

East Side Fire Station Building Committee Regular Meeting

East Side Fire Station

980 New Haven Avenue, Milford, CT

Wednesday, February 20, 2013

Call to Order: Chairman Healy called the meeting to order at 1814 hours. A quorum was present.

1. **Roll Call**

Committee Members John Healy, William Brennan, Carmen Corvino, Alderman Phil Vetro, and Jack Jansen. Also present was Ret. Battalion Chief William Healey; from DeCarlo & Doll, Inc., Emanuel Machado.

2. **Consideration of Minutes**

Regular Meeting - January 29, 2013

Committee Members Corvino and Vetro made and seconded a motion to accept the minutes of the January 29, 2013, regular meeting as presented. Motion carried unanimously.

Committee Member Jansen abstained from voting as he was not present at the last meeting.

3. **Report of Chairman**

Chairman Healy reported the East Side Fire Station should be in operation on the 21st. He noted it is imperative the project get a permanent Certificate of Occupancy as soon as possible.

The Chairman said Salce Contracting has until April 4, 2013, to complete the punch list items, which is 45 days from February 18, 2013, which is when the Substantial Completion certificate was signed by Mike Vitello, president of Salce Contracting. Chairman Healy said he consulted with Attorney Donofrio, who indicated a final punch list should be compiled and submitted to Salce Contracting by the architect (DeCarlo & Doll). Ret. Battalion Chief Healey will submit the final punch list to the architect on February 25th.

Chairman Healy reported there are several issues pending. He explained there are pending Proposed Change Orders, such as access points to plumbing and mechanical systems. The Chairman informed the Committee that Mr. Machado obtained an estimate of about \$5,000 to install the required access panels. Mr. Machado said when he acquired the estimate, he asked for specifics using the top-of-the-line materials. He said the materials aspect of it may be revisited at the time the installation is done. Committee Member Brennan commented the as-builts still need to be acquired for the building's plumbing. Committee Member Vetro inquired if there are any points of access currently. Mr. Machado explained there are some, but the access is not in as many points as code requires. Chairman Healy said the final commissioning report is being held up by the lack of as-builts for the plumbing. He added that the as-builts have been requested several times.

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Mr. Machado explained that Salce Contracting was approached to perform the access panel work as suggested by Attorney Donofrio. Mr. Machado said Salce Contracting did not immediately respond to the opportunity, then informed DeCarlo & Doll they would not be performing the work. The Chairman added some access panels have been installed in the building. Committee Member Jansen inquired if access panels were incorporated and noted in the building's design; Mr. Machado said they were and some were in fact installed by Salce Contracting. The Chairman commented this is an example of what needs to be discussed and resolved with counsel to determine who is responsible and who owns the work.

Committee Member Vetro said counsel and the contractor should have an agreement on the items to be completed in order to avoid litigation. Chairman Healy said Attorney Donofrio is out of state until February 25th and upon his return, they will sit down to discuss a finite list of items that will require the attorney's assistance. He added the punch list is a good starting point. The Chairman said the Committee will release 2.5 percent of the retainage and will hold 2.5 percent of the retainage to protect the City and assure the resolution of all issues. Committee Member Vetro commented the contractor's interpretation of the finished project might differ from the owner's interpretation.

Chairman Healy explained the LG units need an investigation into their installation. Mr. Machado has contacted the representative for LG and has also downloaded the instructions for correct installation. He added currently there is an icing situation on the sidewalk by the generator and poses a potential hazard. He said there have been discussions to resolve this issue, and a rubberized electric mat to immediately mitigate the situation might be purchased. Mr. Machado feels maybe a connection during install was missed; if that is the case, the responsibility to correct the installation would rest with Salce Contracting.

Chairman Healy reported the call-for-aid pulls in the restrooms need to be installed as soon as possible in order to obtain the permanent Certificate of Occupancy. Attorney Donofrio will need to determine who owns that work. The Committee and the architect are of the opinion the worked is the responsibility of Salce Contracting.

The Chairman informed the Committee the house lights installation is now the subject of Proposed Change Order #59. He reminded the Committee a Directive was issued regarding this part of the project and it was not to exceed \$16,000. He said in the PCO, Salce Contracting requests \$19,774. He added that the submitted backup information need to be carefully scrutinized as all receipts for materials are generated from Salce Contracting's subcontractor. The Chairman said he has asked CES to determine what they think this work is worth.

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Chairman Healy said he is in receipt of a letter from IES regarding the recent power failure during a weather event. The power failure was the result of a tree limb falling onto a power line on the property of the station. The Chairman said the cause of this event needs to be investigated. He added IES submitted an invoice for their report for \$900. *(Please see attached report from Innovative Engineering Services)* Chairman Healy also reported he was sent a report regarding the power failure from Huntington Power. He noted the report is substantially similar to the report from IES. Huntington Power has made the requisite repairs to the generator and have yet to bill the Committee. *(Please see attached report from Huntington Power)*

Chairman Healy said he has asked Mr. Machado to ask CES the cost to modify their design to include the suggested TVSSs in the reports from both IES and Huntington Power. He noted that CES said the system was designed according to code. Committee Member Jansen commented code requirements might not include performance requirements. Chairman Healy said it will be more efficient if CES prepares an estimate for the work of incorporating the TVSSs into the current system as they were the company who designed the system. He added that IES maintains the position that the TVSSs will help the situation. Committee Member Vetro said it seems the TVSSs are for power surges and spikes only and won't work for a regular power outage. Committee Member Brennan said UI will not pay for any damage to equipment due to a power surge or spike. He said the equipment is covered by the City insurance, but there is a \$50,000 deductible. Chairman Healy said this power outage occurred prior to Substantial Completion being signed off on. Mr. Machado added Salce Contracting (Mike Vitello) refused to sign the Substantial Completion certificate on January 24th, but did after he unilaterally changed one of the terms of the certificate.

Mr. Machado repeated that both IES and Huntington Power do not guarantee installing TVSSs into the system will remove any possibility of this kind of event happening again. The Chairman stated he believes it is prudent to acquire an estimate from CES for the TVSS installation, as the damage to the generator totaled about \$7,000. He quoted the report from IES that the TVSS system is not guaranteed protection against surges but will limit the event in the future. Committee Member Jansen inquired if CES has done an investigation; the Chairman said they have not. Committee Member Vetro inquired who installed the system; the Chairman said Huntington Power hooked up the generator.

Mr. Machado said the key question is if the TVSS install is not the way to go, could something be wired differently to avoid this problem in the future. Chairman Healy said Mr. Bialecki of IES is trying to get more information from the utility company. He explained the parts are from Generac, and they are trying to work through Generac to get this resolved. Committee Member

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Jansen inquired if anyone has talked to a representative from Generac to see what is recommended by them. The Chairman says they do not have a recommendation from Generac.

The Chairman maintained the point that the TVSSs could give some protection against further damage to equipment; there is no guarantee, but will serve as insurance against certain probabilities. He said he would like CES to take a look and give their recommendation and cost estimates. He said the system is already designed to code. He added that IES and Huntington Power might have further discussions about the issue. He said he thinks it is worth it to get input from CES.

Chairman Healy reported Acting Chief Healey has requested approval from the Committee on a hose testing machine and an EMS machine that logs usage electronically. The Chairman said he is not opposed to the Department acquiring needed equipment for the station, but he suggested the Committee table approving such items until other issues are resolved. Committee Member Vetro said this might be exceeding what the Committee is here to do. Committee Member Brennan explained the EMS machine will be part of the billing process that will be implemented in the future by the Department. Chairman Healy said the equipment is part of what makes the building whole. He said the hose testing machine is quoted at \$2,550, and the EMS machine(s) have quotes of \$8,300 and \$3,500, respectively. Committee Member Vetro said he is not debating the need of such equipment, but the Committee was given a budget that was based on the needs of the Department. The Chairman said the project is still within budget. He said he mentioned the requests because he believes it will be good for the Department to have said equipment. He added once the other issues are resolved, the Committee can return to this request and better assess the need of the Department.

Committee Member Jansen inquired why the Committee released the 2.5 percent of the retainage if not completely satisfied with the contractor. Chairman Healy said the release of the 2.5 percent is contractual and 2.5 percent is still being withheld. Mr. Machado said the amount in the retainage that is withheld is favorable to the project. He said usually the amount withheld is usually determined by the architect as to how much would be enough to complete the punch list items. Chairman Healy noted that the contractor is usually responsible for compiling the punch list.

Committee Members Corvino and Vetro made and seconded a motion to have the City Attorney take the appropriate action to recover financial losses due to the failure of any contracted entity with the City that has failed to properly complete their work as required by contract agreement. Motion carried unanimously.

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Committee Members Brennan and Vetro made and seconded a motion that the Committee recommend the City Attorney seek liquidated damages from Salce Contracting for the failure to complete this project within the contracted timeframe. Motion carried unanimously.

Chairman Healy handed PCO #59 to Ret. Battalion Chief Healey to retain in the project records.

4. Architect Report

Mr. Machado reported he had suggested to Salce Contracting that the Directive and payment application be processed separately; Salce Contracting asked for the items to be processed together. Mr. Machado said he did a quick analysis of the payment application. The Committee has contractually 45 days from the date of submission of the payment application in which to pay. The payment application was submitted on February 7th. Mr. Machado suggested seeking Attorney Donofrio's opinion prior to processing the payment application.

Chairman Healy said this would be the first time there has been any delay in processing payment applications. He said the Committee has always acted in a timely fashion and have had meetings specifically to accommodate payment applications.

Mr. Machado said it would be prudent to have Attorney Donofrio review the payment application and give his opinion. He noted that Attorney Donofrio should also be aware that Salce Contracting changed some of the verbiage on the Substantial Completion certificate. Committee Member Vetro inquired who composed the Substantial Completion document; Mr. Machado said it was written by DeCarlo & Doll and was changed by Salce Contracting.

Mr. Machado reported he submitted the PCO status report to Salce Contracting previously. He noted Attorney Donofrio was consulted on this issue. Salce Contracting has not responded to the PCO status report to-date.

Mr. Machado said regarding the Directive, usually the contractor does not sign off on it. He said in this instance, Salce Contracting demanded to sign it. The Directive specifically states the work is not to exceed \$16,000, and a \$19,000-plus PCO was submitted after. Committee Member Brennan said Salce Contracting is claiming the supervision required for the Directive work is what pushed the invoice higher. Mr. Machado said it is claimed that two men worked 17-hour days in order to get the work completed on the house lights.

Chairman Healy said he has asked CES to quantify the cost of the work performed under the Directive. Mr. Machado said CES probably won't quantify the cost because they will consider it contract work. The Chairman said he hopes they will as it would bode well for them. He added that Attorney Donofrio will clarify who owns the work related to the house lights, and CES ought to be willing to tell the Committee what that work is worth.

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Chairman Healy said Attorney Donofrio needed to investigate further who is responsible for the house lights work. Committee Member Vetro asked why Attorney Donofrio wasn't sure where the responsibility lies; the Chairman said although it appears black and white to the Committee, Salce Contracting maintains the position that the house lights work was not on the original schedule and plans. He added the Directive was not the attorney's final word on the subject. The Chairman noted that Salce Contracting submitted a 33-page PCO for the house lights work. He reiterated that he feels CES should be able to quantify the work and feels they have an obligation to do so.

Mr. Machado stated that Attorney Donofrio didn't like the language in the bulletin to CES and originally CES had refused to issue the bulletin because they consider it contract work. He added that sketches were submitted as a means and methods to help Salce Contracting with the work, but Salce Contracting was not required to follow the sketches. Salce Contracting then claimed the work was not specified on the sketches. Mr. Machado stressed the work itself never changed, just the type of relay switch used.

Mr. Machado said he is working on compiling a final punch list with Ret. Battalion Chief Healey. He showed the Committee the punch list document he has composed to aid Salce Contracting. The punch list needs to be completed by April 4th. Each item will be initialed as it is completed. He said if any item is not completed by the determined time, there is a separate column for the item's value.

Mr. Machado stated this meeting was supposed to be his last meeting with the Committee. He said he will look to the Committee to see how he should proceed. He added if his services are required in the future as support to Attorney Donofrio, the Committee will be billed for his time. Chairman Healy said there is a pending invoice from DeCarlo & Doll that he suggests holding back approval on until he consults with Attorney Donofrio. He said he does foresee needing the services of Mr. Machado.

5. Financial Report

Ret. Battalion Chief Healey reported the UI electric bill that had been outstanding was paid, according to Salce Contracting, along with the gas bill. He added the water bill was just received by the Department and will be forwarded to Salce Contracting.

Ret. Battalion Chief Healey said the final Altera bill for the station phones is received and is considered an allowance so will be forwarded to Salce Contracting.

Ret. Battalion Chief Healey reported the Zetron system was completed earlier in the day. The computer system will be completed on the 21st. He said the firefighters have begun moving in

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and will sleep in the station for the first time on the 21st. The kitchen equipment arrived earlier in the day as well.

Committee Member Jansen inquired how many firefighters are stationed at the East Side Fire Station; Ret. Battalion Chief Healey said 24 total, with 6 on-duty at all times. He said Engines 5 and 6 will be operating out of the new station. He commented the firefighters are excited to move in. Station 5 is officially closed as of earlier in the day and will be decommissioned over the next couple of weeks.

Chairman Healy stated Acting Chief Healey could not make it to the Committee meeting because he is attending the Milford Finance meeting. He will be told the Committee will take up the hose testing and EMS machines at a later date.

Ret. Battalion Chief Healey passed out to the Committee an updated finance spreadsheet. He said as of February 19, 2013, the project is \$120,816 under budget with \$84,356 remaining in the retainage.

Ret. Battalion Chief Healey presented an invoice from Altera telephone regarding the mounting of the telephones totaling \$579.50. He explained the plates needed to mount the telephones should have been provided. He explained because this is an allowance, \$368.28 will be backcharged to Salce Contracting. Chairman Healy said a written explanation will need to be provided to Attorney Donofrio on this matter.

Ret. Battalion Chief Healey presented an invoice for three UPS (battery back-ups) for computer systems in the station totaling \$890.40.

Committee Members Corvino and Jansen made and seconded a motion to approve and pay the invoice for the three UPS for computer stations in the amount of \$890.40. Motion carried unanimously.

Ret. Battalion Chief Healey explained there is a port switch system in place at the station. He said it is prudent for the station to have a backup if this system fails. He has obtained an estimate of \$1,589, but suggests tabling this item until a future date. Chairman Healy noted this seems like a practical expense, and it is good to have an estimate.

Committee Members Corvino and Vetro made and seconded a motion to transfer \$300 from the construction account to the secretarial account. Motion carried unanimously.

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Committee Members Vetro and Jansen 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.

Committee Members Vetro and Jansen made and seconded a motion to transfer \$3,100 from the construction account to the construction administration account. Motion carried unanimously.

Ret. Battalion Chief Healey presented an invoice from DeCarlo & Doll, Inc., regarding professional services rendered by Mr. Machado from December 23, 2012, to January 25, 2013, totaling \$6, 842.50. He said this will be put on hold per the Chairman's recommendation.

Ret. Battalion Chief Healey said the training room equipment was installed last week.

Ret. Battalion Chief Healey presented an invoice from IES for additional work not including the transfer switch investigation. The invoice totals \$706.20.

Committee Members Brennan and Corvino made and seconded a motion to approve and pay the invoice to IES in the amount of \$706.20. Motion carried unanimously.

6. **Committee Reports: Dedication Ceremony**

No report.

7. **New Business**

None.

8. **Adjournment**

Committee Members Vetro and Jansen made and seconded a motion to adjourn at 2017 hours. Motion carried unanimously.

Recorded by C. Birney