

**Permanent Building Committee  
MINUTES  
Tuesday, February 13, 2018**

Commissioners Present: Mr. Peter Viola, Chair  
Mr. Andre J. Lisee  
Mr. Mike DelMonaco  
Mr. Ed Sbordone  
Ms. Olga Nanocchio

Commissioners Absent: None

Guests Present: Fred Tester  
Sean Lougharan

Town Officials Present: None

Call to Order: 7:03 pm

Minutes

Ed Sbordone made a motion to approve the February 6<sup>th</sup>, 2018 minutes. Andre Lisee seconded the motion. **Vote: 5-0-0 (Motion approved)**

Town Beach Building

Fred Tester and Sean Lougharan presented plans to renovate or rebuild the Town Beach Building. They came to the Permanent Building Committee for advice on how to proceed and to get approvals from the Town. The Permanent Building Committee suggested they get plans drawn up by and present the plans to the First Selectman and to have a walk-through of the building. They also suggested getting the building looked at by the building inspector.

A Secondino & Sons Proposed Settlement

Our proposal was rejected by A. Secondino & Sons. The Committee discussed changing the proposal. Ed Sbordone made a motion to change the verbage in item 1. to The Town of New Fairfield agrees that A. Secondino & Sons contractual obligations in regards to the New Fairfield Free Public Library construction/renovation project was completed as of October 24, 2015 and to approve the compromise stated in items 2. ASSI will issue a credit deduct change order and send a final pay application for the \$5,000 to be paid to ASSI by the Town, 3. Parties to exchange mutual releases of any known or unknown claims in connection with the project, including but not limited to retainage, warranties, defects or problems with work. If the Town wanted to retain its right to assert a warranty claim against a manufacturer, it would have to agree to indemnify ASSI in the event a manufacturer brought a claim against ASSI and 4. Parties agree to split any mediation costs incurred. So far ASSI has already paid a filing fee of \$250.00, of the email from A. Secondino's Attorney McGoldrick. We cannot agree to item 1 because the Project is not complete. Among other items, the elevator must be made code compliant and the condensate drain issue has not been resolved. Nonetheless, the Town will accept Secondino's request for final payment, and release (and indemnify) Secondino as outlined in your trailing email. Peter Viola seconded the motion. **Vote: 5-0-0 (Motion approved)**

Adjournment

Pete Viola motioned to adjourn meeting at 7:56pm. Andre Lisse seconded the motion. **Vote: 5-0-0 (Motion approved)**