

ATHLETIC COMPLEX BUILDING COMMITTEE SPECIAL MEETING

MONDAY, MAY 20, 2019 – 6:00 P.M.

DERBY CITY HALL – JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Keith A. McLiverty called the special meeting to order at 6:00 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, Ken Marcucio, Sr.

Absent: Ron Sill, Peter Olenoski, Anthony DeFala, Sr.

Also Present: Eric Roise, Kaestle Boos Associates (KBA)
Mario Longobucco, Arum Associates

PUBLIC PORTION

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

Joanne Welsh, 40 E Street, Derby, CT 06418

I'm just here keeping it in the front that we have the sixteen properties that have been damaged that we're looking for compensation to get them fixed. So, I'm just keeping it in the public record.

Mr. McLiverty asked three more times if anyone wished to speak during public portion. Hearing no further requests to address the committee:

A MOTION was made by Mr. Hyder with a second by Mr. O'Connell to close the public portion. **Motion carried.**

Mr. McLiverty said just for the record he believes our lawyer called your lawyer and your lawyer was going to get adjusters out and as of two weeks ago there was one done and the lawyers are supposed to get all the others done. Once those are done then we're going to try to set up the meeting. Mr. McLiverty asked Ms. Welsh if her property been done? Ms. Welsh said she has had the adjuster to her house and noted that it is going to be eight months this weekend. Mr. McLiverty said he realizes that, but we can't meet until we receive a number.

PROJECT UPDATE – TURCO GOLF – DISCUSSION/POSSIBLE ACTION

Mr. McLiverty stated Turco is not in attendance and asked Mr. Roise to give an update. Mr. Roise said as of last Wednesday they are working on the walls on both sides and have started to backfill the wall to the visitors' bleachers and were putting down stone today. The concrete pad is scheduled to be poured this week, which will allow them to move the visitors' bleachers over. Mr. McLiverty questioned the wall and asked why they stop at an 90° angle noting that in a few years the soil is going to wash around it. He asked why they don't step it down a few more feet so that it tapers with the hill because all of that is going to wash out in 2-3 years. Mr. Roise said typically they do but

this is kind of an optical illusion stating what is going to happen here eventually is the grade of this concrete pad is going to be level with that concrete wall. Mr. McLiverty said he hopes so because you can't get the two to meet at that top level and he wants it in the record that he believes this is going to wash out in 2-3 years' time.

Mr. O'Connell informed the committee that the storage bins will be delivered June 11th and he asked Mr. Roise if he anticipates any problem receiving them on that date. Mr. Roise said that should work out, but if they could arrive sooner than the 11th it would be better. Mr. McLiverty asked Mr. O'Connell if they're going to do curbside or drop it on the spot. Mr. O'Connell said that has yet to be determined. Mr. McLiverty asked Mr. O'Connell to find that information out so we can relay it to Mr. Roise. Mr. O'Connell said he also needs to know if just having asphalt is sufficient or do we need something else in case the asphalt sinks in a little bit. Mr. Roise said there should be dunnage underneath the structure, and it should come with a ramp that goes to the door and that's really all you need.

Mr. Marcucio asked if Turco has been told that graduation is going to be on June 11th. Mr. McLiverty said that's the date they're showing up to do the trailers. Mr. O'Connell said he's going to try to change that date. Mr. Roise said the push is on up at the other project to get it ready. Mr. McLiverty said Turco shouldn't work at all on the 11th.

Mr. Roise said one of the things Turco is working on right now is there is a wall that's going in front of the walkway at the home bleachers – it's about three feet high. He said they hit rock over on the other side. Mr. McLiverty said Mr. Roise received an email at 4:45 p.m. from Turco stating while they were performing footing excavation for the proposed south segmental block retaining wall they encountered bedrock and are unable to excavate this footing to its required width and depth. They would like to know how to proceed so they are able to move forward with the wall installation. Mr. Roise said he will look at this. He informed the committee that they have been putting in the conduit.

Mr. Roise reviewed the schedule milestones:

- Site Electrical 5/9/19 Start
- Turf Stone/Drainage/Curbs 7/16/19
- Turf Installation 7/16/19-8/10/19
- Track Paving Complete 7/17/19
- Track Surfacing 7/22/19-8/10/19
- FINAL Completion 8/10/19

Mr. Roise said these are the dates from the change order that Turco has signed. He said they're still saying they can beat these dates. Work being done this week:

- Electrical Conduit completed tomorrow (5/21/19)
- Visitor bleacher pad this week
- Complete driveway access swap
- Field subgrade survey Wednesday (5/22/19)
- Walls at each end of home bleacher
- Resume field drainage and stone backfill

Mr. Mengold asked if the press box is built. Mr. McLiverty said that's not our project and asked that we stay focused on our work. Mr. Roise brought up the seating for the home bleachers. He said as part of their contract Turco removed all the old aluminum planks and left them noting that putting them back wasn't part of the project. He said we discussed this awhile back and the reason for that was if you touch it then liability wise it's ours. So architecturally and liability wise we can't tell them to put it back without doing a whole analysis on it – it comes down to that whole handicap thing if we touch it. Mr. Roise said there's not a lot of engineering that needs to be done with that or construction that needs to be done. The seat boards are there, and they've saved all the angles. It's now just a matter of who is going to do this as it's not in Turco's contract.

Mr. Roise said they are installing fence posts in the southeast corner of the track. They have been drilling, placing and cementing posts into the rock. He said this is another Add that we expect from Turco, but he has been negotiating trying to make it go away. Mr. Able said they've been doing it. Mr. Roise said yes as they didn't want to stop work. He also noted that there are some nice boulders and he has been talking to Turco's foreman and we're trying to save some of the boulders to put around the site. Mr. McLiverty told said we should also ask Ed Armeno at Public Works if they would need any of the boulders for any other City property. Ms. Finn will call Mr. Armeno to see if this is something that Public Works would want.

Mr. Roise told the committee that they have received a response from Turco's insurance company regarding the rain event basically stating that they don't have any obligation. Mr. McLiverty said this is the letter that Larry Turco told the committee was public two months ago. Mr. Roise said that is correct. Mr. McLiverty asked when the letter is dated – it was noted that the letter is dated May 9, 2019.

Mr. Roise then discussed the approved Change Orders #5, #6, and #7 that have already been reviewed noting that #5 is the important one as it pertains to the contract with Astro Turf. He asked that the executed copies be forwarded back to KBA. Mr. McLiverty said #5 was adjusted so it wasn't a net. Mr. Roise said that is correct #5 was adjusted and #7 was added. Mr. McLiverty said his only hesitation is with #7 as we're not paying it – someone else is paying it and we have to figure out how that gets paid to a third party. He will discuss this with Corporation Counsel.

Mr. Roise then discussed the revised javelin stating that they were supposed to receive the pricing today; however, they did not receive it. He said they are supposed to receive pricing on the shotput later this week. Mr. Roise said the items in negotiation is the fence at the track, curb at home bleachers and wall deletions. He said they have received no response from Turco.

Mr. Roise stated that the turf and track materials have been separated out of the contracts. The contract has been signed by Astro Turf. He said we are still waiting on turf and track submittals and will also need schedule coordination between contractors.

Turco payment applications were reviewed. Ms. Finn said that application #8 is up at the State. Unfortunately, Dave Stygar from DEEP, who has been handling all the payment requests since the start of the project, has retired and there has been some confusion on the State's part as to who will handle the requests. This has recently been rectified and payment should be received very soon. Ms. Finn noted that the City has

been very prompt with payments to Turco and this is the first hiccup that she has encountered with receiving payment from the State, noting that it still hasn't been thirty days since receipt of Turco's payment request.

Mr. Roise then discussed KBA's invoices noting they submitted an invoice for \$6,600.00, which will leave \$4,400.00 remaining in the contract plus another \$6,000.00 that's in there for additional site visits. He said there is a proposal that's being discussed for an extension of time for our work – the lawyers are handling that. Mr. McLiverty asked if KBA's invoice is in with #8 to Stygar. Ms. Finn said that is correct – Graham Stevens at DEEP is handling #8 and then we will find out who will be taking over Dave Stygar's duties at DEEP. She said this is not a major issue and is confident that it will all be worked out and a new person assigned. Mr. Hyder asked if Turco has been on site since last Wednesday. Mr. Roise said they were on site Thursday and Friday – he's not sure if they were on site today. Mr. Hyder said they weren't and asked what is this urgency for 120 days? He said they simply haven't been there – they asked for 120 days – wet his pants and left the meeting and doesn't show up. Mr. Hyder said Turco could have met the original date without the 120 days if he showed up to work – we wouldn't have to give him 120 days noting that it's a big project and they have 2 maybe 3 guys on site, which is bullshit. No wonder he needs 120 days. Mr. Hyder asked if they have any other jobs going on that they're probably working on down in New Jersey? Mr. Roise said they probably do. Mr. McLiverty said he sent an email today to see how many are on site and that we want them at the meetings. He said we're not approving any Change Orders if they're not here and told Mr. Hyder that his point is "on the money."

ATHLETIC TURF – DISCUSSION/POSSIBLE ACTION

Mr. Roise displayed the revised turf graphics. The restraining line has been added to both the home and visitor sides and we have removed the red on the corners. Mr. McLiverty asked the committee members if they had any questions. Mr. Hyder asked if that is the font that is going to be used? There was then a brief discussion regarding the font type and coloring. Mr. Netto said he thought we were using a straight block – not an angle block. Mr. Benanto said looking at the picture it appears the color looks more orange than red – it's not the same color as the track. Mr. Roise said he believes it's just his printer. Mr. McLiverty said it could be your printer, but this color looks a deeper red than the one last week. Mr. Roise said it would be more of a cardinal red. Mr. Netto said the samples that they brought in is the red that we picked – I don't think it's a color that we generate, I believe it's an Astro Turf color and asked if we will have that information for next week's meeting? Mr. McLiverty said we're going to approve this tonight pending us getting those letters tomorrow, so we won't have to meet next week.

A MOTION was made by Mr. McLiverty with a second by Mr. Mengold to approve the schematic "as is" with a block white, black border pending us receiving the design tomorrow. If there's any problem with it we will re-visit it at the next meeting. **Mr. Netto – No. Motion carried.**

Facility Use Signage

Mr. Roise said this was discussed at the last meeting and I have made changes and have two recommendations. Mr. McLiverty said during an event there shouldn't be any spectators on the track and/or field. During a non-event then they're usually walkers or joggers. He said when it says prohibited on track or turf do we add "during events." There was then a discussion going over every scenario to make sure that the signage

would be clear and concise to anyone visiting the property. The following proposals were discussed:

DERBY HIGH SCHOOL – Change to **CITY OF DERBY**

PROHIBITED ON TRACK OR TURF

SPECTATORS **Add (DURING A SCHEDULED EVENT)**

FOOD AND SPORTS DRINKS **Add (WATER ALLOWED)**

ALCOHOL, TOBACCO PRODUCTS OR E-CIGS

SUNFLOWER SEEDS **(Delete the comma)** OR GUM

PETS

GOLF

BIKES, ROLLERBLADES OR STROLLERS – **(Change to any Wheeled Vehicles of any kind)**

MOTORIZED VEHICLES – **(Change to Unauthorized Vehicles)**

FIREWORKS OR FLAMMABLE LIQUIDS

METAL CLEATS, SPIKES OR SHOES WITH CLEATS/SPIKES REMOVED

HIGH HEELS

CHAIRS, TENTS **(Delete comma)** OR STAGES

GLASS OR SHARP OBJECTS – **(Switch Order)***

DRIVING OF STAKES OR ANCHORS – **(Switch Order)***

*DRIVING OF STAKES OR ANCHORS

*GLASS OR SHART OBJECTS

It was noted that the Police Department phone number is correct as it is the dispatch number.

Where it reads PLEASE DO NOT DRAG EQUIPMENT ACROSS THE FIELD OR TRACK **change FIELD TO TURF** to make is consistent with the entire usage sign.

Where it reads CONTACT DERBY POLICE DEPARTMENT AT 203-735-7811 TO REPORT INAPPROPRIATE USE OR VANDALISM – **Change USE OR VANDALISM TO USE AND VANDALISM.**

Mr. McLiverty asked the committee members if they had any other changes or thoughts. Mr. Hyder asked Mr. O'Connell at the top of the sign where it reads CITY PARKS AND RECREATION OFFICE does Parks and Recreation use "and" or "&?" Mr. O'Connell said he believes they use "and." Several committee members stated that it is never consistent sometimes it's and the other times they use "&." Mr. O'Connell said he knows that our football coach is planning on using sleds that he believes are appropriate for turf and asked Mr. Benanto if they ever did this in Shelton. Mr. Benanto said as far as he knows they use the sleds on the field – he's not positive though. Mr. McLiverty said there are no sleds allowed on Pomperaug. Mr. O'Connell said he had a meeting with the coach, and he said he's using them so this may need to be straightened out. Mr. Benanto said he's sure the manufacturer will let us know what could and could not be used. Mr. Longobucco asked where would they be stored? Mr. O'Connell said they would probably be stored behind one of the end zones. It was noted that this would need to be further reviewed and then discussed. Ms. Gerckens said in Facility Usage Sign Option 2 it reads PLEASE HELP US KEEP THE FACILITY IN BEAUTIFUL CONDITION and it does not state that in Usage Sign Option 1. Mr. McLiverty said due to space restrictions that is proposed to be removed in order to have the

Arrowhead D inserted and asked Ms. Gerckens if she was ok with that move. Ms. Gerckens said that was fine. Mr. Marcucio asked if we should change DERBY HIGH SCHOOL to CITY OF DERBY. DERBY HIGH SCHOOL – Change to **CITY OF DERBY**. Also, there is a spelling error on PROHIBITED – **it should read PROHIBITED**.

A MOTION was made by Mr. Mengold with a second by Mr. Hyder to adopt Facility Usage Sign Option 1 as presented with the noted changes. **Motion carried.**

Mr. Mengold said he is concerned about the press box. When is it going to be delivered, what type is it going to be? Mr. McLiverty said he's not being mean and here is the answer - our project is going forward with our asphalt lane. They either build it and get it in before or they get it in after. Mr. Mengold said that's the question. Mr. McLiverty said that's with Turner and Dr. Conway. Mr. Roise said they have explored a couple of options.

Mr. Able asked about access to the shotput and javelin area. He said there used to be a walkway going up on the hill. Mr. Roise said there's no walkway in the plan and they can't do anything that isn't handicap accessible. Mr. Abel said it wasn't really a walkway – it was just a path. There was a brief discussion and Mr. Roise said they do have a design done for the shotput and javelin and they are expecting pricing.

With nothing further to come before the committee -

ADJOURNMENT

A MOTION was made by Mr. Abel with a second by Mr. Hyder to adjourn the meeting at 7:05 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.