

Penfield Building Committee
Board of Education Center
501 Kings Highway
Fairfield, CT. 06825
Thursday, May 12, 2016
penfieldcommittee@town.fairfield.ct.us

Present: Mr. Bradley, Mr. Bellitto, Mr. Zieff, Mr. Bass, Mr. Speciale, Mr. Plotkin, Mr. Pitaniello

Absent: Mr. Graceffa, Mrs. Nelson

Others: Mr. Chamberlain, Mr. McDonald, Mr. Vincent, Mr. Whalen, Ms. Dyer, Mr. Michelangelo, Mr. Foley, Mrs. Ewing, Mr. Wendt, Mr. Warrington, Mr. Gauer, Mr. Dmchowski, Ms. Robinson, Ms. Martin, Mrs. Georgiadis

1. Call to Order

Mr. Bradley called the meeting to order at 6:05 p.m.

2. Confirmation of Quorum

Quorum confirmed.

3. Confirmation of Meeting Agenda and Order

Mr. Zieff moved and Mr. Bass seconded a motion to move item 8 to item 5. All in favor. Motion passed.

4. Review and approval of Meeting Minutes from 04/14/2016

Mr. Bass asked to include the following statement to the Meeting Minutes of 4/14/16, item #7, 5th paragraph – Mr. Bass is disturbed that the Committee was still talking about pavers because we had many previous discussions and two votes to keep the pavers.

Mr. Zieff moved and Mr. Bellitto seconded a motion to approve the Minutes of 04/14/16 as amended. 4 in favor. 2 abstentions (Bellitto, Pitaniello). Motion passed.

5. Report from Joe Michelangelo regarding DEEP and status of existing timber bulkhead issues. Presentation of building and foundation design impact given proposed reduction in existing timber bulkhead height. Approval of remedial design engineering costs.

Mr. Michelangelo reviewed the events which led up to the removal of the bulkhead.

Mr. Michelangelo said on April 14, 2016, he received a letter from the Division Chief of the Connecticut DEEP. The tone of the letter was recommending and advising. They said the bulkhead when originally planned and constructed did not go through the proper channels and

was inconsistent with DEEP recommended coastal design requirements, therefore, they wanted it removed. Mr. Michelangelo said that it appeared that the recommendation was more than a suggestion. On April 28, 2016, there was a meeting with the First Selectman in which they reviewed the pros and cons of leaving the bulkhead in place. On 4/29/16, they were notified by DEEP that the next step would be a Notice of Violation and they wanted

the Town to submit a plan for removal. The Town gave them a plan of action and this is what led to the removal of the bulkhead.

Mr. Zieff asked to see the letter. Mr. Michelangelo gave him the letter. Mr. Zieff commented that the letter talked about removing the bulkhead and alternatives. Mr. Pitaniello asked if removing the bulkhead was the right thing to do from an engineering standpoint. Mr. Michelangelo said that from an engineering standpoint, it will work to an elevation 11 but DEEP said that they wouldn't recommend it. Mr. Pitaniello asked if we now have more or less protection. Mr. Michelangelo said DEEP didn't want the bulkhead. Mr. Pitaniello asked what the ramifications would have been if we didn't remove the bulkhead. Mr. Michelangelo said that we would have faced a notice of violation and legal action. He said that the terms of the FEMA funding grant states that we have to be in compliance with permits. Mr. Zieff asked why there wasn't more time given to remove the bulkhead. Mr. Michelangelo said that on Wednesday, April 4, they could have told Shawmut to continue with their schedule, stop, or do something else. Mr. Bellitto asked why the Committee was just finding out about this now. Mr. Michelangelo said that there were internal conversations with DEEP and the pros and cons of fighting it. Internally they felt that we should not fight it. Mr. Bellitto said the word "internally" concerned him. He said action was taken without Building Committee input. Mr. Bellitto asked if the Town Attorney or an Environmental Attorney was consulted as to what the consequences could be. Mr. Michelangelo said that 40% of it is still in. Mr. Bellitto said this was advised, not mandated. He said to Mr. Michelangelo, you say you had to do it but you haven't said what the legal consequences would be. Who made the call, he asked. Mr. Michelangelo said that the First Selectman was aware of the situation at the time, and we felt it was the best option. Mr. Bellitto asked what the ramification would have been if we had refused. Mr. Wendt said that their next step would be a notice of violation and going to court. He said there would have been an order to remove the bulkhead. Mr. Bellitto asked what their specific objection was. Mr. Wendt said they have a policy to avoid structural solutions for flood control. Mr. Bellitto asked if FEMA would disagree. Mr. Wendt said this is a State decision. He said that they were notified in early March. Mr. Bass said that he thought it sounds like the Town made the decision. Mr. Zieff asked what is Plan B, to replace what the bulkhead would have done. He said they have no choice but to accept the decision. Mr. Pitaniello asked if it affects the design. Mr. Bass asked what the name of the firm was that took the Committee through the flood requirements. Mr. Michelangelo said Tighe and Bond. He said they were hired in August, 2015 and cost \$8,000.00. When it came to DEEP, he said, they reported that it doesn't meet requirements. Mr. Bass said that if Fairfield had this firm for Flood Management Certification, why were flood management issues not raised earlier in the project. Mr. Bass said that he heard from someone at the State level that what caused this is that the Town hired a firm to take us through the project and then it was uncovered. Mr. Bradley asked if the Town interpreted this letter correctly. Mr. Wendt said that this was a recommendation preceded by an order and that he thinks it was interpreted correctly.

Mr. Chamberlain said that his view is that the bulkhead is a layer of protection and not the most important layer of protection. He said without the bulkhead, the soil under the building would be scoured and eroded. To mitigate the potential risk of soil from being carried away, they are installing cross braces on the foundation piles under the East Wing. Mr. Bass asked if adding soil is going against having water flow freely underneath. Mr.

Chamberlain said that the current design assumed that water could flow under the building. Mr. Chamberlain noted that he has begun amending the drawings to reflect that the bulkhead will be removed. Mr. Chamberlain distributed a draft of the proposed design revisions to the Committee. He said they will excavate pits and install bracing. He is going to put this around the perimeter of the east wing. He said that we have to anticipate that sand will move around so they are going to run steps off of the rear deck and bury them under the sand. The handicap ramp will extend an additional 12 feet and will also be buried under the sand. The revisions will not impact schedule. Mr. Chamberlain said that he recommends that RACE re-evaluate their report. Mr. Bradley asked without the bulkhead is there a solution to protect the neighborhood. Mr. Michelangelo said that RACE had originally proposed six options. Mr. Chamberlain said that he could look at soft controls which DEEP is in favor of such as reinforcing the beach with grass. Mr. Zieff asked Mr. Chamberlain if he had ever considered putting in cross beams before. Mr. Chamberlain said that he didn't see a need before. Mr. Zieff asked if the cross beams were a result of the loss of the bulkhead. Mr. Chamberlain said yes.

Mr. Bradley opened up the floor to Public Comment.

Rick Grauer asked how a buried bulkhead creates a problem. He said Tom Stankey said DEEP has never taken anyone to Court for non-compliance of a recommendation. He said he considered the bulkhead as an asset.

Ms. Kristin Robinson said the barrier did help control flooding. She said she doesn't understand why we are moving away from addressing flooding behind Penfield.

Dick Dmchowski said the stack block walk comes up to elevation 12. He said RACE recommends a 16 foot flood wall. Without the bulkhead, he said, waves will run up and down the beach and will require a flood wall.

Ilsa Martin said that she thinks the Town caved in too quickly.

Dru Georgiadis said the bulkhead was the original bulkhead and asked why it was not compliant. She said that bulkhead cost \$210,000 and now it is gone. She said the Town should explore all options.

Mr. Bradley closed the floor to Public Comment.

Mr. Chamberlain said that construction is continuing and nothing they are talking about affects the sequence of construction.

Mr. Bradley reported that, on behalf of the Committee, he had authorized DeStefano and Chamberlain to start with the design analysis looking at the design impacts of no bulkhead. The cost would be not-to-exceed \$10,000. Mr. Bradley requested confirming authorization.

Mr. Bellitto moved and Mr. Speciale seconded a motion to authorize \$10,000 in design changes in the absence of the bulkhead. All in favor. Motion passed.

6. Report from Shawmut Design and Construction regarding project status, 90 day look-ahead schedule and public safety issues.

7. Report from Colliers regarding project status, outstanding issues, change order log, budget and schedule status.

Given the hour, Mr. Bradley requested brief comments from Colliers and Shawmut representatives present. Mr. Warrington said that the project is on schedule. There are no concerns. Regarding the GMP reconciliation, all issues have been resolved.

Mr. Vincent said the building was successfully moved to the parking lot and everything is going well.

8. Report from DeStefano and Chamberlain regarding any outstanding design or engineering issues. Presentation of final parking lot redesign for approval.

Mr. Chamberlain distributed the parking lot site plan.

Mr. Chamberlain said that the latest design assumed that the pavers are removed. He restated the fact that many of the pavers were broken before the construction began. He said the plan is have a trench drain in the middle of the parking lot with a 2" strip of asphalt in-between cars. The trench will have a hard bottom which can be maintained by shoveling out or being vacuumed out. This keeps the parking lot at elevation 8. Pavers will remain around the perimeter of the lot.

Mr. Michelangelo said Public Works will have partial involvement. Mr. Bass said that he recommends that the Committee stick with the vote we already made in regard to the pavers. Mr. Plotkin said that he agrees with Mr. Bass on the paver issue. Mr. Bass noted that many of the pavers are still in good shape and that the engineering staff is concerned about the visual. Mr. Bradley said that it is the Committee who is concerned with the visual not the engineering staff and the major issue driving the debate is cost. The inclusion of pavers in the center of the lot was an added cost. Mr. Bass questioned whether parliamentary rules allowed the Committee to reopen decisions they had already made. Mr. Bradley said that he would consult with the Town counsel prior to next meeting.

Mr. Bradley said that, unless there was an objection, he would recommend continuing the discussion at the next meeting.

9. Discussion and resolution regarding process, legal opinion and impact on cost and schedule as related to substitution of the structural steel contractor.

Mr. Pitaniello said that QSR Steel is the second bidder. They have a change order request for \$39,067.00 which includes associated general liability. He said the problem with the first bidder was out of the control of Shawmut. This will be taken out of the Owner's Contingency Fund.

Mr. Pitaniello moved and Mr. Speciale seconded a motion to approve Change Order #001 for \$39,067.00 with no schedule impact and no additional funds for overtime to complete the scope of work. All in favor. Motion passed.

Mr. Bass said that as a Point of Order, agenda items that have been voted on, specifically parking lot drainage re-design, should be stricken on future agendas. Mr. Bradley said that he would look into this per his previous comments.

10. Review and approval of any outstanding requisitions for payment or invoices.

Mr. Bellitto moved and Mr. Speciale seconded a motion to approve payment to DeStefano & Chamberlain, Invoice # 5523, for Construction Phase Services 28% complete less previous invoice 18% complete, in the amount of \$10,910.00. All in favor. Motion passed.

Mr. Zieff moved and Mr. Pitaniello seconded a motion to approve payment to SBS dba Colliers International, Invoice # 15841, for attending Building Committee Meetings, review of invoices and update project financials, site visits/construction administration and reconciliation of GMP contract, in the amount of \$6,625.40. All in favor. Motion passed.

Mr. Zieff moved and Mr. Pitaniello seconded a motion to approve payment to United Illuminating, Invoice # 196450, for electricity, in the amount of \$300.00. All in favor. Motion passed.

Mr. Zieff moved and Mr. Pitaniello seconded a motion to approve payment to Shawmut Woodworking and Supply, Requisition #7, in the amount of \$904,772.43. All in favor. Motion passed.

11. Public Comment

Mr. Grauer asked if the remaining bulkhead stays, is bracing necessary. Mr. Chamberlain said he would look into it.

Mr. Dmchowski said that the loss of the bulkhead will influence the performance of the retaining wall in the parking lot.

Ms. Robinson said that the pavers are more appropriate for the parking lot.

12. Old Business

No old business.

13. New Business

No new business.

14. Adjournment

Mr. Bellitto moved and Mr. Speciale seconded a motion to adjourn the meeting. Mr. Bradley adjourned the meeting at 8:30 p.m.

Andrew Graceffa, Secretary
Ellen Marks, Recording Secretary

*DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY THE PENFIELD BUILDING
COMMITTEE OF THE TOWN OF FAIRFIELD*