

**WEBSTER PUBLIC SCHOOLS
SCHOOL BUILDING COMMITTEE MONDAY, 6:00 PM NOVEMBER 20, 2023**

Present:

Ted Avlas – Vice Chairman Member - *Voting Member*
Tim Bell - Town Accountant - *Voting Member*
Sheila Blythe – School Committee *Voting Member*
Earl Gabor - Selectman *Voting Member*
Dave Hurton - Chairman - *Voting Member*
Gina Nieves - *Voting Member*
Tony Paranto - *Voting Member*
Victor Waskiewicz - *Voting Member*
Al Young - *Voting Member*
Ryan Collins - Principal
Lisa Kontoes - Business Manager
Monique Pierangeli – Superintendent

Absent: N/A

Attendees:

Mike Carroll - Colliers
Jorge Cruz - Flansburgh
Vince Dube - Flansburgh
Richard LaFond - Town Administrator
Ann Morgan - Town of Webster, Planner
Mike Reith - Colliers
Ted Tetreault - Town of Webster, Building Inspector

I. Call to order: Mr. Hurton called the meeting to order at 6:02 p.m.

II. Approval of Minutes for October 17, 2023.

Motion to approve as follows:

Motion: Ms. Blythe

Second: Ms. Nieves

Vote: Yes – 8; No – #0; Abstain - 1

III. Welcome New Team Members

Mr. Hurton welcomed Earl Gabor as the new Selectmen delegate replacing Lisa Kontoes. Mr. Hurton acknowledged that Earl was welcomed on Thursday night but he wanted to repeat the introduction in person. Mr. Hurton shared that Earl is very active in the community having served on multiple boards and most recently serving as the Chairman of the Board of Selectmen. He asked the Committee to introduce themselves and state that we are thrilled to have him on the team.

IV. Planning Board / Site Permitting Overview

Lisa Kontoes introduced Ann Morgan (Town Planner) and Ted Tetreault (Building Inspector) to give an overview of the Planning Board process. Ms. Morgan updated the Committee on where the project is in the process. She mentioned there is an open public hearing that has been continued to November 27, 2023 where the Design Team will have the opportunity to present and respond to any questions or comments. Ms. Kontoes stated that the only known question from the Planning Board was related to light spillage on Poland Street. She further stated that the team has increased the decimal points on the plan which shows that the spillage is reduced by 20%. Ms. Morgan also reported that peer reviewer issues have been addressed.

Mr. Tetreault advised the Committee about what work could commence while waiting for the site permit. He stated that things such as fencing, hay bails, and internal partitioning are acceptable but an activity like pouring a foundation is not acceptable.

V. OPM Report

A. Monthly OPM Report to MSBA

i. Financial Summary

Mr. Carroll reported that the additional projections that were requested will be tabled until the next meeting given recent events regarding the bidding process. There was a request at the last meeting to reflect the modular costs and that will appear in the report next month.

Mr. Hurton asked about the Owner's contingency and if the money had been transferred back in. Mr. Carroll will work with the team to determine how to reflect this so it does not inflate the project budget. Mr. Carroll stated that it is possible that modular costs may need to be removed from the budget.

B. Schedule

i. Master Schedule

Mr. Carroll reported that the schedule in the packet will be updated following the conversation regarding the rebidding schedule.

C. Modular Unit Update

i. Punch List Progress

Mr. Cruz reported that the punch list was complete. The last item was the resurfacing of the asphalt which has been certified that it is correct. He further stated that we are very close to being completed. There are no change orders and everything has been settled to this point.

ii. Change Orders

No change orders.

VI. Bid Submission Overview

Mr. Cruz reviewed the overview that he prepared. The project went out to bid on October 4, 2023. There were 7 addendums issued and File Sub bids due on 10/30 and received several requests to extend. He also recapped the number of questions received and highlighted what was updated with each addendum.

Mr. LaFond asked what caused the bids to be canceled. Mr. Cruz brought Mr. LaFond up to speed on the Workforce participation goals that were discussed in the previous meeting. Mr. LaFond inquired about how much additional this will cost the town. Mr. Carroll stated that we will have to evaluate the impact of rebidding. Mr. LaFond stated that this situation is not the town's fault and he is assuming that this is the Architect's fault and suggested that we should be evaluating our legal options. Mr. LaFond cited that he did not understand the division of duties between the OPM and Architect. Mr. Carroll responded that Colliers provides general oversight and advised that Ms. Kontoes had requested a retrospective to review what went wrong. Mr. Bell indicated that the Collier and Flansburgh contracts may need to go to legal counsel. Mr. Bell suggested that we don't pay the bills. Mr. Hurton replied that this conversation should wait until the warrant topic. Mr. Bell commented that for several months he has observed the Chairman get upset on minor issues and is disappointed in himself for not having asked enough questions. He stated that he finds this embarrassing and hopes we can work together to move forward and make it more efficient. Mr. Hurton stated that this is beyond embarrassing and there are financial implications and that this Committee has an obligation to defend the taxpayers of the community. He further stated that we have hundreds of students and staff who have had their work life disrupted so we have an obligation to them and that this also causes frustration to students and staff. Mr. Hurton is in agreement with Mr. LaFond about potential legal recourse. Mr. Hurton said that the OPM has had several concerns about the documentation and if there are still open items, he hopes they get addressed prior to the next round of rebidding.

Mr. Carroll stated that Colliers will go back and review the 90% comments from MSBA, 3rd party feedback, and internal comments from Colliers. They will compare the latest documents and all 7 addendums to make sure everything is completed.

Mr. LaFond inquired about how many major projects across the State that are going on that could put pressure on the bidding. Mr. Carroll thought about 10 projects but stated that it is a robust market right now. He told the group that Colliers had a meeting with their estimator and they are seeing that escalations (prices) starting to come in a bit more competitive. And, also some private contractors may be interested as interest rates go up and development slows down.

VII. Review Bid Results

- a. GC Bids
- b. FSB Bids
- c. Schedule to Move Forward
- d. Recommendation for Award (Potential Vote)

This agenda topic was skipped as the bids were rejected as a result of the Workforce Participation targets being omitted from the bid materials.

VIII. Design Team Report

a. Design Team Updates

Mr. Cruz reported that the majority of the updates were provided in the Bid Overview agenda topic earlier in the meeting. Flansburgh is currently in the

process of integrating all of the addendums into the materials so bidders will have a clean slate to work from for the rebid. The design team is changing the date and adding an R to the documents.

b. Planning Board


Mr. Cruz reported that the status was covered by Ms. Morgan in the Planning Board agenda topic. He stated that the team has met with Chuck (Town Engineer) and Ms. Morgan and have exceeded the water quality requirements for the town’s benefit. He highlighted that the only remaining item is some minor light spillage which has been addressed by expanding decimal points beyond .01. Keeping it at two decimal places made the lighting appear worse than it was. He stated the the updated materials have been provided to Ms. Morgan and that the photometrics are LEED compliant.

c. Vertical Chair Lift - Status & Schedule

Mr. Cruz stated that Flansburgh has the shop drawings and it is still on target for December 14. There is no crunch time now and the lift will be here with no delays. Mr. Hurton inquired about how long it will take the General Contractor (GC) to install. Mr. Cruz advised that this will be one of the first things they handle. He stated the GC will not start until mid-January assuming the contract is awarded on January 7th or 18th. The temporary lift needs to be addressed as the first priority and will ideally be done during February vacation.

d. Design Team Structure

Mr. Cruz presented a new organization structure for the rebid and construction team as follows:

 BARTLETT HIGH SCHOOL					
Flansburgh Architects Construction Administration Team					
Title	Name	Monthly Hours	Current Workload	Professional Registrations	Responsibilities
Principal-In-Charge	Kent Kovacs	8 hours	Several Projects	Registered Architect	Project Oversight
Project Executive	Jorge Cruz	32 hours	Several Projects	Registered Architect	Oversee CA team and coordinate consultants
Lead Construction Administrator	Richard Armistead	160 hours	100% dedicated to Webster	Registered Architect	Day-to-Day contact for Construction
Project Manager	Vince Dubé	80 hours	2-3 Projects	Registered Architect	Management of CA team
Project Architect	Madeline Le	64 hours	2-3 Projects	Registered Architect	Assist CA team, Ensure Design Intent
Project Designer	Nitya Charugundia	80 hours	2 Projects	Architectural Registration in Progress	Coordinate Construction Documents

He stated that Mr. Kovac, as the Principal In Charge, will diminish but he will continue to make sure that the design remains intact. And, will also continue to remain involved for finishes and IT. Mr. Cruz Jorge is a partner at Flansburgh and will be acting as the Project Executive handling all issues. Mr. Cruz intends to introduce Mr. Armistead at the next meeting. He stated that Mr. Armistead is very well respected in the industry and well suited for this project. Has done a great deal of renovations. Mr. Dube will continue to serve as Project Manager. Mr. Dube will manage the team in the office on a daily basis while Ms. Lee, the Project Architect, will make sure the design intent remains. Nitya is getting certified and reviewed dedication of hours. He also mentioned there are about 20 - 25 sub consultants beyond the Flansburgh employees.

Mr. Hurton asked if we need to take a vote on this and asked Mr. Carroll to confirm. Mr. Hurton commented on Mr. Armistead's resume that he had not worked on a public project and has no experience with the MSBA. Mr. Hurton considered these as red flags as well as not having worked on a project of this monetary value. Mr. Cruz replied that Mr. Armistead has worked on projects of equal monetary value as the Bartlett Renovation project and stated Mr. Armistead will be the main point of contact during construction and understands the trade. All change orders will be funneled through Mr. Cruz. Mr. Carroll stated that he wants to talk to Mr. Cruz some more about Mr. Armistead's credentials and bring it back to the Committee for the next meeting.

Mr. Hurton told Mr. Cruz that he was not happy with Mr. Kovac's tone in last week's meeting and what he was saying. He felt that Mr. Kovac demonstrated no sense of responsibility for Flansburgh or himself. Mr Hurton stated he would have said the same comment to Mr. Kovac if he was in attendance. Mr. Bell continued by saying that he felt like both Flansburgh and Colliers were basically trying to protect themselves legally. Mr. Bell was discouraged that no one from Flansburgh or Colliers took responsibility in both cases and didn't want to say anything on the record in the event that it came to a lawsuit.

Ms. Kontoes advised the Committee that she had sent an email to both firms last Friday following the previous School Building Committee. She communicated that the email stated that she was also disappointed in the tone of the meeting (particularly with Mr. Kovac) and that the planning for that meeting was inclusive and everyone had an opportunity to weigh in on the content. Mr. Kovac's lack of awareness regarding the planning and the communication breakdown was not a good look for this Project Team. The email further stated that we all have a common objective and need to find a better way to work together to deliver this project on-time, with quality and on budget. Ms. Kontoes stated that she also suggested that we post-mortem and focus on what is working well, what is not working well and what we can do better.

XI. Storage Update

Ms. Kontoes reported that musical and athletic equipment has been relocated to MAPFRE to remain in storage at their facility. She thanked MAPFRE for their support and that we are grateful that it is free of charge. Ms. Kontoes stated that we will attempt to offer the lockers (which are relatively new) to the Collaborative to see if anyone is interested in them

X. MSBA Funding Update

Mr. Carroll provided an overview of the letter provided by the MSBA which was shared with the Committee. He cited that the MSBA has increased the caps but have not changed the amount of money or reimbursement amounts. In short, this action reduces the town's share by making more of the project reimbursable. Mr. Carroll said that he started to plug the numbers into the 3011 form and guesstimates that it will cost the town \$3.5M less. He said this was a quick calculation for the meeting and Colliers will redo the 3011 form officially. This is good news for the town in terms of savings, but the only way to spend this money is to go out to vote. It is still too soon to know the financial implications.

Ms. Pierangeli stated that she and Ms. Kontoes met with Representative McKenna to verify the funding understanding. Rep. McKenna was going to reach out to the MSBA to confirm our interpretation. There was further conversation about the amount of value engineering that was performed to reduce the estimates to meet the \$78M. The first thing that was cut was the fields and that we still have two alternatives that are outside the core project. Ms. Pierangeli said it would be ideal if we could add some value engineering items back into scope.

XI. Action Items & Follow-ups from 11/16 School Building Committee Meeting

The Committee reviewed the two schedule options presented in the 11/16 meeting. Mr. Carroll reviewed the two bid schedule options and highlighted concerns about bidding around the holidays. Mr. Paranto made a motion to:

Adjust the schedule to rebid the project as of update the bid schedule so that the File Sub Bids to be due on January 3 and General Contractor to be due on January 17 coinciding with option A of the schedule presented.

Second: Mr. Gabor

Vote: Yes – 9; No – 0; Abstain - 0

There was some follow-up conversation after the vote about the schedule and the impact to the temporary chair lift. It was suggested that a Jr. Beam could be bought in advance to avoid any potential delays.

XII. Approval of Warrant

Mr. Bell, cited that as a Committee member, he wants to see this team working better together. He further stated that, as the Town Accountant, he has reservations about potential breach of contract due to the Workforce Participation omission. and, therefore, does not believe he can authorize payment to Colliers and Flansburg and feels that the two invoices should be removed from the warrant. Otherwise he will not sign the warrant. He stated that he will contact Town counsel if needed. He stated that as a Building Committee member, he feels this action will be a demonstration of dissatisfaction with the service and will serve as a sign to make a point. He feels that the Committee should only pay for services until the MSBA 90% completion point and anything from that point forward should not be paid. He informed the group that there are conditions, as a Town Accountant, that he can reject/not sign a warrant for such as unlawful acts or fraudulent activity. He suggested three options to the Committee 1) Approve as is 2) Amend the Warrant to remove the Flansburgh and Collier invoice 3) Do nothing and pass over to the next meeting. Mr Hurton asked Ms. Kontoes for her opinion and she replied that there are invoices in the warrant that should be paid for services that have been provided.

Mr. Paranto made a motion to approve the warrant in the amount of \$240,115.27 which is minus the two invoices from the original warrant amount of \$333,415.22. The motion was seconded by Ms. Blythe. Prior to the vote, Mr. Avlas advised the Committee that he was voting ‘no’ for this motion and felt that the Committee should move forward with the original warrant amount and let the liability fall on the Town if Mr. Bell chooses to reject the warrant in his role as Town Accountant. Mr. Hurton stated that he agreed and was also voting ‘no’ along with Mr. Avlas.

Vote: Yes – 5; No – 3; Abstain - 1

XIII. Next Steps/Meeting :

December 19, 2023

XIV, Adjournment:

Motion to Adjourn 7:47 pm

Motion: Mr. Young

Second: Mr. Gabor

Vote: Yes -9; No - 0; Abstain - 0

Respectfully submitted,

Lisa Kontoes