ATHLETIC COMPLEX BUILDING COMMITTEE MEETING

WEDNESDAY, OCTOBER 3, 2018 – 6:30 p.m.

DERBY CITY HALL – JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Keith A. McLiverty called the regular meeting to order at 6:30 p.m. All rose and pledged allegiance to the flag.

Roll Call
Present: Keith A. McLiverty, Tom Abel, John Netto, Paul Mengold, James Benanto, Rob Hyder, Dennis O'Connell (arrived at 6:35 p.m.), Kenneth Marcucio, Sr. (arrived at 6:45 p.m.)

Absent: Ron Sill (Excused), Ken Hughes, Andy Mancini, Chantal Gerckens, Peter M. Olenoski, Jr., Anthony DeFala, Sr.

Also: Dr. Matthew Conway, Superintendent of Schools,
Luke McCoy, Kaestle Boos Architects (KBA)
Eric Roise, Kaestle Boos Architects (KBA)
Ed Arum, Arum & Associates
Dennis Turco, President, Turco Golf, Inc.
Vincent Marino, Corporation Counsel (arrived at 6:57 p.m.)

Mr. McLiverty said the Aldermen have in sub-committee the discussion of reducing the committee by two, for people who don't attend and that would make it easier for us to get a quorum. It will be voted on at the full Board of Aldermen meeting on October 11th.

PUBLIC PORTION
Mr. McLiverty said considering that we have a number of residents present this evening even if you're not going to speak during the public portion he would ask that you do stand and give us your name and address so we can have it for the record and it would also help us capture everyone who has been involved or impacted. ***(Please note recording secretary tried to type comments as verbatim. Due to noise in room some comments came directly from recording secretary's notes.)***

Joanne Welsh, 40 E. Street, Derby, CT
Did not address the committee

John & Jeanine Netto, 141 Park Avenue, Derby, CT
Mrs. Netto said last Tuesday during the storm her house received significant damage (very upset, began to cry.)

Mr. Netto said last Tuesday during the storm his house received significant damage to the basement. An influx of muddy water from the top of the field up the street. Water

came through neighbors' yards and from everywhere I'm at the bottom of the hill and it all came into my basement – two to three inches of water had to be cleaned out. That's obviously a story for lawyers and insurance companies. My biggest concern is where do I go from here? Am I going to live the rest of my life in fear that my house is going to get washed away with whatever your companies are doing up there. Thank you.

Mrs. Netto said she would just like to add that it was a brand new finished basement that we didn't even have time to have furniture. We worked many years to save to do what we did to our home and it was just destroyed in a matter of minutes.

Mr. Netto said every company that we have brought in is concerned that it is contaminated soil that came down.

John & Michelle DiCapua, 336 Hawthorne Avenue, Derby, CT

Mr. DiCapua said last Tuesday I also had significant damage. There is now a cracked foundation from the top to the bottom.

Mrs. DiCapua said there was muddy water just flooding down our driveway, our walkways. It was also shooting out of the sewers - I have videos of it shooting out because nothing was put down properly. My neighbors' yard flooded, all of Talmadge flooded. There was nowhere for the muddy water to go because they did not take proper care of it. Because of the way it rushed down and hit my house my foundation is cracked. Every day I have to go down there and take care of the mold that is growing, try to clean out the filthy muddy dirt that is coming through and be worried about every time it rains more water and everything getting through. I do not appreciate what happened because of what they are doing. Mrs. DiCapua said she didn't like it the next morning when she was walking her dog and all you hear is each company that's up there blaming each other and not wanting to take responsibility for it.

Mr. DiCapua said they still have mud all over. He said they cleaned the inside of the house we lost (inaudible) and all kinds of furniture. It's just a terrible, terrible mess. He said their main concern is the crack that is in the foundation.

Mrs. DiCapua said there have been plenty of rainstorms when water has come down but never has there been as much mud as there was.

Mr. DiCapua said they've never had a drop of water in the house in the ten years that they've lived there.

Fred Smith, E Street (bottom of E Street and Grove), Derby, CT

Mr. Smith said when he got home there was sixteen inches of water and mud in the basement. He went outside and was shoveling mud off of the catch basin in front of his house. Mr. Smith said in front of his garage there is a drain and there was about six to eight inches of mud on that. So the water and mud came in the garage, came in the backdoor and in the basement. He said it smells like a swamp.

David Cobaugh, (representing his mother-in-law Mrs. McEvoy) 60 E Street, Derby, CT
Mr. Cobaugh said between these two houses there's probably about ten yards of mud. He said it covered all the catch basins that are supposed to catch all of the storm water. He said everything was covered over with silt. Giant boulders came out of the woods. Mr. Cobaugh said it has washed down and undermined the above ground pool, which is now terribly dented and ruined. He said there are about six to seven yards of stone and about ten yards of silt all over the backyard.

John Fitzgerald, 50, 52, 54-56 E Street, Derby, CT
Mr. Fitzgerald said he has the same system of catch basins that run along the property. The issue that happened up there, and we were all there that night, mud was coming down and the catch basins by Rita McEvoy's pool the silt filled up the catch basins, which then caused all of them to overrun. He said behind 50 E Street it filled up the window wells with water. There was stone everywhere – under my deck and it wiped out my driveway. Mr. Fitzgerald said the Moore family at 48 E Street (3 family house) all the silt and stone from his deck washed out into their yard. He said he has already cleaned their yard. The silt fence that was put up at the end of McEvoy Place – 1 row of silt fence for a four acre site, which is totally unacceptable. (It should be noted that Mr. Fitzgerald is a builder.) The silt fence was completely flat. There were no contractors; there was no one to monitor the site during the monster rainstorm that everyone knew was coming. He said they could have controlled the water and they didn't. Mr. Fitzgerald said the following day they saw them put up a silt fence backfilled with hay bales and then there should be another row below there. As any contractor knows you're supposed to catch water, hold it, and then release it slowly to another row of silt fence. He said you can have the contractor's up on the left part blame the contractor's on the right but the lowest man on the job should be able to control all the water as the upper contractor release their water (inaudible) catch basins with silt bags in it or there's workers out there monitoring, like we were, our catch basins. Water coming down is all fine and good; however water coming down with silt in it silt scours everything and blocks catch basins. Mr. Fitzgerald said Mr. Conway came up the next day and insisted all of us take pictures and he took a list of everything and we appreciate his efforts. He said we've already been in contact with an adjustor and Mr. Conway provided us with a number so that we can all file claims. Then last night's rainstorm and you've got the same silt fence, with silt behind it, and now you see the scouring about 8:00 p.m. last night and its undermining McEvoy Place. Brown water is coming out last night – one week later. He said we were out there behind each house and each house has their own catch basin with it up to our knees. There was about a two foot strong pool of water – I've never seen anything like it – because we could not defeat the silt coming from the job site. Once again we all appreciate that you're hearing us but is there going to be one claim? Is the City going to handle it for us? We all have this finger pointing going back and forth and we were told to call our homeowner's insurance but we all know it doesn't cover a flood. We've got claims and we're trying to mitigate that and we're just trying to get paid back for what was done to the properties. We've left silt and debris there for someone to see it but at some point people have to clean up their basements so they don't have the smell. I've started cleaning and have taken pictures but I would appreciate knowing if there's going to be one big game plan to satisfy the people on this side of the street. I can go

on forever about this but anyone can drive up the street and see that there wasn't proper protection for a site that big.

There were several homeowners speaking at once who stated that the workers were on site all day, in fact they were even blasting that day, with the neighbors indicating they feel that contributed to all the stone, mud, etc... that came into their yards.

Mr. Fitzgerald said proper silt fence protection is holding. He said he's sure there's a basin on site that holds the water but there should be a machine on the site and when you see the water rising up you should place down some hale bales to protect city property – get some laborers out there – get some bobcats out there. This is a monstrous site on top of a hill. There should be containment on each individual site. Last night there's rain again and brown water flowing and again there is no one on site. There just seems like there's a lack of respect for the people down below. The whole situation is absolutely unnecessary. Mr. Fitzgerald said with the amount of equipment and laborers on site they can be assigned to a nighttime storm and he believes the erosion control on your plans requires that.

Rob Ardito, 19-21 Grove Street, Derby, CT
Mr. Ardito said the reason he is here today is because he's fortunate he dodged a bullet although he did have a river going through the side of his property which left a lot of debris. He said the main reason why he is here this evening is because this will happen again. Common sense dictates that this will happen again and the next time it could be me that has his basement filled. Mr. Ardito said he's hoping this committee can do something to prevent this from happening again. I think we can all agree that looking at this massive muddy hill it's not going to stop. Regarding the insurance companies we all know that they're going to be pointing the finger at each other. Some of these people have serious damage – who is going to take care of them? He said maybe there needs to be a blanket policy that's going to cover everyone.

Genevieve Wilson, 325 Hawthorne Avenue, Derby, CT
Ms. Wilson said she has lived in her home for twenty years and her basement has never been wet. She said it's obvious looking at the site that someone dropped the ball big time. I'm very fortunate – I live right at the corner. I'm very fortunate that my house wasn't taken out. What's going to happen next? These people they're lucky they didn't die. The company who is responsible should be ashamed of themselves.

Tom McEvoy, 326-328 Hawthorne Avenue, Derby, CT
Mr. McEvoy said he was fortunate to be there and try to defer water away from the house – just got a little water in the house. He said I have damage to both sides of the house – the sidewalks and the driveway are all washed out.

Joanne Liquigli, 13 Chatfield Street, Derby, CT
Ms. Liquigli said she is right next to the football field and I had over a foot of water in my garage and basement. The sensors in the garage doors are blown out and the tractor was underwater. Ms. Liquigli said she has pictures and video footage of how the water runs from the football field into her front yard. She has been there for nine years and has never encountered anything like this and she is catching it all. It smells and looks

like there could be gasoline mixed in with all of this. Ms. Liquigli said when she came home from work she couldn't even describe the smell – it was outrageous. She informed the committee that she has exotic animals, dogs, all kinds of animals. She opened up all the windows in her house and put fans on trying to get the smell out. The basement is horrendous and she has upper respiratory problems. On the top of the water you can see a film and it smells like gas or oil – she isn't sure which one it is. The smell is still in her home.

Mr. McLiverty asked if her home is to the right of the ticket booth. Ms. Liquigli said yes it is.

The neighbors said the smell is still there today. The sun was out today and now it's a week and a day later and there's still mud. They were in agreement that there is a smell – oil or gas – and it's not going away and the mud has stained everything. It's not drying up. There is a very weird consistency to it.

Mr. McLiverty asked if anyone else wished to address the committee. Hearing no requests...

A MOTION was made by Mr. Hyder with a second by Mr. Netto to close the Public Portion. ***Motion carried.***

FIELD UPDATE – DISCUSSION/POSSIBLE ACTION – Luke McCoy, Kaestle Boos Associates

Mr. McCoy said there have been three rain events. The first was minor, which affected the Derby Neck Library driveway, which Derby Public Works responded to, cleaned up and the contractor was notified. The second one was last week. He said we've had a series of reviews on both sites and have field reports from both sets of engineers and letters from both contractors stating their opinion of what is there. Mr. McCoy said Dr. Conway was provided with the insurance information from the contractors. He said there was also washout from last night's rain event. Mr. McCoy said the contractors' have been made aware of each of these and ramifications need to be changed. The process by which they're mitigating the water on-site because the on-site field drainage is not in yet. Mr. McCoy said obviously the method and the way that it was set up between the projects for mitigating that rain storm and as was mentioned going on site to manage it the erosion continued off of the site.

Mr. McLiverty said when you say the contractor was made aware of it – which one?

Mr. McCoy said the contractor for the project is Turco Golf and contractor for the Payden Field House they were also made aware. They were not made aware of the first one because it was from this project – the one that I mentioned that affected the Library driveway – they have now been made aware just so they are on record for the last (inaudible.)

Mr. McLiverty asked what is Turco's position on responsibility. My understanding is they were going to send out an adjuster and then they quaffed – they did not. Where are we on that? Obviously they're not sending out an adjuster and they're not acknowledging the claim. So where are we on that?

Mr. McCoy said Dennis Turco is here tonight and I would like to turn it over to him to answer that directly.

Mr. Turco said his insurance company was out there on Monday to do a site inspection. Mr. McLiverty said they did a site inspection of our (City) property. Did they get any claims yet from any homeowners and did they visit any of the homeowners. Mr. Turco spoke to David. David said they were sending an independent person out to look at the site. Mr. McLiverty said where are we at? They did not go to the homes. Mr. Turco said the first time I heard about it was today at the meeting. Mr. McLiverty asked Mr. Turco his position regarding the lack of prevention that was done by your company. Where are we on that and what controls are in place to prevent water and silt from going off site? Mr. Turco said they are doing their best without any field drainage. Mr. McLiverty said when the storm came and all these houses got flooded it appears that there weren't adequate controls in place. Mr. Turco said they followed the Erosion Control Plan, noting that it's hard to control water. Mr. McLiverty asked Mr. Turco about the condition of the water and mud? It appears to have an odor and there is a glossy sheen. He asked Mr. Turco if he could perhaps go look at the houses. Mr. Turco said sure - he'll call the insurance tomorrow and we'll do our best to help. Mr. McLiverty asked about a timeline – it's your insurance company and you pay the premium. Mr. Turco said it's in their hands. Mr. McLiverty said these people's lives are disrupted. If there's oil and contaminates there it might behoove you to get the insurance company out there sooner rather than later because liability only goes up. Mr. Turco said there are no contaminates on site. Mr. McLiverty said somewhere it got – and when I say oil or gasoline – someone has to go out there and look at it. They've got to clean this stuff up and I don't want to hear that it's not there so it didn't exist – that's what I'm getting at.

Mr. McLiverty called on Mr. Netto. Mr. Netto asked Mr. Turco if he just said it's hard to contain with no drainage in place. Mr. Turco said we're working on it. There were several people asking what is that timeframe? One neighbor said the next day they worked until 7:00 p.m. Mr. McLiverty asked Mr. Turco when he plans on calling the insurance company. Mr. Turco said he phoned him after the meeting held this afternoon. Mr. McLiverty asked Mr. Turco to contact Ms. Finn when he hears from them tomorrow. He said we would like a schedule as to when they will visit each home - it needs to be done this week.

Mr. Netto said an adjustor had called (Skip Blair) but he said he was hiring an independent adjustor that was in the area named "Ray." Mr. Turco asked Mr. Netto who he is speaking to. Mr. Netto told Mr. Turco that his (Turco's) true adjustor is Skip but he doesn't live in Connecticut. He said he was going to hire a guy who personally knew one of the owner's (inaudible) named Ray to come out and get in contact with us but they balked on it. Mr. Netto asked Mr. Turco which adjustor he is speaking to. He asked Mr. Turco if he had his name. Mr. Turco said no. Mr. Netto commented to Mr. Turco that you're responsible for the water on the site and all of the safety of the people underneath you and you don't even know the name of your adjustor. Mr. Turco said that he has people in his office that handles that.

Mr. McLiverty asked Mr. Turco if he at least recognizes that we have a serious problem or is that not where we're at yet. Mr. Turco said they did exactly what the specs called for. Mr. McLiverty said he's going to try this again – do you recognize that it's a severe problem that homes have water and silt – I know it's a big site – you know there's no drainage but when we did the specs for the job you knew that. Can you at least give me a little emotion that it's a severe problem? Mr. Turco said he knows. Mr. McLiverty said alright – I've asked three times and I haven't gotten an answer from you. Mr. Turco said it's a large site and the drainage is not installed yet. We have to get the drainage installed and we have to talk to the engineers about that. He said it's not like we're not doing anything. We have our insurance company out there – it's in their hands. Mr. Turco said he can't tell them to do something they have to first do an investigation. Mr. Netto asked if they're going to manage the water coming off the site. Mr. Turco said they have doubled the silt fence, installed hay bales and on the lower property where they cleared trees they have created a big berm with a standup pipe going to the catch basin to collect water. He said he doesn't want to point fingers at the other contractors working on the site but noted that he is at the bottom and water runs downhill. All the neighbors collectively stated that they're the ones at the bottom of the hill.

Mr. Abel asked if Turco acknowledge that they're responsible for it or are you saying you're not responsible for it. Mr. Turco said that's up to his insurance company. Mr. Abel asked Mr. Turco if he's waiting for the report. Mr. Turco said he has insurance and his insurance company is the one who will make that call. Mr. Abel said he is not hearing that Turco is claiming responsibility for this. Mr. McLiverty asked Mr. Turco when he expects to hear back from the insurance company. Mr. Turco said he would contact them tomorrow. Mr. McLiverty stressed that the people can't continue to live in these conditions so the insurance company needs to get out there before they begin to clean up. He would also like to know what controls are in place to prevent this from happening with the next rain storm noting that although some changes were made the rain still got down the hill the other night. Mr. Turco said he would pose that question to the architects.

Mr. McCoy said this was discussed on site today at the contractors' meeting and Mr. Turco was told that it was his responsibility as the site contractor to mitigate the water. He said it's in the plans and it specifically says that you need to address and put in temporary diversions. Mr. Turco said they put up diversions to catch the water to keep it on our site; however the rain came down so hard and there's not one drain basin on that field. Mr. McCoy said they are working with all the engineers on both projects and there are a lot of consultants receiving reports on the storm water. The insurance companies for the other two contractors on the site have also been notified. Mr. McCoy said they are working with Dr. Conway to compile all the information. He also said that erosion control methods were reviewed with Turco Golf and they will be working on temporary drainage.

Mr. McLiverty confirmed with Dr. Conway that the City's insurance company has been advised of this matter. Dr. Conway said they have been. He said he is going to be providing insurance information for the City's carrier as well as the contractors carriers. Dr. Conway said the City is working on a claim form for the homeowners to complete

and once they have the full package together he will distribute that information stating that they want to make the process as simple as possible.

There was a discussion as to when Turco's insurance company will be on site. Mr. Mengold said he feels Mr. Turco needs to stress the importance of the matter to his insurance company and have them on site tomorrow. Mr. McLiverty said the liability is huge and only gets worse as the days gone on. He said to Mr. Turco that saying "I'm sorry" goes a long way, ownership and accountability is demonstrated with vigor to get it resolved and then there's liability. Mr. McLiverty said he feels that Mr. Turco needs to step it up in his response. Mr. Turco offered his apologies.

Mr. McLiverty told Mr. Turco that his insurance company really needs to get on this. He asked Mr. Turco to call his insurance company in the morning and contact Patty Finn to get her the information. Mr. Turco said he would.

Mr. McLiverty asked the committee members if there were any questions. Mr. Netto asked Mr. Turco if he's waiting for someone else to give him an idea as how to stop the erosion. Mr. Turco said they're building berms and trying to contain the water until the drain is in place. Mr. McLiverty asked Mr. McCoy if he is overseeing this. Mr. McCoy said they're going to start overlooking it and asked to further discuss this in executive session. Mr. Hyder asked Mr. Turco how many laborers were working last Wednesday. Mr. Turco said there were four. Mr. Hyder asked how many laborers were on site prior to the rain storm. Mr. Turco said four to five. He said once they get cranked up there will probably be eight to twelve. Mr. Hyder said this situation doesn't give you a sense of urgency that you need to crank this up? Mr. Turco said things are out of my control and said we can talk about it later – Luke can talk about it. Mr. McCoy said he knows where Mr. Turco is trying to go with this and said we had this conversation at the site. Mr. Turco said do you want me to explain this to everyone. Mr. McLiverty said let's not start hiding s**t now. Mr. McCoy said to Mr. Turco when you asked for the Change Order to move the soil it delayed you for six weeks. The rock that you're finding to put the drainage in delayed you as well. Mr. McCoy said we discussed this on site in quite a heated fashion and you have the smallest machine that I've ever seen for moving rock. Mr. Turco said that's the price that I gave you (inaudible.) Mr. McCoy said I'm not going to go back to the specs but it specifically says the size of the machine that should be out there to move rock and if that machine can't then you're owed a Change Order. He said that machine is nowhere near the size that is written in the spec. Mr. Turco said they didn't think the rock would be that size. Mr. McCoy said this has been going on for three weeks so now you're saying since you chose to use a smaller machine that's why the drainage isn't in. Mr. Turco said they're hammering the track. They just got the plan yesterday for the drainage. He said there is supposed to be a manhole installed from the Payden site so we can tie our drainage in. Mr. Turco said they've been asking for the schedule for four weeks and have received nothing. Brennan had a camera crew out there three weeks ago (inaudible) twenty feet deep (inaudible) and I guess that didn't work out and to make a long story short we tied into an existing manhole (inaudible.) Mr. Turco said we're going to start putting drainage in. Mr. Hyder asked if he is going to do that with four people working. Mr. Turco said yes, you don't need eight people to put drainage in. Mr. McCoy said his only question before he continues the update is as we're continuing to get more documentation of this event do you

want us to send it to Dr. Conway. Mr. McLiverty said it should go to Patty Finn and Dr. Conway and Patty Finn will refer it to counsel.

Mr. McCoy said they have received an updated schedule on the project, which they have rejected. We sent it back and discussed it today with the contractor on site as soon as we have something back we will share that with you.

TURF FIELD – DISCUSSION/POSSIBLE ACTION

Mr. McCoy said as everyone is aware the specifications called for specific timelines/milestones for the project. He said based on some of the delays Turco Golf's schedule has moved and they far exceed the dates that are listed. He said most of the conversation today was around items that have not even started. The number of days allocated in their schedule far exceeds the contract, which is not acceptable. There have been some delays due to weather; however things such as construction of the track, which has not even started is not acceptable. The contractor is revising the schedule. Mr. McCoy said the next step per the contract is for directives to be given – what are valid delays (weather, finding rock) versus the items that have not been started. He said after the meeting this afternoon Turco was given information from Brennan their overall schedule. He said as always Turner and Brennan have their trailers on site.

Mr. Turco asked Mr. McCoy if he could tell the committee what his company can be doing right now. Mr. McLiverty questioned what does that mean – could be doing? Mr. McCoy said he thinks Mr. Turco is asking me what he should be doing. Mr. Turco is referring to the time allotted. ***Note – Recording Secretary asked Mr. Turco to come forward as the recorder was not picking up his voice.*** Mr. McCoy said first of all that's means and methods. There are times allowable for certain items in your schedule – and this is the example that we discussed at the meeting today:

- Segmented Retaining Block Walls: Contract 14 days – Turco Schedule 41 days
- Track Surfacing: Contract 14 days – Turco Schedule 23 days
- Throwing Events for the Track: Contract 14 days – Turco Schedule 36 days
- Rock Removal – Turco needs to provide a start and end date

Mr. McLiverty said he thought the throwing was all done. Mr. Hyder said we were told that the majority of it was all done and he went there the day after that meeting and the discus was partially done, the shot-put was mostly done and the javelin wasn't touched. He said it was about 50% done from what we were told.

Mr. McLiverty asked about lead times for the other items. Mr. Turco said where we cleared the trees Brennan is putting a manhole there and we still can't work in that area because there's an existing catch basin that the engineers need to figure out what they're going to do with that before we can start putting dirt in there and start filling that in. All the dirt is in a pile on the field that's going to go in that area. Where the trees came down those bleachers get moved back, that light pole comes out and gets relocated so we're at a standstill. Right now the field is at subgrade so at this point we can't go finish our job until we start building the wall – Brennan also has to build a wall to start putting fill in that area. Mr. Turco said the running track is pushed

(inaudible) bleachers so we can't put the dirt in. Mr. McLiverty asked Mr. Turco what they're working on. Mr. Turco said they're working on the drainage. They found more 6" under drains putting in the drains – there are three more lines, which was unforeseen. He said it must have been existing drainage for the field. Mr. McLiverty said didn't we do that Change Order. Mr. Turco said these are newly found. Mr. Hyder asked when they were discovered. Mr. Turco said yesterday. Mr. McLiverty said Langan should have found this. Mr. Hyder asked if they were missed. Mr. McCoy said there is no way to know. Mr. Hyder asked what about the borings – shouldn't have been found then. Mr. McLiverty noted that they have now missed eight pipes. Mr. McCoy said he had a conversation with their survey department and he's still waiting on their response. Mr. McLiverty said they should pay for the Change Orders. Mr. McCoy again stated that there is no way of knowing about unforeseen piping noting that there is no record of it anywhere.

EXECUTIVE SESSION

A MOTION was made by Mr. Hyder with a second by Mr. Mengold to go into Executive Session at 7:35 p.m. inviting Dr. Matthew Conway, Atty. Vincent Marino, Luke McCoy, Eric Roise, Ed Arum. Mr. Netto recused himself from Executive Session. ***Motion carried.***

The meeting returned to regular session at 8:22 p.m.

Mr. McLiverty apologized to those in attendance for taking so long. He said the committee wanted to come up with an approach to streamline a process for the claims and then turned the meeting over to the City's Corporation Counsel, Vincent Marino. Atty. Marino introduced himself and said he is in the law firm Cohen & Wolf located in Bridgeport, CT. He explained that they want to try to establish a process that is less frustrating for the claimants. He first needs to advise everyone that they have a right to Counsel of their choosing. Atty. Marino said he can't give advice as he is not here to look out for your individual rights; he is here to look out for the City. He said that each person is entitled to speak to their own counsel and also hire a third party claims adjuster to do an inspection of your property. There are a number of different parties involved, and are a number of different carriers, including the City's, it makes for a more challenging process and different liabilities. He said he thinks everyone should continue with the process that Dr. Conway started, but stressed that you can also retain your own counsel in addition to filling out the forms. Unfortunately at this time we can't commit to timetables; however we will carry this as an agenda item so you can come to the meeting for updates. Atty. Marino said he is at City Hall on Monday's 8:30 a.m. to 10:30 a.m. and Thursday's from 11:00 a.m. to 1:00 p.m. and at the Board of Aldermen meeting, which meets on the second Thursday of each month at 7:00 p.m. He also suggested phoning Pam Gagliardi of Mayor Dziekan's Office (203-736-1450) who could contact him to meet to discuss updates. Atty. Marino said he knows this is not going to satisfy everyone tonight but we're on the path to getting a resolution. He once again thanked everyone for coming out this evening and expressing their concerns. Atty. Marino said this was an extraordinary water event that created problems all over the state and this project was not prepared to handle it and unfortunately you got the brunt of it and we want to get you a good conclusion. He asked if anyone had any questions.

Mr. Fitzgerald asked if measures are going to be taken at the field to hopefully prevent this from happening again. Mr. McLiverty said direction has been given to KBA and the contractors. Mrs. Netto asked wasn't it a known issue on August 1st when the Derby Neck Library suffered damages. Atty. Marino said upon timelines established, no. An individual asked if the erosion control documents are available. Atty. Marino said you are entitled to all public documents. Mr. McLiverty said we can get everyone whatever documents they wish.

INVOICES – DISCUSSION/POSSIBLE ACTION
Arum & Associates, Inv. #3 - $1,625.00

A MOTION was made by Mr. Hyder with a second by Mr. Able to approve Invoice #3 from Arum & Associates in the amount of $1,625.00. ***Motion carried.***

Turco Golf – Application #3 - $228,393.94
The Committee took no action

Turco Golf – Application #4 - $58,549.53
The Committee took no action. Application #4 not signed off on

Turco Golf – Application #5 - $98,770.74
The Committee took no action. Application #5 just received this evening.

Ed Arum from Arum & Associates passed out the close out documents for A. Vets Demo, LLC and the update of the budget. He also provided a new invoice from White Hills Landscaping and Tree Service for next month's meeting.

Without objection the committee accepted the update of the budget.

MEETING SCHEDULE
It was decided to change the dates of the Athletic Complex Building Committee to the second and fourth Tuesday of each month at 7:00 p.m. at Derby City Hall. The committee noted that we will meet on October 9th and October 23rd at 7:00 p.m.

ADJOURNMENT
A MOTION was made by Mr. Abel with a second by Mr. Hyder to adjourn the meeting at 8:45 p.m. ***Motion carried***.

Respectfully submitted,
Patty Finn
Recording Secretary

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE ATHLETIC COMPLEX BUILDING COMMITTEE AT THEIR NEXT MEETING.