



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **Facilities Implementation & Strategic Planning Cmte. Meeting Minutes**

**Date / Time / Location of Meeting**  
**March 13, 2019; 7:00 p.m.; Board**  
**Meeting Room, 140 Worcester**  
**Street**

**Members Present**  
**Christopher A. Rucho**  
**Patrick J. Crowley**  
**John W. Hadley**  
**Siobhan M. Bohnson**  
**Raymond Bricault**  
**Phil Mallet**

**Members NOT Present**  
**Barur R. Rajeshkumar**

**Invited Guests:**  
**John MacMillan**

Mr. Hadley convened the meeting at 7:00 p.m.

1. Approval of Meeting Minutes
  - a. February 13, 2019 – motion Mr. Bricault, second Ms. Bohnson, all in favor.
  - b. February 20, 2019 – motion Mr. Millet, second Mr. Bricault, all in favor.
  - c. February 28, 2019 – motion Mr. Bricault, second Mr. Millet, all in favor.

3. Senior Center
  - a. OPM Report – no report this evening
  - b. Other

John MacMillan reports that the project is wrapping up. They started the punch list last week and will finish it this week. The HVAC system is working as designed. If acceptable to the Board once they have their punch list completed they will tell the contract he is substantially completed with the exception of these items you have to do. Then the Board will take over the project and own the building on Friday or Monday. We will hold quite a bit back. The interior will be punched out site working a couple of weeks from now. We cannot get full c/o for the project until all the site work is completed and as-builts as submitted to the Planning Board. Ms. Lucier reports that she sent the temporary c/o to the town's insurance carrier with the punch list. On February 28 was the scheduled date of substantial completion. We are able to charge the contractor back \$500 or \$1,000 a day after that. Mr. MacMillan pointed out that the delay was due to rocks, oil and foundation, things beyond his control. He added that we couldn't have moved in and the cost amounted to about \$9,000.

Mr. Bricault questions if we do not intend to back charge what is the motivation to take the building over quickly. Mr. MacMillan thinks it will be ready Friday or Monday and the town then picks up the insurance and utilities. Ms. Bohannon questioned the items on the punch list. Mr. MacMillan reports that many of the items are paint related. Mr. Rucho noted that we gave the contractor the initial 30 days he asked for because of the rocks. Mr. Hadley states that the original date was January 31. Mr. Bricault advised that if it is per calendar day the figure is about \$10,000. Mr. MacMillan explained that with liquidated damages you are trying to recoup your costs. Mr. Hadley feels if the town was waiting to move in and the lease was up he thinks that is different. Mr. Bricault questioned when the town needs to make a decision on this by. Mr. MacMillan advises before we give them substantial completion. Mr. Bricault noted that there are a certain amount of costs in protest for the substation and Mr. MacMillan clarified that those costs are a sub-contractor. Mr. Bricault feels Mr. MacMillan is in part mixing entitled to with ethically entitled to and he asked if there are other things that should be on the leverage board. Mr. MacMillan commented that from the point you have to take over the building when you reach a certain point that could be Friday or Monday. He also stated that we should not count on an architect for a legal opinion. Mr. MacMillan reports that the mezzanine ceiling tiles need to be painted, window sills also need painting and the list is not significant. He estimates that they could do the work in a week if they all showed up.

Motion Mr. Hadley to take over the building as long as town counsel says it is okay. Mr. Rucho pointed out that after we finish the entire punch list we could find other things. Mr. MacMillan states if you delay substantial completion it would lead into a grey area. After the punch list is done then you have a warranty list but you cannot monetize it. Mr. Rucho reports that the external trim is mostly completed. Mr. MacMillan added that the columns are not finished they are on the punch list. Mr. Rucho questions why we would take custody of the building if it is not completed. Mr. Hadley states that the property will not be completed until warm weather as you cannot paint anything outside because of the weather temperatures. Mr. MacMillan estimates the building to be 98% complete.

Mr. Bricault questioned whether the building subcommittee has gone through the building for punch list items. Mr. Hadley reports that they have done so and the Senior Center Director also went through, there are very small issues, running paint, finishing touches. Building mechanicals are 100% and the Fire Department signed off. They could move in start using the building and the punch list items would be dealt with. Mr. Mallet noted that there was difficulty with all the doors not closing properly. He asked if that had been resolved. Mr. MacMillan reports that it was an adjustment of the timing. Mr. Mallet got the impression they were not setting properly. Mr. MacMillan advised that they are on the punch list. Mr. Mallet noted that with regard to not meeting the schedule and the possibility of penalty, you do realize that if we waive the penalty we can no longer say the contractor, architect and OPM brought the project in on schedule. Mr. MacMillan replies unless you were to give the contractor another 30 day extension. Mr. Mallet states in return for the penalty of missing the schedule they would be happy to do so. Mr. MacMillan states you were not honestly hurt by it, you didn't incur any costs, and you were not prepared to move in.

Motion Mr. Rucho to offer substantial completion on Monday with the condition that town counsel look at this and let us know if can still go after liquidated damages and if we accept the building if we choose to and how long would we have to do that, second by Mr. Bricault, all in favor.

Mr. MacMillan reports that tomorrow they are training everything. Lisa will be there and the interim DPW Director will be there partial time. Mr. Bricault suggested having other people involved in this. Mr. MacMillan suggested entering into a one-year contract for maintenance of filters. Mr. Rucho pointed out that there were people involved with the police station training and they still didn't change the filters. Mr. Bricault asked after the punch list who signs off. Mr. MacMillan states the building subcommittee has an opportunity to give comments. They did so when they walked through he would accept comments before Friday. Mr. Bricault wants to insure that all the comments were incorporated. Mr. Rucho suggested he check with Tony. Mr. Hadley and Tony sign off on the punch list.

4. Approval of Invoices

a. Caolo & Bieniek Associates: nothing was submitted.

b. RAC Builders, Inc., Payment #11, \$83,950

Invoice has been reviewed and approved by John and Tony. It leaves us with \$416,000 which will pay the exterior site work, asphalt, grass and landscaping and 5% retaining. Balance without retainage is \$198,000.

Motion Mr. Rucho to approve, second by Mr. Bricault, all in favor.

c. Colliers International: nothing submitted

d. Change Order #7, \$2,642.00

This was for additional sprinkler heads up in the mezzanine over the kitchen. They had to put the duct in another position so they needed to add two heads at a cost of \$1,700. They also had to relocate light fixtures in the great room. The petition to separate the room to get the door into the open position came within four inches of the light fixture. They moved all four fixes and they are now eight inches away at a cost of \$920.

Motion Mr. Rucho to approve, second by Mr. Bricault, all in favor. Mr. Bricault question how it was identified and Mr. MacMillan reports by the mechanical engineer.

e. Dell Invoice #10300210696 \$1,695.75

The invoice submitted does not match the figure on the purchase order. Per Paul of CM Greeks, our IT consultant, prices and models of equipment constantly change and the invoiced is for the lines within the purchase order at a lower cost. We will put this off to get further clarification as the Board thought they previously paid a \$13,000 purchase order for equipment.

6. Other Updates and Items Not Reasonably Anticipated At Time of Posting

Mr. Bricault asked about the fundraising situation. They said they were not going to do fundraising and then they came and told us about the letter that was sent out. Mr. Hadley states the short answer is nothing has been done. Mr. Mallet reports that the Council on Aging voted last August or September not to raise money from local sources and at the point he said he was not going to be involved with this any more because that is not what he understood or what we told town meeting. He withdrew and the Friends were concerned and angry about it.

Mr. Hadley feels it is safe to say that there has not been any fundraising contrary to what they said at town meeting. Mr. Bricault pointed out that it was included in their presentation to town meeting. Mr. Mallet clarified that they stopped in September of last year because that is what he was doing. He noted that from time to time Tom Bartholomew comes in to discuss fund raising. They are

considering doing a brick walkway. Mr. Bricault recalls the conversation was that they were not going to stat anything until the building was completed. He would like to ask what the plan is.

Mr. Hadley reports that the Council on Aging intends to have a ribbon cutting at the senior center on May 4<sup>th</sup>. Ms. Lucier reports that the Chair of the Council thought she had send a previous email to the Board, however, she used the wrong email address so she resent it. Mr. MacMillan believes everything will be done by that date. Mr. Rucho questioned who is putting the event together. It was agreed to invite them to the next FISP meeting on April 10 so we can find out about their plan.

Motion Mr. Rucho at 7:55 p.m. to adjourn, second by Mr. Bricault, all in favor.

Respectfully submitted,

Approved: April 10, 2019

---

Nancy E. Lucier, Municipal Assistant

---

John W. Hadley, Chairman

---

Christopher A. Rucho

---

Patrick J. Crowley

---

Siobhan Bohanson

---

Phil Mallet

---

Raymond Bricault