

MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL/JOINT MEETING WITH THE PUBLIC BUILDING COMMISSION AND POOL OVERSIGHT COMMITTEE HELD ON TUESDAY, MAY 5, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Council Chairman Tim Slocum; Vice Chairman David Schrumm; Council Members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert J. Oris, Thomas Ruocco, James Sima, Peter Talbot.

Staff: Michael A. Milone, Town Manager; Al Smith, Town Attorney; Michael Donnelly, Town Attorney; George Noewatne, PW Director; Walter Gancarz, Town Engineer; Keith Darin, Building Official; Sheila Adams, Pool Coordinator.

Public Building Commission - Mark Nash, Chairman; Art Crooker, Ed Hill and Mr. Levy.

Pool Oversight Committee - Kevin Wetmore, Dave Gavin, Mark Levine.

Arcadis - Keith Goldberg.

1. ROLL CALL

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

Chairman Slocum opened the meeting at 7:35 p.m.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. STATIS REPORT ON THE POOL CONSTRUCTION PROJECT

Chairman Slocum explained that the special meeting was called out of concern and need to have a public accounting of where the Town is with the pool project. He advised that the Council receives updated information from Arcadis, the Town Owner Representative, and was informed a few weeks about concerns related to the foundation, and there are revised engineering plans to come up with a fix. Other issues arose related to the State Building Code and building insulation. Town Manager Milone also informed Mr. Slocum about some issues with the time table which will be discussed at this special meeting.

Following the presentation by the PBC and Pool Committee members, Chairman Slocum will open the meeting up to the public.

Background and report on the pool project - PBC Chairman Nash stated that this is a "design build" construction project which is different than the standard construction operation. One issue complicating the design build process is that this type of structure has never been built in the northeast. Arizon is familiar with building a fabric membrane structure in the south, southwest and warm areas, but never over a pool in the northeast. The subject building presented many issues, i.e. the size of the pool, concrete wall, but Arizon came up with a design build, responded correctly to the RFP to design a building, frame and membrane. The company was not initially engaged in

other aspects of the project such as site work, foundation, mechanicals, electric work. During the committee process it made sense to bring the project under one roof - Arizon - to put together and control all aspects of the project, and hire a firm to represent the Town's best interest, which is Arcadis.

Mr. Nash stated that we are progressing; the seal is currently being fabricated; the membrane is at an Arizon facility. With design build there is extension of the process; it requires Arizon to create documentation to Arcadis; the documentation is then submitted to the Building Official for review and comments; and then it goes back to Arcadis for review; and finally to Arizon for comments into the drawing.

Along with this process, Mr. Nash noted that several unforeseen issues have arisen.

Foundation - this is in the process of being resolved, is close to a resolution; awaiting more documentation from Arizon to Arcadis and then the Building Official.

There are questions about the composition of the structure, the caving above the ceiling, and the original RFP did not include insulation in this structure. There were questions about classification of the building, and this is an important issue. Upon review, questions about the cavity have been resolved and incorporated into the design. The Town Fire Marshal did his review, had questions, and they are resolved.

Energy Code Compliance - at this point in time energy code compliance is a State mandate, and is the largest outstanding issue. This particular pool structure is "one of a kind"; there is nothing to compare it to for energy code compliance; and engineers must do lots of research and provide documentation to prove this building will be in code compliance. The committees are pushing as hard as they can for reports out of St. Louis, but the importance of this project to Arizon is "5 out of 15". The energy code compliance is being researched; engineers are working and attempting to provide information required to meet State energy codes.

It was pointed out by Mr. Nash that buildings have many modifications, but this process will not work in this particular situation because modification is usually rehab and reworking an older building. Arizon engineers are providing the documentation for review by Arcadis to be submitted to the Building Official Keith Darin.

Mr. Darin stated he has been in town only 5 1/2 months, and the pool project work is in addition to his regular job responsibilities in the Building Department. He walked into this project without any prior knowledge while it was in progress.

The Council was told by Mr. Nash that Building Official Darin has done an admirable job working on the pool project; he a competent individual working for the Town; and has spent considerable time working on this project.

Mr. Nash stated that everything falls back to doing this project, and doing it right is the most important thing.

Chairman Slocum said that we must get the right result with this project, and many issues impact on the time line. The Council wants to make a determination on whether or not there will be a significant lapse in the time frame for consideration of opening the pool for the summer season. With a 3 to 4 week delay this is not feasible, and he asked if this question can be answered now.

If information is produced reasonably quickly within the next week and submitted to Mr. Goldberg and Arcadis, Mr. Nash said it is possible the project would be in a position to obtain a building permit, starting the project in June. The steel is being fabricated and scheduled to be on site in mid-June...unless the Town stops the manufacture and stores the material. If this happens the steel would be outside; will get wet, could rust, and not be able to be galvanized.

Mr. Nash stated the review process for the Building Official, Mr. Darin, permits a 30 day time frame. Every time new information is received it kicks forward, and Mr. Goldberg is working to get things facilitated.

With the time frame involved, Mr. Slocum commented on determining whether to open the pool for the summer, with information received by Friday, the 30 days for the Building Official starts. It has to make sense to open the pool. There would be another updated needed on the time table.

In that regard, Mr. Nash cited the date of Friday, May 15th for the final decision, with submission of information to Arcadis, then to Mr. Goldberg. Its possible that we could be in position to obtain the building permit and start the project in June.

There is a question on budget numbers for the Council, and Mr. Slocum said it may not be prepared to discuss budget impacts, but these numbers must be forthcoming sooner than later.

Mr. Nash said Arizon is committed to produce a foundation within the original scope of work.

Stating he is not in favor of doing a project this way, Mr. Oris did state that people working on the project work hard to get it done for the community. He expressed his appreciation for their work. He commented on their being some public misconception about people working on the project, but the professionals are working to deliver a project appropriately and as the community approved. But, he said we are aware this project cannot happen with a mistake, and it cannot be moved forward resulting in a big problem again.

Mr. Oris is not a fan of designing a project after an RFP is out, and would not advocate this again, and did not advocate for this project which was something he inherited upon becoming a Councilor.

Regarding the current issues/problems Mr. Oris said the project is being designed as we go along, with designs reviewed as they come in. He asked if Arizon is required to meet all codes related to this project.

That is correct, and Mr. Nash said all State codes must be met.

There are a few issues for Arizon to fix, and Mr. Oris said this is recognized, along with a willingness to fix it. The issue is the dialogue going on between them, their designers, and the Building Official to determine what meets local codes. We do not have a major problem, i.e. the cover falling in...but making sure the design meets all of the local and State codes. And, before we go forward, we can put our stamp on it saying it is all we thought it would be and meets codes.

Mr. Nash said that was correct, and the Town will not have a permit without the design being stamped to meet all State codes.

For the construction situation, Mr. Oris said he assumes the redesign has been reviewed by the Building Official and it is satisfactory.

In reply, Mr. Darin advised this is still in the submittal process, and he has not received final documents.

Whether the pool opens for the summer or not Mr. Oris wants to make sure everyone knows about the issues, how risky they are -- the foundation is now being redesigned by Arizon and will be reviewed by Arcadis.

According to Mr. Nash the committee expects to receive the redesign from Arizon very soon.

Regarding the issues Mr. Oris asked about the basis for PBC stating the foundation design was not a problem, and PBC not knowing about the energy code problem before the Building Official saw it.

Mr. Nash stated there is and has been tremendous dialogue between Mr. Goldberg (Arcadis) and Arizon. Everything is being looked at intently, and a third party engineer is also looking at the design.

The Council was told by Chairman Slocum that the peer review recognized the problems a few weeks ago.

In response to a comment from Mr. Oris about input on the redesign and being comfortable with it, Mr. Darin saw the submittal, and it is a work in progress. The Town awaits documentation from the third party engineer which should be submitted soon.

Mr. Oris asked about a belief that the redesign will be acceptable and meet the Building Official's review. Regarding the engineer, he asked if this is due to there being no

standard for comparison of the structure, and why there is difficulty in finding out the structure complies with the State energy code.

An explanation was given by Mr. Goldberg that the energy code does not exist, and an engineer is needed to show the structure meets code.

It is a new building code and Mr. Darin noted there was a choice to use documentation with metal construction, which was invalid, and what was being built was not identified.

Mr. Goldberg said the Arizon engineer will prove the building meets code requirements.

The engineer knows the standard to be met, and Mr. Oris said the question is how to get there. As long as the documentation is provided there must be assurance it meets standards. He asked about a local decision in the Building Department or is it at the state level. Mr. Oris said as long as Arizon gives documentation that the structure meets the energy code there is no need to go back to the State -- it will be through the Building Official.

There is the energy code and concerns about the cavity construction, and Mr. Goldberg stated moisture control is a concern. The wall was opened and steel rust and pitting was found. The Building Official wants to insure Arizon covers, in detail, how the moisture in the cavity will be handled.

The Town awaits further information on fans and humidistats; and we want the engineer to see what is being done to last 25+ years. The design calls for four exhaust fans in the cavity; it has a humidistat; there is calculation on how much CMF to move.

There are three Council issues and Ms. Linehan cited them -- cost of the project, construction done correctly, and minimum construction impact on the residents who want the pool opened. With the issue of the steel, she said we must weigh the cost of opening the pool because the steel could rust when stored. Ms. Linehan asked for numbers on these issues, and when the Council will get them.

For the steel, Mr. Nash informed everyone that the Town issued a check for \$800,000 to Arizon. The steel will be fabricated and galvanized before it is shipped, either to the Cheshire site or stored elsewhere, and storing has costs involved.

Mr. Goldberg reported the steel will be galvanized before shipping and storage. The cost of storage is about \$8,000.

If it is decided to open the pool with summer passes etc., Ms. Linehan said these revenue numbers must be known before a decision is made. She asked for the time table to get this information to the Council.

Ms. Linehan also asked Town Manager Milone for his professional recommendation on what should be done with opening the pool, and whether information presented tonight would change his opinion.

Town Manager Milone stated this is a moving target. There is an appropriation to open the pool for 8 months (starting in September) of revenue and expenditures. Ms. Adams has looked at this, but it cannot be told, with certainty, what is needed and what is now budgeted. The Town has funds to open the pool this summer, and revenue and expenses can be evaluated. With the pool open for three months more revenue can be generated than opening in September.

Mr. Milone stated he relies on what he hears from the PBC over the last two weeks. The next two weeks are the window of opportunity for opening the pool and hiring workers; after that it will be difficult to open the pool; but the Town will work to provide what can be done. Mr. Milone feels reticent and ambivalent as nothing happens with speed and accuracy from the time this project started. He expressed concerns about an artificial time table that cannot be met, and accurate submittals requiring approvals.

The project is now 5 weeks behind schedule and Mr. Gancarz's guess is 3 weeks for all the information to come in, have peer review, and a building permit issued. Even with a permit issued today, the contractor may not have people ready to start the job. This is a unique structure, the first of its kind in New England over a pool, and the Town wants all the right information, checked by Arcadis, building permit issued, and construction started. With a summer opening of the pool construction would start in late August through the Fall.

Ms. Linehan thought it best to not open the pool for the summer, but if the numbers work out positively, it could be smart to have a summer opening. She wants assurance about the construction and not rushing the work. She thanked Mr. Darin for his work on the project, and asked if he could play a larger, more active role in the design process.

Stating he welcomes the opportunity, Mr. Darin said if he had been involved with the pool project from the start, it would not be in the position it is today.

The last review was received with items highlighted in "yellow" and Ms. Flynn-Harris asked if they have been taken care of.

Mr. Goldberg reported the Fire Marshal wanted to insure there is adequate expansion between the existing wall and structure system, and this has been answered. The Fire Marshal wanted confirmation that inside the cavity there would be conduits, and this has been discussed with Mr. Darin.

All the items in the report are completed, and this was confirmed by Mr. Darin.

Regarding the energy code compliance, Ms. Flynn-Harris asked about this having to be proven to the Building Official, how this is being done, and how long to do it.

Mr. Darin has not received work back from Arcadis; he requested this be proven, engineering wise.

There have been many conversations with Arizon, and Mr. Goldberg said they have the engineer working it, and there is confidence it will be done to be accepted.

The issue of the relationship between Arizon and Arcadis was raised by Ms. Flynn-Harris. She asked about specific time frames to be met or responded to...and they do or do not...and instructions requiring answers by a date certain because of commitments already made.

According to Mr. Goldberg, Arizon is working well for the most part; questions are asked; information is requested; the Building Official did see 25 different iterations of documents submitted and rejected; and the hardest part is getting a full commitment out of Arizon and timely responses.

Mr. Nash commented on this being the way the building industry works. Arizon attempts to respond in a timely manner, and the pool project is not their only project.

This is the first project of this type in the northeast and Mr. Goldberg said the documents are completed, and the Building Official wants everything in order with details. There are no details; the CAD documents are being put together.

The issue of who knows what and when was raised by Mr. Talbot, and he noted the many groups involved in the project -- Arizon, Arcadis, Pool Oversight Committee, PBC, original Pool Study Group, Public Works, Town Engineer. He asked about the communication chain between these groups, and why the Town Manager and Council hear about issues far down the road.

In response, Mr. Nash stated the Town hired Arcadis to handle the pool project, and all the other groups have disbanded and have no direct involvement with the facility construction. Arizon will construct the building; Arcadis acts as the general contractor and reports to the Town/Town Manager Milone and then downwards. Whether too many people are involved, if there is micro-management, is a matter of opinion. Direct questions and answers come through Arcadis which is paid to represent the Town.

On the foundation issue, Mr. Talbot asked about it moving along, the cost to this resolution, and if this is still the case. He asked about the time line for the start of the project.

That is correct and Mr. Goldberg said Arcadis is responsible to give the project a foundation to meet all code requirements, without additional cost to the Town, and it is the same with the energy compliance. For the timeline this cannot be answered right now. The three week period would put the time line in June; documents are to be

received and reviewed; there will be meetings with the Building Official to insure everything is there; and Mr. Darin has 30 days to review the information.

A question was posed to Town Attorney Donnelly by Mr. Talbot regarding any provision in the document for delay provisions.

Attorney Donnelly advised there are liquidated damages of \$500 a day but he is unsure of the completion date.

Mr. Goldberg said there was additional time to complete the work for the facility. Attorney Donnelly said there is recourse subject to claims from the Town.

The inclement weather issue, garage doors and options on the punch list were raised by Mr. Talbot, who asked where these issues stand now.

This is an operational thing and Mr. Goldberg said it is not part of the Arizona contract. The preliminary discussion is to develop a plan and some type of warning system for closure of the garage doors...i.e. manual opening and closing.

For options, Mr. Talbot asked who makes the decision to go with. He also asked whether the issue presents any unique insurance issues.

PW Director Noewatne said Arcadis will develop the operating procedures to do this in concurrent or with pool staff who know what to do with the building operation. Mr. Noewatne is unaware of any insurance issues at this time.

This process has been ongoing for a while, and Mr. Talbot talked about finance issues, foundation issues, energy issues...and asked about the confidence level of the panel before the Council to get through this project, and end up with what people voted for.

Mr. Nash stated the building will be done and done right.

Town Manager Milone knows there is a commitment to the construction being done right. Mr. Darin, Mr. Gancarz and Mr. Noewatne are involved for the purpose of putting in a level of professional oversight. They provide him with ongoing information, immediate communication and concerns; they have told him to rush the construction process is not in the best interests of the Town; inform him about documents going to and from Arizona, the time schedule concerns, problems, etc., documents going to Mr. Darin, code compliance issues etc.

Mr. Milone expressed concern about an expectation in two weeks everything will be in place and construction will start. There is no basis to have a realistic time table given all that has happened to this point, and all the qualifications about the uniqueness of this one of a kind facility. The Building Official is entering his department's busiest time of the year; he will need assistance; he has demands from everyone on this project; and the pool project is not his sole responsibility for the next 6 months.

Mr. Schrumm asked about specifics on what must go to the State for code compliance, i.e. just insulation, entire drawings etc.

Mr. Darin informed the Council that if Arizon provided all documents with an engineering seal the matter will not go to the State for anything. Things can be done with an engineering evaluation; we are going with modification for the structure with the 2012 building code; the balance of the building will be built under the 2003 code; and the 2009 energy code.

Mr. Schrumm questioned the sub-drawings all being stamped and approved.

Some of the documents are submitted and Mr. Darin said he is good with the rest of them.

Mr. Schrumm assumes none of this has been put out to bid for the subs because nothing is approved.

Mr. Goldberg stated all pieces are out on the street by Arizon.

A question was raised by Mr. Ruocco about the next information the committee is waiting for and the time frame involved.

These are foundation, cavity and energy, and Mr. Goldberg cannot say what the time frame will be.

Noting the Council must make a decision on whether to open the pool for the summer, Mr. Ruocco asked if it would be better to not open and have the construction start. He does not want to open the pool and then close it just a few weeks into the summer.

Mr. Nash said these are questions to be addressed to Arizon. Mr. Goldberg talked to Arizon, and the ideal is to just wait. The steel will be done the 2nd week in June, and can be stored on site.

Mr. Nash commented on the steel being stored on site, away from the pool. There are logistics and questions about cost for on site or off site storage, unloading the \$800,000 worth of steel.

Regarding the foundation, Mr. Sima talked about Arizon hiring a 3rd party engineer to look over the foundation plans; something wrong with the foundation design was found; and the question is what was wrong, whether Arizon agrees and will fix it; and are there additional costs.

Mr. Goldberg said the peer review found the problem of the foundation not deep enough, and the committee found a few issues prior to the peer review. There were insulation and depth of foundation requirements, and peer review found the footings

were not deep enough. In the northeast soil conditions dictate the type of foundation. This went back to Arizon; there was a redesign; and they are responsible to meet all code requirements. Mr. Goldberg has drafted a letter to Arizon which must be reviewed with the Town Attorney.

For clarification, Mr. Sima said Arizon made modification changes, submitted them for approval by the Building Official...or submittals were not completed.

Mr. Goldberg said one design was submitted, was rejected, submitted again, and the third submission was reviewed by the peer engineer. Two engineers are looking at the report, and we are awaiting documentation for Building Official review.

To be clear, Mr. Gancarz said this is the redesign. There was a previous submission which was not approved, and this is the second design for approval.

The new design awaits the Building Official approval, and Mr. Sima said the next piece is the cavity or area between the roof and ceiling inside the swimming structure. It was mentioned that we are going to try to get rid of humidity inside this area by putting 4300 CFM. It has gone through Fire Marshal review making sure sprinklers etc. are not required. Mr. Sima asked if the Fire Marshal has reviewed it with the new motor sitting inside the area to remove the humidity.

This has not been reviewed yet and Mr. Goldberg said it is because we have not gotten this piece.

Mr. Sima said the last piece was the issue regarding energy efficiency of the building and there was submission on steel structures when we have a fabric structure. He asked if this piece is in front of Arizon now with engineering and if anything has been received.

There is nothing on this piece yet and Mr. Goldberg said we await Arizon's response.

Mr. Sima said more stuff is out there and it will be more than 1 or 2 weeks for submittals to come through.

It was stated by Mr. Nash that this is all in the process of being worked on.

Mr. Sima wanted to know how much time before receipt of the documents, because construction projects are picking up now with the building season.

Regarding Arizon being the general contractor, Mr. Sima asked if the company would have a major contractor's license to do the work in Connecticut. The Council was assured Arizon would have this license under CGS 20-341 requirements. In a structure with a span over 150 feet the contractor must have the major contractor person doing the work, and he wants the company to have this license, and to know if it has been submitted to the Town.

Mr. Goldberg will look into this and report back to the Council.

With regard to information submitted to the Building Department, Mr. Darin has received an application from the owner, but no contractor was listed.

For the storage/staging of the steel at the pool site, Mr. Sima asked if there is an area available, and if discussions have been held with Arizon on a preferred staging area. If the pool is opened for the summer, the site would not be a good staging area.

PW Director Noewatne will look into this with Parks Director Ceccolini. He noted that Bartlem Park is very tight, and he expects the steel would be stored off site and then delivered when construction starts.

Mr. Sima wants this project done, without rushing it, as it is important for people who use the pool facility. He asked about the heating unit sent to Arizon in March, if the delivery date is set, or will the Town have to pay for handling or storing this unit.

Mr. Goldberg said the handler is being fabricated and stored with associated charges at Arizon.

A question was posed by Mr. Sima to Attorney Donnelly about the project not being completed during the time frame stated. This project was pushed out from the original start date, and he asked about renegotiating a new completion date or stay with the date in the contract.

Attorney Donnelly advised that he sees no particular value in negotiating a later complete date with Arizon at this point. Delays have been based on their design, and the Town would be giving something away.

Ms. Nichols commented on the Council's decision -- whether to open the pool for the summer to allow all the necessary paper work to be done. If the pool is opened, she asked what date would be considered, for what period of time would it be open, what happens if the paperwork gets done within a shorter time frame, and the impact on the summer pool opening. She said we know the things to be resolved in 2 weeks or 6 weeks, and the decision comes down to whether we open the pool. This project must be done correctly, it cannot be rushed, we cannot be impatient, and Ms. Nichols stated she is committed to seeing this project through, and done correctly. Ms. Nichols posed questions about opening the pool -- when would it be open, for what period of time, and what happens if everything is done to move forward with construction.

To open the pool Mr. Milone said we need 3 weeks to get ready. The longer this decision is put off the harder it will be to find staff, and opening could take up to 5 weeks. As far as how long the pool would be open, this is out of staff control; it is based on the Council's decision based on what is heard from PBC.

If the pool opens, documents are ready and construction can suddenly proceed, Ms. Nichols asked if this requires another Council vote to close the pool.

With the pool opened for 2 weeks, and Council feels the community needs at least a month or 6 weeks, Mr. Milone said if there was no interference with the construction process, the pool opening could be extended. Everything depends on the circumstances and the Council must make a decision on which option is in the Town's best interest.

This is to her point, and Ms. Nichols commented on these issues and concerns about extension of times to complete the approval process...and if this sends a message of no urgency to start construction.

PW Director Noewatne replied that the contractor owns the time schedule from April 2nd to July 18th. Right now the project is being delayed due to the contractor's actions - the design. If the Town makes a resolution and forces a delay this is an owner delay, with possibility of the contractor coming back for damages, time extension and financial compensation.

A few days ago Mr. Oris sent out an e mail to people involved with the pool project, with a strong suggestion for Arizon to be at this special meeting to answer key questions, and he received no responses to his questions and whether Arizon would be present or not. He expressed offense to this on an important community issue, and hopes there will be responses to him so he can respond to the people paying salaries of people working on this project.

Ms. Linehan asked about postponed construction, a start in early Fall, the risk of potential damage to the pool construction with exposure to the winter elements and whether this is covered under insurance.

Mr. Noewatne stated that with an August/September start date, there would be completion before the start of winter.

PUBLIC COMMENTS AND QUESTIONS

Roser Figueras, 365 Fenn Road, commented on the contractor being responsible for the delays and the Town claiming liquidated damages if the contractor is not allowed to start right away once they are ready. She thinks the Town will want to renegotiate the terms of the contract and remove liquidated damages.

Attorney Donnelly stated this is a complicated question, but there are some simple ways to address it. The contractor is accountable for the delays for which they are responsible, and not accountable for delays which other incur. If the Council's resolution says we will open the pool on a certain date and close it the date construction starts, the Town sets itself up for the best position to open the pool, and for liquidated damages. Mr. Donnelly said the Council can open the pool for a certain time period; agree with the contractor ahead of time, i.e. 60 or 90 days; and will not collect liquidated

damages for this time period. If the contractor is already 5 weeks behind that 5 weeks is untouched, and any delay afterwards is not touched. The cleanest way from a liquidated damages perspective is to not open the pool - which may or may not be the best thing for the Town. There are options within the realm of opening the pool for a period of time that preserves the Town's position.

It was stated by Mr. Schrumm that Arizon may be happy with a pool delay and 60+ days to start construction in August. We should ask Arizon and get their response to the issue, and make contractual amendments to go along with this.

Attorney Donnelly stated anything the Town does in connection with this will involve discussions with Arizon so all the time is under its best use. These discussions could take a few weeks, or go faster, and may give Arizon room for the Town getting a better project with everyone on the same page.

Matt Bowman, 422 Maple Avenue, asked if submittals for equipment (HVAC) have been submitted and approved.

In reply, Mr. Nash said they have been approved by the third party independent engineers.

The steel is being fabricated, and Mr. Bowman said shop drawings were approved, asked if shop drawings for equipment, sprinkler system etc. have been approved by the Fire Marshal.

Building Official Darin said all have been approved.

With these approvals, Mr. Bowman said everything could go forward in 3 to 4 week period. He noted there was discussion with the award of the contract about liability insurance and bonding/general contractor, and hopes the Town Attorney considers it adequate to cover the Town. Mr. Bowman asked if there is a performance bond on the project.

Mr. Darin said there is a performance bond issue for completion of the project, but this is not a liability issue, and the bond is adequate.

John Perrotti, 1328 Wolf Hill Road, commented on the uniqueness of this project, the design-build, and asked if Cheshire has any other buildings pre-engineered, design-build.

Mr. Noewatne does not know of any other public use building which are pre-engineered or design-build.

The Council was told by Mr. Perrotti that the St. Bridget School addition was a pre-engineered design built on a permanent structure. He asked if the design-build for the pool is related to dollars and cents.

Chairman Slocum stated the Pool Study Committee was charged with finding a different structure to be used, and decided on the tension membrane structure, which is less costly, and addressed issues related to the pool. The pool was there; the public voted on this type of structure; the cost was a factor; and the Council felt a certain number would work in the community. He said we are here now to get to the best structure built over the pool.

If all ducks are in a row, Mr. Perrotti asked about the number of days for a spade in the ground to diving into the pool.

The Council expected an opening day of September 1st based on an April 4th start date, and Mr. Slocum said the time line for construction is into June.

With a pool opening June 1 to September 1, Mr. Perrotti asked if the project would be completed by Christmas.

In reply, Mr. Slocum noted an October snowstorm took the bubble down 4 years ago, so there are things which happen and cannot be expected.

Kathy Maloney, 452 Sharon Drive, commented on Fall construction, unexpected delays, and feels we are rolling the dice with a pool that was built to be indoors in the winter. With a September construction start, a possible 4 week delay, and we are into January for opening the pool. She asked why we are moving construction to the Fall, why not pursue beginning now as soon as problems are resolved. If the pool opens for only 4 weeks, people will be laid off, high school students lose their summer jobs, and this is very unfair. Ms. Mahoney noted there is summer revenue through swim meets; but the score board does not work, and the pool is not ready for meets. She does not support opening the pool for the summer.

Mr. Bowman commented on the Cheshire Academy pool building being 57 years old, has had few systems, the HVAC system was installed in the 1980's, and because of chlorine, there is the use of anodized aluminum on the system. He questioned galvanized steel being sufficient to resist the effects of chlorine.

Chairman Slocum said the Council is under the assumption this is the best way to go, and understands a pool is a hostile environment for any structure. Answers to the questions posed can be answered by the PBC.

The issue of the ventilation system was raised by Mr. Bowman, who asked about air being moved, if it is conditioned or un-conditioned air, and 4300 CFM which is not much.

Mr. Sima said this air is similar to an attic in a home which is moving; it is not the air in an occupied space of the swimming pool structure; there will be an attic area called the cavity, with a certain amount of air moved out of there so moisture is not built up. The

insulation was discussed in March; the insulation area is at the ceiling; there were concerns about water build up and freezing. Arizon's solution was to remove a certain amount of air out of that space, and it is un-conditioned space.

Chairman Slocum talked about the issues being first presented, concerns about potential costs associated with the foundation, which could be impactful on Arizon, with potential litigation. This does not appear to be the case, and Mr. Slocum disclosed this was the reason for a short executive session of the Council.

The process has been going on for a long time, with involvement of many community members, and Mr. Slocum said the Town tried to develop a project with the community could embrace. There have been many committees to make this project work, and at this meeting we are all getting the best possible input from professionals who are volunteers and the Town Attorney and the public. Mr. Slocum said everyone wants the pool built right with the public understanding the time table which may be different.

Mr. Bowman commended Town staff which he said is wonderful. He commented on being a member of the WPCA, working with Mr. Gancarz, Mr. Noewatne, on a \$33 million project going forward without a hitch.

Doug Levin, 72 Chipman Drive, commented on the Council deciding whether to open the pool in the summer and owing this to the swim community. He believes there is a risk to opening the pool for the summer, and said the majority of the swim community does not want the pool opened. They want the project finished so the pool has another winter.

Shane Malone, Sharon Drive, stated the pool brings revenue to the Town. There are delays and more to be expected, and opening the pool for the summer is a risk. The project should be kept moving along and the structure built.

Matt Levine, 25 Kelly Court, served on the pool committees, and believes the project will be done, and many people are working hard as it gets closer to breaking ground to get the structure built for year round use. Mr. Levine does not recommend opening the pool for the summer. He said the process can move forward with the support of the pool community.

Chairman Slocum noted we are on a different time table, and the pool committee wants the project done regardless of the time table. We are looking at December 1st rather than September 1st, and the time line will be evaluated as the project moves along.

4. ADJOURNMENT

MOTION by Mr. Schrumm; seconded by Mr.Sima.

MOVED to adjourn the special meeting at 10:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk