

**NAUSET PUBLIC SCHOOLS  
MEETING MINUTES of the  
NAUSET HIGH SCHOOL BUILDING COMMITTEE  
MEETING DATE and TIME:  
Wednesday, June 21, 2023 @ 5:30PM  
Remote Meeting Via Nauset School District Zoom**

This meeting took place remotely pursuant to the law signed by Governor Baker on June 16, 2021 – An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, which includes an extension, until March 31, 2025 of the remote meeting provisions of the March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law.

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**EXECUTIVE SESSION MEETING**

**MEMBER ATTENDANCE:** Greg Levasseur, Brooke Clenchy, Peter Wade, Chris Easley, Bob Capurso, , Jody Craven, Tom Fizzgibbons, Giovanna Venditti, Jacqui Beebe, James Nowack, Harry Terkanian, Patrick Clark, Ron Collins and Lisa Orlandella

**MEMBERS NOT IN ATTENDANCE:** Tom Faris, Griffin Ryder and Kathleen Tringale

**NON-MEMBER ATTENDANCE:** Attorney Bryan Bertram and the NRHS SBC Professional Team: Amanda Sawyer, Jorge Cruz, Peter Gaudreau and Aditya Modi.

Chair Levasseur called the meeting to order at 5:30pm and announced the following:

*The Committee will enter into Executive session pursuant to M.G.L. c.30A, §21(a)(3), to discuss strategy with respect to clearly and imminently threatened or otherwise demonstrably likely litigation by Delta Mechanical if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.*

**MOTION: Mr. Levasseur made a motion to move into executive session at 5:32pm, with a return later to open session. Mr. Easley seconded the motion and via roll call vote, all members voted in favor.**

Attorney Bertram indicated that earlier this afternoon Delta Mechanical reached out to the OPM to come to an agreement. He feels it is appropriate now to review materials and discuss how the matter could play out.

Currently, Delta is asking for an additional \$1.8 million over the fixed price of the contract. The specifications that go along with the contract, in 23.2.100, joining materials, there are three ways allowed to join the pipes and each of the 3 ways specify the application of heat. Attorney Bertram said this section gives direction to Delta Mechanical on what they must do.

However, Delta Mechanical is challenging Part 3 of the specifications about how the work is to be done, stating that the Part 3 footnotes override Part 2 specifications. The footnotes indicate either the use of welded or mechanical fittings.

Attorney Bertram feels if the case were to go forward, he does feel our position is defensible and has enough to dig into, rather than approve their request and incur the additional 1.8 million liability.

In general, the architect / engineer's interpretation is generally binding and whereas they have informed Delta Mechanical in writing that the specifications call for welded pipes, he feels confident to negotiate a lesser cost.

Attorney Bertram explained that if the case had to move on to litigation, an independent, expert consultant would have to be hired to review the contract interpretation and then be available to us if the case went to trial. The cost of the consultant will be significant.

Currently, Delta Mechanical continues to work, under protest. They are installing welded fittings and are documenting the increase in cost to do that method. It will be advantageous to have an additional representative watch their work and document their work as Delta has an incentive to inflate their additional costs.

In summary, Attorney Bertram said he has looked through the contract documents and he sees no reason why we don't have a defensible claim. At this time, he recommends considering the settlement offer and properly monitoring Delta Mechanical's on-site work.

Attorney Bertram suggested not hiring an expert yet; give him time to discuss the matter with Delta's attorney, to understand the proposal and an opportunity to settle the matter with Delta Mechanical.

Attorney Bertram also indicated he feels the offer of \$550K from Delta Mechanical to continue their work, is a step in the right direction, but additional information is required other than "welding of all pipes more than 2" in diameter and anything smaller mechanically fitted".

Attorney Bertram explained that continuing the conversation about a resolution keeps them engaged so they can do their work in a timely fashion. We do not want them to walk off the job as they have threatened to do.

**MOTION: Mr. Levasseur made a motion to authorize Attorney Bertram and his team to look at the offer from Delta Mechanical through Phil Cox (CHA) and have a conversation with design team as to what the offer means to the project and what the possibility of a settlement with Delta Mechanical would do to the project. Mr. Wade seconded the motion. Via roll call vote, all members voted in favor.**

**MOTION: At 6:12pm, Mr. Fitzgibbons made a motion to leave the Executive Session and return to open session. Ms. Orlandella seconded the motion and via roll call vote, all members voted in favor.**

Respectfully Submitted,  
Amanda Lapierre  
Recording Secretary

Gregory Levasseur

Gregory Levasseur (Nov 16, 2023 15:11 EST)

Gregory Levasseur

Building Committee Chair

Nov 16, 2023