be done at that stage of the game.

T. VAN STONE: I agree with you, however in the case of Reed School we really had a gun to our head to sign off on that as a completion. The construction took place before I was on this Board, the acceptance took place when I was on the Board, it was gun to our head to sign that off even though we knew that crack was in the main lobby floor. We accepted that basically by signing it off to say okay, we can't do anything about it. We should have been able to do something about it regardless that the calendar said we had to sign that off.

CLARK: Just quickly, I mentioned in the committee meeting, some lessons learned, as we put this contract together we were very clear in the milestones and the timelines and one of those clear elements built in was the closeout, the financial completion. So we went over that language quite a bit with council, Mike, Santiago, and others and one of the other elements we made sure was part of that is our team as well that before we're taking ownership or we're taking it over, we're doing that thorough review, our guys are kicking the tires and getting through the buildings as well so this project in addition to involving Santiago, very closely has involved not just myself but other members of our facilities team who are looking over the specs as they come in, we're looking at that

right now and some of the work that's already been done by Friar, giving them back information about what we see in design versus reality, what we've experienced in other buildings, so we feel that's going to put us in a much better position for the back end. But on the back end we don't want to have a turnover that we're unsure of what we're getting. So we're monitoring along the way as Mike and Tom had said but more importantly at the back end we're not going to be receiving anything unless we are confirming you know the air conditioner works, the water is hot, and those sorts of things. So as one of the things I've utilized in the past is what I call kick the tires committee where we literally like locust will go to the building and just check everything. So the mechanical guys check the mechanical work, Jason and his team will look at that. Chris and Tommy and his guys will go in and run the building as if what would a custodian would do, is the closet where it should be, is it outfitted the way it's supposed to be. Will will check IT, John will check security. We'll be checking those things along the way and involved in the various meetings to review the specs and scopes but then how does it feel, how does it work, get Joe in the building as the principal and so forth. So those are things you want to be on top of so whether it's the obvious crack in the floor or whether it's frankly that the desks don't feel right or whatever that is, we're gonna then have to have a conversation, does that match the scope, does that match the spec, and who's fault was that, those things. But we want to be very comfortable about that. And as Mike says there is an opportunity where you're holding back funds and the contract is very specific, payments not made until all that's verified. So that is a huge part of the project, no question, yes there are some timelines and DAS rules and so forth but we've carved out we think a reasonable time and a framework that everyone's agreed to to make that...

T. VAN STONE: I appreciate that. I'm certainly going to vote to move this forward but I did have to raise those concerns because it is history, I do not want history to repeat itself, so that's why I brought them up. I will be certainly voting yes on the proposal before us but I did need to bring that up so thank you very much.

BROWN: Thank you. Commissioner Pagano.

PAGANO: Just one quick one as a clarity. In my past life I did a lot of construction projects, are payments scheduled against the values, will that be done by an affidavit type process so in case we need to go to court at some point there is discoverable evidence?

CLARK: Not affidavit process per se but they are signed, as Mike described the process, there's multiple signoffs. So there's signatures on documents and plans, there's signatures on invoices, and the way we've set it up is we've added a couple of other layers so in addition to Friar and Newfield doing their signoffs, then Santiago, Rosh, myself, Mike, we're other sets of eyes looking at it as well.

PAGANO: You guys are a human affidavit process.

CLARK: Correct. But we'll have that documentation with the...

PAGANO: You'll have the documentation that's discoverable.

CLARK: And by the DAS won't accept the payment on their end unless they have those pieces so . . . all the DAS regulations and we're mapping that documentation, we have a

common portal that Friar, Newfield, Mike, Santiago, and myself/Rosh, all have access to so we all see the documents, we're marshalling them through and we're saving them all.

BROWN: Vice President Harvey.

HARVEY: Thank you. Quickly. First I want to thank Commissioner Van Stone, Tom Van Stone, for bringing that up about Reed because I had those same concerns about the signoff process when the project is complete. So you and I will be watching that closely. But refresh my memory, what is at risk, what does that mean?

LeBLANC: From the standpoint of there are provisions within the contract for damages both as it relates to delay damages for completing the project in accordance with the guaranteed timeframe and also damages for not completed the project within the guaranteed maximum price. So the risk in relation specifically to guaranteed maximum price is we're only obligated to pay up to the guaranteed maximum price. If ultimately the project comes in higher than that for all within scope work, then that risk and essentially the cost is born by the construction manager in that case.

HARVEY: Thank you.

BROWN: Any other questions? All in favor, opposed, abstain. Motion carries unanimously. Congratulations.

DiMAURO: On behalf of Newfield Construction, thank you. We look forward to working with you.

2. COMMITTEE ON FINANCE

2.1 Upon a motion by Commissioner Awwad and duly seconded by Commissioner Jason Van Stone, it was voted unanimously to approve the following transfers in the fiscal year 2018/2019 budget:

DESCRIPTION	Acct Unit	Account	TO	FROM
Special Education – Teachers	88510001	511102		(\$201,000)
Special Education – School Psychologists	88510002	511108		(\$250,000)
Special Education – Social Workers	88510002	511109		(\$150,000)
Special Education – Speech Pathologists	88510002	511110		(\$175,000)
Special Education – Out of District Tuition	88510001	556055	\$610,000	
Special Education – Purchased Service	88510001	556056	\$166,000	
Transfer needed to cover Special Ed out of district tuition and services for students.				
Special Education – Paraprofessional	88510001	511228		(\$750,000)
Student Transportation – Pupil Transportation	89510007	551000	\$700,000	
Administration – Consulting	89010004	533020	\$ 50,000	
Transfer is needed for Special Education & Pre-K transportation and Special Ed audit.				
Operation & Maintenance - Custodians	88031006	511226		(\$400,000)
Operation & Maintenance - School Maintenance	88031006	511225		(\$250,000)
Special Education – ABA Therapists	88510001	511233		(\$200,000)
Administration – Non Certified	89010004	511201		(\$ 75,000)
Fiscal Administration – Fiscal Non Cert	89010508	511220		(\$ 45,000)
Enlightenment – Teachers	83210001	511102		(\$ 27,500)
WAMS – Teachers	83410001	511102		(\$ 27,500)
Wilby – Teachers	86310001	511102		(\$ 27,500)
WCA – Teachers	86510001	511102		(\$ 27,500)
Operation & Maintenance – Building Improvements	88031006	575501	\$1,080,000	
Transfer is needed for special capital improvement & revenue fund.				

District Wide – Teachers	87510001	511102		(\$125,000)
DW Reading – Teachers	87512501	511102		(\$150,000)
Life Management – Teachers	87516001	511102		(\$75,000)
Wilby - Teachers	86310001	511102		(\$80,000)
District Wide – Instructional Supplies	87510001	561100	\$ 430,000	
Transfer is needed for curriculum & computer technology.				
TOTALS			\$3,036,000	(\$3,036,000)

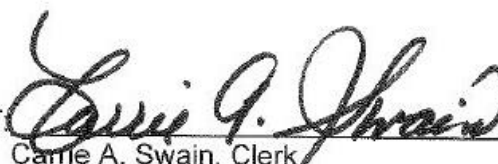
BROWN: Discussion?

AWWAD: I just want to make one comment. I've been approached last week after our Finance Committee meeting and again tonight. This is this year's budget, the current year; these are transfers of surplus lines to cover deficit lines. That's why there's some in red and some in black. We are not laying off teachers, school psychologists, social workers, speech pathologists, or paraprofessionals. There are surpluses in those line items; they're being moved to address shortfalls in other line items. So for those folks that are very concerned that they're losing their jobs that's next year's budget and there are no plans for that. So this is a current line item transfer for this fiscal year. Thank you.

BROWN: All in favor, opposed, abstain. Motion carries.

ADJOURNMENT

Upon a motion by Commissioner Awwad and duly seconded by Commissioner Harvey, it was voted unanimously to adjourn at 7:20 p.m.

ATTEST 
Carrie A. Swain, Clerk
Board of Education