

BUILDING, PLANNING AND CONSTRUCTION COMMITTEE
TOWN OF NORTHBRIDGE

Minutes of Executive Session Meeting
April 21, 2005

Committee Members Present: Chairman Peter Barbadora, Faith M. Lane, Donald K. Lange, Neal Mitchell, George Murray and Patrick Smith

Pursuant to a roll call vote on a Motion by Mr. Murray to adjourn the Open Meeting to Executive Session, for the purpose of discussing pending litigation, to return to Open Meeting, the Executive Session opened at 7:40 p.m.

Voting in the affirmative on Mr. Lange's Motion were Mr. Barbadora, Mrs. Lane, Mr. Lange, Mr. Mitchell, Mr. Murray and Mr. Smith. There were no negative votes cast.

The Chairman called the Executive Session to order at 7:40 p.m. in the High School Conference Room and declared the presence of a quorum.

The purpose of the Executive Session was to review the failed Mediation Session with Attorney Vena, David Morrow and Joseph Montecalvo and representatives from Tappe Associates and their insurance counsel. Mr. Montecalvo had made an offer for \$800,000.00 on behalf of the Town. At the end of the session nothing had been formally agreed upon. An offer came from Tappe on the detention basin to stamp the drawing, do permitting and give us \$50,000.00. Nothing was on the table concerning the additional ledge that had to be removed and the improperly designed fields. No firm date was set for the next session, if any. Mr. Barbadora noted that the mediator called Attorney Vena to see if anything could be resolved over the phone.

Mr. Barbadora had met with the Town Manager and Mr. Montecalvo saying that \$450,000.00 to \$500,000.00 would be our final spot where we wanted to be. Mr. Barbadora learned that the Selectmen had met before the mediation and without the Committee members and apparently decided that they would agree to a bottom line of \$600,000.00 if the mediation went well. Committee members are urged to attend next Monday night's Selectmen's meeting executive session when the Selectmen will discuss the Committee's recommended settlement amount, in case there are any questions, and then report to Attorney Vena what the Selectmen decide.

On MOTION OF MR. LANGE, duly seconded, it was, on a roll call vote, Unanimously

VOTED: To return to Open Meeting.

Voting in the affirmative was Mr. Barbadora, Mrs. Lane, Mr. Lange, Mr. Mitchell, Mr. Murray and Mr. Smith. There were no negative votes cast. The time was 8:05 p.m.

Respectfully submitted,

Faith M. Lane,
Secretary

DISTRIBUTION:

Committee members
Edward F. Vena, Esq.

BUILDING, PLANNING AND CONSTRUCTION COMMITTEE
TOWN OF NORTHBRIDGE

Minutes of Executive Session Meeting
May 26, 2005

Committee Members Present: Chairman Peter Barbadora, Faith M. Lane, Donald K. Lange, Neal Mitchell, David Morrow, George Murray and Patrick Smith

Pursuant to a roll call vote on a Motion by Mr. Murray to adjourn the Open Meeting to Executive Session, for the purpose of discussing pending litigation, to return to Open Meeting, the Executive Session opened at 8:05 p.m.

Voting in the affirmative on Mr. Lange's Motion were Mr. Barbadora, Mrs. Lane, Mr. Lange, Mr. Mitchell, Mr. Morrow, Mr. Murray and Mr. Smith. There were no negative votes cast.

The Chairman called the Executive Session to order at 8:05 p.m. in the High School Conference Room and declared the presence of a quorum.

The purpose of the Executive Session was to bring the Committee members up to date on Attorney Vena's discussion with Mr. Barbadora relating to possible settlement of the Tappe litigation. Attorney Vena had spoken with the mediator, Attorney Ryan. The mediator suggested that both parties should come up with bracketed figures to see if the mediation could go further. Since the first mediation session, Tappe's bracket moved to \$250,000.00. Mr. Morrow stated that at mediation, VHB's representative tried to get out of the litigation by suggesting a separate deal from that of Tappe and Carol Johnson: to give \$50,000.00 and to do the project management work for repairing the infiltration basin. Beyond the \$100,000.00 from Tappe and Carol Johnson, the gap between the Town and the defendants never closed during that mediation session. A lot of discussion centered around the ledge issue and validation of Northbridge's claim on the ledge. Damages claimed by the Town on ledge was a significant hurdle for the defendants.

Mr. Barbadora stated that he was told by Attorney Vena that there were four options that Attorney Vena could attempt on the Town's behalf:

- 1) continue to discuss with Attorney Ryan
- 2) spend another day in mediation
- 3) negotiate directly with Tappe's attorney, or
- 4) tell the defendants that we will see them in court.

Mr. Vena told Mr. Barbadora that we would be looking at costs of \$10,000.00-\$15,000.00 for expert testimony, \$25,000.00 for trial preparation and \$75,000.00 for trial.

After discussion, it was the consensus of the members of the Committee that Mr. Barbadora would ask Attorney Vena to have the mediator present our bracket of

\$450,000.00 to \$500,000.00 to the defendants. If this strategy is unsuccessful, the Committee intends to go to the Selectmen for authority to either lower the figure for the purposes of settlement or to proceed with litigation. At such a meeting with Selectmen, the Committee would ask Attorney Vena to appear again before the Selectmen to explain the consequences of their decision.

On MOTION OF MR. MURRAY, duly seconded, it was, on a roll call vote, unanimously

VOTED: To return to Open Meeting.

Voting in the affirmative was Mr. Barbadora, Mrs. Lane, Mr. Lange, Mr. Mitchell, Mr. Morrow, Mr. Murray and Mr. Smith. There were no negative votes cast. The time was 8:35 p.m.

Respectfully submitted,

Faith M. Lane,
Secretary

DISTRIBUTION:

Committee members
Edward F. Vena, Esq.

NORTHBRIDGE BUILDING, PLANNING AND CONSTRUCTION COMMITTEE

RE: Building, Planning, and Construction Meeting

DATE: July 28, 2005

TIME: 6:50 P.M.

LOCATION: Northbridge School Administration Building

EXECUTIVE MINUTES

PRESENT:

Present were: George Murray, Peter Barbadoro, Donald Earle, Dave Morrow and Ed Venna. Esq.

Ed Venna reviewed the status of the litigation to date. Mr. Venna had a discussion with the architect's attorney regarding carving out the detention basin and the value.

Tappe claims there was \$65,000.00 worth of oversight due to earthwork by PYTCO. The work was done by GSI.

Ledge Claim two (2) issues

Tappe has admitted (during dispositions) that ledge quantities were in error and not updated at appropriate times during design and bidding.

Tappe does question the value of the ledge. What savings would be realized by raising the school. They feel we have overstated the value, underestimating the offsetting costs of access to the building, ramps, etc.

Ed has solicited a proposal from John Wagner at Weston and Sampson to do detailed estimates to support our position in that matter.

Athletic Fields

Tappe also questioned our evaluation of the costs to repair the fields.

Their view of the fields is that they were practice fields, after going through meetings of mediation.

Ed discussed that while he hoped to avoid having experts attend the mediation, we are negotiating with a team of experts because of their vocation and therefore we need to have specific computations and a concise, convincing argument needs to be made.

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DORIS A. CEDENO
07 JUL -2 AM 8:09
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Therefore, he suggests

[REDACTED]

Ed gave us the date of September 27, 2005 for a mediation date.

Adjournment:

Mr. Murray made a motion to adjourn executive session.

Don Lange seconded the motion.

Motion passed unanimously.

The Executive Session of the July 28, 2005 meeting adjourned at 7:45 P.M.

Respectfully Submitted,

Dave Morrow

**NORTHBRIDGE BUILDING, PLANNING AND CONSTRUCTION
COMMITTEE**

RE: *Building, Planning, and Construction Meeting*

DATE: *September 28, 2005*

TIME: *8:00 P.M.*

LOCATION: *NHS Conference Room*

EXECUTIVE MINUTES

PRESENT: *Present were: George Murray, Peter Barbadora, Donald Lange,
Dave Morrow and Chris Thompson.*

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DORFEN A. CEDRORE

Mr. Barbadora gave a review of the mediation session on 9/27/05 that was attended by Mr. Barbadora, Mr. Morrow and Selectman Montecalvo. Ed Venna, Esq, represented the town.

The mediation was not concluded. The Tappe team refuted the committees claims on ledge and the claim that the athletic fields were designed in a less than desirable manor. Mr. Barbadora explained the grading scenario to the committee that would correct the problems.

The Tappe team did agree to our request for remediation of the fields. They will take 2-3 weeks to review our request and get back to us as to whether they will be willing to design and repair the fields. They will contact Ed Venna with an answer.

George reported that Ed Galuska (HVAC designer) came to the school yesterday and spent half a day working on a couple of rooftop units and left at mid-day without informing him. George was not impressed with the progress of the HVAC System remediation. Mr. Murray estimates that the HVAC commissioning is at 50% completion. The rooftop units over the field house have never been repaired.

Mr. Barbadora will draft a letter requesting a status report and schedule for completion.

Adjournment: *Mr. Murray made a motion to adjourn executive session and to return to regular session.*

Don Lange seconded the motion.

Motion passed unanimously.

The Executive Session of the September 28, 2005 meeting adjourned at 8:30 P.M.

Respectfully Submitted,

Dave Morrow

Therefore, he suggests that to settle to case, we should engage experts to develop solid estimates / take offs to present. We would have to do this if we went to trial, but by then the legal fees etc., would be much higher. He feels the best way to settle this case is to provide a convincing estimate during mediation. Ed gave us the date of September 27, 2005 for a mediation date.

Adjournment:

Mr. Murray made a motion to adjourn executive session.

Don Lange seconded the motion.

Motion passed unanimously.

The Executive Session of the July 28, 2005 meeting adjourned at 7:45 P.M.

Respectfully Submitted,

Dave Morrow

**NORTHBRIDGE BUILDING, PLANNING AND CONSTRUCTION
COMMITTEE**

RE: *Building, Planning and Construction Committee Meeting*
DATE: *October 26, 2005*
PLACE: *NHS Conference Room*

MINUTES

Present were: George Murray, Chris Thompson, Peter Barbadora, Patrick Smith, Don Lange, and Neal Mitchell. Also present was Ed Galuska and Bob Braga from Garcia Galuska Desouza, Inc.

Call to Order: *Chairman Peter Barbadora called the meeting to order at 6:35 P.M.*

Approval of Minutes *A motion was made by Don Lange to accept the minutes of September 28, 2005 as presented. George Murray seconded the motion.
Motion passed unanimously.*

Discussion: *Mr. Galuska and Mr. Braga attended tonight's meeting to review their report on the commissioning of the High School HVAC System.
Mr. Galuska began by addressing the classroom unit heaters. He indicated there were several issues with motors, bearings, louvers and insulation. He indicated the Trane representatives had inspected their units at least twice and were prepared to supply the school with 10 motors, 10 shafts and 10 bearings.
George Murray asked who would install this equipment and Mr. Galuska replied Northbridge personnel.
Mr. Galuska was also asked about the insulation of the units, which were left out, and the louvers that did not seal properly. He answered that the louvers never completely shut properly anyway and we should expect air infiltration. Mr. Galuska also recommended the system be filled with Glycol to eliminate the need to repair louvers, insulate units, or repair freeze stats. Mr. Murray indicated that this was an unacceptable remedy to the unit vent issues.*

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DORREN A. CROOKES
OWN CLERK
07 JUN 2006 AM 8:32

Mr. Galuska also went on to review the issues with the schools rooftop units. He indicated that the majority of the problems had to do with automotive controls. He stated that in some cases dampers were not controlled to close, nor was power exhaust controlled automatically. He was asked if the air-conditioning system worked properly. His response was that the air conditioning was not checked yet.

The Committee expressed great dissatisfaction with Mr. Galuska that he was presenting his final report and he had yet to complete his review of the air-conditioning system. Mr. Galuska did not like the Committee's reaction to this fact and stated he had enough tonight and left the meeting. He stated he would call the Chairman in the morning.

The Committee voted unanimously to approve the following invoices for payment:

Gale Associates	\$ 5,938.12
Gale Associates	6,988.40
Silktown Roofing	777.00
Dixon Salo	617.99
Vena, Riley, Deptula	12,965.45

The Committee voted unanimously to recommend to the Town Manager / Selectman to enter into a contract with Antonelli Construction of Worcester, MA to construct (2) bathrooms (handicap accessible) in the basement of the Town Hall, as recommended by the architect.

George Murray made a motion to adjourn the meeting. Chris Thompson seconded the motion.
Motion passed unanimously.

Meeting adjourned at 8:26 P.M.

Respectfully Submitted by Peter Barbadora

**NORTHBRIDGE BUILDING, PLANNING AND CONSTRUCTION
COMMITTEE**

RE: *Building, Planning and Construction Committee Meeting*
DATE: *October 26, 2005*
PLACE: *NHS Conference Room*

MINUTES

Present were: George Murray, Chris Thompson, Peter Barbadora, Patrick Smith, Don Lange, and Neal Mitchell. Also present was Ed Galuska and Bob Braga from Garcia Galuska Desouza, Inc.

Call to Order: *Chairman Peter Barbadora called the meeting to order at 6:35 P.M.*

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