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Oswegatchie Fire Station Building Committee

August 20, 2026

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WATERFORD, CT
2026 AUG 27 P 2:15
ATTEST: David J. Langone
TOWN CLERK

Pledge of Allegiance

Meeting called to order at 6:30 pm.

Members Present:

Robert Tuneski, Ursula Moreshead, Richard Muckle, Wayne Gilpin, Kathleen Elbaum, Timothy Sullivan

Members Absent:

Paul Rafuse, Rocco Barcciale, Matthew Blankenship.

Guests:

Susan Driscoll, Steve Smith, Eric Cantar, Kimberly Allen, Finance Director; Nick Kepple, Town Attorney, Chris Haley, Director Fire Services, Helen Kwasniewski.

Public Comment:

Tim Condon, RTM member: You all have a copy of a letter that I wrote about the subcommittee that was or wasn't formed on the basis of looking at the change orders. It is my belief that the ordinance specifically states that the change orders rest with this committee. By going to a subcommittee, if you were to sign over even a small portion to change orders, the only thing left for you to debate is change orders and this body has already spent a lot of time debating heated floors, garage doors and traffic lights. When you move that to a subcommittee, that subcommittee even on a smaller value amount, would bind the larger committee. If they made an appropriation, this body would not have the right to override it, which I think is against the spirit and intent of the RTM and of the ordinance. It was not meant to be inflammatory, it was just a part of a larger body that constituted this, and I felt that when it was reported to us that I bring this to your attention subverts some authority by other members. I am here tonight because I did not want to write a letter and not show up and see you and if you would like to ask me questions later on feel free.

Helen Kwasniewski, resident. I agree with the gentleman on the change orders and I would like to see someone from the Town or this committee handle the change orders, not a project manager. You are spending tax payers' money, especially the seniors, we watch our pennies and then some.

Opening Remarks:

None.

Review and Approve Minutes:

Motion: by Ursula Moreshead and Kathleen Elbaum to approve the minutes of August 6, 2026.
For: Yes (5), Abstain (1 – Timothy Sullivan)

Invoice Payments:

Motion: by Kathleen Elbaum and Rich Muckle to approve N. Kepple Law invoice #367 in the amount of \$120.00.

For: Unanimous.

Motion: by Timothy Sullivan and Ursula Moreshead to approve Barton & Loguidice invoice #14777 in the amount of \$9,165.20.

For: Unanimous.

Steve Smith: they have been doing the soil management work and testing. This is all part of the \$29,000 approval that you completed for the testing of the soil, come up with a soil management plan and recommendations. This is part of that process.

Motion: by Timothy Sullivan and Rich Muckle to approve Barton and Loguidice invoice #14188 in the amount of \$5,160.50.

For: Unanimous.

Motion: by Wayne Gilpin and Timothy Sullivan to approve Special Testing Laboratories invoice #40316 in the amount of \$7,721.00

For: Unanimous.

Steve Smith: Special Test Laboratories is the third party materials tester that we hired, for the project. That just happens to be compaction, soil testing for the general contractor's work out there.

Old Business:

None.

Current Business:

Request from Barton and Loguidice for additional funds for Phase III Soil Investigation/Soil Management Plan. Steve Smith - we responded to their questions for that and asked some questions and some additional information, which they provided. This prompted more questions and additional information requests from Downes. We can't make the recommendation to accept this yet. No action will be taken on this tonight.

Status of subcommittee.

Construction Schedule:

Construction schedule review: Eric Cantar stated that things are progressing smoothly and things are moving well. Our traffic engineer still has not heard anything from CT DOT, so they are going to the next level to expedite a response as to the comments that they are supposed to be receiving back. There is also a utility pole, which is part of the encroachment permit for this project which we have gotten comments back on our application for and we are working on responding to. We are working with a representative from Frontier to try to get him to send us a letter stating that they own the pole, which is

DOT's main issue with the encroachment permit. The Frontier pole more than the traffic light pole may risk impacting the schedule.

Steve Smith: they are doing footings and walls and expect to have steel onsite October 1st to start putting the structure up. Between now and then they will finish up foundation work and start on underground piping work within the building and then we will put the steel up and pour the slab. They are in line with the schedule that they have right now.

New Business:

A request from Barton & Loguidice for Additional Funds for Phase III Soil Investigation/Soil Management Plan. That is also being represented by Steve Smith, there is no action on this tonight.

Steve Smith: the contractor received the analytical testing samples back. In between, he sent a note to Shea Davey, Purchasing Agent, that they will have additional services coming up. Shea forwarded that to me and I returned that back to him for additional information, which I did receive. I went through it, I do have additional questions for the contractor. That is what I want to clarify with him and come to a number that makes sense. Probably next meeting, I will be presenting this to the committee as a recommendation to pay.

Ursula Moreshead introduced a letter written by Tim Condon and sent to the First Selectman, Kim Allen, Bob Tuneski, and Attorney Kristi Kelly.

Attorney Nick Kepple: in light of the fact that this item is not on the agenda care needs to be taken to be mindful that it was not on the agenda and not noticed and in my view there can be a discussion about it. I think the discussion should be limited and certainly notable. I received this letter yesterday, from Dave Campo. In a word, Tim's raising the question of propriety of the change order subcommittee. He questions whether under the ordinance such a delegation of authority to a sub group is proper. He also raises concerns about FOI. He expresses, in strong sentiment, that the RTM took pains to appoint balanced representatives of nine people they delegated to that group, they didn't delegate to have certain parts of the building committee's authority further delegated to a sub unit of the committee. I did just receive this yesterday and I have not had a lot of time to do a lot of research on it. What you will have to do is take this up at another meeting when everyone has had a chance to review Tim's letter and then I will give you a more complete analysis. Maryellen will send out a copy of the letter to the committee tomorrow morning. Bob Tuneski: so no action tonight and is it reasonable to ask you for a legal opinion at the next meeting that we can work off of and base our decision making on this?

Attorney Kepple: yes.

Ursula Moreshead: Tim Condon reached out to me because he knew that I was the lone "no" in the room, as I was talking to him today to get some clarification there are things that I want to say I would like reflected in the minutes. Where he is coming from is where I am coming from. I understand that subcommittees are used regularly for large projects, as an RTM member I have to remind myself that this project is being funded by tax payers. My concern was that would it be \$50,000 per total or per problem, which was not clear. Also, there was no definition of what constitutes an emergency, which I agree with Tim in this. There was no establishment of who takes minutes, who submits them to the Clerk and finally the thing that I was thinking of the most was that the subcommittee takes away votes from all the members, I can attend, but I have not voting power. It is not a full committee vote, even if I'm the only "no" vote, I have no say. Those were the thoughts I was having after talking with Tim

before and after. I am speaking out because I do not want money spent frivolously, I think we are all doing this in a fiscally responsible way. Whether it is a committee meeting or a subcommittee meeting you still need 24 hours for a public notice, I find it very hard to believe that we couldn't get a quorum for a special meeting to approve additional funds. Bob Tuneski: Would you entertain a telecom meeting for that? Ursula Moreshead: absolutely!

Bob Tuneski: so we did vote on what the committee looks like, we did talk about a dollar amount. Steve at a prior meet submitted a potential procedure for doing it. We have not voted on that, so in my mind that was an open aspect of whole thing. How are we going to do it, what constitutes an emergency, what's going to enact this. I asked Steve to send a copy to Attorney Kepple and let him weigh in on what he thought it should look like if it is going to be. Hopefully, if we decide to go down this path after you rendered a legal opinion, the loop holes you are talking about are addressed.

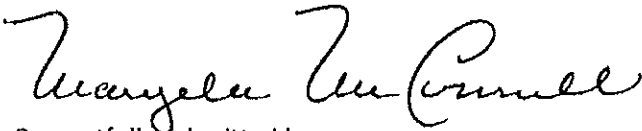
Steve Smith: coming back to contaminated soil with B&L. We have to register the project with DEEP, as we do have issues with soil onsite that requires a point of contact to be filled out in a form by B&L to DEEP. The First Selectman is in DEEP's system as he was the point of contact for the DPW project and I am looking for guidance as to who that person should be. Bob Tuneski: We will list this on the next agenda and vote on it for the next meeting.

The next meeting will be held on Thursday, August 20, 2026 at 6:30pm at the Police Station.

Motion: to adjourn by Ursula Moreshead and Wayne Gilpin.

For: Unanimous

Meeting adjourned at 6:55pm

A handwritten signature in black ink, appearing to read "Maryellen McConnell". The signature is fluid and cursive, with the first name "Maryellen" written in a larger, more prominent script than the last name "McConnell".

Respectfully submitted by:

Maryellen McConnell, Recording Secretary