Present
David Schrumm and Justin Adinolfi, Town Council Members; John Purtill, PBC Chairman; Dwight Johnson, Town Attorney; Joseph Michaelangelo PW Director; and Timothy Slocum, Town Council Chairman.

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.


Attorney Johnson gave a brief history of the issues with the PBC ordinance, stating that he met with Mr. Michaelangelo and discussed doing something about getting building projects approved and completed, without taking such a long time. When projects are approved by the Council it can take up to 2 or 3 years before they are completed, particularly with school projects. School projects cannot be undertaken during the winter time, and can only be done in the summer time. This results in a loss of 1 or 2 months in the approval process.

Mr. Johnson sent a memo to Mr. Zullo in 2009, and he read an excerpt from this memo into the record.

The group was informed by Attorney Johnson that many towns do not have standing public building commissions, but establish an ad hoc committee only for larger projects. Smaller projects are handled with staff and Council oversight. Cheshire has commission and Council oversight with approvals going back and forth.

According to Mr. Johnson, the town attorney’s office has been working on the PBC ordinance over a three year period. There have been meetings with Mr. Michaelangelo; recommendations have been made to the PBC; and a few things have been focused on.

1) The ordinance permits developing some guidelines which staff can follow as to what projects will be assigned to the PBC. The ordinance permits the Council to make decisions on what to assign and what to not assign. From the town attorney’s perspective, if there were guidelines in place we could reduce the
frequency of sending smaller projects to the PBC, just because this is the way it has always been done.

2) The ordinance can be revised to reduce the number of trips a project must make to the Council for approval. Under the current ordinance the project go to the Council for 5 separate approvals.

3) Possibly eliminate the final decision approval. Currently, there is the preliminary design and then Council approval; then the final design which the PBC approves, and then back to the Council for approval. It could be decided that if the final design does not differ from the preliminary design, it does not go back to the Council.

4) Contracts must be approved for the design professional. The question is whether the PBC must go out to bid for the design professional for all projects. This adds a few months delay to the project. There could be elimination of the RFQ/RFP process for the design professional on smaller projects with small dollar investment. The Council would have to waive some of the dollar amounts for the architect/engineer. It has been suggested that, in many cases, there is no need to hire an engineer/architect for the smaller projects or repeat projects. Staff can oversee these projects.

Example: The window replacement projects – the window installation people could make decisions on the installation without hiring an architect or engineer.

Mr. Michaelangelo stated that the PBC sends the Council partial projects, such as the police station roof replacement. In order to follow the current procedures and steps, it will be a 11-month process for a straightforward roof replacement project.

Mr. Schrumm commented on the fact that the Council did not hand off the $300,000 re-flooring projects for the schools to the PBC.

The 30 day time frame for the Council to receive a PBC project was raised by Attorney Johnson, who recommended that this be deleted from the ordinance.

Mr. Schrumm said that some projects take longer such as major construction to Town or school buildings.

It was stated by Mr. Michaelangelo that the PBC does a good job and can handle all of the projects. It is the procedure which is cumbersome. Most of the projects are rehabilitation projects. The police station roof replacement will look similar to the schematic design.

Regarding the Dodd kitchen project, Mr. Schrumm asked if the schematic design showed this as more than a freezer and loading dock project. This is the point
where the Council states that the project has grown, and where the number becomes clearer. The Dodd kitchen was a $125,000 project and is now $600,000. The question is, where in the process are the elected officials held responsible for a project.

Mr. Purtill said that the Dodd kitchen project had mission creep in it, particularly with the user members wanting things added. Phase 2 will take care of things which should have been anticipated in Phase 1.

The group was informed by Attorney Johnson that Mr. Michaelangelo has commented about the number of unrelated committees approving projects, i.e. the Disabilities Committee. Mr. Johnson noted that the professionals (architect, engineer) are obligated to comply with ADA requirements and disability laws. The question is why this committee needs to approve a project.

It was noted by Mr. Michaelangelo that this just one more step to the process.

When the Disabilities Committee was formed and working, Mr. Schrumm said some people knew the rules and regulations on ADA and insured the Town was living up to them. The legitimate point is whether this approval is necessary. The committee was also looking at Town buildings which were not already rehabilitated.

Mr. Purtill stated that the Disabilities Committee’s primary function was to lobby for disabled people in Town to insure they were getting their fair share of the money in the project. There is a minimum level of compliance and there is a range. The Energy Commission is the same, and they have a permanent seat on the PBC.

The group was informed by Mr. Schrumm that the Energy Commission does not have a permanent seat on the PBC, but can be a user member of a project.

Council Chairman Slocum stated that a person cannot serve on two commissions at the same time because this is in violation of the Town Charter.

For the pool project, Mr. Purtill commented on the expertise of the people on the committee. For the high school project the process was terrible because the Energy Commission was lobbying for things to be energy efficient, but they were not affordable or practical. There was an obligation to have the Energy Commission sign off on the plans. He noted that this commission wanted peaked roofs with regard to regulations such as a sprinkler system with access.

Mr. Schrumm said the question is whether to take the Energy Commission out of the process except for energy related projects.
Mr. Purtill said that the PBC can make sure there are enough users and expertise for a project.

Attorney Johnson advised that a few years ago other towns were looked at to see what their requirements were for large projects. There is a large range with some having permanent committees and others with a system in place exactly as Cheshire. Some municipalities have a one paragraph ordinance which creates public building committees without details on the process. Many rely more on staff than does the Cheshire process.

Three or four projects are those of the school community, and Mr. Michaelangelo said we are battling with the summer schedule. The track project is assigned to PBC, and it could be 2011 construction. Under the existing regulations this will be difficult to accomplish to get the project started in June 2011.

Mr. Johnson commented on the 2007 smaller projects which were clogging the PBC agenda. Of the last 10 projects, 3 were over $1 million; 3 were $250,000; 3 were $200,000; and 1 was $800,000.

From an administrative standpoint, Mr. Purtill said it is good to have a mix of large and small projects. Experienced people are needed to work on the small projects and this enhances their skills. The PBC has some members who are project managers, self-employees home re-modelers, and the rest are lawyers.

For the pool project, Mr. Schrumm noted that the committee had excellent members with many skills and expertise.

According to Mr. Purtill the Senior Center expansion project was headed up by a lawyer who had no clue about construction. The first pool project was handled by a political appointee without construction experience.

In looking through the ordinance, Mr. Schrumm said there are changes to be made. The Capital Non-Recurring (CNR) is form projects which are not bonded. Money is put into CNR with each operating budget in order to have cash for projects. There is a limited amount of money each year, $1 million to $2 million for these projects out of CNR. In the last two years CNR projects were never done because the money was left in the surplus. Sometimes projects are delayed, and started up a few years later. This is an administrative decision.

Mr. Schrumm said that the track and turf field should be done together. Without a resolution on the turf field the question is whether to go forward with the track project or wait another year.

If the study group gives the town attorney’s office some direction as to what changes are to be made, Mr. Johnson said he can come back to the Council with a more specific suggested list and language changes, proposed guidelines to be
used in referring projects to the PBC or not, whether the Council wants to waive requirements for an architect or engineer, and putting certain projects out to bid.

Mr. Schrumm wants to get the ordinance, PBC, and structure rather than ad hoc committees appointed for each project.

With some of the things being discussed, Attorney Johnson said the Council has authority to make changes.

**Section 2-26.**

*Sections A Purpose and B Membership* were left as stated.

Mr. Purtill questioned the purpose of the political balance for the commission.

This is State law and Mr. Schrumm said there can not be more than five (5) members of one political party.

(3) Temporary Members (b) – this could be changed to read “may” rather than “shall”; line #2, delete “each”.

With the track/turf project, Mr. Schrumm said it would be time to put temporary members with expertise on this project.

Mr. Purtill stated that temporary members cannot vote, but can make their views known to the commission.

Mr. Johnson said that specific persons can be appointed for specific projects.

For BOE projects, Mr. Michaelangelo reported that two BOE members were appointed and involved in the PBC projects.

Mr. Johnson advised that temporary members work with the subcommittee and the ordinance does not talk about these members.

When a person is appointed for a specific project, Mr. Schrumm said their membership is over when the project is done. With the police station roof replacement project, he asked if a special subcommittee would be appointed. He said the police representative would not, necessarily, but a temporary member.

Mr. Purtill stated that the PBC would have a Police Department member for a special project. This person would go to meetings, and the department could assign a liaison to the PBC.

Attorney Johnson advised that there would be further review by his office of the subcommittee concept of the PBC.
(3) (b) This is for large projects, and was last used for the pool. The Council can appoint two temporary members. The pool project had four temporary members.

(C) Powers and Duties.
(1) Town Attorney will review the rules and regulations for consistency.

(2) Responsibilities and Limitations:
(b) Mr. Purtill stated that the PBC relies on the design professionals and clerk of the works and Town staff. Some projects do not require a clerk of the works; there are regular job site meetings; there is delegation of authority to the subcommittee on what can be spent without more approvals. There is a working relationship between the subcommittee and Town Engineers office. The clerk of the works makes decisions. The subcommittee can approve $5,000 in change orders without PBC approval, and the committee sometimes comes to Mr. Purtill or Mr. Michaelangelo about cost and for advice.

(c) This section talks about the selection of the architect or engineer for a project. Before a project starts the PBC must wait for the Council to get the okay.

Attorney Johnson commented on whether there is a need for Council approval on these contracts. This may be an area where a dollar threshold would make sense.

By the time a project gets to the Town Council, Mr. Purtill stated there has been due diligence on the architect or engineer, and they cannot be appointed until the Council approves.

The study group referred to Section 5, Building Projects, (c) 1 Selection of professional consultants.

With the high school project the selection process for the architect was waived.

Dodd Middle School, Humiston and CHS elevator projects all went through the selection process, and they did not go back to the Council.

When projects come back with costs, Mr. Schrumm said this goes to the Council for approval.

Mr. Slocum stated that in the referendum item for a project, it is inclusive of design fees, contingencies, etc.

Attorney Johnson said that something may be added specific to selection of a design consultant.
Mr. Schrumm asked the study group members to think about whether the Council should be removed from the selection of the architect, or when architect fees are expected to exceed a set amount of money.

**Section 2 (d).** This section cites the 30 day clause, and Attorney Johnson recommended that this section be deleted from the ordinance.

Mr. Schrumm suggested using a 15 day time frame in this section.

Mr. Purtill said this should be at the discretion of the Council Chair.

With a 15 day time frame Mr. Schrumm said the project would get to the Council on time for a meeting and for public notice.

Attorney Johnson advised that with this section deleted the Council would still have authority to approve something, and PBC will have time to be on the Council agenda. If more time is needed for the review of the project, it can be postponed to the next Council meeting.

According to Mr. Purtill this section is very limited and prevents the PBC and Council from fast tracking a project.

Attorney Johnson noted that the Council must approve something sent by the PBC, and can deny approval if more time is needed. The compromise would to state the PBC will provide submittals to the Council on items to be approved in sufficient time for Council review. This provision has been ignored.

This section is building a bottleneck and Mr. Purtill said the Council approval is considered in another section of the ordinance.

The section can be left in, and Mr. Schrumm said the group can get to the 15 days issue at the next meeting.

If a contractor wants to be paid by the PBC, Mr. Purtill said the documents must get to Mr. Michaelangelo within a certain period of time. This is an operating procedure, and it is good.

Regarding this section (d) Mr. Schrumm recommended that the time frame be 15 days, and that the last line read “fifteen (15) days prior to the Council’s next meeting. (the word “regular” is deleted).

(e) No changes.

**Section 3 Feasibility Studies** – line 4 delete “which are a part of the town’s approved capital expenditure plan.”
(4) Site Selection Study, Sections (a), (b), (c) (d) – no changes.

(5) Building Projects: (a). When something is assigned to the PBC, Mr. Johnson said the Council must provide them with what they are looking for, and must give the PBC criteria for the project.

Mr. Purtill stated that sometimes this area is a problem because costs are out of the sky, and the town needs to front end projects for better alignment of the need and budget. This was a problem with the pool and the Dodd kitchen project.

Mr. Schrumm commented on the WWTP upgrade which has been in the CEP for a few years. The design engineers are working with the DEP and the project is close to $30 million, not the original $8 million estimate. Design money should be used for projects which must be done.

It was suggested by Attorney Johnson that there be an addition to (b) in case the commission’s initial suggestions cannot be made for the dollars anticipated, the PBC can go back to the Council and request additional funding.

(c) 1. – Mr. Michaelangelo stated that a professional cannot be chosen without going through the process, and this goes before the Council. The industry standard is "Quality Based Selection Process", and following that criteria it is a three month process.

Attorney Johnson commented on two issues. One is whether an architect or engineer is required, and two is whether there should be the Quality Based Selection Process used.

With every project, Mr. Michaelangelo said there is 3 months added with this process. The project is advertised; responses are received; firms are short listed; they are interviewed and give presentations; a firm is selected; the price is received; and there must be Town Council approval.

For the school window projects, Mr. Michaelangelo said they were the same.

Mr. Adinolfi stated that if the Town likes a contractor at one school, this same contractor could be used for another school without going through the long selection process.

This issue will be reviewed further by the group at the next meeting.

Mr. Purtill said that for a project there could be selection of one designer and one roofing company. There is a question in State law relating to design phases.

This State law has been going back and forth for a year, and Mr. Michaelangelo informed the group that the law will be repealed next year.
For design/build, Mr. Purtill explained that the PBC must have a process in order to entertain this, and wants to see consideration of more design/build projects. A mechanism is needed to determine what should be done and not done. This needs to be addressed in the ordinance. Mr. Purtill said he has experience with design/build.

Attorney Johnson will do a search on “design/build” and have the information for the next meeting for review and incorporation into the ordinance.

4. ADJOURNMENT

MOTION by Mr. Adinolfi; seconded by Mr. Schrumm.

MOVED to adjourn at 9:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk