

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, NOVEMBER 24, 2009

Present: Ald. Lappin (Chairman), Hess-Mahan, Parker, Sangiolo, Linsky and Yates
Absent: Ald. Ciccone and Vance

Also Present: Ald. Mansfield

Others Present: Alice Ingerson (Community Preservation Program Manager), Art Cabral (Budget and Project Specialist, Public Buildings Department)

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION
AND FINANCE COMMITTEES**

#375-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that fifteen thousand two hundred fifty dollars (\$15,250) be appropriated and expended from the FY10 Community Preservation Fund's historic and general reserves for changes and additions required by the Newton Fire Department during the historic rehabilitation of Brigham House. [10/27/09 @ 9:10 AM]

ACTION: **APPROVED 5-1-0 (Ald. Sangiolo opposed)**

NOTE: Mr. Cabral addressed the Committee. He explained that the packet of information that the aldermen received contained two invoices that have not been paid. The requested money is to pay these invoices which include the balance of the fees due to the architect and the general contractor.

Mr. Cabral explained that there were two items that triggered the additional costs in the Brigham House project. The Fire Department called on them to install 10 additional smoke detectors, a pull station and horns. Inspectional Services required them to install a second bathroom. The bathroom cost was about \$18,000 which included design and installation. Mr. Cabral said their budget was able to absorb most of that. The Fire Department requirements added approximately \$3300. The total costs were about \$22,000. Without these unexpected items, they would have been able to cover all their costs including some smaller items that came up. They had built in a contingency in this budget.

Mr. Cabral explained that they had planned on a smoke detector system, but when they opened up the walls, the Fire Department inspection required them to add more and re-run all the wires throughout the building. Because this was a change order, it did cost

more than it would have had they known about this during the planning phase. Ald. Yates asked if they Fire Department was consulted during the planning phase. Mr. Cabral said they were given a set of plans.

Ald. Yates asked why a second bathroom was necessary. Mr. Cabral said that Inspectional Services felt that the use required it, but he didn't feel that the use had changed so they did not anticipate this. This project started 6 or 7 years ago and this was a different interpretation of the code. The plumbing inspector is ultimately the one that would call for additional fixtures.

Ald. Lappin asked who was managing the project. Mr. Cabral said his office was managing it, but the architect went in with the plans to have them approved. Ms. Ingerson explained that the CPC had put in some of its administrative money for project management from Frank Nichols in the Engineering Dept. Mr. Nichols was the person that went to most of the project meetings and kept track of it. Ms. Ingerson said by the time the project had gone out to bid, most of the contingency had been absorbed by increased architect fees. Ald. Lappin asked when they were informed they needed a second bathroom. Mr. Cabral said when Inspectional Services came for their rough inspection about a year and a half ago, they informed them of the need. The bathroom was built then because the walls were all open. They thought they'd have enough money in the contingency to absorb this, but it turned out they did not.

Ms. Ingerson said she asked Public Buildings if they thought they would need a supplemental appropriation in the spring of 2008. Mr. Cabral had told them at the time that they thought they could make it work, but it didn't turn out that way. Ald. Sangiolo wondered why they didn't come back to the CPC earlier to run these additional costs by them. Mr. Cabral said he also thought there was going to be some donation from the people at Brigham House. Ms. Ingerson said that she has heard from Brigham House that they have donated \$100,000 to the project but she is unclear about that. She also noted that this project is designated under historic resources. The people at Brigham House asked Russ Feldman of TBA Architects to add some programming elements into the plan that were in fact not eligible for CPA funds. Frank Nichols and Brian Lever worked with Russ Feldman to remove those elements, but this caused some delays in the design phase. Ms. Ingerson said she thought Mr. Feldman would not charge for the items that weren't supposed to be there at all. Mr. Cabral said he could supply all the invoices from TBA Architects.

Ald. Yates wanted to know why the Fire Department and Inspectional Services Department didn't point these requirements out earlier. He said the codes had not changed since the beginning of this project. Ald. Hess-Mahan said the interpretation had changed with changing personnel. Mr. Cabral agreed because they had approved the plan initially.

Ald. Lappin wanted to see a timeline of when things were approved and when the work was done and when the Fire and Inspectional Services Departments changed their mind. She also wanted to speak with Frank Nichols about the managements of the project. She

wanted to know the rationale for putting in a bathroom at the sacrifice of programming space.

Ald. Hess-Mahan would like to see the contractors paid in a timely matter since they did work that was approved by the city (through the Building Department). Ald. Parker agreed that the contractors should be paid and the question would be whether it would be with CPA funds or through an alternate source. Ald. Linsky felt it should be with CPA funds. Ald. Lappin felt that Building Department should have come to the Board to discuss the additional cost before doing the work. Ald. Yates explained that it was more efficient to do the work while the walls were open and saved money. Ald. Hess-Mahan agreed because the code needed to be followed and opting not to do the work was not possible. Mr. Cabral said they really thought they had enough in their contingency to cover these costs, but it is sometimes difficult to anticipate problems in an older building. There were several other smaller items that ending up using the contingency, which was small.

The building is open and in use and they have their occupancy permit. Ms. Ingerson said she approached Mr. Cabral before the funding deadline to apply for more funds. Mr. Cabral, at that time, thought they had enough in their budget. A few months after the funding deadline, they found out they did not have enough in their budget. One choice was to stop the work and not allow the public into the building. They would then have to wait for the October 2009 deadline to apply for supplemental funds and get the money several months later, or go ahead and do the work as they did. Ms. Ingerson said she will be emphatic in the future in regards to applying for supplemental funds at the earliest possible opportunity, if necessary.

Ald. Parker wondered how much discussion a \$15,000 overrun in a \$500,000 project warranted. He didn't feel this was a huge problem. Ald. Hess-Mahan agreed. Ald. Lappin and Linsky said it was more about the process than the amount of money. Project managers have been added to projects to avoid problems. She was afraid approving this money would send the message that they weren't serious about the amounts of money they approve for projects.

Supplemental Funding Process

Ald. Yates said there should be a more flexible process for supplemental funding. Ms. Ingerson referred to an information sheet on that topic that was attached to the agenda. It is attached to this report for reference. The once a year deadline is helpful because it dissuades applicants from submitting a less careful, estimated proposal. They might figure they could come in at any time later to get more funding. The CPC is working on streamlining the once a year deadline, but not implementing a rolling schedule.

Forming a Parens Item

Ald. Hess-Mahan would also like to see further discussion of this to find out what went wrong. He suggested forming a parens item to get some answers and Ald. Yates agreed. Ald. Parker said there seemed to be a separate issue of how things are done in the Inspectional Services Department. He said there were many instances where

interpretations change and it interferes with projects. Ald. Yates felt this should be referred to Post Audit and Committee on Community Preservation.

#375-09(2) COMMITTEE ON COMMUNITY PRESERVATION requesting explanations from the Inspectional Services and Fire Departments regarding requests for changes in the Brigham House Rehabilitation Project from the Project Plan that they had previously approved that resulted in increased project costs. [11/30/09 @ 10:33 AM]

Ald. Parker moved approval of this item. The Committee voted in favor.

Respectfully Submitted,

Cheryl Lappin, Chairman