

## **Special Board of Selectmen's Meeting**

**April 29, 2010**

Present: First Selectman Gayle Weinstein; Selectman Dan Gilbert; Administrative Assistant Judy DeVito; Town Attorney Patricia Sullivan; Dan Clarke; Building Committee Chairman Don Gary; Kim Barrett from Barrett Inc.; Kim Winchell, H.B. Fishman.

**This meeting was recorded and videotaped. Tapes are available in the Selectmen's office.**

David Muller joined the meeting by telephone

Ms. Weinstein called the meeting to order at 2:03pm

**Continue the discussion/decision regarding awarding of the contract to replace the Middle School roof to Barrett Inc. of Danbury, Ct., in the amount of \$1,902,460, and to authorize the First Selectman to sign a contract agreement for this purpose.**

Ms. Sullivan said that she has incorporated the changes to the AIA document that they had talked about at the April 26<sup>th</sup> meeting. Mr. Gary said that there was nothing on staging and he felt that we should have a sentence in there saying that Dan Clarke can direct staging and removal of debris.

Kim Winchell from H.B. Fishman said that rather than going into the actual AIA document and changing the document we should attach changes to the back side of the contract because it may change wording elsewhere in the document. Pat Sullivan went through the AIA document agreement and the Supplementary General Conditions and made changes. Mr. Winchell said he was not authorized to agree or disagree to any of the changes.

There were a number of items that Kim Marshall had to check with her insurance agent. She said there were also things that she would have to run by their attorney because the intent of what is in the AIA document and the Supplementary General Conditions is what they bid on. If there were going to be additional cost involved with what they like to add she may have to get some pricing on insurance or there may be clauses that they may not be able to agree to. She said if this is going to be a negotiation going back and forth with all these different clauses, there is going to be some time involved in reviewing this so it will not get done today.

Ms. Weinstein said that the Board of Selectmen could vote to sign it pending changes so that they do not have to have another meeting. She said if there is a problem they would come back and meet. Ms. Marshall said if there were any cost impact on the insurance requirements as modified then they will give us a proposal on that.

Mr. Gilbert recommended that the provisions for arbitration and mediation found in the 2007 AIA document be incorporated into the contract. Ms. Sullivan asked Mr. Winchell if H.B. Fishman would have a problem incorporating the provisions from the 2007 AIA document with regard to arbitration and mediation. Mr. Winchell said it would have to go their legal counsel. He did not know what counsel would cost to review them all. He said he was not the officer of the company and was not able to answer that.

Ms. Sullivan said that the parties to the contract are Barrett and the Town of Weston and they are asking H.B. Fishman as the drafter of this contract to incorporate a provision into the current contract that provides for binding arbitration. Mr. Winchell said that he would talk to the company and they will go to counsel and see what can be done.

Ms. Weinstein summarized the meeting by saying that other than the liability insurance and the insurance issues that came up, the other changes were minor. Kim Marshall representing Barrett Inc. has essentially agreed to those changes. The one major issue that they need to run by their attorney as well as their insurance company is what Mr. O'Brien had asked for, which were some changes regarding insurance coverage and liability insurance. They need to ensure that it is okay with the insurance company and also to see if there is going to be an increase cost to the project due to the increased insurance. Kim Winchell who represents H.B. Fishman the architect and the project manager needs to check the same, since his company is the one that created the document.

Mr. Gilbert made a motion to authorize the First Selectman to sign a contract to replace the Middle School Roof with Barrett Inc. of Danbury Connecticut substantially incorporating the revisions agreed to April 29, 2010. Mr. Muller seconded and the motion passed unanimously.

At 3:00pm Mr. Gilbert made a motion to adjourn the meeting. Mr. Muller seconded and the motion passed unanimously

Respectfully submitted

Judy M. DeVito  
Administrative Assistant  
Approved 5/19/10