

MARBLEHEAD BOARD OF HEALTH

MINUTES, May 24, 2017

Present: Chm. Michelle Gottlieb, Helaine Hazlett, Andrew Petty, Director

Absent: Todd Belfbecker

Also Present: Phil Helmes

Meeting called to order at 7:30 pm.

Phil Helmes, who represents Kleinfelder, came before the Board to update landfill closure. Mr. Helmes stated the following "In regards to change order number 42 it still hasn't been signed by Maverick. An additional invoice for seeding and an invoice for adjustments have been submitted. The adjustments per Tim Jones (owner) of Maverick include: time and materials (\$270,000), Phase II additional liner was added (1.8% of the total liner placed) at a rate of \$1800.00 per square yard. No notification of increased cost charge for small amount of liner was given. The additional fee would be \$11,700. Mr. Helmes recommends that we don't pay this. It's laughable. Pay rec 20 involves Aggregate not having the dense grade available. Tim wants to be paid for 17 days of idle equipment. John Fiore (owner) of Maverick stated "don't worry about it". The contract clearly states "if you have a delay due to materials it's of no fault of the owner – no compensation for time". Contract entitlement amount \$67,000 (disputed costs). Approved to pay cost of insurance and supplementals but not \$745.00 per day for comprehensive insurance. There was a mathematical error which resulted in disputed amount of \$10,000. Pay rec 19 which involves quantity measures and Pay rec 20 regarding as-builts both has mathematical errors Phil spoke to Mike Kennefick, Esq. about the supplemental costs. Maverick had a schedule to follow. It was covered until May 2nd. Schedule revised on October 31st to be completed November 6th. On November 23rd the project was substantially completed. Maverick is seeking reimbursement 189 calendar days of insurance. Supplementals, trailers and sanitary equipment has a fee of \$2700.00 a work day. Time period of November 6th to May 2nd. Ending period changed to June 29th. A total of 133 work days. Summary of analysis shows 36 work days to 85 work days for a total of 121 work days plus supplemental costs for a total of \$338,000. Under Change order number 43 Mr. Helmes is trying to clean everything up. According to Helmes Associates there is a \$45,000 fee owed for auto insurance, \$36,000 for umbrella owner's protective insurance. The total amount for close out is \$478,637.00. The ten million dollar contract for 365 days and additional ten million for unsuitables. I inherited this contract, it was the luck of the draw".

Andrew Petty, Public Health Director asked Phil Helmes a question regarding the schedule and why Kleinfelder was giving Maverick additional time past the contract end date. Phil became very irritated and upset and would not answer the question. Mrs. Hazlett told Phil to calm down and not to get so excited.

Meeting adjourned at 8:25 pm.

Andrea Flaxer
Senior Clerk

