

**Joint Committee on Infrastructure & Board of Public Works
Meeting of March 28, 2023**

A meeting of the Joint Committee on Infrastructure & Board of Public Works was held on Tuesday March 22, 2023 at 6:30 PM in the Nashua City Hall Aldermanic Chamber, 229 Main Street, Nashua, NH 03060.

Alderman Dowd, Chair, declared the meeting to order at 6:30 PM.

- I. Opening Committee Meeting**
 - a. General Introductory Remarks**
 - b. Roll Call**

Members Present:

Alderman Richard Dowd, Chair
Alderman Ernest Jette (arrived at 6:33pm)
Alderman Alex Comeau
Alderman Tyler Gouveia
Commissioner Kevin Moriarty
Commissioner Shannon Schoneman
Commissioner June Lemen

Also Present:

Tim Cummings, Director of Economic Development, Clerk
Dov Jaffe, Project Manager, Harvey Construction Corp.
Lisa Fauteux, Director of Public Works

Members Absent:

Mayor Jim Donchess
Alderman Michael O'Brien
Commissioner Paul Shea

Tim Cummings

So, with six present, you have quorum, Mr. Chairman.

- II. Public Comment**
- III. Approval of Minutes**
 - a. Minutes of February 22, 2023**
- IV. General Progress Update**

Alderman Dowd

Alright. We have a quorum. Next item on the agenda is public comment. There's nobody online and nobody in the chambers, so we'll have none. Approval of the minutes. If there are no objections. I'll waive the reading of the minutes of February 22nd, 2023, and place them on file. General progress update, Mr. Dov.

Dov Jaffe

Thank you. I'm happy to confirm that the project status is substantially complete. So, the building is now occupied. The department has moved in and is enjoying the space out here. So, the milestones we have of substantial completion marked first complete, could be received a conditional certificate of occupancy that is good until May 31st, after which all open and outstanding items will be completed. Move in was completed on March 13th, or at least begun.

And really the only outstanding items that are left, relate to the exterior work. Basically, just waiting for the weather to clear, dry out a little bit, let the snow melt. We'll get out there and do the landscaping, sidewalks, and patios. So, on the next page, there's a few photos of the exterior within the last week or so. You can see the entrance awnings and sunshades are complete. The areas are prepped, ready for seating and landscaping, and the sidewalks are prepped with their subgrade as well.

On the next page, we have a few photos of the finished interior space, including the furniture set up and in place. The folding partition walls were installed last week. And really one of the only major elements is the window treatments. And those I believe will be done in the next week or so. On the next page, there's an example of an office space, some of the movable high density file storage, the kitchen area, and the second-floor lobby transactional window. So really that's it. Like I had said, the exterior is the only items of significance that remain to be completed. Any questions?

Alderman Dowd

When do they intend putting the sign up over the door? The one that goes over the -

Dov Jaffe

On the entrance awning?

Alderman Dowd

Yes.

Dov Jaffe

I believe that's today. They were out there, so it was supposed to be last week. We rescheduled them, yes.

Alderman Dowd

Alright.

Dov Jaffe

But if it's not today, I would have to check. But I believe that they are done and complete, and they're going to be on site to install the dedication plaque along with that exterior signage.

Alderman Dowd

Thank you. Any other questions? Seeing none -

Tim Cummings

I just want to note for the record that Alderman Jette joined us at 6:33 this evening.

V. Requisitions

a. Requisition #14 To Be Paid: \$211,432.66

Alderman Dowd

Okay. And the next item is Requisitions, Director Cummings.

Tim Cummings

Yes. Thank you, Mr. Chairman. So, I'm seeking your approval of requisition #14 for \$211,432.66.

Alderman Dowd

Okay. Any questions on that? Seeing none. All in favor A signify by saying aye. Does somebody make a motion to -

Alderman Comeau

Mr. Chair? Is that in the packet somewhere? I'm not seeing that requisition.

Alderman Dowd

Requisition #14.

Alderman Comeau

I see an amendment to a contract agreement, but I don't see it. Is it possible that we could just get a summary of what that entails?

Tim Cummings

Well, we have the project manager with us. Essentially, this is seeking a payment for work that has been done. And I will leave it to Dov to maybe talk about a little bit of the highlights if he could. But this is essentially Harvey's request to be paid \$211,432.66 off of their purchase order.

Dov Jaffe

Yes, I don't have a copy with me, but that's absolutely correct. It really includes the subcontractor's requisitions that have been reviewed by the architect for confirmation that the work shown on those individual subcontractor requisitions is accurate and reflects the work that is in place for the building. Really, it includes a requisition from almost every sub on the project.

Alderman Dowd

Do you know if those went out though? To the members?

Tim Cummings

I don't know if it went out, Mr. Chairman. I'm going to find out right now.

Dov Jaffe

So, I believe that there was a packet that was distributed prior to the previous meeting that was then rescheduled to this meeting and it did include the requisition, because I also remember it included your amendment to HKT architects specifically was included. There was additional information.

Alderman Dowd

One of the main reasons for this meeting is to pay that requisition, that got canceled. We had to cancel that other meeting.

Dov Jaffe

So, it may have been an email distributed over a week ago prior to the originally scheduled meeting.

Alderman Dowd

Director Cummings is looking it up right now.

Tim Cummings

I'm looking it up right now to see.

Alderman Dowd

Well, waiting for that. Does anybody have any specific questions on the requisition? Yes Alderman Comeau.

Alderman Comeau

Is this, are we anticipating that this will be the last payment to complete the job, or is there -

Alderman Dowd

I'll go out on a limb and say no.

Dov Jaffe

No. Not until I leave the property.

Alderman Dowd

You still have work to do, so?

Dov Jaffe

Yes, correct. So, the requisitions are always based on work completed in the previous period, as long as there's work such as the landscaping, irrigation, and those sidewalks, we won't look for payment until that work is complete.

Tim Cummings

Okay. Yes, let me see if there's a way I can get this up on the screen here.

Alderman Comeau

On the box to your left, Tim.

Tim Cummings

Box still left over here.

Alderman Comeau

Hit the button on the top it says clerk's desk.

Tim Cummings

Clerk's desk. Alright. There we go. So, this is an 83-page packet that, I apologize, I thought you had received, but this is essentially the document, and I can send it out to you. But this is, a –

Alderman Dowd

Review the requisition?

Tim Cummings

Yes, sir. Yes. Nope, this isn't the, this isn't the right one. This is last year. This is last -

Dov Jaffe

That's last month.

Tim Cummings

Let's see if I can -

Alderman Dowd

Can you just briefly go over generally what the items are covered by the... it's supervision?

Dov Jaffe

It is, it really is typical with all previous requisitions, which again, would, like you said, would include our general conditions: supervision and the oversight of the project. Miscellaneous expenses and the subcontractor's requisitions.

Tim Cummings

I don't know if I can, I don't know if I can get to it from this computer.

Dov Jaffe

Can you get to your email, Tim?

Tim Cummings

Yes, that's what I'm going to try to do now.

Dov Jaffe

I just sent it.

Tim Cummings

Did you just quote it?

Dov Jaffe

So, it looks like it was distributed on March 20th.

Tim Cummings

I got your -

Dov Jaffe

I'm not on the wifi. If it's taking it a minute to send, you may be able to find an email from Patti from March 20th quicker.

Tim Cummings

I think he's got it. I think I got it now. No, I don't. Nope, nothing's come through yet. Did you say March 20th?

Dov Jaffe

Yes.

Director Fauteux

This was it at 9:40 March 20th. But I don't, I'm not sure that, I hope it's got everything.

Tim Cummings

No, I don't think that has everything in it.

Director Fauteux

Okay.

Alderman Dowd

Is it tagged onto the agenda there though? Little,

Alderman Jette

I'm looking at tonight's agenda and it goes right from, you know, the Harvey report to the amendment language that Alderman Comeau referred to.

Tim Cummings

Okay. Here, here it is. Here.

Alderman Dowd

Alright. Here we go.

Tim Cummings

No, this isn't going to have it. This doesn't have it, Dov. No.

Dov Jaffe

No.

Alderman Dowd

Okay. Based on the fact that it was previously distributed, does anybody have any questions from the item, if you have reviewed it? It was reviewed at the construction meeting.

Alderman Jette

Are you sure that it was distributed to us? I don't -

Tim Cummings

I got it here.

Alderman Dowd

He's got it. Supposedly was sent out the 20th.

Tim Cummings

Here. This is the right one, as you can see for a payment of -

Alderman Dowd

Can you blow it up for the visually challenged?

Tim Cummings

Sure. So, seeking payment of \$211,432.66. And as you can see, this is application #14 or invoice #14 for work that was conducted between February 15th and March 15th of this year.

Alderman Comeau

So, do you have any more detail?

Tim Cummings

There's, you know, another 50, 20-ish pages that has the schedule of values and the drawdown, and then the corresponding invoices underneath it for the full backup.

Alderman Comeau

And Director Cummings, you said this was attached to the email from 3/20?

Tim Cummings

I did not say. I can't confirm that.

Dov Jaffe

I said that, but I may have been mistaken.

Alderman Comeau

Okay.

Tim Cummings

Here's their lien waivers that they have to get. I would have to double check to see if this went out to the group.

Alderman Comeau

I don't recall seeing it in the agenda that went out.

Director Fauteux

Can you print it? Quickly?

Tim Cummings

This packet is 57 pages. I can certainly print this somewhere here in city hall. I just have to think of where I could -

Director Fauteux

Can you go over the details of all that maybe?

Tim Cummings

I would defer to Dov; can you go over the details?

Dov Jaffe

Sure. If you can zoom in a little bit and we can go line by line if you'd like. If you can scroll down just a little bit to the next page. I guess if you want to go back up a little bit too, I can make note that, go up one page, Tim. I can note that the amount retained remains at \$504,989.42. So that's the retainage of note. If you scroll down to the next page, we can go through each division.

So, in this month, the general conditions this period is \$37,257. I guess I can go by either one or the major ones. Line six for an example. Thermal and moisture production, that would be some additional roofing work and caulking for \$31,080. Doors and windows would be finalizing the door hardware installation over the last month for \$17,000 and change. I mean, we've got, you know, plumbing, HVAC, electrical, all for \$12,000, \$16,000, \$11,000 approximately each. And really, these are all some of the last items. So, it was finishing up, commissioning, doing work to finalize the project. Scroll down a little bit more. There were some allowances that were billed this month to the amount of \$29,630.96.

And in the next section would be change order items. So, I believe there was a few at the very end in PCCO #8, excuse me, PCCO #10. There was the additional electrical sub-panel for \$1,543.66. And relocating the kitchen makeup air unit on the roof for \$2,813. In PCCO #11, there were some miscellaneous electrical additions and requests for \$9,506.61. All of these PCCO line items relate to a PCO that had already been reviewed and approved in previous meetings.

Alderman Dowd

Does anybody have any questions on those specific line items? No.

Alderman Jette

Is that the end? Did we go through everything?

Alderman Dowd

Yes. Everything that makes up that \$211,000.

Alderman Jette

Okay.

MOTION: Commissioner Moriarty to approve Requisition #14 To Be Paid:
\$211,432.66

Alderman Dowd

We need a second on this?

Tim Cummings

No.

Alderman Dowd

Alright. Are there any additional questions before we vote?

Commissioner Moriarty

Yes, please. Could we make sure that all the members get a copy of that though? Because I did not. I went through my emails. I do not have a copy of that in my files.

Alderman Dowd

Okay. I remember seeing it posted a month ago, so -

Tim Cummings

I'll make sure you get a copy.

Commissioner Moriarty

Thank you.

Alderman Dowd

Thank you. Alright. Seeing no other questions. All in favor signify by saying Aye. Opposed?

MOTION PASSES: Unanimously

Alderman Dowd

Change Order / Amendment Review, Director Cummings.

VI. Change Order/Amendment Review

a. Approval Needed: HKT Architects Amendment \$47,681.

b. Approved By Chair and Provided as Report:

- i. PCO #61 - \$6,769.19 – Exit Sign Changes (Per Fire Marshall).
- ii. PCO #62 - \$5,745.33 – Lobby Sliding Glass Transaction Window.

Tim Cummings

Thank you, Mr. Chairman. And so, I'm just going to use the packet here because this is going to be, I think, a little bit easier than not. So, bear with me as I catch up. So, Mr. Chairman, going a little bit out of order here, I just want to talk a little bit about PCO 61 and then there'll be PCO 62. These are already been approved by the Chair executively. They needed be due to time sensitivity of getting the occupancy permit. They came about, specifically the first one was at the request of the fire department for exit sign changes.

That was a code issue. The other one was PCO #62, lobby sliding glass door transaction window, which was added. As you can see, PCO #61 was \$6,767.19. PCO #62 was \$5,745.33. Both of these would be added on to PCCO #11, #12 for next month. But I just wanted to make you aware of these changes that were approved executively at the previous meetings. Happy to take any questions on that.

Alderman Dowd

PCCO #11, which is #60 and #61.

Tim Cummings

Yes.

Alderman Dowd

So, on PCO 61 and 62, if there are no objections, we'll validate the chairman's authorization. Yes.

Alderman Comeau

I don't have an objection, but just so you know, these aren't in the packet either.

Commissioner Moriarty

Exactly.

Tim Cummings

Right.

Alderman Comeau

Usually, we get the PCOs and the PCCOs at the end, but none of that is in here.

Tim Cummings

I think there was an administrative snafu with this packet.

Alderman Comeau

Well, at least we can see it on the screen.

VII. PCCO #11 Approval - \$16,275.80: (includes PCOs #60 & #61).

Tim Cummings

Didn't make it into the packet that you all have in hand. So, you have 28 pages of the packet. But the total of the packet would've had an additional 47 pages, on top of the 28 that you have.

Alderman Dowd

So, 61 was dictated by the fire marshal. So, it's not a lot of leeway there. The lobby sliding glass transaction. Do you want to speak briefly on that?

Dov Jaffe

There was a request was made to add a sliding glass transaction window to the first and second floor lobbies, I guess I'll call them my typical bank color windows. They are in a frame, have the speak through and have either two or three sliding glass sections. And that was the request.

Alderman Dowd

Are there any questions on either one of the PCOs based on what you just heard? Seeing none, then we'll concur with all of O'Brien's approval. The next item is PCCO #11, which basically puts the items on the contract. The PCOs have already been approved and includes PCO #60 and #61. We just talked about 61. And 62 will be covered under PCCO #12 next month.

MOTION: Alderman Comeau to approve PCCO #11 in the amount of \$16,275.80

Alderman Dowd

Alright. Any other discussion? Seeing none. All in favor signify by saying aye. Opposed?

MOTION PASSES: Unanimously

Alderman Dowd

Other expenditures for approval are none.

Tim Cummings

Actually, Mr. Chairman, and this is where I wanted to go a little out of order. So, if you go back up now to HKT architects, they, our architects for this project has a request in for an additional \$47,681. That did make it into your packet. And this is probably the item that I did want to have a little bit more dialogue on to give an explanation on this particular item. This is something that we need to do. This is something that the designer has asked for. It's reasonable. It is just, what happened was, is when they originally budgeted this project, they didn't necessarily anticipate the construction administration category, which we're in now needing as many hours as it did. So, they ran a little bit short on the budgeting.

So, they've asked for an update to their contract. In addition to that, a couple of their subs, particularly Hoyle Tanner, did some work that was not originally anticipated on their end. And these issues come up from time to time as challenges arise and we need to work through these various issues. So now that we're bringing this project to fruition, the design team just wanted to have essentially a change order to settle up their contract. So that's why we're here before you seeking your approval for \$47,681. So, we can amend their purchase order.

Alderman Dowd

Any additional questions? Yes.

Commissioner Moriarty

Will this be the final bill for the architectural firm?

Tim Cummings

From my perspective, and I have made that clear to the design team. But I can't be held accountable if they want to ask for additional funds, though I don't anticipate them doing that.

Alderman Dowd

Yes.

Alderman Jette

So, I have a question. You know, I haven't been through this before. I don't have your experience. So, did we have a contract with them to do this work? I mean, is it normal that they bid the job, we get, they get the job and then they come back and say, we want more money. Is that,

Alderman Dowd

If the contract's extended or you asked them to do additional work? Yes. You have to pay them more money. That's the way it works.

Alderman Jette

And is that what happened here? We asked them to do more than what they had originally agreed to.

Tim Cummings

Essentially, yes. Though along the way this came up and they're kind of coming to us now and asking for it. But along the way there was various issues that arose that were unforeseen conditions that they needed to address and to keep this project on timeline, they proceeded. And now that they're, which is what I don't like, to be honest with you, I would've preferred them to have asked at the time. But that's now somewhat ancient history. We are where we are. And so yes, they are asking now for this money to bring it to closure.

MOTION: Alderman Comeau to approve the HKT Architects Amendment in the amount of \$47,681.

Alderman Dowd

Any other questions? Okay. Any other discussion? Seeing none. All in favor signify by saying aye. Opposed?

MOTION PASSES: Unanimously

VIII. Other Expenditures For Approval: None

- IX. **Old Business:** None
- X. **Adjourn:** Next meeting TBD @ 6pm?

Tim Cummings

Mr. Chairman, the only other substantive piece of business is getting a meeting scheduled, which I think we're going to need another joint meeting to particularly pay the requisition. So, we don't have a date scheduled yet, but if we're following suite on what we have been doing, it would be something like on a Wednesday night at 6:00 PM either on the 12th or the 19th of April. It would be something in that order. I think the 19th is the third week. So, it's going to, Harvey would need it to be on the 19th, I believe.

Director Fauteux

May I make a suggestion? This has been a really tough group to get a quorum for. I would recommend that we have it after, if we can on the 27th after the Board of Public Works meets, because then we'd almost certainly have a quorum if that works. Is that too late?

Tim Cummings

Do you have an idea of what time that would be?

Director Fauteux

Six o'clock. Maybe. Six o'clock. Usually our, our meetings run a couple of hours.

Tim Cummings

So 6:00 PM.

Director Fauteux

If that works for everybody.

Alderman Comeau

On what day?

Director Fauteux

April 27th, Thursday, April 27th at six o'clock.

Alderman Dowd

Not on a Wednesday.

Tim Cummings

No, that's a Thursday. She's suggesting Thursday the 27th. Do you have joint special?

Alderman Dowd

No.

Tim Cummings

Okay.

Alderman Dowd

That's April?

Tim Cummings

April, April 27th.

Alderman Comeau

That works for me, Tim.

Tim Cummings

Okay. One down. Nine more to go.

Director Fauteux

That would mean we'd have a quorum.

Tim Cummings

I like that strategy.

Alderman Comeau

That's right.

Tim Cummings

That's all we need. We shoot for six.

Alderman Comeau

Me plus the Board of Public Works. We'll be fine.

Director Fauteux

You're right.

Tim Cummings

So, I know we're joking here, but it sounds as though we have consensus on April 27th, Thursday, 6:00 PM here in City Hall or do you, is that where it's going to be? City Hall? Here in City Hall. Does that work for the group?

Director Fauteux

We can have it in the auditorium.

Tim Cummings

Perfect.

Director Fauteux

If you'd like. Because that's where we'll be.

Tim Cummings

Perfect. Yes.

Alderman Dowd

We may end up with a joint special that night at 7pm.

Tim Cummings

I know. You'll be okay?

Alderman Dowd

Yes.

Tim Cummings

Okay. Alright. So, it's looking as though we will be doing it on April 27th, Thursday, 6:00 PM here in City Hall. Most likely the auditorium. Thank you, Mr. Chairman.

Alderman Dowd

Alright. There's no other business. Do I have a motion to adjourn?

MOTION: Alderman Comeau to adjourn.

Alderman Dowd

All in favor signify by saying aye. Opposed?

MOTION PASSES: Unanimously

Alderman Dowd

Adjourned at 6:59 PM.