

PERMANENT BUILDING COMMITTEE
Minutes – September 8, 2022

Present: Chair Elaine Jones, Craig Blake, Jennifer Pincus, Anuraj Shah, Nancy Rubenstein and John Kraemer. Also present: Combined Facilities Director Sandra Duran.

Due to technical difficulties, the ZOOM meeting was not opened at 7:30 p.m.

The public meeting was called to order at 8:15 p.m. at which time the Chair noted that no Executive Session was held nor would be held as the subject intended was deemed to be inappropriate for discussion in Executive Session under M.G.L. c.30A s. 21.

Fairbank Community Center Project Present: Compass Project Management Project Executive Jeffrey D'Amico, Project Manager Christopher Eberly, BH+A Architects Thomas Scarlata and Joel Bargmann, Weston and Sampson representatives Steven Spink and Todd Bridgeo.

Mr. D'Amico updated the group as to the building status at this time, noting that initial modifications to the Atkinson Pool are on schedule with opening of the pool to the public on September 9, also noting that another pool shutdown is planned for continuing work in the Spring. Various doors have been cut for alternate access and others closed off. The main building entrance has been closed and supplanted by a new entrance between the Sr. Center and Sudbury Public Schools entries accessible from the parking lot on that side of the building. It was noted that no further work is intended on the existing building at this time.

Mr. D'Amico recommended to the PBC group that the PBC contract MEP commissioning services to commence with mechanical equipment shop drawing submittals associated with construction of the new building. Of the four companies solicited by Compass, three had responded and NV5's proposal was determined to be the best value to the Town. The total \$53,240 cost of commissioning was below the project budgeted amount and included the NV5 lump sum of \$38,000, Compass markup of \$4,840 and the cost of eight additional site visits by the commissioning agent as needed at \$10,400. The need for the additional site visits would be decided by Combined Facilities Director Sandra Duran and PBC Project Manager Jennifer Pincus on an as needed basis. Both Ms. Duran and Mr. Scarlata spoke very highly of their experiences with NV5 as did Compass. At the conclusion of the discussion it was on motion by Mr. Blake unanimously voted to approve the commissioning services set forth in the NV5 proposal with the appropriate Compass markup and site visits in the amount not to exceed \$53,240.

Compass reviewed the soil excavation completed to date at the site and the status of Colantonio's soil protest. The Committee was provided with the soil protest history which commenced in early July when Colantonio indicated that the depth of loam was deeper than anticipated and the volume of unsuitable soil was more than Colantonio felt they were under contract to remove. Compass also reviewed the additional soil sieve testing completed on the potential unsuitable soil. At its meeting of 8/17 the PBC voted for a compromise approach whereby only the soil that was unsuitable for use as structural fill under the building footings need be removed, allowing most of the soil under floor slabs to remain if proof rolled. Compass has directed Colantonio to continue with the excavation of soil in the vicinity of the building footings under protest. Colantonio provided a formal protest on 8/22 and on 8/29 started the foundation excavation

finding a significant depth of buried construction debris which over two days resulted in removal of approximately 800 c.y. of debris-laden fill and loam. On 8/31 Colantonio notified the team that they were stopping foundation work and on 9/1 formally submitted a claim letter for the unsuitable soil encountered.

It was reported that all parties agree that negotiated unit prices are a fair way to proceed in regard to excavation, reuse fill, import fill, screening and disposal and that a GPS survey of the excavation on a daily basis is needed to determine the quantity removed, and also agree on maximizing the reuse of material onsite.

Mr. Scarlata spoke to the issue of calculating the volume of unsuitable soil excavation owned by the Town for subsurface materials set forth in letters from BH+A to Colantonio, Inc. dated August 19, the Colantonio response to BH+A dated August 22, and the Colantonio Subsurface Clarification Letter Claim dated September 1. The Project team's proposal for evaluation of unsuitable soil in the excavated material was presented and included: Geoenvironmental visual inspection for potential hazards in construction debris laden piles; soil testing for potential contaminants in the unsuitable soil piles and those for potential export; screening of material for construction debris followed by sieve evaluation to identify material for onsite reuse as structural fill, ordinary fill, or ordinary borrow. It was noted that Weston and Sampson recommends only soils meeting the structural fill specifications be used as backfill beneath the building footings.

Soil removal to date and its indications were discussed. The characteristics of the "debris" was clarified to include construction rubble such as concrete, rebar, and metal flashing discovered in the excavated soil, or any organic matter, such as tree roots, which would degrade or decompose and would preclude soil reuse. Mr. Spink informed the group that there are minimal organics contained in the fill and some could be reused, but the excavated soil with a fines content that exceeds the specified limit for structural fill needs to be evaluated due to its poor drainage characteristics and its susceptibility to rain and frost events. Mr. Spink advised performing additional sieve analyses on the excavated soil.

At the conclusion of the discussion it was on motion by Mr. Blake seconded by Mr. Shah unanimously voted to authorize a bulletin Construction Change Directive at the not to exceed amount of \$100,000 to remove unsuitable material encountered below the pay line and to deal with the material under negotiated pay items as appropriate.

Noting that additional geotechnical engineering services are needed in connection with the on-site identification of unsuitable site soils under protest during excavation activities, Compass presented a proposal to provide additional Geotechnical and Geo Environmental services. Compass informed the group that \$34,905.20 is requested for the Geotechnical services which are to include 20 full-time site visits and expedited field reports and \$40,040 for Geo Environmental which include 8 visits for soil sampling, 8 laboratory sample analyses, and a \$10,000 allowance for Licensed Site Professional (LSP) services if contamination is encountered in the excavated soil and such services are required. Mr. Blake, a former LSP, stated the need for caution relative to the potential for soil tests which can be the basis for additional costs. He

also cautioned about the potential finding of chemical contaminants as the Contractor only has need for contaminant testing if the excess soil is intended to be shipped off site. It was clear to all that the sampling needed to be performed effectively and that the frequency of testing be under the Town's control.

At the conclusion of discussion it was on motion by Mr. Blake unanimously voted to approve an increase in Geotechnical engineering services in the amount of \$24,904.20 and an allowance of \$40,040 based on the proposal for Geo Environmental services. Both services are to be contracted with Weston & Sampson under the Compass contract.

PBC Fairbank Project Management Ms. Rubenstein stated that other commitments have precluded her continuation as a Project Manager, and that she wished to step down. After the motion was made and seconded, it was unanimously voted that the Permanent Building Committee accepts the resignation of Nancy Rubenstein as a Project Manager for the Fairbank Community Center. Ms. Rubenstein was thanked for her service.

It was then on motion by Ms. Jones seconded and voted unanimously to designate Craig Blake as Assistant Permanent Building Committee Project Manager for the Fairbank project and as the Fairbank Community Center soils liaison.

In regard to the Change Order authority of the PBC Project Manager, it was on motion unanimously voted to increase the threshold from \$10,000 to \$25,000.

Fire Station No. 2, Boston Post Rd. PBC Project Manager Craig Blake informed the Committee that a preconstruction meeting with all parties will be held next Wednesday (9/14) at 3 p.m. to kick off the project construction and discuss the timing of the Notice to Proceed.

It was noted that discussion is ongoing with Town Counsel regarding the requirement of an easement from National Development for access to the Fire Station property with the understanding that National Development has agreed that the Town would have access from the private road currently providing public access to Whole Foods Market at the western end of the Meadow Walk development. Although it is a publically traveled road, an easement might be desirable should National Development change the status of the road. Mr. Blake will be talking with the National Development representative about formalizing the easement.

Mr. Blake further informed the Committee that while the Planning Board decision indicated that the electrical services would be underground and a pole would be eliminated, the manhole for underground services has yet to be determined by Eversource.

Minutes Minutes review would be undertaken at the next PBC meeting.

Meeting Schedule It was determined that the best timing for future PBC meetings would be the second week of the month. The next meeting will be held on Thursday, October 13, 2022, at 7:30 p.m.

There being no further business, the meeting was adjourned at 10:44 p.m.

Respectfully submitted,

Elaine L. Jones, Chair