



## TOWN OF FREETOWN BOARD OF SELECTMEN

### MINUTES

Monday, October 15, 2019, 8:30am

Town Hall (Board of Assessor's Office) – 3 North Main Street, Assonet, MA 02703

RECEIVED  
FREETOWN TOWN CLERK  
2019 OCT 22 PM 2:35  
*g. DeManche*

**8:30 A.M. Call to Order** Chairman Charles B. Sullivan calls the meeting to order at 8:35am. Selectman George L. Grunwald is present; Selectman Lisa A. Pacheco is absent. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by

#### Board of Selectmen – Discussion and/or action on the following topics/items:

1. Discuss/Sign Change Order, HV Collins for the Police Station Project. Mr. DeManche says this change order is revisiting an item from his Town Administrator report at the last meeting. The change order is processed by the owner's project manager (OPM), signed off by the architect, approved by the Police Sub-Committee and forwarded to Mr. DeManche for approval. There is a \$25,000 threshold set by the Building Committee; this is before the Board currently, as the total amount is \$36,081.67. Mr. DeManche is seeking authority to sign the change order. Selectman Grunwald asks how much of the change order is due to time delay; Selectman Sullivan says roughly \$29,000. Selectman Sullivan's last knowledge was that these delays could be adjusted based on where they are in the schedule. Selectman Grunwald proposes paying the amounts not due to the delay, holding the rest until the close of the project. He questions the clause to begin with, as they can drag their heels at any time just to bill the Town. Mr. DeManche says it is on the OPM to prevent things like that, but they endorsed this change order, so it is a legitimate change. Selectman Sullivan says the time delays were due to the heavy rains back in March and April, that the general contractor had people on site that couldn't end up doing any work; he says he understands Selectman Grunwald's thinking, but we need to rely on the OPM and he says this is a valid concern. If costs can be cut or made up on the other end, as the OPM is advocating for, this can also be made up that way. Selectman Sullivan believes we should want to keep a good relationship with the general contractor, so if we start to have a problem here, will it leave a bitter taste and cause issues later? Selectman Grunwald says this is leaving a bitter taste in his mouth now. Selectman Grunwald has issues paying them for late completion ahead of time, and questions why they would bring in people during inclement weather in the first place.

Gary Mendes, 171 Chace Road, asks how much of the change order was for the construction of the swale; Selectman Sullivan says around \$5,200. Mr. Mendes asks who gave the Board permission to go against town by-laws and do this incorrectly, suggesting that the material testing in the Highway Department is involved with this and that he'll be bringing the Town to Court regarding this. Selectman Sullivan says the well was the issue here, as the costs came in far higher than expected. Mr. DeManche notes the project was properly bid. With Mr. Mendes continuing, Selectman Sullivan asks to move on or says Mr. Mendes will be removed, noting this is a Board discussion. Mark Rosofsky, 115 Chace Road, requests 60 seconds of public comment. Mr. Rosofsky says we are dealing with a \$9M contract, so this amount is 1/3 of 1%, and if the contractor isn't strong enough to carry that, it is "pathetic". He says we need a contractor that is strong and can carry this until the end, saying this is premature and should be held until the end. He thanks the Board for the time.

Selectman Grunwald reiterates that he thinks we should pay for the portion that is not time-related, saving the balance for the end. Selectman Sullivan recaps those amounts: \$5,230.73 for the swale, \$3,751.01 for the chemical pipe drain and \$2,233.07 for a design change on the detention door.

VOTE: Motion (Grunwald/Sullivan) to pay the non-time related changes, passed unanimously.

**Public Comment**

Nothing further.

At 8:51am, motion (Grunwald/Sullivan) to adjourn, passed unanimously.

Respectfully submitted,



Timm McIntosh,  
Administrative Assistant

List of documents/exhibits used in this meeting, pursuant to M.G.L. c. 30A, § 22(a)

- Draft Change Order, signed by Compass Group Architecture and H.V. Collins Company