

**South Windsor Public Building Commission  
Minutes – Regular Meeting – October 14, 2015**

A regular meeting of the Public Building Commission was held on October 14, 2015 at Timothy Edwards Middle School, Room Alt 6. The following people were in attendance:

Members Present: Howard (Hap) Fitts, Carol Kelley, Jim Neary, Charley Lyons, Matthew Montana & Edward O'Connell

Also Present: SWPS Representatives, Dr. Kate Carter, Patrick Hankard, Strategic Building Solutions Representatives Marc Sklenka and Chuck Warrington, Drummey Rosanne Representatives Jim Barrett & Scot Woodin, Gilbane Representatives, Peter Adamowicz and John Hawley, Town Manager, Matthew Galligan and Attorney Kari Olson.

Chairman Fitts called the meeting to order at 6:30 PM.

Presentations by Interested Parties Regarding Project Labor Agreements (PLA): Mr. Warrington opened the meeting by advising the public that the commission would be provided with two 15-minute presentations followed by a short question and answer session among the commission members and each of the parties. Prior to moving forward with the presentations, Mr. Neary provided the commission with information regarding the establishment of prevailing rate.

Presentation by Local Trade Council (PLA party): Mr. Robert Cheverie introduced himself as a 33-year resident of the Town of South Windsor and the Attorney for the CT State Building Trades. He provided the commission with information regarding certain myths surrounding PLA and provided clarification of those myths. He noted that PLAs are inclusive, not exclusive and that prevailing wages would be paid regardless of whether a contractor is union or non-union. He noted that the PLA would provide the ability to ensure that local residents get the opportunity to work on the project and advised that Connecticut has one of the strongest PLAs in the country. He stated that they have successfully completed 200 projects over 100 of which were schools, on time and on budget with local residents.

Mr. Jeremy Zeedyk, business representative for Sheet Metal Local 40, speaking on behalf of the Greater Hartford Building Trades Council, reviewed the PowerPoint presentation. He noted that his presentation would serve to separate fact from fiction and reviewed myths regarding PLAs citing several studies conducted debunking those myths. He noted that South Windsor has 100 qualified trades' craftsmen, and that there are 925 qualified craftsmen in surrounding towns, workers who transfer wealth into their community, have civic pride and are provided career opportunities, among other attributes. He noted that many municipalities have chosen to use PLAs this year alone. He reviewed several construction projects and provided a comparison between the project man hours with local residents in a PLA and non-PLA, noting that PLA man hours were higher. He closed by stating that with a PLA the cost is neutral, and the benefit is priceless.

Presentation by ABC (non-PLA party): Mr. Ryan O'Donnell Attorney for the Associated Builders and Contractors, Inc., provided a PowerPoint presentation with regard to the use of

PLAs. He noted that several local businesses were in attendance to share information on the impact of a PLA on small businesses. He countered some of the claims of the presenters and noted that if it is the commission's goal to hire local workers, that language can be added to a contract, but that they did not need to have a PLA in place. He noted that Connecticut has a prevailing wage rate and that there is a floor and that no one will go below that floor. He noted that there are laws in the State of CT governing construction projects and having a PLA would not change a contractor's obligation to adhere to state laws. Although there is no language in a PLA that an open shop cannot bid, he noted that the actual language could, in effect, shut out open shops and require that they use 15% of their workforce, with the remaining from union halls. He closed by stating the recommendation of ABC that the PBC bid the project openly and competitively.

Mr. Jon Buckler, of Advanced Performance Glass relayed his personal experiences and opinions with regard to PLAs, noting that the project did not need a PLA. As a resident, whose daughter would be attending the school, he noted that he would love the opportunity to be a part of the project.

Mr. Gary Rooke, owner of Advanced Performance Glass, noted that he has been in business in town for 28 years and would like the chance to bid the job with his workforce with no strings attached. He noted that his company had worked on dozens of schools with Gilbane successfully. He noted that his company has been in town since 1993 and would like a chance to bid the job with his workforce. He stated that he does not have a bias opinion on a PLA, but would like an equal opportunity to bid on the job.

Mr. Nathan Foster of Advanced Performance Glass noted that he went to South Windsor schools, and has been in town for 36 years. He indicated his opposition to a PLA noting that the commission hired Gilbane to determine the contractors for the project and that they should decide. He encouraged the commission to evaluate everyone, noting that they did not need a preferred labor agreement which would exclude people.

Mr. Colin King approached the commission to speak in opposition of a PLA; however, Chairman Fitts needed to stop the conversation as the allotted time was over.

Mr. O'Donnell wrapped up the conversation by thanking the commission for its time and to restate that the Associated Builders and Contractors were requesting open competition.

Discussion on Project Labor Agreements with PBC, consultants and BOE staff: Chairman Fitts questioned whether commission members or town/school administration had questions.

Town Manager, Matt Galligan, clarified a recent discussion regarding Murtha Culina's service as the commission's attorney. He advised that Murtha Culina was the Town Attorney when at the time the project began. Following that a new Town Attorney was appointed, at which time he met with the new Town Attorney (Keith Yagaloff) and Murtha Culina to discuss PBC representation. At that time they agreed that there was no reason to change representation. He confirmed that he made the decision with the Town Attorney (Keith Yagaloff).

With regard to the discussion of PLAs, Mr. Galligan noted that both groups made excellent presentations. He advised that he has five unions in town and that he has never had a problem. He stated his concern that entering into negotiations with a PLA at this point could slow the

project down. He relayed his fear that the negotiating process could be a month or two and would push the project too far out. He referenced the 10-year plan and the anticipated closure of Wapping Elementary School which, if not done on time, could be problematic for the school system. He stressed that he did not have a problem negotiating with a PLA at the proper time, noting that the bonding was done 18 months ago and the process should have been started prior to presenting the referendum question to the public. He recommended that the commission could look at PLAs for the future projects, but restated his recommendation that the commission did not enter into an agreement for this project.

Mr. Neary indicated that the commission had invited the Town Manager to its August meeting, to which Mr. Galligan advised him that he did not receive that invitation and suggested that he defer to the chairman.

Mr. Cheverie (PLA party representative) approached the commission to stress that the process would not delay the project as an agreement could be completed in two days and that he would make himself available.

Chairman Fitts requested to hear the Superintendent's comments on the matter.

Dr. Carter echoed Mr. Galligan's remarks noting her concerns that there could be delays in the project. She advised the group that there is a meeting scheduled with the Office of School Facilities, State of CT on November 17 and that for a year and a half the PBC, professionals and BOE staff have worked tirelessly to remain on this schedule. She noted that a delay in the project would be significant for the 10-year Plan and Phase I of the plan. She reviewed that Phase I involves closing Wapping Elementary School, and if the project were delayed, it would put off the closure for an entire year which would pose major concerns. Redistricting the town and re-staffing the school has many personnel ramifications, which would need to be started now, she added. She noted that if the district could not start those processes, it could delay the closing of Wapping Elementary School for a year. She also noted that the seniors in town would be concerned as the Parks & Rec department envisioned taking space in that building.

Mr. Warrington noted that Colliers is neutral with respect to the PLA discussion; however, stressed that they do care about cost and schedule. He noted that as the PBC's owners representative Colliers reached out to two independent estimators regarding the possible margin of increase for the project under a PLA. Both estimators indicated that the project could increase by 10%. He relayed his concern from the cost perspective that if 10% were applied to the \$25MM budget, it would equate to \$2.5MM. He noted that Gilbane will be going out to bid next month and cautioned that if the project did not go out to bid in November, Colliers would be concerned about completion of the project and occupancy of the building on schedule.

Chairman Fitts requested whether other commission members would like to add to the conversation.

Mrs. Kelley noted that after an article was published in the newspaper about this meeting, she received many calls from local business people concerned that the PBC knows exactly what they are doing if they go with a PLA. These businesses were encouraging her to not enter into an agreement because it would add a huge amount of cost to the project. She noted that she could not quantify "huge." She stated that the businesses felt they couldn't come and express

this to the commission themselves as public comment was after the hearing. She advised them that she would relay their concerns.

Mr. O'Connell noted that the focus of the project has always been scope, schedule and cost, which has been reinforced. Knowing the Superintendent's concerns as well as possible weather conditions, he stated that he would not recommend a PLA because of the concerns with the project schedule. In addition he noted that there have already been major cuts in the scope of the project and that he is trying to stay within the scope.

Mr. Neary noted that PLAs put local residents to work and that the commission could negotiate an agreement and put in residency requirements. He noted his disagreement with the 10% figure reported by Mr. Warrington indicating that the materials costs and wage scale would be the same. He stated that the commission needs to do what is best for the residents of South Windsor and suggested that the Town Attorney meet with the building trades to review a project labor agreement to determine what the cost would be to the project. With regard to next steps, Mr. Neary suggested that the commission digest the information presented at this evening's meeting and schedule a special meeting to act upon the matter, similar to the manner in which they've handled the hiring process for every large contractor for the project.

Mr. Sklenka, of Colliers, addressed the commission with regard to the question posed about the 10% figure. He noted that Colliers was not in a position to place judgement on the PLA discussion, but as its owner's representative, reached out to two independent cost estimators to inquire about the impact of a full PLA in the state of Connecticut. He assured the commission that if the estimators had come back with favorable information, Colliers would have shared that information as well.

With regard to Mr. Neary's suggestion to defer the commission's decision, Mrs. Kelley agreed that past practice on this project has been to delay decisions until the following meeting, but noted that many times on other projects the commission voted on the same night as a presentation. She thought both groups did a good job with their presentations and saw no reason to delay a vote. Mr. Lyons questioned whether the commission would be better served to pull together a smaller group to review the information.

Town Attorney Keith Yagaloff addressed the commission noting that it may want to consider doing an analysis regarding the decision based on criteria put forth by State of CT legislation. Although the criteria applies to design-build projects, of which this project is not, he felt it would be helpful for the commission in making its decision. He noted that having the criteria in front of them when determining the proper course of action would allow for them to follow the recommendations of the state legislature in this regard. He noted that he was looking to protect the town and did not want to see any decision challenged. With regard to Mr. Lyons' thoughts of pulling together a sub-group, Attorney Yagaloff opined that this would not be the best course of action as it would be defer the responsibilities of the PBC, which would cause a delay.

Attorney Kari Olson noted that she and Attorney Yagaloff have discussed the matter. Based on state statutes the commission would have the opportunity to enter into a PLA; however, the attorneys would need to review the Town Charter to provide the commission with a legal opinion relative to bid requirements. Chairman Fitts was in agreement and suggested that both attorneys meet in order to prepare a legal opinion for the PBC. Attorney Olson advised that she had provided a draft motion to authorize the commission to take that next step.

Chairman Fitts made the following motion:

MOVED, after a hearing with presentations by interested parties as to whether to pursue a project labor agreement for the Orchard Hill Elementary School building project, the PBC is in favor of investigating further the possibility of entering into a project labor agreement for this project; and the PBC will make a formal request to the Town Manager, through its chairman, that the PBC's attorney, together with the Town Attorney, provide it with a legal opinion as to whether and through what process a project labor agreement may be pursued for this project.

Mr. Neary seconded the motion and it passed unanimously.

Approval of Minutes: On a motion made by Mr. Neary, seconded by Mrs. Kelley, the minutes of the September 9, 2015 PBC meeting were approved.

Superintendent of Schools Report: Dr. Carter provided the commission with several updates in regard to the project:

- At the September 29 Board of Education meeting the board voted to approve the educational specifications as amended. She noted that the board expressed its disappointment but understood that difficult decisions needed to be made. She outlined the reductions in the plan as follows: elimination of medically program, world language classroom, instrumental music classroom, one computer and the radiant floor heating.
- She advised that the 10-year Master Plan had been refreshed with updated enrollment projections.
- On Sunday, October 18 at 4:00 PM Support South Windsor Schools.org will gather at Wood Memorial Library to discuss Phase I of the Plan and have invited her to attend. She plans to bring copies of the refreshed plan. DRA representatives have also been invited and the PBC is welcome to attend.

#### Orchard Hill Elementary School Project Update

OPM Report: Mr. Warrington reported that the 90% Construction Documents went out to all parties for review and are under review by the third party structural and code reviewers. Comments were received from commission members Matt Montana and Ed O'Connell, among others. Overall 250 comments were received. A meeting will be held with the Office of School Facilities on November 17. Prior to that meeting Colliers will be seeking approval from the commission of the estimate and specifications. He suggested that a special meeting be convened on October 28 to present the 90% CD reconciliation to the committee. Colliers will also propose that the commission hold another special meeting on November 4 for the approval of the plans and specs and estimate. November 10 Colliers will present the estimate and specifications to the Board of Education for approval. Mr. Warrington continued to review the milestone schedule.

DRA Report-Design Status: Mr. Jim Barrett reported that the code review is underway and the comments for the 90% complete set have been reviewed and that the design team is working to incorporate them.

Approval of Invoices: On a motion made by Mrs. Kelley, seconded by Mr. Neary, the following invoices were approved:

- Invoice#13 from Drummey Rosane Anderson in the amount of \$61,018.86 representing professional services from September 1, 2015 to September 30, 2015.
- Invoice#14566 from Strategic Building Solutions in the amount of \$6,794 representing professional services from August 1, 2015 – August 31, 2015.
- Invoice#14745 from Strategic Building Solutions in the amount of \$6,944 representing professional services from September 1, 2015 to September 30, 2015.
- Invoice from the Hartford Courant in the amount of \$572.95 for the placement of the RFQ 1516-011.
- Invoice from Sustainable Engineering Solutions, LLC in the amount of \$5,750 for professional services for the period ending September 30, 2015.

New Business:

A motion was made by Mr. Neary, seconded by Mrs. Kelley, to schedule a special meeting on October 28, 2015. Motion passed unanimously.

Review of Correspondence/Communications and Comments from Public:

Mr. David Joy, 100 Bramblebrae, noted that as a resident he was troubled by the lack of decisiveness of the commission and his observation that the project is being “held hostage” by the issue of the PLA. He recounted that he heard the Town Manager say that the issue should be addressed prior to going to referendum and that it could take a significant amount of time. He also recounted his understanding of the statement from the owner’s representative that their professional information indicated that a PLA will add 10% to the project. As the Chairman of the board of education Mr. Joy reminded the commission that the board is its client and that they are committed to delivering the project on time and on budget. He noted that he did not understand the commission discussing at this time anything that adds a cost layer and delays the schedule. He noted that the board reluctantly approved the revisions to the educational specifications and that they were not delivering the project to the voters as promised. He noted his concern for the impact this decision would have on Phase II and implored the commission to carefully think about what could happen to the timeline and budget on this project as they needed to deliver collectively on the promise made to this community.

Mr. Bart Pacekonis, 39 Blue Ridge Drive, noted that he is a member of the planning and zoning commission. He spoke in favor of a PLA, noting his understanding regarding the concerns for the timeframe and cost. He spoke on behalf of the 24% of resident contractors in South Windsor and the due diligence that the commission needed to do in keeping the South Windsor economy going. He encouraged the commission to give these workers an opportunity to work on the project.

Mr. Bob Cheverie, 141 Tumblebrook, (*PLA representative*) addressed the commission in order to clear up confusion regarding a delay. He advised that the PLA is signed by Gilbane and the

building trade, and is not an agreement with the town. Once authorized by the commission, it would become part of the bid specifications. He stated that he and Gilbane could have an agreement signed in two days. As far as the reference regarding the 10% projected increase, he requested to see those statistics. He reviewed the training opportunities that they provide and their record of coming in on time and on budget. In closing he encouraged the commission to look at this decision as sound public policy and a chance to take care of their own. He noted that he would be pleased to provide a listing of superintendents who have had favorable experiences with PLAs.

Mr. Anthony Vieira, 68 Kelly Road, of CT Carpenters, a US Navy veteran and instructor with Local 24, spoke on behalf of a PLA stating that he would like to have an opportunity to work on the project, noting that many projects have come in on time and on budget with pride. He noted that when you live in the town and work on the public buildings it gives you an awful lot of pride. While noting that it was a good thing for the commission to take time to review the information received at tonight's meeting, he encouraged them to consider a PLA.

Mr. Rick Stahr, 130 Gale Lane, and board of education member, advised the commission that he has been invested in trying to get schools built for ten years and that it has been very difficult. Under the leadership of Dr. Carter, who developed the 10-year plan, he noted his opinion that this curve ball is coming too late in the project and that the town cannot afford the impact. He begged the commission not to consider a PLA for this phase, noting that if anything derails this project, it will be on the commission, not the board.

Mr. Craig Zimmerman, 5A Amato Drive, and board of education member, noted the board's concern with the possibility of a cost increase, even at 1%, which would equate to \$250,000. He posed the question to the commission as to where that money would be cut from in the project. He noted that he heard from three experts today advising them not moving forward with a PLA and noted that if there is a guarantee that there is not \$1 added to the project, he sees the benefits, but if \$250,000 needs to be cut from the project all nine board members would not be in favor of that.

Mr. Frank Simao, 45 Bourbon Street, noted that he has been in the construction trades for 31 years, both union and non-union. With the project being at 90% design he noted that things are constantly changing that could affect the budget either with an increase or decrease.

Mr. Neary referenced Mr. Joy's comments, noting that this commission works in the best interest of the residents and the town of South Windsor.

There being no further business to be brought before the commission, a motion was made by Mr. Neary, seconded by Mr. O'Connell to adjourn the meeting at 9:00 PM.

Respectfully submitted,

Ann Walsh  
Clerk to the Public Building Commission