

**MINUTES OF THE CHESHIRE TOWN COUNCIL PLANNING COMMITTEE MEETING
HELD ON THURSDAY, FEBRUARY 9, 2012, AT 7:30 P.M. IN ROOM 207, TOWN
HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

James Sima, Chairman; Patti Flynn-Harris and David Schrumm.

Town Council Member Michael Ecke

Staff: Michael A. Milone, Town Manager; George Noewatne, Deputy Finance Director;
Vincent Masciana, Director of Management Services, Dept. of Education

Others Present: John Purtill, PBC Chairman; PBC Members Art Crocker and Mark Nash

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. HIGHLAND SCHOOL HVAC WAIVER OF BID

Mr. Sima stated that this bid waiver was an agenda item for the January 10, 2012 Town Council meeting and it was tabled pending further discussion and information. There were two issues regarding this bid waiver. One issue in the motion was unclear as to who the Town was purchasing the unit from, and why was the vendor that was under the bid limit mentioned, the people to install the unit, not the electrical contractor. Neither of them are above the bid limit. Another issue at the PBC meeting was the lead time of the unit which is about 10 to 12 weeks. This puts everything behind the heating season at Highland School, and now we want to get the unit in for the air-conditioning season.

The reason for this meeting is to discuss why we need to go out for a bid waiver if we have this time frame in front of us, and if another month will make a difference. Another reason is whether there is anticipation of saving money, and basically putting the unit in without having a contractor overseeing the entire project.

Mr. Sima said that one of the bids brought to the PBC was the DAS awarded contractor who came in at about \$95,000, and another manufacturer of the original unit sitting on top of the school right now came in with a close bid to the contractor who wanted to install the unit. Mr. Sima said his main question is why this project has to have a bid waiver.

In response, Mr. Purtill, PBC Chairman, said that in his experience with bids and time and from his memberships about what is going on with mechanical costs, there is starting to be an escalation. In the past there would be flat prices and every forecast being seen now is for rising costs of mechanical systems of anything made out of steel in the next 6 to 9 months. He said he is surprised that Trane has held its price during all of this.

Mr. Masciana spoke with a Trane representative and advised that they are still holding the price, but it is 12 weeks for delivery time.

Mr. Purtill said there are two considerations from the PBC standpoint. One is that if we go out to bid we will increase the costs because of the internal administration. We would have to go through the process of having legal counsel look at and provide bid documents, have a walk through, get the bids out, have a bid opening, etc.

Mr. Masciana said we would want to get an engineer to spec this and this adds to the cost. In past experience with the other two units in 2009, the bids were challenged two times, and the bid went out three different times.

From the PBC standpoint, Mr. Purtill said there are pros and cons to having a bid process, having an engineer and good documents. Mr. Purtill commented on the pool cover project and the process the Town went through to make sure there were equivalent bids from all the people. One challenge with all mechanical systems, i.e. elevators or HVAC units, is that everybody designs and constructs their units in a different way, without exact comparability. This is adding much time to the subject project and more costs to the Town. And, PBC believes the crisis may continue to escalate, and there would be some delay in getting the unit in running into the cooling season. We are looking at an early spring and summer, and there will be a negative effect.

There is a benefit to the bid process, but in this case, Mr. Purtill said the Board of Education and subcommittee has done the equivalent, by getting a number of providers, getting a functional equivalent of a bid from three of them. From the prices received one involves a direct purchase from Trane with our own subcontracted installers, and this will save about \$15,000 depending on what competition we look at.

According to Mr. Purtill, the BOE and PBC have done due diligence and feel comfortable in the joint selection by the subcommittee and BOE, and in going forward with this project.

Mr. Masciana said that one of the things looked at is whether, going out to bid, we get a lower price, and he does not think we can do it. There is about a \$3,000 cost to go out to bid. As a benchmark he uses the 2009 units, a 32 ton and 30 ton unit, and the cost was about \$220,000 - \$3,500 per ton. In looking at the price now on the 25 ton unit it is about \$3,200 per ton, and he does not see how much lower the price will be. From a cost point of view, this project should not go out to bid.

Regarding the 2009 bids, Mr. Schrumm asked what the challenge was with them.

Mr. Masciana said the specs were challenged three times, and finally the bids came in without a challenge.

Mr. Schrumm commented on what we are doing here...there are no specs to be bid on, no engineering, no legal review, and yet we are ready to hire one entity to supply a unit, another entity to do the plumbing, and another to do the electric work. If there are problems along the way there are no specs to fall back on. This is a simple project; there is a unit on the roof; and Mr. Schrumm is more concerned about the process and why this did not go through the normal process.

One pertinent question was raised by Mr. Sima regarding the national and state building codes for things like air change overs per hour when a school is occupied or not occupied. These are things which an engineer insures is in the specs, and how do we know that the unit to be purchased meets all the specs of an educational facility. This is an \$85,000 expense. Later, if the unit has to be lifted off, duct work changes must be done, etc. this is where engineering says that the work is done to code, unless the same specs are there for this 25 ton unit as for the 30 ton unit.

In awarding the bid, Mr. Sima said the Charter gives the Council 12 scenarios for the bidding process, and #11 tells where the Council can go to waive the provisions, and it says "utilizing a restricted or pre-qualified list of bidders". He believes due diligence was done regarding the qualified bidders, and Trane has already put units on the school and is a reputable company. The question is whether this unit is the proper one for this building.

Mr. Masciana reported that Trane came in and looked at the current unit for replacement. The only difference is going from electric to gas fired for heat, and the cooling is still electric. There was no engineering study to determine if things meet code. Trane stated this unit would replace the older unit. As far as specs go, the reason for someone else doing the specs for a bidding project, is to have an iron clad document when going out to bid. We are relying on Trane's recommendation in this case to provide a unit with the same tonnage and to do the job.

This project did not go to bid originally because of the concerns that the unit is in danger of failing, and this was in the capital budget last year with fund appropriated in August. Mr. Masciana said the goal is to get this done right away. Contractors were contacted for a DAS awardee to install the unit, and the project was assigned to PBC with additional time added to the process. When all the numbers came in the DAS vendor was not the lowest bid at \$96,000, and the thought was to spend \$82,000 going directly to Trane. There is a 5 year warranty on the heat exchanger and compressor, and 1 year warranty on parts and labor. Local plumbers were priced out with MDL at \$15,000 and White Bowman at \$10,000 for installation and disposal of the old unit.

The PBC recommendation to the Council is to waive the bid and get the unit installed. Going to bid now adds 30 days to the process. The Council was informed by Mr. Masciana that the biggest efficiency loss is in the cooling system, not the heating side. The big issue is whether the current unit will make it much longer, and waiting will result in lost time, energy savings, and the new unit can mitigate failure of the system. If the

system fails, we are stuck, and there is an uncomfortable environment for the students and staff at Highland School.

Mr. Sima said we are beyond the heating system at this point in time. When this came to the Council on January 13th, it was 10 weeks delivery time.

In that regard, Mr. Masciana said if the order is placed on February 15th, the units come in mid-May, get installed, and we are into the June cooling season.

Ms. Flynn-Harris commented on the fact that the BOE has already pre-qualified the vendors with a process in place. The BOE brought the manufacturer in to look at the current unit, and there was a review of what was needed for electrical and plumbing. There is a need, and if this unit goes down now, we still have school in session.

When this came to the Council, Mr. Sima said it was beyond the heating season for the school year, which ends April 15th. If the unit breaks down the new unit would not have been in place for the heating season.

Mr. Schrumm asked about the warranty on the unit, and it being installed by authorized Trane contractors.

Mr. Sima said Trane will warranty the unit, but will not warranty a problem with installation because that is upon the installer.

It was stated by Mr. Masciana that White Bowman for plumbing and Clark Electrical for electrical will warranty their work.

Mr. Nash stated there is a standard industry warranty, and there is also good faith with a warranty. We are dealing with local companies who work in Town and give much to the Town. There is no advantage for them to not back up their work. We are using local, well known companies, who are seen on a daily basis in Town.

With the numbers stated, Mr. Masciana said there is a 40% CL&P incentive with installation on both electrical and gas.

Mr. Sima asked if PBC can find out if this unit meets public building codes before the Council votes on this project.

Mr. Purtill stated that the process made the PBC feel comfortable that everything did meet codes, but he will check and advise the Council.

According to Mr. Sima the motion before the Council would have to state the purchase is from Trane.

Because this is a bid waiver, Mr. Milone said the vendor must be identified.

With the Town hiring two vendors to do the electrical and plumbing work and falling under the bid limit, Mr. Sima questioned their being named in the motion because there is no general contractor for this project. Mr. Sima also asked whether this falls under the bonding regulations, and if someone had to be bonded if this were going to a general contractor.

Mr. Masciana said a bond is not required.

The question of this project falling under the prevailing wage requirement was asked by Mr. Sima, and if so, how is this written for clarity.

Mr. Masciana said this project does not fall under the prevailing wage requirement because it is under \$100,000.

Mr. Noewatne stated that all vendors must be named in the Council motion because PBC does not have the exemption.

Town Manager Milone said the safest and easiest way is to name all the parties, but he will ask the town attorney for a legal opinion on this issue. The town attorney may say that the aggregate project is over the bid limit so everyone should be mentioned, and he will write the resolution for the Council.

Ms. Masciana could be the general contractor for this project.

With the current unit, Mr. Sima said most of the problems are with the air-conditioning side.

Mr. Masciana noted that the existing unit has given 40 years of service.

MOTION by Ms. Flynn-Harris; seconded by Mr. Schrumm.

MOVED that the Planning Committee approves the bid waiver for the HVAC at Highland School; moves the project to the full Town Council for approval; with verification from the Public Building Commission that this project meets all the current building codes.

VOTE The motion passed unanimously by those present.

4. STATUS OF FY 11-12 CAPITAL BUDGET PROJECTS

Town Manager Milone summarized the capital projects for FY 2011-12.

GIS - \$165,000; this is in addition to the \$135,000 appropriation from 2011. There is an RFP out to hire a company to do the fly over of the Town in early March. The consultant has met with all departments, and information has been put together for the RFP for the software. The fly over cost is between \$65,000 and \$80,000. The

consultant has been working with Apex Technology and the Police Department to insure compatibility of the systems.

Planning Account - \$200,000. This money is for the consultant/engineering for the Linear Trail; two responses received; committee interviews take place next week, with a recommendation forthcoming. The federal government is funding the project at 80% so all the federal guidelines must be adhered to. The plan is to have the exact cost for the capital budget.

Revaluation - \$350,000, plus the \$200,000 added in CNR. The RFP went out, and the Town hired Equality to do the revaluation. Tax Assessor Panagrosso will give a short presentation on February 14th to the Council. There is consideration to bring in a commercial appraiser during the revaluation process because the last revaluation resulted in 12-15 commercial challenges and court cases. Challenges are expected again from the larger commercial properties, and with an appraiser working with the revaluation company, legal expenses and assessment changes may be reduced.

Technology Reserve Fund #350,000. The Town hired Apex Technology 5 months ago and the firm is working with the committee. The first goal was fortification of the business resumption and disaster recovery plan. This entailed buying 3 new servers and other equipment and software, spending about \$120,000. A bid went out recently on additional equipment.

Mr. Masciana said 7 switches for various buildings, 2 core switches one for Town Hall and one for Cheshire High School, and the storage area network. All infrastructure hardware went out to bid; came in a \$171,000; and it is 45 days before everything comes in, is engineered and installed. Servers should be in place in the next few weeks.

Mr. Milone said one of the switches is at the Police Department; it is creating a redundancy which we don't have; and is a support for the new CAD/RMS system. The hardware could not support this software.

Mr. Masciana said there is a smart net warranty on the switches, and 5 years is about the life of the switches.

According to Ms. Flynn-Harris, when everything is at the end of its life and support, there should be a rotation in place every 3 to 5 years to plan to replace small stuff, and have it staged and planned for replacement of switches, etc.

In the development of the replacement schedule, Mr. Milone said Apex will develop the schedule, and this is critical to have this schedule. The \$350,000 appropriated will be spent. To get where the Town should be has a cost of about \$2 million. The Town is now working through the Technology Study Group for guidelines and direction.

Town Building Improvements, \$200,000. A new roof has been installed at the Youth Center for \$30,000; and other projects in buildings must be addressed soon.

Town Hall Brick Pavers, \$180,000 and Town Center Brick Pavers, \$120,000. Both projects are to be done this summer; bid specs are being put together soon to go to bid in the spring; and the front porch of Town Hall will be checked for brick repairs.

Firefighter Equipment, \$120,000. This appropriation is to continue to replace fire fighter gear, and includes the safety gear. \$21,000 has been spent to date and Chief Casner purchases in installments for equipment replacement.

Blacks Road Bridge, \$60,000; Creamery Road Bridge, \$60,000. This is for engineering services; the RFQ for these projects has started; and there is hope for grant funding.

Road Replacement Project, \$1.5 million. The list is being completed on the eligible roads; the list will have a cost of about \$2 million with identification of priority roads, using the \$1.5 million.

RFID Library, \$130,000. This is in addition to the 2011 appropriation of \$160,000; bid specs are ready and will be out soon; work starts in April, with project completion at the end of the spring.

Repaving Linear Trail, \$190,000. This is the Cornwall Avenue to Hamden CT section. With the new trail section upcoming, it makes sense to do all the repaving at one time. The path would be cleared out and patched, without complete repaving of the 2.9 miles.

EDUCATION

Mr. Masciana reviewed the education projects with the committee.

Civil Rights Compliance/CHS \$50,000. This is out to bid now, and the work includes the softball fields, dugouts, with ramp ways.

District Roof Maintenance, \$125,000. This is re-seaming the Dodd Middle School Roof, and roofs on the permanent portables at Highland School.

Flooring Replacement, \$270,000. This is a summer project.

21st Century Classroom, \$125,000. Smart Boards being installed and this project is completed.

CHS Utility Tunnels, \$340,000. This has been approved by the PBC; the package is being put together; this is the first phase to find an engineering firm to assist with solving problems identifying the water in the tunnel, dirt floors, and venting the tunnels.

CHS Locker Room Project, \$500,000. The bid documents are being prepared now. The schematic drawing was reviewed by the committee for two locker rooms for football

and soccer; everything will be gutted; the space would be ventilated; repair the waste line below grade; and additional funds will be needed to cover alternates 1 and 2.

Alternate #2 – is for a series of ramps for ADA compliance; Alternate #2 is for the elevator. This area must be made accessible, and one way is to add ramps, shutting down the stairwell (everyone exiting the building in the front, come down the side and across); or add an elevator which would eliminate the need for a ramp portion. The ADA problems must be solved as part of the civil rights compliance. There is \$120,000 in an elevator appropriation, but the question is whether it can be re-appropriated. When this project comes back from bid, Mr. Masciana will be able to more definitively report what needs to be done to meet ADA requirements. Everything does not have to be done at once, but the elevator/ramps could be phase #2 of the project which would buy the Town additional time.

The State of Connecticut Department of Education letter dated October 26, 2011 to Dr. Greg Florio, Dr. Florio's response letter of November 10, 2011, and the State DOE letter of December 6, 2011, were submitted to the committee. These letters refer to the civil rights compliance monitoring report, and Cheshire's identification and completion of compliance projects.

Mr. Masciana has spoken to the liaison for Cheshire on these improvements. The BOE has tweaked the plans submitted, and informed the ORC that students with disabilities who come to Cheshire are immediately accommodated. The State has accepted the plan, but Cheshire must continue to go forward with the compliances within the ORC requirements. In the letters there is an implied threat of holding back federal funds to the school district if it is in non-compliance.

Regarding the cost of a new elevator, Mr. Masciana said it could be in the range of \$300,000. The locker room project comes to about \$500,000. The committee reviewed and discussed the drawing, and how students would get access to the new locker rooms. People who need to can use the elevator, and others can use the stairs.

The question of whether the locker room project is a PBC project was raised by Mr. Schrumm. Mr. Masciana said that for now, the locker room project is not a PBC project. The committee discussed whether or not the project should be given to the PBC, and Mr. Masciana stated he has no problem with the project going to PBC. The project is going out to bid with all the specs and details. The \$500,000 appropriation to the Board of Education is with the Building Committee. The alternates will bring the project beyond the \$500,000, and the PBC could be brought into the look if the Council decides to do so.

This project is at \$500,000 and Mr. Schrumm said that this could turn into a \$2 million project without oversight from PBC.

Once this project starts, Mr. Sima said it must be under code compliance. Part of the school cannot be closed off for the locker room project.

Mr. Masciana stated that we will have an architect to insure everything meets code, and a building permit must be pulled for the project. He reiterated that there is no problem having the project assigned to the PBC.

Mr. Schrumm commented on having a problem doing a project like this in phases. It must be figured out, meet code compliance, and have one contractor with one bid.

According to Mr. Masciana, the BOE cannot put off the sports lockers, and the project must be done this summer, without code compliance at the same time. This project must get done and completed.

Mr. Sima asked staff to insure that any work to be done will not make the locker rooms unusable.

In response, Mr. Masciana said the locker rooms could be closed down during the summer and the work could get done. It makes sense to get PBC into the loop now, and the architect, Dennis Rioux, could review the project with the PBC.

Mr. Noewatne commented on the fact that going out to bid will get the hard numbers for this project.

CNR

BOE Building Maintenance, \$150,000.

Revaluation, \$200,000.

Vehicle Replacement Program, \$245,000. 4 cars for the Police Department, 2 marked and 2 unmarked; 1 vehicle for the PW Dept.; 1 vehicle for WPCA; and \$32,000 for 1 Parks and Rec work vehicle; 1 Fire Department replacement vehicle for the Deputy Chief.

5. STATUS OF LINEAR PARK

Mr. Milone reported that the tree trimming was done for the State to survey the trail. 13,100 linear feet of path was cleared by the PW Department crews.

Mr. Milone read a memo from the State DOT into the record.

The railroad bridges on the trail are in excellent shape. The West Main Street culvert has lower water levels after completion of the work. West Main Street to Jarvis Street needs to be trimmed, and this will be done in March.

5. PRE-QUALIFICATION OF VENDORS

This agenda item was postponed to the next committee meeting. Mr. Sima noted that the process for pre-qualification of vendors is not the problem; it is the variances in pricing for services.

6. ADJOURNMENT

MOTION by Ms. Flynn-Harris; seconded by Mr. Schrumm

MOVED to adjourn the meeting at 9:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk