

**MINUTES
TOWN OF DARIEN
SPECIAL MEETING OF BOARD OF SELECTMEN**

June 2, 2009

A special meeting of the Board of Selectmen was held on June 2, 2009. First Selectwoman Evonne Klein called the meeting to order at 9:33 p.m. Present were Selectmen Bayne, Santarella and Sullivan; Town Counsel Wayne Fox; and Administrative Officer Karl Kilduff.

Selectman Morton was absent.

Also present was Jayme Stevenson, Darien Arts Center; Dave Sinclair, Darien Arts Center; and Peter Hovell, Chairman – Weed Beach Building Committee.

NEW BUSINESS

- a) Discuss and Take Action on Request of the Nature Center to Build a Shed on their Leased Property

The Darien Nature Center was seeking permission from the Board of Selectmen to add a storage shed to their facility. Ms. Santarella asked if the shed would be within the one-acre footprint. Ms. Stevenson responded yes. First Selectwoman Klein asked if storage at the Center has been an issue over time. Ms. Stevenson noted that storage has been an issue from the beginning of the Center and the amount of space needed to store displays and exhibit material was unanticipated. Ms. Sullivan questioned the location of the shed on the site. Ms. Stevenson stated that existing plants would not be touched and the shed would not be visible from the road.

Mr. Bayne moved, seconded by Ms. Sullivan, that the Darien Nature Center could proceed with its plans to add a shed to the Center. Motion passed unanimously.

- b) Discuss and Take Action on Appropriation of Additional Funding for Approved Work at Weed Beach

Mr. Hovell thanked the Board of Selectmen for meeting. He stated that there was a problem with the Weed Beach project but it was manageable. First Selectwoman Klein asked Mr. Hovell to give the Board an explanation of the problem with the project.

Mr. Hovell went on to state that on the prior Wednesday it was discovered that there was a problem with the survey which was believed to result in an expensive change and delay to get project changes approved. The survey error initially suggested that the site would have to be raised by 1 foot. A new surveyor was bought in to verify the conditions which revised the elevation error to 2 inches.

Mr. Hovell continued by adding that at the time of the elevation correction, the contractor had already broken the asphalt, began excavation and laying out of forms for concrete curbing. The contractor had dug deeper than needed and build the curb forms higher than needed. Mr. Hovell stated that a change order would be needed to provide additional funds to fill in the site, reduce the height of the curb forms, pay for increased surveyor costs, and to grind the asphalt on site to act as additional fill.

According to Mr. Hovell the underlying problem was errors in the survey.

Mr. Bayne expressed a concern about the survey and its impacts to the project. He questioned whether the entire site should be re-surveyed. Mr. Hovell responded by noting that the surveyor checked a number of locations. Mr. Bayne continued questioning asking if any other errors were found. Mr. Hovell stated that there could be further errors on the site and that everything may need to be verified. He continued by stating that the area of immediate concern was the playground. Mr. Bayne then asked why work began. Mr. Hovell stated that the contractor took the drawings and began work.

Ms. Sullivan asked Mr. Hovell to confirm that the surveyor could not find the survey control point. Mr. Hovell confirmed that this was correct.

Ms. Santarella asked which firm conducted the first survey. Mr. Hovell stated that it was completed by Redniss & Mead. Ms. Santarella asked who completed the second survey. Mr. Hovell stated that it was completed by a firm brought in by Pappajohn.

First Selectwoman Klein wanted to know where the Building Committee was on this issue. Mr. Hovell noted that the Committee would meet on Wednesday, June 3, which was the earliest they could get together. As of the Friday prior, they were told that the project might have to go to ZBA to get the required elevation corrected and ask for more funding. He then added that it was now a small problem which he felt was solvable.

First Selectwoman Klein wanted to know where the Parks & Recreation Commission and the Playground by the Sound Committee were on this issue. She noted that prior minutes of the Building Committee stated the project would be done by Memorial Day. The record indicated that there was no meeting in March and the April meeting minutes made no mention of any project delay. She wanted to know how the communication has been and why there was no discussion of project status. Mr. Hovell stated that in January it was believed that the project would be completed by Memorial Day, however it was discovered that a lot of work needed to be done, civil engineering needed to be completed, dates kept moving and that he was out of town for part of the time period. He added that there were issues to be resolved between the playground installer and the engineer. When he returned to Darien in April, Mr. Hovell expecting the project would be ready to proceed.

Ms. Sullivan asked if Mr. Hovell called a meeting to resolve the issues between the engineer and the contractors. Mr. Hovell noted that he did call a meeting with Pappajohn, Stearns & Wheeler, Sue Swiatek and Debbie Parnon.

First Selectwoman Klein asked why the Building Committee was not advised of the slippage in the project schedule during its meeting in April. Mr. Hovell stated that he was not in attendance at the April meeting. Mr. Bayne added that he got an e-mail from Debbie Parnon prior to the April meeting which stated that the playground was on target and he was unaware of any problems until an e-mail from Mr. Hovell on the Friday prior. In his opinion, Mr. Bayne viewed this part as a short-term project. First Selectwoman Klein wanted to know why there was a glaring omission of the project timeline in the minutes. She felt that people needed to be alerted to issues with the project. She also asked about the Building Committee composition, were people attending regularly, and whether it was balanced. Normally, Ms. Klein added, committees are weighted toward those in the construction field.

Ms. Sullivan asked when the project would be completed. Mr. Hovell stated that it should be done within a month, but the actual date depends upon when the trades arrive on the site.

Ms. Santarella asked if there was a project manager on the site. Mr. Hovell responded by stating that the project was too small to have one on site. He noted that the project manager for the job was Brian Hyla of Pappajohn. Ms. Santarella asked if Mr. Hovell needed additional help on the Committee. He answered by stating that that issue could be discussed further. Ms. Santarella added that if help was needed, it needs to be stated out loud.

First Selectwoman Klein questioned Attorney Fox regarding the authority to make appointments to the Building Committee. Attorney Fox stated that the Parks & Recreation Commission is responsible for the oversight of the parks and would be the entity to make appointments to the Building Committee.

Ms. Santarella followed by advising Mr. Hovell that he should articulate to the Parks & Recreation Commission if any help is needed with the Building Committee. She added that she was concerned about the lines of communication.

Mr. Bayne said that he had spoken with members of the Playground by the Sound and they felt as if they had no answers to tell people that were asking about the status of the project.

First Selectwoman Klein added that she didn't want there to be a perception that the whole project was in the hands of the Chair and Vice Chair of the Building Committee. Mr. Hovell confirmed that a member of the Playground by the Sound was on the Building Committee and that the Committee was briefed about the situation on the Friday prior.

Ms. Santarella asked what kind of assurances the Town would have that the rest of the site was surveyed properly. Mr. Hovell stated that this would have to be discussed and a re-survey may be necessary. Ms. Santarella then wanted to know if additional money would be required. Mr. Hovell responded that he was not sure. Ms. Santarella asked what the next steps would be. Attorney Fox joined the conversation stating that he would like to look at the contract and the scope of the error made first. Mr. Bayne wanted to know if the survey was substantially wrong would the Town need to seek changes from the architect. Mr. Hovell noted that it might be necessary if there are more errors. Attorney Fox responded by stating that the problem needed to be reviewed and the Town's rights for a remedy. He added that the Town may want to spend additional funds for an expert to analyze the extent of the error. At this point, Attorney Fox could not state whether the Town had a claim or not.

Mr. Bayne asked for an update on the sewer line portion of the project which was approved by the Board of Selectmen too. Mr. Hovell stated that he was working with the Public Works Department and there has been activity. Mr. Bayne wanted to know when the work would be done. Mr. Hovell had no definitive date.

Discussion on the matter ended with Ms. Santarella moving, seconded by Ms. Sullivan, a resolution which stated;

NOW, THEREFORE, BE IT REVOLVED that, the Darien Board of Selectmen hereby releases additional funding to rework the playground area of Weed Beach due to an elevation discrepancy in an amount up to \$14,115.73 as described in proposed Change Order Number 001 dated June 1, 2009 from A. Pappajohn Company.

BE IT FURTHER RESOLVED that, that the actual amount of funding to be released is contingent upon the Weed Beach Building Committee approving the scope of work described in the required change order.

The motion passed unanimously.

ADJOURNMENT

Mr. Bayne moved, seconded by Ms. Sullivan, to adjourn the special meeting. The meeting was adjourned at 10:14 p.m.

Respectfully submitted

Karl F. Kilduff
Administrative Officer