

**PARK COMMISSION MEETING**  
**January 10, 2007**

Present: Sue Cann, Bob Christiansen, Bill Gardiner, John Mercer, Mike Interbartolo, Tom Friel, Phil Friel, Mike Farrell, Chuck Person, Nick Gove and Joan Bell

- I.     Signing of the Warrants  
       Warrants were reviewed and signed
- II.    Approval of the Minutes  
**Motion:** By Bob Christiansen to approve the minutes of the meeting of December 13, 2006 as amended  
**Second:** Bill Gardiner  
**Vote:** Unanimous

**Motion:** By Bob Christiansen to change the order of the agenda to accommodate National/American Little League storage request /public participation  
**Second:** Mike Interbartolo  
**Vote:** Unanimous

Alderman Dave Buonopane spoke on behalf of Churchill American Little League in favor of replacing the green metal storage boxes at Hesseltine Park with a wooden storage shed. Churchill American had offered to fund the construction of this shed and share its use with other user groups including the School BDepartment. Nick stated Churchill American has followed the proper procedures as stated in the user guide and he supports accommodating their request.

**Motion:** By Mike Interbartolo to approve the request pending the following:

- Written commitment from Churchill American stating they will be responsible for all future maintenance of the shed
- Final specifications and location of the shed

**Second:** Bill Gardiner  
**Vote:** Unanimous

National Little League is requesting to add a second storage trailer at Conant Park, similar in size to the existing trailer. The Commission would like Nick to investigate whether the proposed location is within 100 feet of a wetland.

Resident George Farr wanted to compliment Mike Farrell and his staff on the wonderful job they have done since Mass. Golf Management, LLC took over Mt. Hood. Mr. Farr offered two suggestions for future capital improvements:

- Install air conditioning in the clubhouse.
- Install a backup generator for emergencies

III. Mount Hood Report.

1. Membership list for 2006/outstanding gift certificates of Mt. Hood.  
An updated copy was submitted and is on file in the Park Office.

2. Membership Letter

**Motion:** By Bob Christiansen to limit JR. Members to 115.

**Second:** Bill Gardiner

**Motion:** By Mike Interbartolo to approve the membership packet as amended.

**Second:** Bob Christiansen

**Vote:** Unanimous

3. Monthly financial report on the golf course operation

M.T.D \$15,729.41

Y.T.D. \$1, 376,286.89

4. Report on general operation of golf course

A. Report on staffing

There are currently 9 staff members.

B. Copy of maintenance log and monthly certification

A copy was submitted and is on file in the Parks office.

5. Clubhouse rentals, league play and golf tournaments

An updated copy of clubhouse rentals was submitted and is on file in the Parks Dept. office.

6. Marketing Plan

Nick recommended Mass. Golf Mgmt. investigate sponsoring the New England PGA Golf Pass. The NEPGA Golf Pass allows courses to market their soft time discounts, twilight rates and other discounts.

7. Capital Improvement Update

Nick presented the Commission with a letter he sent to DiLullo Associates regarding the Mount Hood Storage Building Contract. The letter states:

Dear Mr. DiLullo:

You are directed to immediately cease and desist all work on the above referenced Contract and forward all work and documents prepared under this Contract to the City by January 12, 2007. Also, by noon Friday, December 29, 2006, please provide me with an updated copy of the final punch list and the name and contact information of your Errors and Omissions Insurance Provider.

You have previously been notified both verbally and in writing that the City believes you to be unresponsive to this project's needs; specifically by failure to respond in a timely manner to City and Contractor requests for information, design clarifications, and punch

list items; by failure to provide the City with complete responses and associated data as is normally provided and generally accepted for similar type of work; that, based on an independent engineers report, you have provided the City with an inferior and defective product, that is a structural design that in part does not conform to the Massachusetts State Building Code and has design defects affecting the stability of the structure.

The Building Code violations and structural defects have exposed the City to and continues to expose the City to increased costs and project delay claims from the Contractor; has resulted in loss of use of the facility; and has and continues to place the Contractor's and City personnel and others who have visited the site to potential serious safety risks. The City believes the Building Code violations and structural defects are a direct result of errors and omission in your design.

You are advised that the City holds you liable for these costs and will seek payment and damages from you through retainage, unpaid monies due or to become due and your errors and omissions insurance carrier to cover all direct and indirect costs associated with the above issues, any costs associated with delays to project completion time and any losses resulting from loss of use by the City. The City will also take whatever legal action available as it deems necessary to cover all losses and to protect the public interest.

For the City of Melrose

Nicholas Gove  
Superintendent of Mt. Hood & Public Open Space

Mike Interbartolo stated he did not believe Nick had the authority to take such action without Park Commission approval. Nick stated he took this action because he felt the City was exposed to potential litigation and timing was critical. Bill Gardiner stated he understood the urgency of the matter but felt the Commission should have been consulted. Mike Interbartolo believes Dan DiLullo has been cooperative and he feels he should not be removed from either the Storage Building Replacement Project or the Slayton Garage Project.

**Motion:** By Mike Interbartolo to rescind the Park Superintendent's actions on both contracts provided that DiLullo follows through on his commitment to pay for the Mt. Hood Storage Building Replacement Project remediation work.

**Second:** By Bob Christiansen

Regarding the Storage Building Replacement Project, Bill Gardiner believes DiLullo's failure to respond provided enough evidence for the City to take such action and that the Commission ultimately would have supported Nick's recommendation. However, Bill would have preferred to meet with DiLullo beforehand. Bill sees the Slayton Garage Repair Contract as a separate issue and believes it is premature to remove DiLullo from this project.

Whereas DiLullo has been paid in full for his services on the Storage Building Replacement Contract, Mike Interbartolo stated his contract is therefore complete and recommended Nick hire another architect to oversee the remediation work. Nick stated he has contracted Aberjona Engineering to complete this task.

**Vote:** 1 in favor 3 opposed Motion failed

**Motion:** By Bob Christiansen to reinstate DiLullo Associates as the Architect on the Slayton Garage project.

**Second:** By Bill Gardiner

**Vote:** Unanimous

Nick will inform DiLullo Associates of the Commission's decision. Sue scheduled a Park Commission meeting for January 16, 2007 and appointed a Sub-Committee made up of Bill Gardiner, Bob Christiansen, Bob Beshara, Dan DiLullo, David Lucas and Nick to meet before this meeting to discuss the issues addressed in these motions.

#### 8. Storage Building Replacement Project

##### A. Norris Electric

Nick presented a proposal from Norris Electric in the amount of \$3,071.00 for the installation of additional interior emergency lighting; installation of exterior flood lights above all of the egresses; and the installation of three (3) electrical garage door openers. The additional emergency lighting as well as the exterior lighting were required by the building inspector.

##### B. Instant alarm

Nick presented a proposal from Instant Alarm in the amount of \$1,390.00 for the installation of a security system.

**Motion:** By Mike Interbartolo to approve both proposals.

**Second:** Bill Gardiner

**Vote:** Unanimous

#### 9. Slayton Garage

##### A. Pre Construction Meeting Change Order

Due to the complications surrounding the Storage Building Replacement Contract, Nick met with Matt La Rovere of LaRovere Design/Build Inc. and Allen Vitukevich of Aberjona Engineering to review the Slayton Garage Repair Contract plans prior to starting construction. After investigating the roof and stone parapet wall, Matt La Rovere feels it is unnecessary to remove the entire parapet. Alan reviewed Matt's suggestion and did not take exception to the recommendation and advised Nick that the City should replace the roof if financial resources are available. Nick requested that Matt supply the City with a written proposal detailing his recommendation.

Matt supplied Nick with a proposal in the amount of \$74,699.30. The proposal included the installation of a new roof.

Mike Interbartolo asked if Dan DiLullo was present at this meeting and Nick stated he was not nor had he been invited. Mike Interbartolo expressed concern that a second architect had reviewed the Slayton Garage Repair plans while DiLullo was under contract. Nick stated he only solicited an opinion from Aberjona Engineering. The Commission put the discussion aside for the Sub-Committee to discuss at their meeting. Mike Interbartolo and Sue Cann informed Nick that he does not have the authority to award contracts on behalf of the Park Commission and that he needs to bring any and all concerns regarding the management of said contracts before the Commission prior to taking action. Nick stated he understands the Park Commission's role as the awarding authority; however as an employee of the City, not the Park Commission, he has a responsibility to manage contracts with the City's best interest in mind. Nick also stated he solicits advice from both the City Engineer and City Solicitor before taking action on any contract.

#### 10. Slayton Garage

The Contract is in the process of being executed. The estimated start date is mid January.

#### 11. Financial Report: Mt. Hood budget FY 2006

##### A. FY 07 Budget

Budget reports were submitted and reviewed by the Commission. The \$81K remaining in the remediation fund has been credited to the FY 04 line item.

##### B. FY 08 budget

The FY 08 budget needs to be submitted in March therefore it will be on the February agenda.

##### C. New Management Contract

Sue would like to establish Sub Committee to investigate hiring an attorney to assist the Commission with the Management Agreement R.F.P. process. Mike Interbartolo and Bill Gardiner volunteered for this Committee and stated they would meet with Nick and bring recommendations to the March meeting.

#### 8. PARKS DEPARTMENT REPORT

##### A. Financial Report: Park Budget

An updated copy was submitted and reviewed by the Commission.

##### B. M&M Contract

The Commission reviewed the draft copy of the Contract. Nick still has several revisions to make before Bid Documents become available next week. Nick will e-mail the changes to the Commissioner's by Friday so they can vote on it at Tuesday nights meeting.

##### C. General Park Report

Nick updated the Commission on the status of several Public Works projects in the City that will affect several parcels of Parks Dept. property including Lynde traffic island.

#### 9. RECREATION DEPARTMENT REPORT

##### A. Status Report on the Recreation Dept. Revolving Fund

**Motion:** By Mike Interbartolo to table the Recreation Revolving Account until Tuesday night's meeting.

**Second:** Bill Gardiner

**Vote:** Unanimous

**Motion:** By Mike Interbartolo to Adjourn

**Second:** Bob Christiansen

**Vote:** Unanimous