

East Side Fire Station Building Committee Regular Meeting

East Side Fire Station

980 New Haven Avenue, Milford, CT

Wednesday, July 31, 2013

Call to Order: Chairman Healy called the meeting to order at 1830 hours. A quorum was present.

1. **Roll Call**

Committee Members John Healy, Carmen Corvino, William Brennan, Jack Jansen, and Bill Bevan. Also present were Chief Douglas Edo and Ret. Battalion Chief William Healey; and Attorney Jeff Donofrio.

2. **Disposition of Minutes**
Regular Meeting - May 22, 2013

Committee Members Corvino and Bevan made and seconded a motion to accept the minutes of the May 22, 2013, regular meeting as presented. Motion carried unanimously.

3. **Executive Session**

Committee Members Brennan and Bevan made and seconded a motion to enter executive session. Motion carried unanimously.

The Committee invited Chief Edo, Ret. Battalion Chief Healey, and Attorney Donofrio to remain during executive session.

The Committee entered executive session at 1832 hours.

The Committee returned to open session at 1936 hours.

Committee Members Corvino and Jansen made and seconded a motion to reject PCO#8, revised, in its entirety for the reasons set forth in both DeCarlo & Doll's correspondence to Salce Contracting and Civilla & Donofrio's correspondence to DeCarlo & Doll, which was sent by DeCarlo & Doll to Salce Contracting with its response. Motion carried unanimously.

Committee Members Corvino and Bevan made and seconded a motion to reject Salce Contracting's settlement proposal of July 24, 2013, in the amount of \$300,000 due to the invalidity of the PCOs which comprise Salce Contracting's claim, the contractual liquidated damages owed by Salce Contracting to the City, and the other damages incurred by the City, including additional Contract Administration fees paid by the city to DeCarlo & Doll due to the extended duration of the project. Motion carried unanimously.

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Chairman Healy restated that the Committee's stance hasn't changed on PCOs that had been discussed previously. The Chairman said the approximate number associated with the pending PCOs is \$18,000. Attorney Donofrio noted in order for Salce Contracting to be paid for the pending PCOs, the items would have to be converted over to change orders officially, and as yet that has not been done.

Committee Members Brennan and Corvino made and seconded a motion that the Committee again reiterates that the City Attorney, in cooperation with the City's outside counsel, seek monetary compensation from any and all entities that are determined to be responsible for errors and omissions and delays as it relates to completion of this project and obtaining a Certificate of Occupancy. Motion carried unanimously.

The Chairman informed the Committee there are still issues with the project that are preventing the building from obtaining a Permanent Certificate of Occupancy. One such item is the installation of the "call-for-aids", which Salce Contracting has refused to install. Ret. Battalion Chief Healey obtained an estimate from Harborview Electric for installation of the call-for-aids of \$725, which is a substantially lower estimate than was previously obtained. Ret. Battalion Chief noted this estimate has to be reviewed against the prevailing wage because it's a State project. He recommended the Committee approve payment to Harborview Electric for the installation in an amount not to exceed \$1,000.

Committee Members Brennan and Bevan made and seconded a motion to approve Harborview Electric for the installation of the call-for-aids in an amount not to exceed \$1,000. Motion carried unanimously.

Committee Member Bevan noted the Committee is now taking things upon themselves to fix mistakes or items not completed by the contractor. Chairman Healy added completing these items is essential to move the project along and ultimately obtain a Permanent Certificate of Occupancy. Attorney Donofrio said the Building Inspector has identified this specific item (call-for-aids) as the holdup of the Certificate of Occupancy.

Ret. Battalion Chief Healey presented invoices from IES/Rick Bialecki. The first invoice was billed on May 9th regarding review of the water heater design. The invoice total is \$550. He noted this work is over and above the building commissioning work.

The second invoice refers to the initial contract requirements. To-date, 95 percent of the contract has been billed and paid. Ret. Battalion Chief Healey noted Mr. Bialecki still owes the Committee a final walkthrough of the building after the as-builts have been obtained. The final invoice of the contract is \$350.

The third and final invoice from IES/Rick Bialecki refers to extra correspondence due to the project

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closeouts, totaling \$440.

Committee Member Bevan inquired if the three invoices stated will complete the Committee's financial obligation to IES; Ret. Battalion Chief Healey said there may be additional services required by IES as the as-builts come in. Chairman Healy added IES is unable to give a final commissioning report due to the fact the as-builts have not yet been acquired. Ret. Battalion Chief Healey reminded the Committee that the building commissioning, when first discussed by the Committee, was estimated to cost \$15,000; as yet, IES has charged less than \$10,000.

Committee Members Bevan and Jansen made and seconded a motion to pay the three invoices to IES and Mr. Rick Bialecki totaling \$1,355.40. Motion carried unanimously.

Ret. Battalion Chief Healey explained the recurring problem with the fire alarm system. He said Salce Contracting was notified of the issue; Salce Contracting then contacted Fire Tech, who came out and fixed the alarm issue. The invoice from Fire Tech states a "ground fault", whereas Salce Contracting is claiming the issue was related to power surge. Fire Tech, upon inquiry, stated the ground fault most likely means a broken wire in the system. Ret. Battalion Chief Healey said Salce Contracting is now trying to pass the invoice onto the Committee as a service call, when it should be classified as warranty work, due to the fact that Salce Contracting's subcontractor was the installer of the alarm system wiring. Ret. Battalion Chief Healey recommended the Committee reject payment of the Fire Tech invoice.

Committee Member Brennan made a motion to pay the invoice to Fire Tech in the amount of \$468, reserving the right to backcharge Salce Contracting.

Chairman Healy agreed in the interest of good will, it is a smart idea to pay Fire Tech directly. Attorney Donofrio agreed that paying Fire Tech directly is a good idea at this time.

Committee Member Bevan seconded the motion. Motion carried unanimously.

Committee Member Brennan noted that an answer regarding the faulty hot water in the building has not been received. Chairman Healy said that Salce Contracting ran a test on the plumbing with a member of the Department present. He added that CES issued a memo in the past stating specifically what needs to be fixed, and those fixes have not been done to the specifications CES articulated in that report. At one point, it seemed Mr. Machado was in concert with Salce Contracting regarding the lack of need for the fixes, but the Chairman stated the Committee would not be satisfied until CES approves and guarantees the fixes.

Chairman Healy informed the Committee that the Building Inspector does want access points in the building to be addressed and added. He noted that no access points were included in the building design, which is a violation of code. Salce Contracting will not provide these access points as they were not included in the original plans. DeCarlo & Doll has provided an SK drawing for some areas, including a platform for the ceiling above the men's room; the Chairman

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said he will have further discussions with DeCarlo & Doll about that specific issue. He added all access points must be code-compliant. An early estimate to add a platform above the men's room ceiling is \$5,000. The Chairman said it is difficult to pinpoint exactly how much work remains regarding the access points because the as-builts still have not been provided.

4. **Final Payment Application**

The payment application was not submitted by Salce Contracting and it cannot be acted on until the contractor meets the requirements for a Certificate of Occupancy.

5. **Invoice Secretarial Fee**

Committee Members Bevan and Brennan made and seconded a motion to pay the invoice in the amount of \$50 to Recording Secretary Colleen Birney from account 0040-4320-5527-4168-0000 (secretary). Motion carried unanimously.

6. **Adjournment**

Committee Members Bevan and Corvino made and seconded a motion to adjourn at 2002 hours. Motion carried unanimously.

Recorded by C. Birney