ATHLETIC COMPLEX BUILDING COMMITTEE MEETING

WEDNESDAY, OCTOBER 9, 2018 – 7:00 P.M.

DERBY CITY HALL – JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Keith A. McLiverty called the regular meeting to order at 7:09 p.m. All rose and pledged allegiance to the flag.

Roll Call
Present: Keith A. McLiverty, Tom Abel, Jim Benanto, Chantal Gerckens, Rob Hyder, Paul Mengold, John Netto, Dennis O'Connell, Ron Sill, Peter Olenoski, Anthony DeFala, Ken Marcucio, Sr.

Absent: Ken Hughes, Andy Mancini

Also: Dr. Matthew Conway, Superintendent of Schools (arrived at 8:27 p.m.)
Luke McCoy, Kaestle Boos Associates (KBA)
Eric Roise, Kaestle Boos Associates (KBA)
Ed Arum, Arum & Associates
Dennis Turco, President, Turco Golf, Inc.

MOTION TO AMEND THE AGENDA
Mr. McLiverty said he would like to do Public Portion then change the agenda after item #5 Update on Flooding, move Executive Session to item #6 and then push items 6, 7, and 8 to 7, 8, and 9.

A MOTION was made by Mr. Abel with a second by Mr. Sill to approve the change in order of agenda items. ***Motion carried.***

PUBLIC PORTION
Mr. McLiverty asked if anyone wished to address the committee.

Jeanine Netto, 141 Park Avenue, Derby, CT
Mrs. Netto said she feels the need to come out to every single meeting that you meet to let you know that this project has come at a significant financial and personal loss to my family and I will come out and let you know every other week (inaudible.)

John Fitzgerald, 50-52 E Street, Representing 54-56 E. Street (Father's) and also by easement 60 E Street (Rita McEvoy), Derby, CT
I'm looking for an update as to protection if anything has been done. You've probably been discussing that I would assume. We have another storm coming on Thursday. I've seen some silt fence and hay bales added. We have been contacted, several of us, by the City's carrier Travelers and I've talked with an Adam there and he took information from me similar to Skip Blair of Family Farm, which represents Turco Golf and the other company that's named I believe. He basically said – he emailed me and said

that he would be sending an investigator to the area. I emailed him back probably Thursday and (inaudible) sending an investigator I would like you to walk in the easements from Talmadge down to the drainage easements we have affecting six properties and further affecting 48 E Street and (inaudible) what they are containing so it doesn't go down. I got no response from Mr. Blair. Adam from Travelers for the City today talked to me and said that he would be sending out someone else as he's in Philadelphia. And I also expressed that I would like to walk the woods with him and show him the (inaudible) of the easement from Talmadge down to our catch basins and he took notes and after our conversation he said he would get back to me. We haven't called our homeowners insurances but basically they've said you don't have flood insurance and we know and understand that. I'm looking for an update and there's another storm coming on Thursday. If it's an inch or two inches I would like an update as to what is being done also. We've done a lot of remedial work ourselves because we just can't wait. We have tenants that need buildings and we've restored driveways. There's a basement that's still left with the flood damage. Our insurance company said to take pictures – that's all well and good but it's two weeks. We can put out a lot of money for this but the reimbursement is when do you think the reimbursement will come should Travelers and these other companies get together. We're looking for information on reimbursement and the process. Thank you.

David Covell, Representing his Mother-in-law Rita McEvoy 60 E. Street, Derby, CT
I received the email from Skip Blair on Friday and it seems to me that they didn't get the answer that they liked from their current investigator a week ago. Now they're bringing in a second party to hopefully get their own answer for what's going on. It's just delaying everything. I see the finger pointing starting already (inaudible.) Hopefully something happens soon.

Mr. Fitzgerald asked if there is an engineer at the meeting tonight. Mr. McLiverty said we're waiting on him – he's currently in traffic. Mr. Fitzgerald asked if he is the civil engineer that designed the site. Mr. McLiverty said that is correct.

Mr. McLiverty asked three more times if anyone wished to speak during public portion. Hearing no requests…

A MOTION was made by Mr. Abel with a second by Mr. Sill to close the public portion. ***Motion carried.***

UPDATE ON FLOODING – DISCUSSION/POSSIBLE ACTION
Mr. McLiverty asked Mr. Turco if Skip Blair from his insurance company. Mr. Turco said that is correct. Mr. McLiverty asked Mr. Turco what is the status. Mr. Turco said he received the same information from his insurance company that the homeowners have received. Mr. Netto said he was informed that an engineer would be coming out – not someone to assess the damage. Mr. Turco said the engineer will be out tomorrow to inspect and submit his report. Mr. McLiverty asked if he could get a copy of the report. Mr. Turco will try to get a copy of the report if they release it. Mr. Turco told Mr. McLiverty that he would contact him tomorrow when the person leaves the site.

Mr. McLiverty asked Mr. Turco what measures have been taken for the upcoming weather. Mr. Turco said they have built a berm and installed drainage. Mr. McLiverty asked Mr. McCoy if he has reviewed this information. Mr. McCoy said he hasn't looked at it yet.

Mr. McLiverty asked the committee members if they had any questions. Mr. Sill asked when the residents should expect to be contacted by the insurance company. Mr. Turco said he has placed a number of calls to the insurance company. Ms. Gerckens asked if the residents are aware that there have been protective measures put into place for the expected rain. Mr. McLiverty said most of them are here tonight. He noted that Travelers, who represents the City, is coming tomorrow morning. Mr. McLiverty said they're trying to get all the carriers to get in a room to discuss the entire matter so the situation can be streamlined.

It was discussed that there are still problems with the area and drainage. Catch basins need to be cleaned out. There are walls of protection now but the site needs to be stabilized. Mr. McCoy said it's the contractor's site and by the way it is written and with DEEP the contractor is responsible for managing the on-site water. The plans were reviewed by the City's Planning & Zoning and also reviewed by the City's Third Party Engineer, Milone & MacBroom and signed off on. Mr. Fitzgerald said the more the water can be controlled on the top of the hill and get it back into the designed drainage the better off all of us down below will be.

Mr. Netto asked about the situation behind the Hawthorne Avenue property that was just acquired. He said the water was pouring down that side of the fence and now it is covered with all brush and debris. Mr. McLiverty asked Mr. McCoy if he is going to look at that area tomorrow. Mr. McCoy said he will be there tomorrow and will also be collecting reports from field engineers from Turco and Turner and he will present that tomorrow.

EXECUTIVE SESSION

A MOTION was made by Ms. Gerckens with a second by Mr. Sill to go into Executive Session at 7:25 p.m. inviting Mr. McCoy and Mr. Roise. ***Motion carried.***

The committee came out of Executive Session and back into Regular Session at 8:27 p.m.

Mr. McLiverty then reviewed each open item for the project. He said this will be on the agenda going forward.

Visitors Bleachers

Mr. Turco said they are waiting on Brennan Construction to complete the installation of the dog house manhole. He said the wall can't be installed and fill can't be brought into that area. He said he has submitted a Change Order. Mr. McLiverty asked why a Change Order is needed. Mr. Turco said it is not on the plan and he sent this to KBA today. Mr. McLiverty said it's not on the drawing? Mr. Turco said that is correct. Mr. McLiverty said it's in the ground; somebody missed it on the drawing. Mr. McCoy said in order to pave that area for the bleachers the bleachers need to be moved first. Mr.

Turco said he can't move the bleachers without putting the fill in – the bleachers are going on a concrete pad. Mr. McCoy said it overlaps where they are now. He said they have to be moved to put the pad in. There was a discussion between Mr. Turco and Mr. McCoy regarding the moving of the bleachers. Mr. Abel said Mr. Turco wants to move the bleachers but Brennan isn't done. Mr. McLiverty asked if we can find out when Brennan is going to be done. Mr. McCoy said there is plenty of other work on the site that can be done.

There was then a heated discussion regarding existing pipes that were discovered on the site. There are three pipes that Mr. Turco needs to know whether or not they're going to remain or should they be removed. He said he has no problem signing off that they will remain and he is not responsible for them. Mr. McCoy told Mr. Turco that there is no more money and we will need to figure out another option. He said pulling three pipes out of the ground is not a lot of work. At this point Mr. Turco told Mr. McCoy that the plans suck. You stand here and criticize me – I've been doing this for thirty five years and you have missed catch basins that were exposed, which resulted in a $109,000 Change Order, you missed pipe, you missed rock. Mr. Turco said he built a golf course in eight months on 200 acres. He said this job could have been done noting that it's costing him money to be here. Mr. Turco said he didn't draw the plans and noted that if he screws something up he fixes it. If you're saying I can move the bleachers then you don't know your own plan that well. Mr. Turco said they hit pipe, they hit rock on a trench – he's still waiting for an answer from last week. Are we filling the pipe or are we going to put structure fill in there so the field doesn't sink? Mr. McCoy said we're not paying you any more money. Mr. Turco said then the job has to stop. I'll pull my equipment off and put a claim in. It's on record – there's no more money, the job has to stop. I can't move forward with hammering rock and completing the job.

Mr. McLiverty told Mr. Turco that the City's doesn't want him to stop the job and said we have to figure out how we keep moving this forward. Mr. McCoy said Mr. Turco walked off a job in Rocky Hill for $1,500.00. Mr. McLiverty said that's not our problem – Turco needs an answer from Brennan and Brennan said it would be two weeks. Mr. McLiverty asked Mr. Turco what other work can be done while Brennan is finishing up that work. Mr. Turco said brought up the rock issue and Mr. McLiverty asked Mr. Turco if he had a number on how much that would cost. Mr. Turco said he's not sure how much rock there is. Mr. DeFala asked Mr. Turco about the pipe – how many days will it take and the cost for the (inaudible) machine. Mr. Turco said there's about 120 feet – he's not sure how long it will take and the Change Order has a rate of $499.00 an hour. Mr. Sill said this was also unforeseen. Mr. Turco said that is correct. Mr. McLiverty asked Mr. Turco if any of the rock was on the drawings. Mr. Turco said it wasn't and said he would be able to truck it off at a cost of $40.00/yard. The committee continued the discussion regarding the rock and pipe.

Mr. McLiverty asked Mr. McCoy what was his take regarding the rock. Mr. McCoy said it is rock and soil together and he would have to look at it. Mr. Turco noted that there are two piles there. He said the site should have been ready for his people to work. There was a brief discussion regarding Brennan's schedule and the bleachers. Mr. Turco said Brennan needs to get out of the way for him to continue his work. Mr. DeFala

asked Mr. Turco who is watching the work that his company is doing. Mr. Turco said that KBA has submittals on everything.

INVOICES AND CHANGE ORDERS

A MOTION was made by Mr. McLiverty with a second by Mr. O'Connell to approve for payment Turco Golf, Inc., Application #3 signed 9/5/18 for $228,393.94. ***Motion carried.***

CHANGE ORDER #3 – Rock Removal – Not to Exceed $16,000.00

A MOTION was made by Mr. O'Connell with a second by Ms. Gerckens to approve the additional rock removal at a Not to Exceed cost of $16,000.00. ***Motion carried.***

Mr. McLiverty brought up the three pipes. Mr. Netto asked if someone is going to have them tested. Mr. O'Connell informed the committee that they are dry – but they're all corroded and can't stay there. The committee agreed that we need to find out where they're coming from and where do they go – we just can't rip them out. Mr. Turco said they could put cameras down there and agreed they need to come out of the field and the track. It was noted that these were also not on the drawings. The committee agreed that they would need to be removed. Mr. McLiverty said we can reach out to the WPCA to see if they can put a camera down there and see what we're dealing with. Mr. DeFala asked Mr. Turco point blank if this is it – we don't have any more money. Mr. Turco said he hopes it is.

A MOTION was made by Mr. Netto with a second by Mr. Able to remove the three pipes, compacted structural fill and testing at a Not to Exceed amount of $30,000.00. ***Motion carried.***

Mr. DeFala brought up the flooding issue and asked Mr. Turco if the plans from KBA contained an Erosion Control Plan and did you follow the plan. Mr. Turco said they did. Mr. McCoy said they did not. Mr. DeFala asked if there was a schedule of steps that needed to be followed. Mr. McCoy said that's not exactly how it works. He said there's an Erosion Control Plan and there's steps in there for what should be done for a storm. Mr. DeFala said normally there's a schedule that tells the contractor where to put items, what to do – how many hay bales, how many feet of silt fence, etc... Mr. McCoy said as the project continues and soils are disturbed and drainage isn't put in especially if there are delays then there are additional measures that the contractor has to put in to make sure the water continues to get into the existing storm system. He said that is on the contractor's means and methods during the portion of the project. – there is not a specific paragraph or drawing as to how that is done because that's all worked out depending on how they plan to attack which end of the field where they want to put the drainage. Mr. McCoy said this follows what's required by DEEP and also the City's acting engineer Milone & MacBroom. Ms. Gerckens said who was responsible to make sure the temporary measures were put in. Mr. McCoy said they're not supposed to. Mr. DeFala asked whose responsibility is it to make sure it's done – who's watching this project for us? Somebody should have picked up on this. Mr. Turco said the Insurance Company is hiring a professional to see who is at fault and if they find it's his fault his insurance company will take care of it 100%. Mr. McCoy said as per their contract they are doing complete reviews of the project on-site as well as additional as you authorize as necessary. We weren't hired by the committee to do inspections, which is full time

when you hire a resident engineer to be on-site all the time like Turner is doing. Mr. McCoy said they're there at least once a week, sometimes twice depending what's going on. Ms. Gerckens asked if impending bad weather would be a reason for you to come to the site. Mr. McCoy said they reviewed the storm water and discussed it at the weekly meetings and Turco was recommended that they need to add additional items and it is noted in the meeting minutes. He said they are not required to come back down to the site.

A MOTION was made by Ms. Gerckens with a second by Mr. Hyder to request the Certificates of Insurance and Performance Bonds from Kaestle Boos Associates, Langan CT, and Alfred Benesch & Company by 12:00 p.m. October 10, 2018. ***Motion carried.***

Mr. McCoy said there are no Performance Bonds for engineers. Mr. McLiverty said then we'll have the Certificate of Insurance.

NEXT MEETING
The committee will meet on October 16, 2018 at 7:00 p.m. at Derby City Hall.

ADJOURNMENT
A MOTION was made by Mr. Sill with a second by Mr. Hyder to adjourn the meeting at 9:24 p.m. ***Motion carried***.

Respectfully submitted,

Patty Finn

Patty Finn
Recording Secretary

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