

DEPOSITION OF VINCE CAMMALLERI,
taken on behalf of the Plaintiffs, pursuant to the
applicable provisions of the Massachusetts Rules of
Civil Procedure, before Linda J. Modano, CSR No.
121093, a Registered Professional Reporter and Notary
Public in and for the Commonwealth of Massachusetts,
at the Offices of D'Angelo & Hashem LLC, 6 Beacon
Street, Suite 505, Boston, Massachusetts, on Friday,
December 1, 2006, commencing at 10:05 a.m.

APPEARANCES:

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CYNTHIA J. STEPHENS, ESQ., of the Governo Law Firm
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City of Somerville, 93 Highland Avenue, Somerville,
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Defendants.

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1 P R O C E E D I N G S

2 MR. D'ANGELO: Usual stipulations?

3 MS. GOLDSTEIN: Yes. 45 days to sign and
4 read? Is that what we did?

5 MS. STEPHENS: I think 45 days.

6 MR. D'ANGELO: Sure.

7 MS. GOLDSTEIN: Actually, no. Let's
8 just --

9 MR. D'ANGELO: You wanted to get your
10 stuff done so --

11 MS. GOLDSTEIN: Yes. Sorry. Let's
12 just --

13 MR. D'ANGELO: Your choice.

14 MS. GOLDSTEIN: I'll get it to you
15 with --

16 MS. STEPHENS: As soon as you can.

17 MS. GOLDSTEIN: We'll get it to you
18 within 30 days, probably sooner than that.

19 MR. D'ANGELO: All right.

20

21

22

23

1 VINCE CAMMALLERI, having been
2 satisfactorily identified and duly sworn by the
3 Notary Public, was examined and testified as follows:

4 Direct Examination

5 Q. (by Mr. D'Angelo) My name is Stephen
6 D'Angelo. I'm going to be asking you several
7 questions today. Have you been deposed before?

8 A. Yes, I have.

9 Q. Why don't we identify yourself for the record
10 with your name and address.

11 A. My name is Vince Cammalleri,
12 C A M M A L L E R I. I currently reside at 1
13 Brookside Road in Westford, Massachusetts, 01886.

14 Q. While I'm asking you questions today, since
15 you understand about being deposed from past
16 experience, you know that you have to answer verbally
17 yes or no.

18 You're can't shake your head. You can't
19 nod and so forth. You have to communicate in a way
20 that the stenographer can write down your answer.

21 I'm going to ask you questions. If you
22 don't understand a question or you want clarification
23 of the question, please ask.

1 Don't guess or think that you understand
2 what the question is, but make sure you understand
3 what I'm asking you. Do you understand that?

4 A. Yes, I do.

5 Q. You're here on a notice of a deposition of
6 Simpson, Gumpertz & Heger, correct?

7 A. That's correct.

8 Q. What we call a Rule 30(b)(6) as the person
9 most knowledgeable of the events that we're involved
10 with at this Somerville location.

11 A. Yes.

12 Q. 220 Washington Street, Somerville,
13 Massachusetts?

14 A. That's correct.

15 Q. Do you appear today consenting to be the
16 designee as a witness to give testimony on behalf of
17 Simpson, Gumpertz & Heger?

18 A. Yes, I do.

19 Q. Are you appearing today in your own personal
20 capacity?

21 A. Yes, I am.

22 MR. D'ANGELO: So I'm going to mark this
23 as Exhibit 25. As we agreed to last time, we're just

1 going to go in succession.

2 (Exhibit 25 was marked for
3 Identification.)

4 Q. Do you understand that the testimony you'll
5 be giving in your capacity as a designee for Simpson,
6 Gumpertz & Heger will be considered the testimony of
7 your organization, your company --

8 A. Yes, I understand.

9 Q. -- with respect to the topics which you've
10 been designated to discuss. As the designee of
11 Simpson, Gumpertz & Heger --

12 MS. GOLDSTEIN: Can I make a suggestion?
13 It might be easier to just say SGH.

14 MR. D'ANGELO: I'll do that. SGH is
15 fine.

16 Q. As the designee of SGH do you understand that
17 you have an obligation to give responses to my
18 questions that are binding on SGH?

19 A. Yes, I understand.

20 Q. What did you do today to prepare for this
21 deposition?

22 A. I reviewed the file for this project that we
23 have in the office including the report that we

1 wrote, drawings that were in the file, photographs
2 that we took, and some of the other documentation
3 that was in the file at the time.

4 Q. Who else in SGH has knowledge of these
5 topics?

6 A. Peter Nelson was the principal in charge at
7 the time that we did this work. There was a co-op
8 student who assisted us at the time during the
9 investigation. His name was Eric Stoothoff. I don't
10 recall the spelling of that last name.

11 And Edward Lyon who was a senior staff
12 engineer at the time who also assisted with the
13 investigation.

14 Q. And is that it that you can recall?

15 A. That is it that I can recall.

16 Q. Is there any questions today that the answer
17 to which would be within the knowledge of SGH but
18 which you are unable to answer? Are there other
19 officers, directors, or other agents of SGH who you
20 would consult today to answer those questions?

21 MS. GOLDSTEIN: Objection.

22 A. I'm sorry. I don't understand the question.

23 Q. In other words, what I'm asking is are you --

1 You're the most knowledgeable person familiar with
2 this project at SGH.

3 A. That's correct.

4 Q. And at some point in time when we're asking
5 questions today on these issues, there are other
6 people involved. Those people would be more
7 knowledgeable than you would be in certain aspects of
8 this investigation?

9 MS. GOLDSTEIN: Objection.

10 A. I performed the majority of the investigation
11 and I wrote the report and so I'm thoroughly familiar
12 with the details as they are in the report.

13 In the line of questioning it's possible
14 that if there's a specific technical issue that comes
15 up, it's possible that there may be somebody else in
16 the office that I would need to consult with.

17 Q. And are you a principal at SGH?

18 A. I am currently an associate principal.

19 Q. What is an associate principal?

20 A. There are three levels of principal. There's
21 an associate principal, then there's principal, and
22 there's a senior principal, depending on the years of
23 experience you have with the company and your

1 contributions. I'm at that first level.

2 Q. Are you an engineer?

3 A. I'm an architect.

4 Q. An architect.

5 A. And I've got a graduate degree in
6 engineering.

7 Q. So you're an architect and an engineer.

8 A. Correct, but my professional registration is
9 in architecture, not in engineering.

10 Q. So you're not a -- you don't have any
11 licenses in engineering.

12 A. That is correct.

13 Q. Is there a license that you would have in
14 architecture?

15 A. Yes.

16 Q. And where do you get those licenses from?

17 A. From the state boards that issue the
18 licenses. Very similar to engineering.

19 Q. Where did you go to school for your degrees?

20 A. I did a bachelor's of science in architecture
21 from McGill University in Montreal, and I pursued a
22 bachelor's of architecture from McGill University in
23 Montreal.

1 And after working a couple of years I
2 returned to school and obtained a master's degree in
3 building engineering from Concordia University in
4 Montreal.

5 Q. Are you a U.S. citizen?

6 A. I'm a permanent resident.

7 Q. So are you from Canada?

8 A. Yes, I am.

9 Q. So you're a Canadian citizen?

10 A. That's correct.

11 Q. How long have you been in Boston, the Boston
12 metropolitan Massachusetts area?

13 A. Ten years.

14 Q. And during that ten years have you worked for
15 anybody else but SGH?

16 A. I have not worked for anybody else, but in
17 the first two years I was here I was teaching at MIT
18 concurrently with my employment at SGH.

19 Q. What did you teach at MIT?

20 A. I taught a course, a compulsory course, to
21 the architects in the department of architecture and
22 urban planning.

23 The course was called Introduction to

1 Building Technology, I believe. And it was a
2 12-credit course that all the architects needed to
3 take.

4 Q. What kind of material would you cover in a
5 course like that?

6 A. It was a broad-scope course. The intent was
7 to introduce the students to various aspects of
8 architecture.

9 And so I covered the basics of structural
10 design, building enclosure design, acoustics,
11 lighting. There may have been one or two other
12 topics in there.

13 It was a broad-scope course intended to
14 introduce the students to various technological
15 aspects of architecture.

16 Q. The so the last time that you taught at MIT
17 was eight years ago?

18 A. That's correct.

19 Q. Have you taught anywhere else since then?

20 A. We do continuing education courses. So every
21 year I teach a portion of a continuing education
22 course at Harvard Graduate School of Design intended
23 for practicing architects.

1 I've also lectured extensively. SGH
2 offers building science and technology symposiums
3 across the country and I participate in those. I
4 give my portion of the lecture in building science.

5 And I also participate in various
6 conferences and professional gatherings in Boston for
7 instance, and I present my topics at those
8 conferences.

9 Q. So what's your field of expertise in these
10 areas that you cover in these lectures?

11 A. The field that I'm most proficient in is
12 building science. Building science is defined as the
13 study of moisture migration across the building
14 enclosure and the effects that this moisture
15 migration might have on the durability and
16 performance of the enclosure.

17 Having worked for SGH for ten years, the
18 experience is more broad scope than that but this is
19 the one field that I have concentrated on and
20 specialized in during my employment at SGH.

21 Q. Did you specifically come to the United
22 States to work for SGH or MIT or whatever?

23 A. No. I made the decision to move to Boston

1 and after that decision was made I applied to various
2 firms and I obtained full-time employment at SGH
3 concurrent with the visiting lecturer employment at
4 MIT.

5 Q. Before working for SGH and/or MIT, what other
6 occupations or companies did you work for?

7 A. Prior to coming to Boston I was teaching at
8 McGill University in Montreal and involved in
9 research, housing research, under the Affordable
10 Housing Program, a graduate program being offered at
11 the McGill School of Architecture.

12 I had also worked with Murray Frankel
13 Consultants. That's M U R R A Y, F R A N K E L.
14 Murray Frankel was a firm of consulting architects
15 and engineers who concentrated on building assessment
16 and investigations, particularly building enclosures.

17 And prior to that I had worked in
18 traditional architectural practice for a variety of
19 firms as an intern architect.

20 Q. So how many degrees do you have?

21 A. I've got three university degrees.

22 Q. You've got a BS?

23 A. I've got a bachelor of science in

1 architecture.

2 Q. That's from McGill?

3 A. That's correct. And a bachelor's of
4 architecture which is a professional degree.

5 Q. From McGill?

6 A. From McGill. And then I've got a master's in
7 building engineering.

8 Q. And that's from McGill?

9 A. That's from Concordia University.

10 Q. The master's in engineering, what does that
11 cover? What kind of program or what did that cover
12 that you got involved with?

13 A. The building engineering program at Concordia
14 was designed to focus specifically on buildings
15 rather than civil works or mechanical works which is
16 normally the case.

17 The areas in which I chose to concentrate
18 on were twofold. One was building diagnostics in
19 which, as part of my thesis, I developed a protocol
20 or an expert system for diagnosing building problems
21 and assessing the condition.

22 And the other half of my concentration,
23 if you will, was with project management, engineering

1 project management as it dealt again specifically
2 with buildings.

3 Q. Now, SGH, what do they do? What exactly is
4 their business?

5 A. SGH has -- had at the time three divisions.
6 There's the building technology division, the
7 structural engineering division, and the engineering,
8 mechanics, and infrastructure division or EMI.

9 The building technology division deals
10 primarily with the design, investigation, and
11 remediation of building enclosures.

12 And building enclosure essentially is
13 that part of the building that separates the interior
14 environment from the exterior environment, so talking
15 about walls, roofs, windows, skylights, foundation
16 walls.

17 We essentially specialize in the design
18 and investigation of that component of the building
19 envelope.

20 Our structural engineering division is --
21 does more of the traditional structural engineering
22 work which deals with the framework of the building
23 or the skeleton of the building, if you will.

1 And the engineering, mechanics, and
2 infrastructure division deals with a variety of
3 complex analysis projects. Wide range. They deal
4 with antennas and a variety of esoteric design
5 problems.

6 Q. Who are some of the clients in general that
7 your company works for?

8 A. Well, we're now a firm of 300 so our client
9 base is quite broad. We work for owners of
10 buildings. We work for project -- for building
11 managers, and we work for architects as design
12 consultants doing peer reviews.

13 We work for attorneys in litigation cases
14 when there's an investigation required to determine
15 the cause of failure. We deal with insurance
16 companies sometimes who hire us. It's a pretty broad
17 scope.

18 Q. Would you be like involved with the tunnel
19 collapse type scenario that happened several months
20 ago?

21 A. We would be.

22 Q. And what about like for instance there was a
23 scaffold collapse down here on Boylston Street.

1 A. That's the type of work that we would
2 normally be called in to investigate the cause of
3 failure, determine what happened.

4 Q. Is that what you do or is that something that
5 somebody else in the firm does?

6 A. The two examples that you specifically cited
7 deal exclusively with structures, structural
8 engineering. So that's not something that I would
9 personally get involved with because my -- I work for
10 the building technology division and not for
11 structural engineering division, but as a firm we
12 would do that. As an individual I would pass that on
13 to somebody in the structural engineering division.

14 Q. So there are particular individuals who lead
15 up those three different areas within your company?

16 A. That's correct.

17 Q. Do you or somebody else lead the building
18 technology group?

19 A. The building technology group -- The leader
20 of the building technology group is Tom Schwartz.

21 Q. Do you report to him?

22 A. I report -- Ultimately, yes, I report to him.

23 Q. Do you have like a team of people that work

1 with you in various projects or when you -- Well,
2 when you get a request for proposal or somebody calls
3 up and asks you to come look at a project to get
4 involved in, do you like to have a team specific that
5 you put together or how does it work?

6 A. We've got a very diverse group of talent in
7 the firm and we compile a team based on the
8 requirements or specifics of that particular RFP.

9 So if the subject of the investigation
10 would be windows or curtain walls, we'd assign
11 individuals that have more experience in that area.

12 There's no set team, if that's what
13 you're asking, where -- I don't work with the same
14 team all the time. The teams are project specific
15 and not principal specific, if you will.

16 Q. So let me bring you up to the Somerville
17 project. How did you get involved in that project?

18 A. You mean personally how did I --

19 Q. SGH and then yourself.

20 A. We received a request for proposal, an RFP,
21 wherein the Department of Public Works was requesting
22 engineering services to investigate cracking and
23 spalling of the concrete foundation walls and the

1 masonry that have led to leakage.

2 Peter Nelson was -- I was not a principal
3 in the firm at the time. Peter Nelson was the
4 principal in charge. I was doing work for Peter and
5 that was -- I was under his supervision.

6 I had enough experience at the time to
7 take on a project like this, and so myself along with
8 Peter and Ned Lyon who I mentioned earlier put
9 together the proposals and performed this
10 investigation.

11 Q. So did Somerville send the RFP only to you or
12 was it like a publication someplace or how did you
13 find out about the RFP?

14 A. I don't recall specifically how we got it but
15 in reviewing the documents that I reviewed prior to
16 this deposition, I believe that the RFP was sent out
17 to several firms requesting a proposal and
18 qualification package. So we were essentially
19 competing for the work.

20 Q. In that initial RFP was designed to do what?
21 What did it call for?

22 A. The RFP as I recall it solicited proposals to
23 perform a survey of the cracking and spalling of the

1 foundation walls and masonry walls at the Public
2 Safety Building as they led to water leakage in the
3 building. It was a very brief RFP.

4 Q. What's the procedure once you see the RFP?
5 How does that work?

6 A. In this particular case the proposal was
7 somewhat ambiguous for a couple of reasons. One is
8 that the way the proposal was phrased, they were
9 requesting an evaluation of the structural problems
10 that led to leakage.

11 And as I alluded to earlier, the building
12 structure is one thing, the building enclosure is
13 another. And so we were unsure exactly as to what
14 was required of us; was it a structural investigation
15 or was it a building enclosure investigation?

16 We would be qualified to do both but we
17 weren't sure which direction this was intended to
18 take, so we wrote a brief one-page proposal and I
19 believe we submitted that with our qualification
20 package.

21 The proposal, if I recall correctly, was
22 time and expense not to exceed \$10,000. So we
23 submitted a proposal saying that we would be glad to

1 perform this work and that we would want to visit the
2 building to get a little bit more detail as to what's
3 required.

4 I believe it was on August 7th Peter
5 Nelson and I visited the building to gain a better
6 understanding of what the problems were.

7 After that preliminary site visit we put
8 together what we thought would be an adequate scope
9 of work for this preliminary investigation.

10 That I believe was contained in a letter
11 that we wrote on August 18th. In that letter we
12 proposed, if I recall correctly, five or six
13 different components.

14 Two of those components, the structural
15 investigation and the building enclosure review, were
16 components that we as a firm were qualified to
17 undertake and we put a price tag on those two.

18 The remaining had to do with an
19 assessment of the mechanical system, an assessment of
20 the mold contamination, and an assessment, a
21 hydraulic assessment, of the site.

22 Those three we were not qualified to
23 assess and so in our letter we put TBD, to be

1 determined as a price estimate with the understanding
2 that if the city chose to pursue those avenues, that
3 we would be working with sub consultants to evaluate
4 those items.

5 Q. Hydraulic meaning water?

6 A. Yes.

7 Q. So you were doing a water investigation?

8 A. One of the complaints after our August 7th
9 visit -- one of the issues that we understood to be a
10 problem was that the building would flood.

11 As a matter of fact, on June 8th of that
12 year of 1998, they had reported that the building
13 flooded after a heavy rain event.

14 And the inability of the building to
15 drain this water quickly enough, we suspect it had
16 something to do with the city sewer system and the
17 city storm system.

18 And in order to evaluate something like
19 this, it's a whole different engineering field and we
20 suggested that this should be looked into because it
21 has little or nothing to do with the building
22 enclosure, with the building structure.

23 It's a much broader subject area that

1 involves how the water on the site is managed and
2 drained into the city system.

3 Q. And you had no other contact with the city of
4 Somerville Public Safety Building until that
5 walk-through?

6 A. You're referring to --

7 MS. GOLDSTEIN: Objection. From what
8 point in time are you talking about?

9 Q. The August 7th walk-through that you're
10 talking about? I think it was August 7th that you
11 said.

12 A. I believe it was August 7th.

13 Q. Okay. Had you been to the city of Somerville
14 -- Well, let me ask you -- Strike the question. Had
15 your company to the best of your knowledge, SGH, ever
16 done any work for the city of Somerville during or
17 before this particular RFP?

18 A. That is a good question. I don't know. I
19 don't believe --

20 Q. If you don't know, don't guess.

21 A. I don't know if we'd done work prior to that.
22 It was certainly the first time I ever got involved
23 with the city of Somerville.

1 Q. And this August 7th walk-through, who walked
2 you through the building?

3 A. To the best of my recollection it was
4 Mr. Paul Zirpolo who showed us around the building
5 and pointed out the problems to us.

6 Q. Was this your first contact with him either
7 by phone or in person?

8 A. I don't believe it was. There were probably
9 other conversations that took place prior to that
10 insofar as where do we meet, what are the problems,
11 why don't you come into the building.

12 It was the first exposure we got to the
13 building but I can't recall specifically if that was
14 the first time we spoke to Mr. Zirpolo.

15 Q. Well, is it your normal procedure to
16 walk through a building prior to putting out a bid
17 for a simple investigation like this?

18 A. When it's possible to do so, we prefer to do
19 it so that we don't get ourselves involved in
20 something that is much bigger than what the RFP would
21 lead us to believe.

22 In this particular case, because the RFP
23 was so brief and the way it was phrased was

1 ambiguous, we -- the walk-through was very beneficial
2 in that it gave us a better idea of what we were
3 going to be looking at.

4 MS. GOLDSTEIN: Can we take a quick
5 break?

6 MR. D'ANGELO: No. I want to just -- If
7 you want to go but --

8 MS. GOLDSTEIN: I want to ask -- I want
9 to talk to my client for a second.

10 MR. D'ANGELO: I'd prefer that we don't
11 do that. Let me just go through some questions here
12 and we'll take a break in a few minutes or so, okay?

13 MS. GOLDSTEIN: I don't see why I can't
14 just take a quick break.

15 MS. STEPHENS: I think she has a right to
16 do that. There's no question on the table.

17 MS. GOLDSTEIN: Yes. Thank you.

18 (Whereupon at 10:33 a.m. the deposition recessed and
19 reconvened at 10:41 a.m.)

20 Q. Before our break we were discussing the
21 meetings that you may have had verbally, on the
22 telephone or in person, with individuals at the city
23 of Somerville prior to the walk-through on August

1 7th, 1998. Do you recall who you met with or talked
2 to to arrange that walk-through?

3 A. To the best of my recollection we spoke with
4 Paul Zirpolo.

5 Q. Was he the only person you talked to?

6 A. The only one I can recollect.

7 Q. Was it you that talked to him or was it
8 somebody else that talked to him?

9 A. It may have been myself or Peter Nelson. I
10 don't recall specifically who communicated with him.

11 Q. When you called -- Was this in person or on
12 the phone?

13 A. If I recall correctly, the first time we met
14 with Mr. Zirpolo was in the field, on the site on
15 August 7th.

16 Q. So you probably had telephone conversations
17 with him prior to that to arrange to go there on
18 August 7th?

19 A. It's possible. Probable.

20 Q. And besides yourself, who accompanied you?
21 Who was with you on that August 7th for the
22 walk-through?

23 A. Peter Nelson.

1 Q. And that's from your company.

2 A. Correct.

3 Q. Who from the city?

4 A. I don't recall anybody else being there from
5 the city.

6 Q. This is a secure location so you had to have
7 somebody walk through the building with you.

8 A. I don't recall anybody else being there or if
9 there was somebody accompanying us I certainly don't
10 recall the individual.

11 Q. Do you remember somebody unlocking doors for
12 you to get through the building?

13 A. No. If I recall, the building was open. We
14 walked through the building.

15 Q. The building was open?

16 A. I believe it was.

17 MS. STEPHENS: Could I just ask you to
18 keep your voice up because we have the window open?

19 THE WITNESS: Sure.

20 Q. This is the building that is the Public
21 Safety Building at 220 Washington Street is the one
22 that you're talking about walking through.

23 A. Correct.

1 Q. This is the one that has jail facilities
2 within it.

3 A. Correct.

4 Q. And this is where people are brought in to be
5 booked for crimes that they've been arrested for in
6 the city.

7 A. Correct.

8 Q. So you had free access without anybody
9 accompanying you throughout the entire building?

10 A. No, but -- I don't recall having free access.
11 I remember Mr. Zirpolo showing us around the
12 building, but the building -- I understood the
13 question to mean that the building was locked up.

14 We were able to get into the building and
15 then somebody would show us around the various parts
16 of the building.

17 Q. That was -- Are you saying it was Mr. Zirpolo
18 that was doing that, walking you through the
19 building?

20 A. As far as I can recall, yes.

21 Q. Did you talk to anybody else besides Paul
22 Zirpolo at that time when you walked through the
23 building?

1 A. I don't recall speaking with anybody in
2 particular, no.

3 Q. Did anybody come up to you and talk to you?

4 A. I don't recall.

5 Q. Do you remember what you observed on that
6 particular day when you walked through the building?

7 A. In general and basing myself on a
8 recollection from having read the follow-up letter
9 that we provided to Mr. Zirpolo, we had observed
10 that -- we were told that there was some flooding
11 that had occurred in the basement on or about June
12 8th I believe it was, and that the -- and that there
13 had been some complaints of health issues.

14 The fire department had already moved out
15 of the basement at that time. The water-damaged

16 gypsum wallboard in the basement for the most part
17 had been removed.

18 Q. Did you observe anything else?

19 A. I believe we observed some water damage at
20 the window surrounds at that point.

21 Q. Earlier when you discussed that you were
22 going to investigate this building, you were going to
23 limit it to, you said, hydraulic and mold issues.

1 They weren't going to be included.

2 MS. GOLDSTEIN: Objection.

3 A. No, that's not what -- What I said was that
4 after this walk-through we proposed to Mr. Zirpolo a
5 list of items that we thought would need to be
6 carried out to perform a proper investigation.

7 And among those were hydraulic
8 investigation, an assessment of the HVAC system, an
9 assessment of mold, and then a structural
10 investigation and a building enclosure investigation.

11 Q. What prompted you to make that determination
12 after the walk-through of the building that you
13 needed to do those things? What did you see that
14 made you determine that those things needed to be
15 investigated?

16 A. Insofar as the hydraulic investigation is
17 concerned, we had been told that the building floods,
18 the basement or the ground floor of the building
19 floods, during heavy rain events.

20 And if I recall correctly, we were also
21 told that there was some backflow from some of the
22 floor drains which appeared to us to be a sewer
23 issue, site drainage issue.

1 And that explains why we would recommend
2 a full hydraulic engineering investigation be
3 performed.

4 On the issue of mechanical systems, I
5 don't recall specifically why we recommended that,
6 but I believe we saw some -- Mr. Zirpolo may have
7 pointed out to us that there was an accumulation of
8 fine black dust on some of the horizontal surfaces
9 and that he had expressed there were concerns with
10 indoor air quality, and so we recommended that as
11 well.

12 We -- Going into the basement, if I
13 recall correctly, we sensed a musty smell. Given
14 that the basement had flooded, we recommended that
15 the city perform a mold investigation, if you will, a
16 comprehensive analysis of indoor air quality.

17 And then the structural investigation was
18 because of the widespread cracking that we observed
19 on the building.

20 And the building enclosure investigation
21 is because of the widespread leakage that was evident
22 in the building.

23 Q. Who told you about the water and the backflow

1 of the sewer? Who told you about that?

2 A. Again, I don't recall specifically but I
3 imagine it would have been Mr. Zirpolo since he was
4 the individual that was showing us around.

5 Q. Did you observe any of this fine black dust
6 yourself that you described, or was that something
7 Mr. Zirpolo was pointing out to you?

8 A. We observed it. I don't recall if we
9 observed it on the 7th or during the investigation
10 later on but we did observe the fine black dust.

11 MR. D'ANGELO: We'll mark this as Exhibit
12 No. 26.

13 (Exhibit 26 was marked for
14 Identification.)

15 Q. And this particular document doesn't have a
16 signature on the second page. Do you recall sending
17 this in?

18 A. Yes.

19 Q. So this is something that you wrote?

20 A. Yes.

21 Q. And this is addressed to Paul Zirpolo and it
22 was outlining your basic plan for the investigation?

23 MS. GOLDSTEIN: Objection.

1 A. It was recommending what -- It summarizes
2 what we would have recommended for a comprehensive
3 evaluation.

4 Q. And what parts of this did the city agree to?

5 A. The city didn't agree specifically to any one
6 of these parts as they're outlined here, but in
7 general they asked us to perform work under Section 3
8 which is the preliminary water leakage investigation.

9 Q. And that was budgeted for \$8,000?

10 A. That's correct.

11 Q. Did they authorize or budget any additional
12 things on this scope of work estimated budget for you
13 to do in addition to that?

14 A. At the time that this was prepared or are you
15 referring to the time that they signed the contract?

16 Q. At the time this was prepared.

17 A. At the time this was prepared they reviewed
18 it and then some time between the time this document
19 was prepared and the signing of the contract, there
20 was a clear outline of what work we would be
21 performing for the \$10,000 budget.

22 Q. So the budget was \$10,000. The ceiling.

23 A. That was the ceiling.

1 Q. And that was within the parameters that you
2 felt you could operate within to do the things that
3 they're asking you to do?

4 MS. GOLDSTEIN: Objection.

5 A. When we submitted this proposal we indicated
6 to them that to do a preliminary structural
7 investigation and to do a preliminary water leakage
8 investigation, which included some of the items we
9 eventually did, that would be 8,000 plus \$5,000 which
10 is 13,000.

11 Somewhere between the issuing of this
12 letter and the signing of the contract, that scope of
13 work was further diminished to keep it within the
14 \$10,000 budget.

15 Q. In order to do your investigation you have to
16 be familiar with the building codes in Massachusetts?

17 A. Not to perform an investigation. If we were
18 to design remedies to it, then you have to know what
19 the limitations are.

20 Q. Where do you begin when you're doing an
21 investigation? How do you know when something is
22 incorrect or defective or whatever?

23 MS. GOLDSTEIN: Are you asking

1 structurally?

2 MR. D'ANGELO: I'm talking about his
3 basic role in terms of going into this building and
4 doing an investigation.

5 Q. For instance, you're looking at water leakage
6 in the building. You're looking at the foundations
7 and retaining walls.

8 MR. D'ANGELO: Please note that at
9 11 o'clock Mr. Buckley has joined us.

10 Q. In number 3 these are all items that are
11 outlined here. So you must have some basic starting
12 point that you have to work from to know that
13 something is either fine or there's something
14 defective about it. What do you use?

15 A. The starting point would be to perform a
16 visual survey of the building and see if there are
17 any indications that the building has or has
18 experienced a problem.

19 When we are dealing specifically with
20 water leakage, the first step would be to walk around
21 the buildings and determine if there are any major
22 cracks, and then walk around the interior of the
23 building and see if there's any evidence of

1 water-damaged materials or water leakage.

2 Q. That's what the purpose of your first
3 walk-through was?

4 A. No. That was the purpose of our
5 investigation. The first walk-through was to gain an
6 understanding as to what we were going to be doing as
7 the scope of work for the \$10,000.

8 Q. And then the second portion, which is the
9 actual contract that you're putting together,
10 outlines specifically what you're going to do?

11 MS. GOLDSTEIN: Objection.

12 A. On September 15th we submitted, along with
13 the signed contract, a letter describing specifically
14 what we were going to do.

15 MR. D'ANGELO: I'm going to mark this
16 Exhibit No. 27.

17 (Exhibit 27 was marked for
18 Identification.)

19 Q. What you're looking at we marked as Exhibit
20 No. 27 and it's dated September 15, 1998. And could
21 you tell us, sir, what this is?

22 A. This is a letter that accompanied our signed
23 contract.

1 Q. Which is included in the pages following?

2 A. That's correct.

3 Q. It says, Forensic engineering services for
4 construction failures at the Somerville Public Safety
5 Building on the third page in. What's forensic
6 engineering?

7 A. Forensic engineering is the practice of
8 determining cause of failure after a failure has
9 occurred.

10 Q. So the forensic -- So I'm clear on it, it's
11 the cause of what the failures are?

12 A. The investigation of the cause.

13 Q. The investigation of the cause. So is it to
14 be presumed that there were failures at the building
15 at this point in time?

16 A. I'm assuming that terminology made it to the
17 contract because there were specific problems that
18 needed to be investigated; namely, the water leakage
19 and the cracking.

20 Q. And in this Exhibit 27, the document in front
21 of you, where does it say specifically in the
22 contract the things that you're going to do?

23 A. On the cover page we outline our services for

1 this initial investigation will include the
2 following. And the following two bullet items
3 describe what we were going to do.

4 Q. Is that written in the contract and on the
5 following pages someplace or is that letter part of
6 the contract itself? Because I'm looking through the
7 contract and I'm trying to find where it is that
8 specifically those items appear in the contract.

9 A. I don't believe these items appear with this
10 level of specificity in the contract. That's why we
11 submit a cover letter to make it clear that this is
12 what we are going to do.

13 Q. So in essence does this cover letter become
14 part of the contract?

15 MS. GOLDSTEIN: Objection.

16 A. I'm not a lawyer. I'm assuming it does.

17 Q. That's what I'm trying to find out. As a
18 lawyer we don't assume anything. I'm just trying to
19 find out if it does, because I couldn't find it when
20 I went through it, anything that relates to the work
21 that you were going to do in the contract.

22 So that's why I'm asking if that's the
23 usual procedure of how things work at your company,

1 that you would have a cover letter and then have your
2 standard boilerplate information here. Because I'm
3 looking in here and I don't see --

4 MS. GOLDSTEIN: Sorry. What's your
5 question?

6 Q. The question is does the letter, the cover
7 letter, become part of the contract.

8 MS. GOLDSTEIN: He already answered that
9 question.

10 Q. So we're looking at -- on the back of here is
11 Appendix B and that has a different date, has the
12 13th of July, 1998 on it?

13 A. Correct.

14 Q. And it has your costs of what you're going to
15 charge and so forth in it?

16 MS. GOLDSTEIN: I think he's asking you
17 to confirm that.

18 MR. D'ANGELO: What's that?

19 MS. GOLDSTEIN: Were you --

20 A. Is there a question there?

21 Q. Oh. The question is is this -- is this part
22 of Exhibit 27 the complete package that was sent over
23 for acceptance by the city?

1 A. I believe it was, yes.

2 Q. Did you get back a signed acceptance from the
3 city at some point?

4 A. Yes. Based on the documents I reviewed I
5 believe we received that some time in December.

6 Q. Was that after you did all the work?

7 A. No.

8 Q. Well, when did you start working on this
9 particular project?

10 A. January 8th.

11 Q. January 8th.

12 MS. STEPHENS: 1999?

13 THE WITNESS: Correct.

14 Q. Is this the only document you requested that
15 you followed up with your request for the proposals
16 from the city of Somerville? Was there any other
17 contract agreement that you have with the city
18 besides this document?

19 A. As far as I recall this is the only document
20 we have.

21 Q. This is the only work that you did on this
22 particular building?

23 MS. GOLDSTEIN: Objection. We just saw

1 the August 18th, 1998 document so --

2 MR. D'ANGELO: No --

3 Q. I'm talking about this is the only contract
4 that you -- for \$10,000, which the work began on
5 January 8th, 1999, that you did on this particular
6 building.

7 A. Yes. As far as I recall this is the only
8 contract.

9 Q. You didn't come back at a later date and do
10 something else on another contract.

11 A. Not on another contract, no.

12 Q. As a subcontractor for somebody else did you
13 guys come back?

14 A. No.

15 Q. So this is the only contract that you had
16 with the city of Somerville's building, Public Safety
17 Building, at 220 Washington Street?

18 MS. GOLDSTEIN: Objection.

19 A. This is the contract that was accepted by the
20 city and that we performed the work based on this
21 contract.

22 Q. What I'm asking is that since that time were
23 there any other contracts that you had with the city

1 for this particular building?

2 A. No, not that I know of.

3 Q. Who was on your team specifically to go in on
4 January 8th, 1999?

5 A. On January 8th we went to the building. It
6 was myself and Ned Lyon.

7 Q. Did anybody from the city accompany you at
8 that time?

9 A. I don't recall.

10 Q. Did you make any additional preliminary
11 meetings to discuss this work project with anyone
12 from the city, or anyone else for that matter, prior
13 to going in on January 8, 1999 other than the one
14 that you went on your preliminary investigation?

15 A. I don't recall any specific meetings or any
16 specific conversations that we had with individuals
17 from the city.

18 Q. You don't recall, but do you recall having a
19 meeting or a conversation with somebody, even if you
20 don't remember the gist of the conversation?

21 A. It was a while ago. I don't recall at this
22 point. I don't doubt there was some communication
23 between us and the city between the time we signed

1 the proposal and the time we did our investigation,
2 but I don't know specifically what those
3 communications -- where they were or whether it was a
4 meeting or not.

5 Q. So on January 8th you and Ned Lyon from your
6 company went out to the site at 220 Washington Street
7 to begin your evaluation. Do you recall how long you
8 were there on that particular day?

9 A. Don't recall. You mean how many hours I was
10 in the field that day.

11 Q. Yes.

12 A. I don't know.

13 Q. Do you remember who you talked to that day at
14 the building site besides Ned Lyons?

15 A. Definitively, no.

16 Q. Did you talk to someone though?

17 A. We probably did.

18 Q. But you just don't remember who it might have
19 been?

20 A. I don't recall who was there besides us that
21 day.

22 Q. When you do one of these investigations,
23 you'd primarily just go about -- what do you do when

1 you're out there? How do you start?

2 MS. GOLDSTEIN: Objection. For this
3 particular investigation or --

4 MR. D'ANGELO: This particular start --
5 This job here.

6 Q. Where do you start? I mean, there's a
7 certain procedure, protocol for every type of project
8 like this. This isn't the first one you ever did.

9 A. No. What we did here was knowing what the
10 scope of our investigation was, which was essentially
11 to survey the cracking and then to provide a
12 preliminary investigation for the water leakage, what
13 we did is we began by doing a visual walk around the
14 building, then a visual walk through the building,
15 document existing conditions, survey where the cracks
16 may have been, survey the location of the water
17 leakage and water damage. Things of that nature.

18 Q. When you say survey and visually inspect,
19 does that mean you take notes or do you take pictures
20 or what are you doing exactly?

21 A. Both. We would photograph the problems and,
22 either on a drawing or on a notebook, mark down what
23 we were observing, where it is.

1 Q. And what happens to that notebook when you're
2 done with the project?

3 A. It depends. After a few years if a file is
4 cleaned up, the extra material is thrown out. We
5 just keep the essential report and some photos.
6 Sometimes they're kept. There's no specific policy
7 on how long to keep notes.

8 MR. D'ANGELO: I want to mark this as
9 Exhibit No. 28.

10 (Exhibit 28 was marked for
11 Identification.)

12 MR. D'ANGELO: And this is 29.

13 (Exhibit 29 was marked for
14 Identification.)

15 MR. D'ANGELO: I count 62. I'm just
16 making a note on the top of the exhibit that it's 62
17 on here.

18 Q. Are these photographs that you took during
19 your inspection?

20 A. These are the photographs that either I took
21 or Peter Nelson took.

22 Q. It's noted on this as August 7, 1999.

23 A. Correct.

1 Q. And I saw there was other pictures in here
2 showing other dates.

3 A. Right.

4 Q. So these were taken at various times during
5 your investigation, including your preliminary
6 investigation.

7 A. That's correct.

8 Q. Were these taken in black and white or in
9 color?

10 A. Color.

11 Q. Do you know if the color photographs still
12 exist?

13 A. I believe they do because I reviewed a set of
14 color prints.

15 MR. D'ANGELO: What I'd like to do -- and
16 we're willing to pay the copy cost of getting them in
17 color --

18 MS. GOLDSTEIN: Fine.

19 Q. Are these in digital or just on rolls of
20 film?

21 A. These are conventional photography.

22 Q. Are they on CD's or they weren't done that
23 way?

1 A. No. These were put into photo sleeves and
2 labeled on the back side.

3 Q. So these are dated prior to the digital age
4 then.

5 A. I would say that, yes.

6 MS. GOLDSTEIN: Let me just -- To the
7 extent that I have the color or that SGH has them,
8 we'll get you the color copies.

9 MR. D'ANGELO: We're willing to pay for
10 the cost of copying them.

11 MS. STEPHENS: I'll have some too or we
12 can split whatever the cost is.

13 MR. D'ANGELO: Whatever. Do you want
14 color copies too?

15 MR. BUCKLEY: No, thank you.

16 MR. D'ANGELO: I know. You're in a
17 budget crisis over there.

18 Q. Looking at these photographs, do you recall
19 where they were taken and what they're of and so
20 forth?

21 A. Perhaps not all of them but I would probably
22 recall the location in the building where some of
23 these were taken.

1 Q. There's quite a few pictures of the exterior
2 of the building on the initial phase, and then you
3 have photographs that are of the building as you get
4 into the 19th of January, 1999. How many days do you
5 recall being in the building to do your
6 investigation?

7 A. Judging by what we wrote in the report, which
8 is the best I could recall, in addition to the
9 preliminary walk-through of August 7th, I believe we
10 were there on three occasions.

11 One was January 8th. Then there was
12 January 19th, and I believe there was another visit
13 on January 22nd to go around and take some more
14 photographs.

15 Q. We've marked as Exhibit 29 your report, the
16 water leakage investigation, Somerville Public Safety
17 Building. And I'm not sure what -- It says 9th of
18 April, 1999.

19 A. That's correct.

20 Q. Is that when this was issued or --

21 A. Yes.

22 MS. STEPHENS: Are you counting the pages
23 or shall I? And why don't we take a break. I just

1 want to say that Exhibit 27 has 24 pages.

2 MR. D'ANGELO: Actually, if you look at
3 it, the pages are numbered inside.

4 MS. STEPHENS: Oh, that's helpful.

5 MR. D'ANGELO: Almost completely numbered
6 until we get to more photographs.

7 MR. BUCKLEY: 27.

8 MS. STEPHENS: There's a blank page in
9 here also.

10 MR. D'ANGELO: They're included. We just
11 included them in. There's 35 total pages that I
12 counted.

13 MS. STEPHENS: That includes the blank.

14 MR. D'ANGELO: Including the blanks.

15 MR. BUCKLEY: I counted 37.

16 MR. D'ANGELO: You're right. You know
17 why? Because if you take the first two pages --

18 MS. STEPHENS: It's 37 with the blank.

19 MR. D'ANGELO: 36 with the blank.

20 MS. STEPHENS: It's just that if we don't
21 get it straight --

22 MR. D'ANGELO: You're right. 37 pages
23 with the blank.

1 (Discussion off the record.)

2 MR. D'ANGELO: We'll mark this as Exhibit
3 No. 30.

4 (Exhibit 30 was marked for
5 Identification.)

6 MR. D'ANGELO: This is the signed version
7 copy of the contract. I'll count the pages. I'm
8 counting 24 pages on this Exhibit No. 30.

9 I'm just going to -- If you look at it,
10 this is the signed version, Exhibit No. 30 is the
11 signed version of the contract authorizing them to do
12 the work.

13 Q. I should ask you, sir, is this the signed
14 version of the contract that you received back from
15 the city of Somerville?

16 A. It's got a page with the signatures on it. I
17 don't know if this is the package as we received it.

18 Q. On page 9 -- There's numerous signatures on
19 that page.

20 A. Correct.

21 Q. That would be the signature page authorizing
22 the executed agreement.

23 A. Correct.

1 Q. Turning your attention to Exhibit No. 29
2 which is the wall leakage investigation, this is your
3 company's, SGH's -- their report to the city of
4 Somerville -- it addresses Mr. Zirpolo -- with your
5 findings of your investigation, is that correct?

6 A. That's correct.

7 Q. Were there any other reports besides this one
8 that were sent?

9 A. No.

10 Q. No preliminary reports?

11 A. No.

12 Q. This is inclusive of everything.

13 A. Correct.

14 Q. And we've already established that there were
15 no other contracts or anything else that you guys --
16 your company did after this project.

17 A. None that I know of.

18 Q. Turning to page 4, bottom of the page, it
19 says, Meeting with Department of Public Works. It
20 states here at the bottom you met briefly with Thom
21 Donahue, director of engineering for the DPW, and
22 that he informed you of flooding problems. Do you
23 recall that meeting with Mr. Donahue?

1 A. I recall meeting with Mr. Donahue.

2 Q. In addition to Mr. Zirpolo you met with
3 Mr. Donahue.

4 A. That's correct.

5 Q. Do you remember when you met with
6 Mr. Donahue?

7 A. Specific date? I do not recall a specific
8 date.

9 Q. Do you recall it being in your preliminary
10 investigation phase or during the investigation
11 phase?

12 MS. GOLDSTEIN: Objection.

13 A. The investigation as a whole was preliminary.
14 This meeting I believe occurred between the time we
15 received the signed proposal and the time we produced
16 the report.

17 Q. Did he tell you where the flooding was
18 occurring?

19 A. What he reported to me was that the basement
20 was flooding or the ground floor was flooding
21 following periods of heavy rain.

22 And during that meeting he reported to
23 me, I believe, that there had been two recent events

1 that had flooded the building, one in June and
2 another in October.

3 Q. So in addition to -- Just so I can
4 distinguish between flooding and water leaking into
5 the building, we're talking about two distinct things
6 here, correct?

7 A. That's correct.

8 Q. So in addition to the flooding problem, there
9 was also water leaking in to the building?

10 A. That is correct.

11 Q. Do you recall where the water was leaking in
12 in various places? Was it in more than one place?

13 A. Absolutely. I'll give you a general
14 overview. We identified sources of leakage at the
15 foundation walls, at the window surrounds, and
16 underneath the terraces on the east side of the
17 building facing Merriam Street.

18 Q. And it goes on in the second page saying,
19 The problem is caused by -- Now, they're talking
20 about the flooding --

21 A. Okay.

22 Q. -- with the storm drains. It says, The
23 problem is caused by insufficient capacity of the

1 city sewer system.

2 A. Right.

3 Q. How did you know this?

4 A. I'm reporting what Mr. Donahue had told me.

5 Q. He told you this. Did you do any independent
6 investigation of that problem?

7 A. No, I did not.

8 Q. So it's basically his passing the information
9 on to you.

10 A. That is correct.

11 Q. The next paragraph talks about engineering
12 consulting firm Camp Dresser McKee can analyze the
13 problem.

14 Did you have a chance to ever review any
15 other reports, investigations, or other documents
16 relative to this building during your investigation?

17 MS. GOLDSTEIN: Objection.

18 A. I believe what I had at my disposition to
19 review at the time was some correspondence that had
20 gone back and forth between the DPW and the city, and
21 those are identified here somewhere in the report. I
22 mentioned those letters.

23 Q. Did you see any other documents relative to

1 the building that may have been from another
2 engineering firm?

3 A. There were a set of drawings that we reviewed
4 of the renovation that took place some time in 1983
5 or 84.

6 Q. Did you see any other documents relative to
7 this building that were produced by the Commonwealth
8 of Massachusetts?

9 A. I don't recall seeing other documents.

10 Q. So the information that you had here where it
11 says, Total capacity is ranging from about 50 to 20
12 times the average dry weather flow, that's what
13 sewage generally have? Where did you get that
14 information from?

15 A. From 1974 engineering -- the Camp Dresser
16 McKee report. In this portion of our report we are
17 not offering an opinion or an analysis.

18 We're simply stating what information we
19 were able to obtain either through visual observation
20 or through documents.

21 And this paragraph is referring to what
22 we gathered from Mr. Donahue with respect to Camp
23 Dresser McKee's investigation in 1974.

1 Q. So Mr. Donahue is going over the drawings
2 with you and explaining to you what had been or not
3 been done or --

4 MS. GOLDSTEIN: Objection.

5 A. I don't recall specifically what we had in
6 front of us or what we were looking at at the time.
7 This is the information that I surmised from what was
8 said.

9 Q. The next paragraph down says, The DPW has
10 made several inspections of the sanitary and storm
11 sewer systems at the Public Safety Building. Have
12 proposed the following work.

13 Did you review those proposals to come up
14 with these bullets that you have on this list here or
15 where did you get that information? That's basically
16 the question.

17 A. This information was obtained from either or
18 combination of two things; either Mr. Donahue's
19 report to me that this is what was done or there may
20 have also been a letter that Mr. Donahue or somebody
21 from the DPW wrote that I reviewed and put this in
22 there.

23 Q. When you went through your documents that you

1 retained -- I'm assuming you retained everything in
2 this particular project?

3 MS. GOLDSTEIN: Objection.

4 A. I'm not sure what you mean by everything.

5 Q. Well, you had photographs here. You have
6 various drawings that you've provided us with and so
7 forth.

8 Do you recall -- If you received
9 something from the DPW to do your analysis, do you
10 still have copies of those in your possession?

11 A. The documents that we reviewed to make this
12 statement -- Is this what you're referring to?
13 Background documents that they provided to us?

14 Q. Yes.

15 A. They might be in the file. When we dead file
16 a project, when there's huge documentation and the
17 report is done, we sometimes discard all the
18 background information. I don't recall if the file
19 specifically has these documents in there. It might.

20 Q. Do you remember going to city hall and
21 looking at any documents at DPW -- or the DPW
22 building -- I think they have a DPW building.

23 Did you go to any locations other than

1 the 220 Washington Street location and examine any
2 documents relative to this building?

3 A. The only other time I recall meeting with
4 somebody with respect to this investigation I believe
5 was meeting Mr. Donahue in his office, and I don't
6 recall if we specifically went through a bunch of
7 documents there or if the documents were sent to us
8 by Mr. Zirpolo. I don't recall how we obtained these
9 documents specifically.

10 MR. BUCKLEY: For the record, that would
11 have been -- if he met in the office it would have
12 been at the DPW building on Franey Road.

13 MR. D'ANGELO: Right. I wasn't sure if
14 they had another office at city hall or --

15 MR. BUCKLEY: Mr. Donahue didn't, no.

16 Q. Do you remember going to Franey Road at all?

17 A. I remember meeting with Mr. Donahue in his
18 office.

19 Q. In his office?

20 A. I recall meeting in his office. I don't
21 recall the street.

22 Q. So that would have been at their building on
23 Franey Road.

1 MS. GOLDSTEIN: Objection.

2 Q. And at the very bottom it says, The city
3 obtained funding late 1998 to implement these
4 measures. Do you know if the work got done or not?

5 A. I do not know if the work got done.

6 Q. But at the time that you were doing your
7 investigation there was no evidence that the work was
8 done.

9 MS. GOLDSTEIN: Objection.

10 A. That's correct.

11 Q. It says on the next page, page 6,
12 Conversations with building occupants. It says here
13 in your report, We obtained the following
14 descriptions of recurring water problems from random
15 conversations with building occupants and from
16 excerpts from letters written by Somerville residents
17 and businesses. Do you have copies of those still?

18 A. Whatever we have we submitted as part of the
19 file. Anything we have in the file was given over.

20 Q. So the information that you gleaned from
21 those conversations and from letters is in these
22 bullet points?

23 A. That is correct.

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1 Q. One of the things that was in one of the
2 bullet points, it says, There is a persistent problem
3 of dust and particulate accumulation on the interior
4 surfaces of the building. Do you know what that was
5 or did you observe it yourself?

6 A. We observed the accumulation of black dust on
7 the surfaces.

8 Q. What did you determine the black dust was?

9 MS. GOLDSTEIN: Objection.

10 A. We did not determine what the black dust was.

11 Q. Had you seen black dust like this before in
12 other investigations of other types of buildings?

13 A. I can't recall any other buildings where I've
14 seen this type of --

15 Q. So this was an unusual -- This is not
16 something that you usually find in a building like
17 this.

18 MS. STEPHENS: Objection.

19 MS. GOLDSTEIN: Objection.

20 A. This is not something that I usually
21 encounter in investigations I've performed.

22 Q. Had you ever encountered it in any other
23 building that you had investigated?

1 A. Sitting here today I can't recall if I saw
2 that in any other building prior to this
3 investigation.

4 Q. Well, was this just plain old housekeeping
5 dust or is this something else?

6 MS. STEPHENS: Objection.

7 MS. GOLDSTEIN: Objection.

8 A. Judging by the color and the accumulation, we
9 were concerned that it wasn't just household dust.

10 Q. What was your concern? What did you think it
11 might be?

12 MS. STEPHENS: Objection.

13 MS. GOLDSTEIN: Objection.

14 MR. BUCKLEY: Object.

15 Q. You can answer.

16 A. We don't know what it might be.

17 Q. Well, your background and experience tells
18 you, and the people that were working there. You
19 must have had some conversations about what you
20 thought it might be.

21 MS. GOLDSTEIN: Objection.

22 A. No. I never discussed what we thought it
23 might be. We identified the particulate matter and

1 we performed, at Mr. Zirpolo's request, a preliminary
2 review, a cursory review, of the mechanical system to
3 determine if there was anything about the mechanical
4 system that might be contributing to this problem.

5 Q. Do you know what the source of the dust was?

6 MS. GOLDSTEIN: Objection.

7 A. We don't know specifically and conclusively
8 what the source of the dust was. In the report we
9 say that we suspect that the location of the air
10 intakes might be contributing to this and
11 distributing the dust throughout the building.

12 One of the concerns was that the air
13 intake for the mechanical system was located directly
14 above the garage door where the fire engines leave.

15 And we were concerned that when the fire
16 engines leave the garage and go uphill, that they go
17 up on full throttle and the diesel exhaust fumes are
18 being sucked in by the air intake which is directly
19 above the garage doors.

20 This was one of the possible reasons
21 contributing to this accumulation of particulate.

22 Q. In fact, someplace in this report you
23 actually spell that out.

1 A. That's correct.

2 Q. I'll get to that later but that is basically
3 in the report that you provided. So is it fair to
4 speculate that the dust and particulate accumulation
5 was coming from the fire trucks?

6 MS. STEPHENS: Objection.

7 MR. BUCKLEY: Objection.

8 MS. GOLDSTEIN: Objection. We're not
9 speculating.

10 Q. Well, you can answer if you know.

11 MS. GOLDSTEIN: If you know, but you're
12 not speculating.

13 A. We don't know if that was the case. We did
14 not analyze the particulate. We did not conclusively
15 determine what the source of the particulate was. We
16 reported on preliminary observations from a cursory
17 review of the mechanical system.

18 Q. So did you discuss that with anybody from the
19 city at the time that this report was issued or at
20 the time that you were doing your investigation?
21 Mr. Donahue or Mr. Zirpolo.

22 A. I don't recall if we discussed it
23 specifically. We did report it in the -- As you

1 know, we did put it in the report and we recommended
2 that the mechanical system be reviewed thoroughly.

3 Q. Did you have a -- Besides issuing this report
4 did you have a final meeting at the time that they
5 had a chance to review this report to answer any
6 questions that they might have, that -- Mr. Zirpolo
7 or Mr. Donahue regarding this report?

8 A. I don't recall any meetings to discuss the
9 findings in specific. There was -- I have a vague
10 recollection of a meeting that took place sometime
11 after we issued the report wherein the city wanted to
12 speak to us about what we would do moving forward to
13 address the water leakage issues.

14 A very brief meeting wherein we gave a
15 verbal recap of the conclusions and recommendations
16 that we have in the report.

17 Q. What do you know but diesel dust?

18 MS. GOLDSTEIN: Objection.

19 A. Personally?

20 Q. Well, in your experience and background as a
21 building science professional. You've been trained
22 in certain areas --

23 MR. BUCKLEY: Objection.

1 MS. GOLDSTEIN: If you know.

2 Q. What do you know?

3 A. Not -- I don't know much about diesel dust.

4 Q. You don't know anything about diesel dust.

5 Anybody on your team that was working on this
6 particular project know anything about diesel dust?

7 A. I can't speak on behalf of others. I don't
8 know.

9 Q. Well, you're answering today -- You were
10 brought in as a person most knowledgeable about the
11 building project here at this particular
12 investigation. Are you the most knowledgeable
13 person?

14 A. I'm the most knowledgeable person with
15 respect to what we observed during our investigation,
16 correct.

17 Q. Well, this person Ned Lyons, what's his
18 background?

19 A. He's a mechanical engineer.

20 Q. What is a mechanical engineer? What does he
21 do? What is his expertise?

22 A. He, like I, has expertise in building
23 science. His background training is in mechanical

1 engineering systems as opposed to mine which is in
2 architectural design.

3 Q. Well, you told us earlier that one of the
4 things that you are knowledgeable about is the air
5 quality issues in buildings.

6 A. That's not what I said.

7 MS. GOLDSTEIN: Objection.

8 A. That's not what I said.

9 Q. What did you tell us? You told us that
10 building science involves the --

11 MS. GOLDSTEIN: It's what he testified to
12 before --

13 MR. D'ANGELO: He can answer this
14 question.

15 A. What I said is building science is defined as
16 the study of moisture migration across a building
17 enclosure and the effect that that moisture might
18 have on the performance of the building envelope.

19 I am not qualified, nor is anybody in our
20 firm qualified, to make an assessment with respect to
21 health-related issues or indoor air quality.

22 Q. Well, you go to seminars on a regular basis,
23 correct?

1 A. That is correct.

2 Q. And you conduct seminars yourself.

3 A. That's correct.

4 Q. What do those seminars that you go to in the
5 last few years tell you about air quality issues?

6 MR. BUCKLEY: Objection.

7 MS. GOLDSTEIN: Objection.

8 MS. STEPHENS: Objection.

9 Q. Have you been to any seminars on air quality
10 issues?

11 A. Most of the seminars I go to I present. I
12 have not attended any air quality issue seminars
13 recently.

14 Q. Well, when you were teaching over at MIT and
15 getting your degrees at McGill and -- I'm sorry. The
16 other place. I can't remember --

17 A. Concordia.

18 Q. Concordia. I apologize. Do you ever discuss
19 how air moves through a building? Did you learn
20 anything about how air moves through a building?

21 In any of those classes that you taught,
22 did you teach anything like that or did you do
23 anything relative to taking classes yourself?

1 A. On the issue of teaching or on the issue of
2 taking classes, what an architect is normally exposed
3 to, which is what I was exposed to, is different
4 types of mechanical systems in buildings, different
5 types of heating systems in buildings, and how --
6 different options for circulating the air within the
7 building. Indoor air quality wasn't and I believe
8 still isn't part of the normal curriculum.

9 Q. And when you're dealing with moisture, are
10 you talking about how water infiltrates into a
11 building or how do you eliminate moisture from a
12 building? What exactly are you talking about in your
13 background and experience?

14 A. There are two categories. One is liquid
15 water infiltration which is either groundwater or
16 rainwater bypassing a building enclosure and finding
17 its way into the building.

18 And the second is condensation which is a
19 little bit less tangible but the potential for having
20 water accumulation within your enclosure not because
21 you have a leak, a water leak, but because water
22 vapor condenses within the envelope.

23 Q. Isn't that a direct result of the ventilation

1 of the building itself?

2 MS. GOLDSTEIN: Objection.

3 A. No.

4 Q. It's not.

5 A. It's related to the mechanical system to some
6 degree. It is not a direct consequence of what a
7 mechanical system does.

8 Q. Besides yourself and Ned Lyon, who else was
9 at this -- on site during any of the days of
10 investigation?

11 A. Peter Nelson was there on the 7th of August.

12 Q. And he is?

13 A. He was the principal in charge of the project
14 at the time.

15 Q. So he was in charge of the project at the
16 time. What's his background?

17 A. I believe he's got a degree in structural
18 engineering.

19 Q. So is he a licensed engineer?

20 A. Yes, he is.

21 Q. Is he licensed in more than one state?

22 A. I believe he is.

23 Q. Do you know how many states he's licensed in?

1 A. I can't say that.

2 Q. How about yourself? Are you just licensed in
3 the state of Massachusetts or do you have licenses in
4 other states?

5 A. No. I've got licenses in Massachusetts,
6 New Jersey, Texas, Connecticut. I've got a national
7 certification with the National Council of Architects
8 Registration Boards. I've also got a national
9 certification in Canada and I'm licensed in the
10 province of Quebec.

11 Q. What's the significance of those licenses?

12 A. It means that the state authorizes me to
13 practice architecture in those states and to stamp
14 drawings.

15 Q. Stamp drawings. What kind of drawings can
16 you stamp?

17 A. Architectural drawings.

18 Q. Pictures of pretty buildings or are we
19 talking about anything else?

20 MS. GOLDSTEIN: Objection.

21 A. We're talking about drawings that were
22 drafted for a purpose of constructing a building.
23 The limits within the architectural profession are

1 that I cannot stamp drawings that are structural
2 drawings, mechanical drawings, electrical drawings.

3 If it's the building enclosure and the
4 building plan, that is within the realm of my field
5 of expertise.

6 Q. But you can draw those drawings or
7 mechanicals in engineering. You just can't stamp
8 them.

9 A. I'm not qualified to draw those. I don't --
10 Normally an architect's office does not draft
11 mechanical or electrical or HVAC drawings. These are
12 carried out under subcontract with an engineering
13 firm.

14 Q. So that's why you'd have a team of people at
15 SGH going out to a building, because in essence
16 you're not qualified to make all the reporting that's
17 necessary on the structure of the building.

18 MS. GOLDSTEIN: Objection.

19 A. No. At SGH we have the personnel qualified
20 in structural engineering --

21 Q. And that would be Peter Nelson on this
22 particular project?

23 A. On this particular project would be Peter

1 Nelson. And then we've got individuals who are
2 qualified to do building enclosure design and
3 technology.

4 Q. That would be you?

5 A. And various others, correct. Peter Nelson as
6 well. He's in the building technology department.

7 Q. There was another person mentioned here on
8 page 6, Eric Stoothoff. He was part of your group
9 that was there?

10 A. He was a co-op student who was with us and we
11 had him in the field to walk around and meticulously
12 mark down exactly where all the cracks were and where
13 he was observing any cracks.

14 Q. When you observed the cracks do you like
15 measure their width or depth or anything like that?

16 A. It depends on what the intent of the
17 investigation is. If it is, as it was in this case,
18 a visual survey, we don't do that.

19 If the intent of the investigation is
20 more than just a preliminary nature, if the intent is
21 to ascertain the cause of cracking, then we would go
22 into more detail and we would measure the width and
23 the location and the movement of the cracks to see if

1 they're still active or not.

2 Q. On page 7 it talks about concrete foundation
3 walls and spandrel beams. What are spandrel beams?

4 A. Spandrel beams are the horizontal parts of
5 the structure that you find between floors. So in
6 this particular case the spandrel beam referred to
7 the horizontal chunk of concrete above the garage
8 door openings.

9 Q. And you observed large cracks in those?

10 A. That's correct.

11 Q. And there were a number of cracks and you
12 sort of like talked -- Doesn't really talk how big
13 the cracks are. It just says cracks.

14 And then as you get down here further it
15 talks about brown streaks emanating from the cracks
16 and then talks about hairline cracks and vertical
17 cracks.

18 Is there any distinction between any of
19 these types of cracks that you observed that would
20 concern you about the structural integrity of the
21 building --

22 A. Well --

23 Q. -- that would warrant further investigation?

1 A. As we recommended at the end, we recommended
2 that the cause of the cracking be ascertained for one
3 reason, because a crack is an avenue for water to get
4 in, and we had seen evidence that the reinforcing
5 steel within the concrete was corroding.

6 Q. On page 9 of this report, the top of the
7 page, it talks about EIFS walls. EIFS. Are you
8 familiar with those structures, that particular type
9 of structure?

10 A. That's actually a type of enclosure. That's
11 a wall system. Yes, I'm familiar.

12 Q. What do you know about these types of
13 structures, wall enclosures?

14 A. It's a broad question but let me try. There
15 are two types of EIFS wall systems. There are
16 barrier type EIFS wall systems and there are drained
17 types of EIFS wall systems.

18 The barrier type relies entirely on the
19 exterior lamina to remain watertight. If there's a
20 breach in the lamina, the water penetrates the
21 building.

22 The drain systems have a backup
23 waterproofing system to collect and drain away from

1 the wall any water that bypasses the surface lamina.
2 In this particular building we have a barrier type of
3 system.

4 Q. And in that particular type of system they're
5 notorious, isn't that true, for leaking or --

6 MR. BUCKLEY: Objection.

7 Q. -- water coming into the building?

8 MS. STEPHENS: Objection.

9 A. Yes.

10 Q. Thank you. And in this particular situation
11 not only do they cause structural problems, but they
12 also cause significant mold problems.

13 MS. GOLDSTEIN: Objection.

14 MS. STEPHENS: Objection.

15 MR. BUCKLEY: Objection.

16 A. It's not the wall that causes the problem.
17 It would be --

18 Q. The materials in the wall.

19 A. It depends on what the backup is and it
20 depends on the amount of the leakage.

21 Q. In this particular wall it's -- someplace in
22 your report you talk about gypsum as part of the wall
23 structure.

1 A. That's correct.

2 Q. Gypsum is a -- Basically you're talking about
3 wallboard.

4 A. That's correct.

5 Q. And wallboard has paper on it.

6 A. That's correct.

7 Q. And paper gets wet.

8 A. Correct. And in this particular case it's
9 very --

10 MS. GOLDSTEIN: Let him ask it.

11 Q. In this particular case what did you observe,
12 if anything?

13 A. We did not do any destructive testing from
14 the interior to see what the wall was like within,
15 but we did observe breaches in the stucco coating on
16 the outside that would be suspect for water leakage.

17 Q. Did any of the testing that you did for mold
18 later on include any of these EIFS walls?

19 MS. GOLDSTEIN: Objection.

20 A. We did sampling, not testing. And I believe
21 the samples that we took were all from the ground
22 floor. Not one of them -- They were all at the
23 ground floor level.

1 Q. So nobody sampled those walls --

2 MS. GOLDSTEIN: Objection.

3 Q. -- while you were there?

4 MR. BUCKLEY: Objection.

5 A. I don't recall taking any samples of the
6 materials from the EIFS walls.

7 Q. At the time that you did this in 1999 were
8 you aware that there was the kind of problems that we
9 know about today with these kind of wall systems?

10 MR. BUCKLEY: Objection.

11 MS. GOLDSTEIN: Objection.

12 A. We were aware that barrier type EIFS walls
13 are limited in their ability to hold water.

14 Q. And this particular wall had -- in addition
15 to water marks on it, it also had moss growth on it?

16 MS. GOLDSTEIN: Objection.

17 Q. I believe that's what it had.

18 MS. GOLDSTEIN: If you recall, you can
19 answer the question.

20 Q. If you don't remember --

21 A. I don't recall specifically what the EIFS
22 looked like.

23 Q. But the design of this particular EIFS system

1 had gypsum wallboard in it.

2 A. Let me just have a minute to recollect --

3 MR. BUCKLEY: I'd like the record to
4 reflect he's reviewing records.

5 MS. GOLDSTEIN: If you don't remember
6 without looking at report, then that's fine, you
7 don't remember.

8 A. I don't remember.

9 Q. Take your time and look through the report
10 and see if you recall anything in the report that
11 helps you refresh your memory.

12 A. Based on our review of the renovation
13 drawings it appears that it was -- that the EIFS was
14 installed directly on gypsum wallboard.

15 Q. And as we discussed earlier, gypsum wallboard
16 is a type of material that mold grows on when it's
17 wet.

18 MS. GOLDSTEIN: Objection.

19 MR. BUCKLEY: Objection.

20 A. Yes. It's susceptible to mold growth.

21 Q. In your report to the city did you advise
22 them that they should look at that as a particular
23 source for mold contamination?

1 MS. GOLDSTEIN: Objection.

2 A. We recommended that a comprehensive analysis
3 of the interior air quality be performed by a
4 qualified professional.

5 Q. But did you specifically point out that that
6 was a particular source, potential source, of mold
7 contamination? That particular wall.

8 MS. GOLDSTEIN: Objection.

9 A. I don't recall that we specifically pointed
10 out that wall as a source of mold contamination.

11 Q. Going to the -- on page 10 -- I'm sorry.
12 Let's go back to page 9 where it says, Interior
13 Observations, which is a continuation onto page 10.

14 It says, Most of the gypsum drywall at
15 the base of the ground floor walls where flooding was
16 removed was removed prior to our visit.

17 Some of the drywall was not removed in
18 areas that were difficult to assess. The drywall in
19 these areas is discolored at the base. We took bulk
20 samples of the discolored wallboard to be analyzed
21 for microbial growth.

22 What did you find, what microbial growth,
23 in your report?

1 MS. STEPHENS: Objection.

2 MS. GOLDSTEIN: Objection.

3 MR. BUCKLEY: Objection.

4 A. We simply took the samples and sent them out
5 to a laboratory to have analyzed.

6 Q. And the analysis came back.

7 A. The analysis came back confirming that the
8 discoloration was fungal growth.

9 MR. BUCKLEY: I want to correct for the
10 record that you were reading from page 9 there and
11 you said -- The middle sentence said, Some of the
12 drywall was not removed in areas that were difficult
13 to access. And you said, to assess. So it actually
14 says access.

15 MR. D'ANGELO: Yes, access.

16 MR. BUCKLEY: I just don't want to make
17 it look like we didn't want to assess.

18 MR. D'ANGELO: All right.

19 MS. GOLDSTEIN: Are we breaking soon
20 or --

21 (Discussion off the record.)

22 (Whereupon at 12:00 p.m. the deposition recessed and
23 reconvened at 12:19 p.m.)

1 Q. On page 10 -- Again, these are basic
2 observations that were made on days in January that
3 you were visiting the location at 220 Washington
4 Street.

5 A. That's correct.

6 Q. And one of the observations that you made is,
7 on paragraph 2, The damage ranges from water stains
8 to collapsed finishes at the window heads and jambs.

9 Do you know which windows you're talking
10 about? Is that all the interior windows or exterior
11 windows or which windows are you talking about?

12 A. The four bullet points that follow clarify
13 where most of the damage was observed.

14 Q. The Merriam Street locations -- Let's just
15 talk about the Merriam Street location. You walked
16 outside the building on Merriam Street and looked at
17 the wall?

18 A. That's correct.

19 Q. Do you recall what you observed on that wall?

20 A. There was various forms of cracking, both in
21 the foundation walls and the masonry -- brick masonry
22 wall above.

23 Q. Was the wall plumb, square?

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1 A. I don't recall observing any significant
2 deformation or out of plumb that would be a cause for
3 concern.

4 Q. And on the inside what did you observe? On
5 the inside part of that wall.

6 A. We observed water-damaged finishes on the
7 window heads and jambs, the location of which
8 corresponded closely with the larger cracks that we
9 observed on the exterior.

10 Q. Now, the water damage on the windows, what's
11 the significance of that? What does that tell you?

12 A. Tells me that water is penetrating the
13 enclosure through the cracks and finding its way to
14 the interior of the building and wetting the interior
15 finishes.

16 Q. In that same paragraph it says, The plaster
17 has a black discoloration in some areas and the
18 exposed batt insulation and wood frame are also
19 stained. Do you know what that black discoloration
20 was?

21 A. We took a sample of that and sent it to the
22 laboratory for analysis and it turned out to be mold.

23 MR. BUCKLEY: I'm sorry. Was this on the

1 exterior of the building?

2 THE WITNESS: This is on the interior of
3 the building. A sample of the batt insulation that
4 was discolored at the window head.

5 Q. Did you notice anything about the windows
6 themselves in terms of their deterioration at all or
7 if there was any -- Well, any deterioration, what
8 that would be.

9 A. We did not survey the windows.

10 Q. You just observed.

11 A. No, we did not -- We did not survey or
12 observe the roof or the windows. They were outside
13 the scope of this preliminary investigation.

14 Q. So what are you talking? Just the frame
15 itself? Not the windows. The window frames?

16 A. The window surrounds.

17 Q. So the window surrounds; what did you observe
18 on those in terms of when you say deterioration or --
19 It didn't say deterioration. It said damaged. How
20 badly damaged were they?

21 MS. GOLDSTEIN: Objection.

22 A. As we state here, there was various degrees
23 of damage. In some cases there were water stains.

1 In other cases the gypsum wallboard from the head had
2 literally collapsed.

3 Q. You're familiar with the building code in
4 Massachusetts, correct?

5 A. I am.

6 Q. So when you're making your observations on
7 this building are you looking at that as a comparison
8 to the building code requirements or are you just
9 looking at that as just this window's toast?

10 MS. GOLDSTEIN: Objection.

11 A. I think you need to be a little bit more
12 specific as -- What do you mean by the --

13 Q. The building code in Massachusetts is very
14 specific about the way buildings are supposed to
15 conform. There's minimum requirements, correct?

16 A. For various different parts of the building,
17 correct.

18 Q. Windows have their own section in that.

19 A. Thermal performance of the windows, correct.

20 Q. And how they're placed in the building and
21 their condition and so forth. There's code
22 requirements for those windows.

23 MS. GOLDSTEIN: Is that a question?

1 A. Is that a question?

2 Q. Yes.

3 A. There are very --

4 MS. GOLDSTEIN: If you know.

5 A. There are very -- Two points. The
6 requirements insofar as how the windows need to be
7 installed in the building are very vague in the code.
8 And the requirements of the current edition of the
9 Massachusetts State Building Code wouldn't apply to a
10 building like this because it was built long ago.

11 Q. Right. I understand that, but you're
12 familiar with all the various editions of the
13 building code, correct? In terms of doing forensic
14 engineering you'd have to be --

15 MS. GOLDSTEIN: Objection.

16 Q. -- familiar with the building codes from
17 various sections -- various editions.

18 A. Only if we were required, as part of our
19 investigation, to perform a building code compliance
20 analysis.

21 Q. So what does it matter that there's
22 deterioration of the windows? As it says right here,
23 The exposed batt insulation and wood frames are also

1 stained. So what's the significance of that? What
2 does it matter?

3 MS. GOLDSTEIN: Objection.

4 A. The requirements for us in this preliminary
5 investigation were to determine the possible causes
6 of water leakage and to comment on possible remedies.
7 Water-damaged building materials are relevant to
8 possible causes of water leakage.

9 Q. So the first basic section of this is
10 basically all your observations, is that correct?

11 A. That is correct.

12 Q. So these are just basic observations of what
13 you visually see.

14 A. Correct.

15 Q. And what you know to be things that need to
16 be addressed by whoever's going to read this report
17 down the road. This is your simple observation.
18 You've got water leaks coming in, those kinds of
19 things. So you're pointing these out to the reader
20 of this report.

21 MS. GOLDSTEIN: Objection.

22 A. Part 3 of the report simply states what we
23 observed. It stops there. Part 4 of the -- Sorry.

1 Part 5 of the report, which is our discussion, offers
2 our commentary and opinion based on the observations
3 we made in part 3.

4 Q. Interestingly enough, on your January 8th
5 tour of the building -- I believe it was on that
6 January -- there was water that was flooding into the
7 building on that date or was it another date?

8 A. I think it may have been the January 19th
9 visit because we wrote in here that on January 18th
10 it had rained heavily, and on January 19th we saw
11 water still dripping in.

12 Q. Do you remember where you saw the water
13 coming in from?

14 A. Not specifically. If I read the report I
15 might recollect. It might refresh my memory.

16 Q. You wrote this entire report yourself or did
17 you do one part and somebody else do another part?

18 A. I recall Ned Lyon contributed in writing the
19 part about the cursory mechanical system assessment.

20 Q. So then this next section here, 3.7,
21 Mechanical Systems, did you write that on page 10?

22 A. This portion of the report would have been
23 written by Ned Lyon.

1 Q. So you don't know anything about what was
2 written here then.

3 MS. GOLDSTEIN: Objection.

4 A. No. I know what was written. I just didn't
5 write the first draft of this.

6 Q. Well, here it talks about what we talked
7 about earlier. Air flows into the basement areas
8 from the fire station and the maintenance garage
9 through gaps around the doors separating these
10 spaces. Is that something that you observed?

11 A. That's something that we observed.

12 Q. But you observed it as well.

13 A. I don't recall specifically if I observed
14 that.

15 Q. It says here, On the first floor there was
16 evidence of heavy accumulation of fine black dust on
17 horizontal surfaces. Is that something that you
18 observed?

19 A. I recall when it was pointed out to me that I
20 remember seeing that.

21 Q. When you say heavy accumulation, is this
22 like -- What does that mean? Does that mean like two
23 inches thick, a foot thick?

1 I mean, what does that mean? Heavy
2 accumulation of snow could be two feet of snow around
3 here. What's a heavy accumulation?

4 A. It means it is noticeable in contrast to its
5 surroundings.

6 Q. And you didn't know what the fine black dust
7 was?

8 MS. GOLDSTEIN: Objection.

9 A. No.

10 Q. It says here, The supply and return air duct
11 systems in the basement areas are lined with glass
12 fiber duct insulation. The interior of these ducts
13 is black in color and insulation contains fine black
14 dust.

15 Is this the same fine black dust that you
16 observed on the horizontal surfaces?

17 MS. GOLDSTEIN: Objection.

18 MR. BUCKLEY: Objection.

19 A. It was a fine black dust. I don't know if
20 it's the same or not.

21 Q. You don't know if it's the same. Did it look
22 the same?

23 A. We never had the material analyzed.

1 Q. I'm asking from observation. Was it house
2 dust or is it something different?

3 MS. GOLDSTEIN: Objection.

4 A. I don't know what it was.

5 MR. BUCKLEY: Objection to that question.

6 MR. D'ANGELO: You can object.

7 Q. Next bullet point on page 11. In the main
8 mechanical equipment room, joints in the duct work
9 that are slightly open have air leaks. There are
10 dark black streaks of sticky film at the air flows.
11 Do you know what that sticky film was?

12 A. I do not.

13 Q. Did you -- How do you know it was sticky?

14 A. If you touch it, it's sticky.

15 Q. Was it oily-in-nature stickiness?

16 A. I don't recall specifically if it was oily or
17 not.

18 Q. Black soot was also apparent on the walls
19 above radiators in the back hallway near the
20 maintenance garage doors. Do you recall observing
21 that?

22 A. I don't specifically recall observing that.

23 Q. The air filters in the mechanical system

1 appear new. There is a fine dust on damper blades
2 inside the unit serving the basement and first floor.

3 Did you observe that?

4 A. I don't specifically recall observing that.

5 Q. AHU-4. Do you know what that is?

6 A. It's air handling unit.

7 Q. Number 4?

8 A. Yes.

9 Q. Serves a portion of the second floor. A
10 damper operating linkage on the unit is broken and
11 disconnected. The operator responds to system
12 commands but the dampers do not move. What does that
13 mean?

14 A. It means that there is a provision in the
15 system to control, open and close, the dampers but
16 the linkage between the control and the damper itself
17 was not functional, so even though the command was
18 able to get to the damper, the damper wouldn't
19 respond.

20 Q. Did you observe that yourself?

21 A. I did not.

22 Q. And then part 4 here is, Sampling for
23 Microbial Growth. In your original contract there

1 was nothing mentioned about taking samples for
2 microbial growth?

3 A. That's correct.

4 Q. How did that become incorporated into this
5 report?

6 A. At some point between September 15th and our
7 investigation, Mr. Zirpolo asked us if we could
8 retrieve some samples of discolored surfaces from the
9 flooded area of the basement to determine whether it
10 was mold or not.

11 Q. Did he say specifically to take it from just
12 the floor in the basement?

13 A. My recollection is that he asked us to take
14 it from the basement because that was the area where
15 damaged finishes had been removed, and there were
16 some leftover that were not accessible and we took
17 samples from the areas that had not been removed to
18 see if there was still mold in the building.

19 Q. And who took the samples?

20 A. I took some and Ned Lyon took others.

21 Q. Were you trained to take samples?

22 A. There's no training required to take samples.

23 Q. So you knew how to take samples. What's the

1 procedure for doing that?

2 A. You take a piece of material, you put it in
3 the bag, you seal it, and send it to the laboratory.

4 Q. Did you take all the samples or did somebody
5 else take samples?

6 MS. GOLDSTEIN: Objection.

7 A. I took some of them and Ned Lyon took others.

8 Q. Did you work under Ned Lyon's supervision to
9 take those sample as he was an engineer?

10 A. Like I said, taking samples doesn't require
11 any specific training or qualification. I wouldn't
12 say I worked under Ned's supervision. We worked
13 together to take the samples.

14 Q. And these six samples are basically a
15 description of where you took them from. That's
16 listed here on page 11?

17 A. That's correct.

18 Q. You sent the samples to PathCon Laboratories.

19 A. That's correct.

20 Q. Had you ever had any experience with PathCon
21 Laboratories before?

22 A. I had not. Ned Lyon had.

23 Q. Had you ever taken samples yourself before?

1 A. I don't recall.

2 Q. Is that something that you do in your normal
3 investigations when you're out at a site?

4 MS. GOLDSTEIN: Objection.

5 A. It's not a normal part of our investigation
6 process.

7 Q. So how many times have you taken samples at
8 sites in addition to this particular location? More
9 than five times? Less than five times?

10 A. Are you asking myself personally?

11 Q. Yes.

12 A. I may have done it one or two times perhaps.

13 Q. Since this or prior to this?

14 A. Maybe since then. I don't recall but it's
15 not normal. It's not a normal part of our
16 investigation procedure.

17 Occasionally a client will ask us to
18 confirm if that discoloration is mold prior to
19 getting in and prior to hiring a industrial
20 hygienist, and we take that first step for them and
21 have the samples analyzed.

22 Q. And your company, does it have anybody who's
23 a certified industrial hygienist working for them?

1 A. No. We have no certified industrial
2 hygienist, to microbiologist, no indoor air quality
3 consultants, no mold abatement personnel or anything
4 of that sort.

5 We're not qualified to make any
6 assessment with respect to the potential health
7 effects of mold, bacteria, or any other indoor
8 contaminants.

9 Q. So when you run across these things what do
10 you tell your clients?

11 A. Get an industrial hygienist and an air
12 quality consultant to evaluate the air quality and
13 determine if there's a safety hazard.

14 Q. And why do you tell them that?

15 A. Because we are aware of the potential health
16 risk associated with mold, mildew, and bacteria. And
17 although we're not qualified to make the assessment,
18 we recognize that it can be a problem in susceptible
19 individuals and we recommend to our client that they
20 hire the appropriate professionals to make that
21 assessment.

22 Q. Did you make that recommendation to the city
23 of Somerville and any of its personnel?

1 A. Yes.

2 Q. Who did you tell specifically?

3 A. It's written three times in the report.

4 Q. Did you talk to anyone about it as well?

5 A. I don't recall if we specifically mentioned
6 it to them before or after the report, but it is in
7 the report. We may have but I can't recall specific
8 conversations where we said that.

9 Q. During your time of taking the samples did
10 you wear any protective clothing?

11 A. I don't recall wearing protective clothing.

12 Q. You didn't wear any gloves?

13 A. I may have worn some gloves to take the mold
14 samples but I don't recall.

15 Q. You didn't wear any respirator mask on your
16 face?

17 A. I don't recall wearing a respirator mask.

18 Q. And you weren't concerned about any
19 contaminant getting on your clothes.

20 A. At the time I was not, no.

21 Q. On page 12 you talk about site drainage and
22 we've already discussed some of these issues, that
23 you got your information from Mr. Donahue and some

1 report that was issued by Camp Dresser McKee.

2 And there's some -- It says here, We have
3 investigated -- On page 13. First paragraph. We
4 have investigated ruptures in sewer lines caused by
5 increased internal water pressures resulting from
6 bolted-down manhole covers. That should be from or
7 from?

8 A. From.

9 Q. The increased structural loads imposed on the
10 existing storm drains should be evaluated as they may
11 cause damage to the storm system and result in unsafe
12 conditions. What unsafe conditions are you talking
13 about?

14 MR. BUCKLEY: Objection.

15 A. If you have water -- sewer systems rupturing
16 and discharging large amounts of water into the soil,
17 then it is possible that the wetting and the drainage
18 of water under the soils could affect the undermining
19 of any structures that are nearby. If you wash out
20 the underside of a road, the road could sink.

21 Q. So you were just concerned about erosion
22 here?

23 A. I think we were just concerned about the

1 sewer system rupturing at the base line. And if you
2 bolt down the covers you don't allow the water to
3 discharge and it can rupture the water line.

4 Q. So you weren't worried about anything that
5 might be in the sewage water itself?

6 A. We were looking at this from a structural
7 perspective. Again, we do not -- as a part of our
8 practice we're not qualified to make assessments as
9 to the type of effluent or the effect of the effluent
10 on health and safety.

11 Q. Again, on the second paragraph it says, The
12 groundwater level shown on the drawings is
13 approximately 20 inches below the top of the ground
14 floor slab. What's the significance of that?

15 A. At this point we're trying to ascertain
16 whether the site drainage conditions may be
17 contributing to the wall water leakage.

18 And the drawings show that the water
19 table, the natural resting level of the groundwater,
20 is well below the floor slab at the basement, which
21 under normal conditions would mean that it's unlikely
22 that the basement is flooding because of the
23 groundwater coming up. It's something else happening

1 from the sewer or the storm system.

2 Q. It says here, During heavy rainstorms it is
3 possible that the groundwater level at the Public
4 Safety Building rises to or above the level of the
5 floor slabs and foundation wall, exerting hydrostatic
6 pressures on the wall and forcing water through
7 joints, cracks, and gaps in the concrete.

8 The water penetration we observed on the
9 north foundation wall -- that's where the -- firing
10 range and garage in parentheses -- may be driven by
11 rising groundwater levels. What does that mean?

12 A. Following up on what I mentioned earlier,
13 under normal circumstances, under normal soils, if
14 you're 20 inches below the level of the floor slab,
15 it would take an enormous surcharge for this water to
16 come up and flood the building.

17 In this particular site the soils are
18 clay. So what we observed was that it is possible --
19 and clay doesn't drain water. It's not very
20 permeable.

21 So we were concerned that because it's a
22 clay soil, even though the natural groundwater table
23 is well below the slab, that water draining down the

1 site might be accumulating on top of the clay layer
2 and pushing up against the foundation wall and
3 causing the water to come in.

4 So, in other words, although the
5 groundwater table is well below the slab, because of
6 the type of soil we have, you may be getting water
7 penetration through your foundation walls because of
8 hydrostatic pressures created up against those walls.

9 Q. Were you aware that there were underground
10 storage tanks on site here when you did your
11 investigation?

12 MR. BUCKLEY: Objection.

13 A. I don't recall coming across that element in
14 our investigation.

15 Q. Did you get any information from any of the
16 public officials or Mr. Donahue or Mr. Zirpolo
17 regarding underground storage tanks on premises?

18 A. It wasn't part of our scope of work and I
19 don't believe we were asked for them or --

20 Q. So you weren't aware that they were there.

21 A. No.

22 MR. BUCKLEY: Objection.

23 A. We were never looking for them if that's the

1 question.

2 Q. Well, given the soil conditions, would the
3 substances that were in, say, a leaking underground
4 storage tank go into the building given what you just
5 described?

6 MS. STEPHENS: Objection.

7 MR. BUCKLEY: Objection.

8 MS. GOLDSTEIN: Objection. If you know.

9 A. It's too vague a question.

10 Q. Well, I don't think it's vague. If you've
11 got underground storage -- leaking underground
12 storage tanks and you're talking about hydrostatic
13 pressures and you're talking about water pressure,
14 groundwater pressures, because of flooding and so
15 forth, would that force material from those
16 underground storage tanks into the building?

17 MS. GOLDSTEIN: Objection.

18 MR. BUCKLEY: Objection.

19 A. It depends on too many variables to answer
20 that question accurately. It would depend on the
21 size of the storage tank, the location of the storage
22 tank, the distance of the storage tank from the wall,
23 the amount of liquid in the storage tank, the soil

1 beneath the storage tank.

2 It's just -- There are too many different
3 things. It would have to be one large storage tank
4 to contribute to hydrostatic pressures against an
5 80-foot wall.

6 Q. Well, as I described to you, they're
7 underground storage tanks that are leaking material
8 that was in them.

9 MR. BUCKLEY: Objection.

10 MS. GOLDSTEIN: Objection.

11 MS. STEPHENS: Objection.

12 MR. BUCKLEY: It's not his testimony.

13 MR. D'ANGELO: Save it for your follow-up
14 questions. You can object.

15 A. I have no knowledge of the tanks.

16 Q. So you don't have any knowledge of that but
17 you have knowledge of the hydrostatic pressures
18 causing problems on the walls and forcing the water
19 through joints and cracks and gaps in the concrete.

20 A. We mentioned that as a potential contributor
21 to the leakage we observed through the foundation
22 wall.

23 And the reason we mentioned that is

1 because it was part and parcel of our scope of work
2 which was to assess the possible causes of leakage
3 through the foundation walls and the masonry walls.

4 Q. Would Mr. Lyons be more qualified to be able
5 to answer that question?

6 A. It's not a matter of qualification. It's a
7 matter of what we were asked to do and what we looked
8 at.

9 Q. No, no. I mean, he's an engineer so he would
10 understand these issues better than you would because
11 you're not an engineer.

12 MS. GOLDSTEIN: Objection.

13 MS. STEPHENS: Objection.

14 A. I don't know that Mr. Lyon would be more
15 qualified to answer these questions.

16 Q. At the very bottom of the page it says, The
17 patching repairs performed on the cracks and spalls
18 in 1983 have failed. How did you know that patching
19 repairs were done on cracks and spalls in 1983?

20 A. Because as we stated in the first part of our
21 report, we reviewed a set of renovation drawings
22 performed by an architect of a series of renovations
23 done in 1983. And those walls were patched in 1983

1 as part of the scope of work.

2 Q. And it goes on to say, Water is penetrating
3 the walls. So in essence are you saying that the
4 repairs are failing at this point?

5 MS. GOLDSTEIN: Objection.

6 A. No. What I'm saying is water is penetrating
7 the wall. That's not to say that the repairs
8 themselves might be failing. Depends what the source
9 of it is.

10 If the source is continuing movement of
11 the wall, then the patching repair could never have
12 handled that to begin with.

13 Q. On page 14 it talks about corrosion of steel
14 anchors used to fasten the rail wall to the existing
15 retaining wall. Is that something that you observed
16 or is that something that Mr. Lyons observed?

17 MS. GOLDSTEIN: Where?

18 MR. D'ANGELO: Page 14, top of the page.

19 A. Yuh. That's something I observed. If
20 there's brown discoloration emanating from the
21 underside of a concrete element, the reinforced
22 concrete element, that is normally indication that
23 the reinforcing steel that's embedded within the

1 concrete has corroded.

2 Q. 5.3 of that same page, Concrete Foundation
3 Walls and Spandrel Beams. The cracks in the concrete
4 foundation walls do not appear to be a cause of
5 ground floor flooding but are allowing water leakage
6 that is damaging the building materials and is
7 conducive to fungal growth. Is that something that
8 you observed?

9 A. Yes.

10 Q. What does that mean?

11 MS. GOLDSTEIN: Objection.

12 A. Can you be a little more specific?

13 Q. What does that mean that water leaking in is
14 conducive to fungal growth? It's damaging building
15 materials and is conducive to fungal growth. What
16 does that mean?

17 A. It means that if materials that are
18 susceptible to mold growth are allowed to get wet and
19 remain wet, they will grow mold.

20 And if you've got a leak in your building
21 and you're allowing these materials to get wet, then
22 there's a possibility that you will grow mold.

23 Q. This next paragraph says, High moisture

1 content fluctuations are likely occurring in the
2 soils on this site possibly causing volumetric
3 changes in the soil beneath the footings. What does
4 that mean?

5 A. The context here is that we're trying to
6 determine what the possible causes of some of the
7 cracks might be.

8 Clay soils swell if they're allowed to
9 get wet. Unlike other soils, they're not
10 dimensionally stable. As they get more wet they
11 swell and as they dry, they compress.

12 And so knowing the type of soil that's
13 underneath the building and seeing a couple of the
14 cracks that appear to be due to soil movement, we are
15 here postulating that one of the possible causes
16 might be this volumetric soil movement underneath the
17 building.

18 Q. So it's expanding?

19 A. Expanding and contracting.

20 Q. And cracking?

21 A. If it expand and it lifts one part of the
22 building and not the other, then there will be a
23 crack along that plane.

1 Q. Is that basically what you're saying in the
2 second bullet point below that? Inadequate
3 subsurface water drainage causing water to accumulate
4 against the wall on the north side of the building
5 and exert excessive hydrostatic pressures on the
6 wall?

7 A. This is -- One comment is intended to address
8 the possible cause of the cracking. This comment is
9 intended to address one of the possible causes of
10 water leakage.

11 Q. And you say at the very bottom that further
12 investigation and sample wall openings are required
13 to determine the extent of water leakage through the
14 foundation walls below grade. You didn't do any of
15 that.

16 A. No.

17 Q. Because that wasn't part of your contract.

18 A. That's correct.

19 Q. On page 15, The cracks and spalls in the
20 window lintels on the east elevation are probably a
21 significant source of water leakage to the interior.
22 Is this the same description that we talked about
23 before with those windows?

1 A. Wherein there's a correlation between the
2 damaged interior finishes and the cracks on the
3 exterior.

4 Q. Yes.

5 A. Yes, that's correct.

6 Q. And that water leakage through these cracks
7 may cause fungal growth within the wall system.

8 A. Correct.

9 Q. And the fourth paragraph down says, Most of
10 the cracks and spalls in the concrete foundation are
11 similar to those recorded in the 1983 crack survey.

12 So there aren't any new cracks that you
13 observed. These are basically the same cracks that
14 were there before?

15 MS. GOLDSTEIN: Objection.

16 A. Yes.

17 Q. How do you know that?

18 MS. GOLDSTEIN: Objection.

19 A. Based on the survey we performed, we
20 documented the cracks. When you compare those to the
21 cracks that were documented in 1983, there's a very,
22 very close correlation.

23 I can't tell you specifically if we noted

1 one, two, three, or four more cracks, but there's a
2 high coincidence of location of cracks between our
3 survey and the one that was done in 1983.

4 Q. Well, there was repair mortar that was put on
5 those cracks?

6 A. Yes.

7 Q. Did that help you make your determination
8 that those were the same cracks that were there in
9 1983?

10 A. Essentially, yes. We had drawings of a
11 survey done in 1983 and then we have our survey, and
12 when we put one on top of the other we realize it's
13 the same cracks.

14 Q. On the next paragraph before we get to brick
15 masonry, the last sentence says, Falling pieces of
16 concrete pose a safety hazard. Where were they
17 falling from?

18 A. That was a generic comment. What we observed
19 was that at the window lintels on Merriam Street
20 between the time we visited the building on August
21 7th and by the time we completed our investigation on
22 January 19th of 99, we could take a piece of that
23 lintel and pull it off with our hands.

1 Now, these aren't high lintels. These
2 are low lintels, but the possibility exists that
3 these pieces of concrete might fall on their own and
4 we stated that. Clearly it's a safety hazard.

5 Q. This was outside.

6 A. Correct.

7 Q. Going on to page 17. This was part of the
8 brick masonry section, 5.4, goes all the way over. I
9 draw your attention to the first paragraph.

10 Any crack or discontinuity in the
11 supporting concrete will allow water to penetrate the
12 wall directly to the interior.

13 MS. STEPHENS: Where are you?

14 MR. D'ANGELO: Page 17 and we're talking
15 about the brick.

16 Q. And what context does that talk about? Any
17 crack or discontinuity in supporting concrete.

18 MS. GOLDSTEIN: Objection.

19 A. It's in the context of identifying cracks and
20 in determining what the possible causes of leakage
21 are. In this particular instance we've got twelve or
22 so inches of very porous brick that is supported on
23 concrete.

1 And what the statement says is that if a
2 brick gets soaked and the water percolates or drains
3 down, because the concrete is cracked it will find
4 its way into the building through the crack.

5 Q. Next paragraph talks about, Extensive moss
6 growth indicates that the masonry is absorbing and
7 retaining water for prolonged periods. The increased
8 moisture in the brick will drain downward on to the
9 window lintel or concrete wall. This is just what
10 you described to us a couple minutes ago?

11 A. That's correct.

12 Q. And the prolonged wetting of the wall may
13 have caused the masonry to deteriorate beyond repair.
14 Has that been your experience in dealing with these
15 kinds of damages like that?

16 MR. BUCKLEY: Objection.

17 MS. GOLDSTEIN: Objection.

18 A. Solid masonry walls that are allowed to
19 remain wet for prolonged periods will suffer
20 freeze/thaw damage at an accelerated rate.

21 So when we see a wall that's holding
22 water, we postulate that the wall's deterioration is
23 potentially being accelerated because of the water

1 within.

2 Q. So what happens is you get -- in the
3 wintertime, the way I understand this, it freezes and
4 expands, is that correct?

5 A. That's correct.

6 Q. And that disrupts the way it's attached to
7 the building?

8 A. No. In a masonry wall you've got mortar and
9 you've got brick. And a well-fired brick will last
10 many, many years.

11 The mortar begins to deteriorate normally
12 quicker than the brick. When the mortar deteriorates
13 more water gets in.

14 Now, more water that is allowed to
15 penetrate the wall and freeze and thaw and freeze and
16 thaw will eventually put stress on the brick and
17 cause it to deteriorate at a much quicker rate. Same
18 thing with the mortar.

19 So what this is alluding to is that if
20 the brick is absorbing large quantities of water,
21 which is what the moss is indicating, then the mortar
22 and the masonry as a whole is also deteriorating
23 because of the high water content.

1 But it's not necessarily a structural
2 issue. It's an observation of the deterioration of
3 that solid masonry wall.

4 Q. What's on the other side of that brick wall,
5 do you know?

6 A. Plaster. Normally it's plaster and lath. If
7 the building's been renovated it would be gypsum
8 wallboard.

9 Q. And this building was renovated in the early
10 80's, so would it be gypsum --

11 MS. GOLDSTEIN: Objection.

12 Q. -- or would it be sheetrock?

13 MR. BUCKLEY: Objection.

14 MS. GOLDSTEIN: Objection. If you know
15 what's in the building and you can --

16 Q. Well, the primary building material that's
17 used is gypsum nowadays, not plaster and lath,
18 correct?

19 A. Correct.

20 Q. So if you go back to the 1980's, behind there
21 is basically gypsum board, sheetrock.

22 A. Based on our observations the building has
23 both. Some areas have lath and plaster and other

1 areas have gypsum.

2 But the problem that I'm alluding to here
3 in that particular comment has nothing to do with the
4 inside of the building. It's an observation that the
5 masonry is deteriorating as a consequence of mortar
6 deterioration and what not.

7 Q. Would that water that's on the outside of
8 that wall be penetrating into the building at all?

9 MS. GOLDSTEIN: Objection.

10 A. Under prolonged rain conditions it would find
11 its way into the building.

12 Q. Do you know if that particular location had
13 gypsum or sheetrock?

14 A. No.

15 Q. You don't know.

16 A. I don't recall.

17 Q. Can you determine at some point when the
18 masonry deteriorates beyond repair? Can you make
19 that determination based on simple observation?

20 A. Not by simple observation.

21 Q. So you'd have to do further investigations
22 into determining if that happened or not?

23 A. That's correct.

1 Q. And you didn't do that.

2 A. That's correct.

3 Q. Then the next bullet point down here talks
4 about cracks in the building corners. It says,
5 Structural movement of the masonry wall or the
6 embedded steel frame. Movement of one material will
7 tend to be restrained by the other.

8 The double vertical cracks at the corners
9 may be caused by the tendency for fully embedded
10 steel column to tilts, creating cracks at the flange
11 locations.

12 And then you go on to say, We have
13 investigated other buildings with this pattern of
14 cracking caused by corrosion of the embedded steel
15 column. What does that mean? What is that leading
16 to?

17 MS. GOLDSTEIN: Objection. What part of
18 that paragraph are you talking about?

19 MR. D'ANGELO: I'm talking about his
20 investigation of the building with the pattern of
21 cracking. He's looked at other buildings so he has
22 experience in this area obviously.

23 MS. GOLDSTEIN: I just wanted to know --

1 You read a couple sentences -- which one you're
2 talking about.

3 MR. D'ANGELO: That one there which is
4 talking about -- That paragraph.

5 MR. BUCKLEY: Other buildings.

6 Q. Other buildings. Not this particular
7 building but you're talking about other buildings.

8 MR. BUCKLEY: On that basis, objection.

9 A. One of our missions here was to determine
10 possible causes of cracking of the masonry walls. We
11 observed the cracks on the masonry and in this
12 particular case there's a very clear pattern which is
13 two vertical cracks spaced approximately eight inches
14 from each other.

15 The question is why do we have these
16 cracks eight inches from each other. The way we see
17 it is it could be a combination of either of two
18 things.

19 One is that you've got a steel frame that
20 is essentially embedded in a monolithic masonry
21 mass. And the masonry moves to one degree and the
22 steel moves to another degree.

23 And the differential movement between the

1 two might be causing these double cracks, which
2 incidentally correspond with a column you would
3 expect at that corner.

4 If you look at a steel column, it's got
5 an H shape. And the distance between the two ends is
6 about eight inches, so it corresponds with the
7 column.

8 The other possibility is that, as I
9 mentioned, brick is very porous. It absorbs
10 rainwater. And the column is embedded in the
11 masonry, so if the masonry absorbs water and stays
12 wet, then the steel beam and -- the steel column, I'm
13 sorry -- might be corroding. And when steel corrodes
14 it expands, and when it expands it might cause
15 cracks.

16 So it's one, the other, or a combination
17 of both that are causing these vertical cracks spaced
18 eight inches apart.

19 Q. On page 18 it talks about the exterior
20 insulation and finish systems, the EIFS. We've
21 already discussed that at some length.

22 The last sentence says, The gypsum board
23 substrate will absorb the moisture and deteriorate

1 readily. We've already discussed that. It's also a
2 tremendous food source or a food source for mold?

3 A. The paper face on gypsum wallboard is a food
4 source for mold.

5 Q. And you didn't go -- Once again, I don't
6 think Mr. Buckley was here when we discussed this
7 earlier, but you didn't do any further investigation
8 into that because you weren't contracted to do that.

9 A. That's correct. It was not part of our scope
10 of work.

11 Q. The terraces -- Bottom of -- 5.6. Some of
12 the most severe interior water damage is located at
13 the window heads below the second-floor terraces.

14 Basically you're describing here what the
15 contributing factors would be to that water leakage
16 in your bullet points, is that correct?

17 A. That is correct.

18 Q. 5.7 talks about biological growth. States
19 here in the first paragraph, While SGH is aware of
20 potential health hazards from environment fungi and
21 bacteria and from poor interior air quality, we are
22 not qualified to address health-related issues.

23 A certified industrial hygienist should

1 be consulted about safety and specific health-related
2 and air quality issues. You put that in, correct?

3 A. Correct.

4 Q. Second paragraph, middle of the paragraph,
5 you state, Fungi and bacteria are considered
6 opportunistic threats to humans.

7 Is that what you're talking about in the
8 first paragraph up here or are you now saying
9 something different? You're saying that fungi and
10 bacteria are considered opportunistic threats to
11 humans?

12 MS. GOLDSTEIN: Objection.

13 MR. BUCKLEY: I'm not sure what the
14 question is. Is there a question?

15 MS. GOLDSTEIN: What's the question?

16 Q. You're aware of potential health hazards in
17 the first sentence.

18 MS. STEPHENS: Objection.

19 Q. And then the second sentence or the second
20 paragraph you're talking about fungi and bacteria are
21 considered opportunistic threats to humans.

22 Is that a more strongly-worded sentence
23 describing your concern about the fungi and bacteria

1 that you observed in this building?

2 MS. STEPHENS: Objection.

3 MR. BUCKLEY: Objection.

4 MS. GOLDSTEIN: Objection. If you know.

5 A. It's just a qualifier of what we mean by
6 potential health hazards.

7 Q. But you're going on to say, Some individuals
8 may be sensitive to spores or chemical compounds
9 released by active fungi or bacterial colonies.

10 Are you expressing your expert opinion
11 here to these folks or are you telling them that, you
12 know, one, they need to get a certified industrial
13 hygienist but, in the second over here, you're
14 concerned that there is being a release of these
15 things.

16 MS. GOLDSTEIN: Objection.

17 A. This is not an expert opinion. What this
18 constitutes is a brief background description that
19 qualifies the first statement.

20 In every section of Part 5 of the report
21 we begin by giving a little background of the subject
22 and then clarifying how it applies to this building.

23 This particular paragraph is simply

1 intended to give a little background, a generic
2 background, on fungi and bacteria, to be qualified
3 later by saying that there can be a potential health
4 risk and that you should hire a qualified industrial
5 hygienist and professionals to assess what the source
6 of this might be.

7 Q. But you go on to say on page 20 in the first
8 paragraph, The presence of fungi and bacteria on
9 samples of interior materials should not be
10 considered a condemnation of those areas.

11 Are you saying that there's no problem
12 here and you shouldn't be concerned about this stuff?

13 MS. GOLDSTEIN: Objection.

14 A. No. Once again, this is not a statement that
15 qualifies in particular anything about the Public
16 Safety Building.

17 It is background information that we
18 provide in describing what some of the potential
19 health hazards might be generically.

20 And the four paragraphs here are intended
21 to illustrate -- As it says here, we are not
22 qualified to identify harmful organisms. We note the
23 following information contained in the testing.

1 So it's basically four facts, generic
2 facts, about mold that we're including here for the
3 benefit of the owner to help understand a little bit
4 deeper what some of the health effects might be as we
5 understand it.

6 Then it says further work is needed to
7 study and qualify these issues. They're not intended
8 for -- They're generic comments.

9 Q. You go on to say in that second sentence
10 there, Because these are common environmental
11 contaminants, we should expect to find some active
12 material present in building interiors. Are you
13 again minimizing the findings in this report?

14 MS. GOLDSTEIN: Objection --

15 MR. BUCKLEY: Objection.

16 MS. GOLDSTEIN: -- to the extent you're

17 assuming or implying that he minimized any --

18 MR. D'ANGELO: You can object. You don't
19 need to tell us what you think, okay? I want to know
20 what he thinks.

21 MS. GOLDSTEIN: You're mischaracterizing
22 his testimony.

23 MR. D'ANGELO: I'm not mischaracterizing

1 it.

2 MS. GOLDSTEIN: He didn't testify that he
3 minimized anything.

4 MR. D'ANGELO: Well, I'm asking does that
5 sentence minimize the serious nature of what was
6 found in that building.

7 MS. GOLDSTEIN: Thank you.

8 A. As I mentioned previously, this is just a
9 general statement that applies to mold. It is
10 entered here as a qualifier that mold can be expected
11 in many buildings.

12 And the qualifying factor ultimately is
13 the indoor air quality and not the presence of mold
14 in and of itself.

15 It is not written with the exclusive
16 intent of talking about this particular building,
17 because if you look further down, then it says that
18 there is a concern.

19 It's just some -- four general paragraphs
20 talking about what the facts are about mold growth in
21 general.

22 Q. Well, you go on at the very bottom, it says,
23 The identification of Stachybotrys concerns us

1 because we found it in a wall leakage area and inside
2 the supply and return air systems.

3 And then you say, Stachybotrys is
4 commonly associated with sick building syndrome. So
5 when you wrote that and you wrote the first
6 paragraph, did you explain this or have these further
7 discussions with Mr. Zirpolo from DPW or the engineer
8 or anybody else from the city regarding these
9 findings?

10 A. They're on paper.

11 Q. They're on paper but you didn't -- Did you
12 ever receive a phone call from anybody, from them?

13 A. Oh, I don't recall receiving or having any
14 conversations with anybody after that.

15 Q. So you don't remember having any -- You just
16 basically sent this in the mail and that was the last
17 you heard of it? Send us a payment?

18 A. No. As I alluded to earlier, there was one
19 follow-up meeting wherein the city wanted to know,
20 Okay, what would we do now according to you to fix
21 the leakage in this building?

22 And we recapped the recommendations we
23 have here and how we would go about fixing the

1 building. But there was no discussion as to the mold
2 or the health and safety issues.

3 Those recommendations spoke for
4 themselves in the report. We were not asked to offer
5 any opinion. I don't recall any conversations
6 regarding this particular issue.

7 Q. So nobody raised it.

8 A. I don't recall anybody raising it.

9 Q. And you didn't have any further conversations
10 with them saying that you should definitely address
11 this issue because of -- You wrote in this last
12 paragraph that *Stachybotrys* is commonly associated
13 with sick building syndrome?

14 MS. GOLDSTEIN: Objection. Asked and
15 answered.

16 MR. BUCKLEY: Objection.

17 A. I don't recall specific conversations.

18 Q. 5.8, *Mechanical Systems*, the next paragraph,
19 talks about microbial contamination and that you
20 didn't actually test the indoor air quality. You
21 just did batch samples, tests?

22 A. No.

23 Q. What kind of testing did you do --

1 A. None.

2 Q. -- for fungal growth?

3 A. We did not test the --

4 Q. You took samples. You didn't test but you
5 took samples.

6 A. We did not take samples of that fine black
7 dust.

8 Q. I'm not talking about black dust. I'm
9 talking about -- In addition to the potential health
10 hazards associated with microbial contamination we
11 have other indoor air quality concerns that we did
12 not test.

13 What were they? I mean, did you test the
14 air for potential contaminants from mold or VOC's or
15 anything else?

16 MS. GOLDSTEIN: Objection.

17 A. It's not referring to anything that we did
18 test. We didn't -- The sentence that follows -- If I
19 understand your question correctly, the following
20 sentence clarifies it.

21 We have other indoor air quality concerns
22 that we did not test. The fine black dust found
23 throughout the facility suggests the mechanical

1 systems may be distributing poor quality ventilation
2 air. And that clarifies what we mean in the first
3 sentence.

4 Q. That is what we talked about before and this
5 is the paragraph I was alluding to that we'd get to
6 later, that the outside air intakes are poorly
7 located over the garage doors of the fire station.

8 When responding to a call the fire truck
9 engines operate at nearly full throttle as the trucks
10 accelerate and climb the grade on the driveway to the
11 street level. The diesel exhaust fumes then rise to
12 the air intakes for the building.

13 Did you ever observe that during the time
14 that you were there?

15 A. We did not observe that -- I did not observe
16 that while I was there.

17 Q. But you observed the intakes for the
18 building.

19 A. We observed the location of the intakes, yes.

20 Q. And why would one be concerned about diesel
21 exhaust fumes getting into the air intakes for the
22 building?

23 A. The air intakes are fresh air intakes. You

1 want that air to be as clean as pure as possible. If
2 the exhaust fumes from the fire engines are being
3 absorbed by the intake, you're not getting fresh,
4 healthy outdoor air.

5 Q. So what's the significance of diesel exhaust
6 fumes getting into it?

7 MS. GOLDSTEIN: Objection.

8 A. That it may be compromising or contributing
9 to the accumulation of fine dust that we observed on
10 the interior.

11 Q. Do you know anything about diesel exhaust
12 fumes itself?

13 MS. GOLDSTEIN: Objection.

14 A. It's not my job to know that. It's not what
15 we were hired -- It's not what we --

16 Q. And then what you have in Section 6 is your
17 summary and conclusions. This is what you're
18 basically is -- Of the summary and conclusions, you
19 made -- these are your specific bullet points -- what
20 would your company be able to do in terms of doing
21 any of the work described here?

22 Is that something that you would do
23 yourself or is that something that you would oversee

1 somebody else do?

2 A. If it has to do with the structural
3 investigation and repair, we are qualified to do
4 that. If it has to do with addressing the water
5 leakage in the building enclosure, be it the walls or
6 the roof or windows, we'd be very qualified to do
7 that.

8 We are not qualified to design mechanical
9 systems to assess indoor air quality or -- at that
10 time we were not qualified to do hydraulic analysis
11 of the site drainage capabilities.

12 Q. What I'm getting at as well is that these are
13 specific things that needed to be worked -- Is that
14 something that your company -- I'm trying to
15 understand. Besides doing investigation, forensic
16 engineering and so forth, does your company actually
17 do the work?

18 A. We designed the repairs. We don't -- We're
19 not a contractor. We don't go out there and perform
20 the work ourselves, correct.

21 Q. So you might oversee it but you wouldn't do
22 it yourself.

23 MS. GOLDSTEIN: Objection.

1 A. That is correct. If I may clarify that last
2 answer, we would oversee it to the extent that we
3 designed it and as engineers of record we are asked
4 to monitor the work for conformance with our design.
5 We wouldn't be overseeing it as a foreman would
6 oversee his contractors.

7 Q. I understand.

8 A. All right.

9 Q. But you would understand that there are
10 certain techniques for doing certain types of work
11 and you would design that into your -- your proposal
12 to do the work, to repair something.

13 MS. GOLDSTEIN: Objection.

14 A. We would design repairs that are feasible and
15 practical to the extent that you can.

16 Q. There were some additional photos that you
17 selected in this report. Is there a particular
18 reason that you selected these particular photos --

19 MS. STEPHENS: Objection to the question.

20 Q. -- 1 through 14?

21 A. We selected photos -- one photo perhaps that
22 was representative of a condition that we found to be
23 typical. We tried to avoid putting 80 photographs in

1 the report because of its length, so I selected these
2 because I thought they were representative of the
3 issues that we were discussing.

4 Q. Again, are these in color?

5 A. Yes.

6 Q. So we could get a copy of these in color?

7 MS. GOLDSTEIN: Are the photos attached
8 to this in color? We'll look into it and if there
9 are, then we'll provide you with them.

10 A. The photographs in the report may have been
11 pulled out of the big set and never put back, so the
12 safe thing would be to assume that the photos in the
13 report are not in the pile.

14 Q. Attached to this report is the PathCon
15 Laboratories report which -- As clarification from
16 the last deposition, Exhibit No. 23, take a look at
17 Exhibit 23 if you can make it out.

18 And if you look at that, those last few
19 pages there, is that basically the same report as
20 best as you can tell that's attached to Exhibit
21 No. 29?

22 A. Yes.

23 MR. D'ANGELO: I've got four pages here.

1 So there's one additional page that we have, that we
2 didn't have -- It's the second page of where the
3 sites were. So for the record, what I'd like to
4 suggest is that we substitute --

5 MS. STEPHENS: I would have to object to
6 any substitution because --

7 MR. D'ANGELO: I'm saying for
8 clarification purposes that Exhibit No. 23 is the
9 same report for readability purposes that's included
10 in Exhibit 29.

11 MS. STEPHENS: That's okay but I also
12 want to make note that it was Exhibit 23 that was
13 shown to the deponent.

14 MR. D'ANGELO: Yes.

15 MS. STEPHENS: He didn't have the benefit
16 of either a better reading-quality document or the
17 last page.

18 MR. D'ANGELO: Right, but it really
19 didn't matter because they didn't know what it was
20 anyways, right?

21 MS. STEPHENS: I will agree that Exhibit
22 23 is incomplete.

23 MR. D'ANGELO: Yes. And it's blurry and

1 everything else so we've got a better piece and what
2 I may do is I may take that -- We'll make an extra
3 copy of this.

4 MR. WOLMAN: I have a separate -- The
5 PathCon Laboratories.

6 MR. D'ANGELO: Just so we have it for the
7 record, because we never had a clean copy, we're
8 going to identify this as Exhibit 31, four pages.
9 And you can refer to that as the completed Exhibit
10 23.

11 (Exhibit 31 was marked for
12 Identification.)

13 MR. D'ANGELO: What we're going to do
14 with this -- and I'm not going to make copies of it.
15 I'm just going to have the deponent make just a quick
16 reference as to what they are, because it was
17 provided to us through your office for discovery
18 purposes and we're going to label these Exhibits 32,
19 33, 34, 35, 36, 37 and 38.

20 MS. STEPHENS: And what are they
21 collectively?

22 MR. D'ANGELO: They are collectively the
23 Public Safety Building of Somerville, Massachusetts

1 and I'm going to ask the deponent if he can describe
2 what they are, each one, and that's it, if he knows.

3 (Exhibits 32-38 were marked for
4 Identification.)

5 Q. All I want to do, sir, is if you know what
6 these drawings are and can give us a very brief
7 description of what they are so that for future
8 reference if we need to use them we know what we're
9 talking about. That's it. So the first -- I'll let
10 you go from there?

11 A. The first drawing is Exhibit 32. It's
12 labeled P 1. It is a site plan of the Public Safety
13 Building that shows the configuration of the site
14 utilities. It shows how the building is connected to
15 the city sewer system, city storm system.

16 Exhibit 33 is drawing P 2. It shows the
17 building plumbing on the ground floor. Exhibit 34 is
18 drawing A 1. It is a ground floor plan showing the
19 renovations that were designed in 1983.

20 Exhibit 35 is drawing A 2 showing the
21 first floor plan of the renovations that were
22 designed in 1983.

23 Drawing A 7 shows the south and west

1 elevations of the building.

2 MR. BUCKLEY: Exhibit 36?

3 THE WITNESS: Yes. Exhibit 36. A 7.

4 And it shows the design for the renovations in 30
5 August 1983.

6 MR. BUCKLEY: Exterior?

7 THE WITNESS: Exterior elevations.

8 Exhibit 37 is drawing A 6. It shows the north and
9 east elevations of the Public Safety Building,
10 showing the design for the renovations of 1983.

11 And Exhibit 38 is drawing A 3 showing the
12 second floor plan of the 1983 renovations. These
13 drawings have some handwritten comments on them.
14 They're the comments and marks that we -- They're our
15 markups.

16 MS. STEPHENS: They're your markups?

17 THE WITNESS: Yes. Well --

18 Q. Just this one here or were there other ones
19 that you did markups on besides 38?

20 A. I believe it's the whole set.

21 Q. Let's start with this one since it's on the
22 floor here. Just tell us what your markups were.

23 A. These are various sketchy notes. I think

1 these were markups from when we walked around and we
2 did our survey and we circled areas where we -- The
3 marks that we have on these drawings were transcribed
4 into our observations in the report.

5 Q. So this is the roof terraces that you made
6 some circles on?

7 A. That is correct.

8 Q. What was this over here?

9 A. These are the windows that we refer to on the
10 third floor hall that have some damage.

11 MR. BUCKLEY: I'm not commenting on any
12 testimony but I don't think I have a copy of these
13 with the markups on them. I think I have the
14 originals prior to the markups. Anyway, we can sort
15 that out later.

16 MS. GOLDSTEIN: I have what I produced.

17 MR. D'ANGELO: If you produced it to us,
18 that is what we got and you got the same thing.
19 That's why I didn't want to print them up because I
20 thought everybody had a copy of the same thing.

21 Q. Anything else of note that you put on here?

22 A. These are locations of the survey we did. We
23 took information from here and transcribed it on to

1 our report.

2 Q. Let's go back to the next exhibit which was
3 Exhibit No. 37. You have some notes on here too?

4 A. Again, the survey of where we noticed cracks
5 compared to --

6 Q. Where would that be on this -- What's it
7 showing? Is this an exterior view?

8 A. This is an exterior view. So in the
9 report --

10 Q. North and east elevations?

11 A. Correct.

12 Q. So which one is the north elevation? Oh,
13 it's labeled north and east elevations?

14 A. Correct.

15 Q. And you have circled some windows on the east
16 elevation and on the north elevation you have some
17 notes on bricks and cracks and so forth.

18 A. That particular comment is the double crack
19 at the masonry corner.

20 Q. The ones that were eight inches apart that we
21 talked about?

22 A. Yes.

23 Q. This is Exhibit No. 36 and you have the west

1 and south elevations. And you have --

2 A. This is where we identify the cracks that we
3 reported on the spandrel beams.

4 Q. This is on the south elevation. You call
5 that a spandrel beam?

6 A. That's the spandrel beam that you asked about
7 earlier.

8 Q. That's the second floor and that's the first
9 floor.

10 A. That's correct.

11 Q. So it's between the first and second floor.

12 A. Correct.

13 Q. Is there a spandrel beam down here anywhere
14 shown?

15 A. No.

16 Q. What is this note for?

17 A. These are simply notes saying cracking and
18 spalling, severe cracking and spalling. Just markups
19 of where the cracks and spalls were.

20 Q. Is that a dimension, quarter inch?

21 A. Yuh, I think so. That's a dimension.
22 Quarter inch.

23 Q. So you measured some cracks.

1 A. In the process of doing the survey I suppose
2 if it looked unusual, Eric may have put down a
3 dimension for it.

4 Q. Is there some basic rule of thumb or some set
5 of guidelines that people use to observe cracks in
6 foundations or --

7 A. No. It depends entirely on what the mandate
8 is and what you're there for. If you're doing a
9 survey, survey like this in a preliminary
10 investigation, you just figure out where they are,
11 how widespread they are, what might be causing them.

12 The significance would be if it's a much
13 larger crack, then the cause might be different than
14 if it were a very thin crack which might be due to
15 some other elements.

16 Q. This is number 35. Is this looking down?

17 A. Yes. This is a floor plan.

18 Q. First floor plan?

19 A. That is correct.

20 Q. And where's the entranceway? Can you see it?

21 A. This is the ground floor entrance.

22 Q. This is the entrance from Washington Street.

23 A. There aren't very many notes other than to

1 identify --

2 Q. That's the Merriam Street area?

3 A. Correct. And these labels indicate -- In the
4 report I referred to the heavy water damage
5 underneath the three terraces. That's --

6 Q. Those are the three terraces.

7 A. Yes.

8 Q. Where's the EIFS wall in this?

9 A. You'll see it on the next plan. Do we have a
10 second floor plan?

11 Q. This is the ground floor. We'll just go to
12 Exhibit No. 34. Any notes here?

13 MR. WOLMAN: The second floor plan was
14 underneath.

15 MS. GOLDSTEIN: 38.

16 THE WITNESS: There we go.

17 Q. So the EIFS walls were underneath the roof
18 terraces or above the roof terraces?

19 A. Above the roof terraces.

20 Q. We're on Exhibit No. 34, the ground floor.
21 And you have some notes here. This is where you took
22 your samples that were taken for the mold?

23 A. Bulk sample 3. There's an arrow showing

1 where we did that. Bulk sample 3.

2 Q. On the map it would be BS 2, BS 3, BS 1,
3 BS 4, BS 5 and BS 6?

4 A. That's correct. Actually, BS 1 through
5 BS 4 and then there's SS 1 and SS 2 for swab
6 samples.

7 Q. Okay. What I'd like to do is get a
8 highlighter so I can identify where they are on the
9 map. Give me a second here. Time out. I just want
10 to highlight where those samples were taken if we
11 could. SS 1, BS 3, BS 2 -- (Indicating.)

12 MR. WOLMAN: We're still missing two bulk
13 samples, 1 and 4.

14 THE WITNESS: (Indicating.)

15 MR. WOLMAN: Thank you.

16 Q. Next is Exhibit No. 33 and this is the ground
17 floor plan.

18 A. Plumbing. No markups on this. We didn't
19 survey the pipes.

20 Q. Would the plumbing also include the HVAC
21 system or just like -- When you say plumbing, water
22 pipes and stuff like that, sewer pipes?

23 A. I think this -- Yes. What it shows is the

1 drains, the floor drains, and where those lead to.
2 Exhibit 32 similarly is a site plan. Not something
3 we surveyed. I think we used these for reference
4 purposes.

5 Q. You didn't mark up anything on it.

6 A. I don't see anything.

7 Q. You didn't mark up anything on 32 or 33.

8 A. I'd have to look closely but I don't recall
9 marking them up.

10 Q. Is that a markup here or is that somebody
11 else's mark?

12 A. I don't know. That might be our markup. It
13 might be something just --

14 MR. WOLMAN: What does that say?

15 THE WITNESS: Drain into sewer system as
16 per TD from the DPW. I think this is my markup. It
17 might be referring to my conversation with Mr. Thom
18 Donahue and this is what he was referring to.

19 Q. Okay.

20 MS. STEPHENS: You might want to leave it
21 open for a minute or you can put it aside --

22 MR. D'ANGELO: We'll make this Exhibit
23 No. 39.

1 (Exhibit 39 was marked for
2 Identification.)

3 Q. Exhibit No. 39 is dated January 7, 1998.
4 It's from Thom Donahue to somebody at FEMA. Fred
5 Vanderschmidt. Is this something that you've had a
6 chance to ever look at before?

7 A. This is one of the background documents that
8 we reviewed when we wrote up the section on site
9 drainage. This is part of the information provided
10 to us by Mr. Donahue.

11 Q. And this basically is regarding the sewer
12 system?

13 A. Correct. Earlier on you asked me where I got
14 the five points of repair. This is it.

15 Q. Okay.

16 MR. D'ANGELO: Let's mark this one as 40
17 and this one as 41.

18 (Exhibits 40&41 were marked for
19 Identification.)

20 (Whereupon at 1:40 p.m. the deposition recessed and
21 reconvened at 1:54 p.m.)

22 (Exhibits 42-44 were marked for
23 Identification.)

1 Q. I have a quick question to clarify something
2 which sounds dumb but I just want to make sure. You
3 were speaking of Ned Lyons. Is that the same person
4 that you mentioned here as Edward Lyon?

5 A. That's correct.

6 Q. Staff engineer, Simpson, Gumpertz & Heger.
7 They're one and the same.

8 A. Yes.

9 Q. Okay. So the three people -- well, actually
10 four people that were out there at the time that this
11 took place; Peter Nelson, you, Vincent Cammalleri --

12 A. Close enough.

13 Q. I'm Italian and I can't pronounce Italian
14 names. Edward Lyon, Eric Stoothoff, a co-op student.
15 And that's it. That's all that was out there that

16 did anything of any --

17 A. That's correct.

18 Q. The rest of the people were internal people
19 that did typing --

20 A. Administrative stuff, correct.

21 Q. Exhibit No. 40 was in the packet you gave to
22 us and I'm not sure what it was. That's it. If you
23 could just describe what this is and why you did it.

1 A. These are photocopies of select details from
2 the set of renovation drawings, 1983 drawings.

3 Q. These are the 1983 drawings.

4 A. These are selected details from the drawings.

5 Q. These aren't things that you drew up.

6 A. No.

7 Q. This is something --

8 A. Background documents that we reviewed.

9 Q. Very good. This would be part of the same
10 exhibit package that we went through before.

11 A. Right.

12 Q. And the person that did that was another
13 engineering company and they were Donham & Sweeney
14 Architects. And they're the same ones who did
15 Exhibit No. 40.

16 A. To the best of my recollection, yes.

17 Q. Okay. Exhibit No. 41, which is five pages,
18 let me ask you, who prepared this?

19 A. I did.

20 Q. And who asked you to prepare this?

21 A. This was -- Part of our contract was to
22 provide an idea of what repair costs might be to stop
23 the leakage, and this is the spreadsheet that I had

1 put together at the time that I was writing the
2 report to arrive at a number that we could include in
3 the report.

4 Q. And at that time the budget was close to
5 \$765,000 in total?

6 A. I believe when I prepared this I came up with
7 764, and after some conversations perhaps with senior
8 principals we decided that a more accurate assessment
9 would have been about 900,000 which is what we have
10 in the report.

11 MS. GOLDSTEIN: 900,000? That's what you
12 just said?

13 THE WITNESS: Correct.

14 Q. And the attached sheets are scribbles of
15 numbers that mean nothing to me.

16 A. Of the quantity take-offs that I used to
17 determine the unit prices for inspection.

18 Q. Exhibit No. 42 is PathCon Laboratories. It
19 looks like a sampling identification record. Do you
20 know who filled this out?

21 A. This is the form that I filled out when we
22 sent the samples to PathCon Laboratories. This sheet
23 accompanied the samples in the package that was sent

1 to PathCon.

2 Q. Okay. And Exhibit No. 43, this was included
3 in the packet that was given to us --

4 MS. GOLDSTEIN: That wasn't from us.

5 MR. D'ANGELO: How did we end up with
6 this in here?

7 Q. Well, the interesting part about it was --
8 Have you read this?

9 A. No.

10 Q. Why don't you take a minute and just read
11 this. Have you had a chance to read that. They sort
12 of get into your report in the last paragraph on the
13 first page.

14 A. Yes.

15 Q. Some minor contamination exists in the back
16 side of wallboard that was located opposite the
17 wallboard that was removed, blah, blah, blah, and it
18 just goes on.

19 But what's interesting is that their
20 assessment here is based on your assessment that it's
21 a minor microbial growth.

22 MS. GOLDSTEIN: Objection.

23 MS. STEPHENS: Objection.

1 MR. BUCKLEY: Objection.

2 A. We did not make any assessment.

3 Q. No, you didn't but that's sort of their take
4 on the report from what I gather from this.

5 A. Is there a question I should be answering?

6 MS. GOLDSTEIN: No.

7 Q. Did you recommend Cashins & Associates to
8 anybody over at city hall to do this investigation?

9 A. I did not.

10 Q. Has your company ever worked with this group
11 before, Cashins Associates?

12 A. I have not.

13 Q. Are you familiar with Cashins & Associates?

14 A. I've heard the name.

15 Q. How did you come by hearing the name besides
16 being here today?

17 A. I don't know. The name sounds familiar. I
18 may have come across it.

19 Q. Have you ever used the services of Cashins &
20 Associates in the past?

21 A. I personally have not.

22 Q. Has your company ever used it?

23 MS. GOLDSTEIN: Objection.

1 A. They may have. I don't know.

2 Q. Well, who would know?

3 A. I suppose if you ask every single person if
4 they've worked for them, they could answer.

5 Q. How long after the report that you submitted
6 did this report -- this letter get generated?

7 MS. GOLDSTEIN: Objection.

8 MR. D'ANGELO: I don't know when the
9 exact time is that his report came out. Is there a
10 date on it?

11 MS. GOLDSTEIN: April 9.

12 Q. April 9 -- Was it your report that went out
13 exactly on April 9th or was it --

14 A. I recall seeing a transmittal page dated the
15 same date and that's when we submitted it.

16 Q. So that's when it went?

17 A. That's right.

18 Q. This is the first time you've ever seen this
19 report?

20 A. Yes, it is.

21 Q. I have a few questions regarding the
22 affidavit that you put together for your attorney.

23 On paragraph 7 it says, SGH also recommended a

1 comprehensive mold growth analysis which included
2 analysis of samples of biological growth, advising
3 the DPW on potential health risk associated with
4 prolonged exposures to mold, providing
5 recommendations for the eradication and cleaning of
6 contaminated materials.

7 And SGH intended to have the
8 comprehensive mold growth analysis work performed by
9 a sub consultant. So Cashins wasn't the sub
10 consultant that you're referring to in here?

11 A. We didn't have anybody specific in mind.

12 Q. Is there somebody that you've used in the
13 past that you would have recommended them to use?

14 A. If you asked me today, I've worked with EH,
15 Environmental Health Engineering. I've also worked
16 with David Gordon Associates. I don't recall who we
17 were working with back then.

18 Q. You said here, Providing recommendations for
19 the eradication and cleaning of contaminated
20 materials. I didn't see that in the report that you
21 submitted to the city. Where was that?

22 A. This is referring to the August 18th letter
23 we sent to the city wherein after we did our

1 preliminary walk-through we recommended a wide scope
2 of work. Remember the five items? Item 5 was to go
3 in and do a comprehensive mold analysis.

4 Q. This is Exhibit No. 26.

5 A. Correct.

6 Q. Could you point out to me where that is in
7 Exhibit 26, where you provided recommendations for
8 eradication and cleaning of contaminated materials?

9 A. In the chart -- In the table on the third
10 page, point 5, third bullet.

11 Q. That wasn't part of the scope of the work.

12 A. It didn't end up being.

13 Q. But I'm just saying it wasn't part of the
14 scope of the work, so why are you putting it in here
15 that you did this?

16 A. No, I didn't say --

17 MS. GOLDSTEIN: Objection. Off the
18 record for a second.

19 MR. D'ANGELO: Sure.

20 (Discussion off the record.)

21 Q. What I'm asking is, this is an affidavit
22 saying that you're recommending, but it wasn't
23 accepted in the recommendation.

1 It doesn't appear, when you say that in
2 here, that this was something that they were going to
3 do as part of the package or proposal.

4 MS. GOLDSTEIN: Are you asking me?

5 Q. I'm asking you.

6 A. No. They did not accept to do it as part of
7 the scope of work for reasons described in point 8.

8 Q. The question I have would be if you read
9 this, comprehensive analysis of mold growth, what
10 would a comprehensive analysis of mold growth
11 accomplish?

12 I mean, you knew you had it in the
13 building -- they knew they had it in the building.
14 What would paragraph 8 or 7 accomplish?

15 A. You have an industrial hygienist or a
16 microbiologist or an indoor air quality consultant
17 enter the premises, do a comprehensive survey of
18 locations of mold growth, take indoor air quality
19 samples of mold spores in the air, and assess the
20 levels of contamination and the potential health
21 effects that that might have on the occupants. That
22 was the intent.

23 Q. Then on paragraph 10, the first -- there was

1 nothing mentioned in any of your contract agreements
2 or anything that this was a professional courtesy.

3 A. It was a professional courtesy in the sense
4 that we started our investigation with the agreement
5 that we were going to do a survey of the cracking and
6 an assessment of the possible causes of water leakage
7 with recommended repairs.

8 While we were in the field, Mr. Zirpolo
9 commented that they have removed the gypsum wallboard
10 or something to that effect, but that there was a
11 need -- He requested that we take samples to confirm
12 that the discoloration in the basement was in fact
13 mold or not.

14 It took very little time to do it. We
15 took the samples as a courtesy to him without
16 requiring a change in the contract or anything of
17 that matter, and we had the samples sent out for
18 analysis.

19 Q. Earlier today we had discussion about your
20 qualifications in terms of doing any kind of mold
21 assessments and you basically said, I don't have any
22 qualifications to do that.

23 A. I didn't do any assessment.

1 MS. GOLDSTEIN: Objection.

2 Q. What did you say?

3 A. We retrieved samples and sent them out to a
4 laboratory.

5 Q. In your report you go at length into various
6 issues. It talks about mold and fungal growth and so
7 forth.

8 MS. GOLDSTEIN: Objection.

9 Q. That goes beyond the professional courtesy
10 described in this affidavit. It goes to that you
11 were actually doing the work.

12 MS. GOLDSTEIN: Objection.

13 MS. STEPHENS: Objection.

14 THE WITNESS: Do I answer?

15 MS. GOLDSTEIN: What is your question?

16 Q. My question is this. You told us earlier
17 that you have no experience in air quality issues and
18 you're not a mold expert, that you don't know
19 anything about mold, but you're writing in your
20 reports all about mold and contamination and issues
21 relative -- I can read the paragraphs back if you
22 want in the report. I mean, it's not just once.
23 It's several locations.

1 A. There are two --

2 MS. GOLDSTEIN: Wait. Let him ask the
3 question.

4 Q. Your expertise lies in the building envelope.

5 A. Correct.

6 Q. Reading drawings and understanding where
7 cracks are coming from and those kind of things. Yet
8 you dedicate some part of this to samples that were
9 taken and explanations as to what they were.

10 It goes -- On page 11 you talk about that
11 and then you talk about it again where you observed
12 microbial growth and so forth in various sections of
13 this report.

14 We talked about that with the EIFS walls.
15 We talked about, on page 19, biological growth, again
16 talking about -- It goes on to page 20.

17 Spent a significant amount of time
18 talking about the presence of fungi and bacteria in
19 samples of interior materials.

20 And then again in mechanical systems,
21 someone talks about the hazards associated with
22 microbial contamination.

23 Yes, you do say in your recommendations

1 that somebody should be brought in to do some
2 additional recommendations on air quality testing.

3 So throughout that report, this report,
4 you describe that. Yet in your affidavit you're
5 trying to minimize what you did in terms of there was
6 nothing about a professional courtesy, correct?

7 MS. STEPHENS: Objection.

8 MS. GOLDSTEIN: Objection. Do you
9 understand his question?

10 THE WITNESS: No.

11 MS. GOLDSTEIN: Can you make it a little
12 bit more succinct because I'm not following. Maybe I
13 just need to eat but --

14 Q. Look, your report contains several paragraphs
15 throughout the report, recommendations, including at
16 the end of the report, the PathCon report, talking
17 about mold and so forth.

18 In your affidavit you're minimizing what
19 you did. You're saying it was just a minimal thing,
20 we did it as a professional courtesy. But you spent
21 a significant amount of time dealing with that issue,
22 didn't you?

23 MS. GOLDSTEIN: Objection.

1 A. No. We spent a very minimal amount of time
2 dealing with that issue. We merely collected six
3 swab samples and sent them out for analysis.

4 And upon return we wrote up one paragraph
5 that describes what the general industry
6 understanding, including our own, is with respect to
7 fungi.

8 You can probably pull this paragraph off
9 a website if you wanted to or a paragraph similar to
10 this. And then we comment on saying these are the
11 issues currently. You need to hire a qualified
12 expert.

13 We say this three times in the report.
14 So -- And we've got a grand total of three paragraphs
15 in the report that talk generically about fungus.

16 At no point do we recommend what to do
17 specifically with the health issue other than to say,
18 We recommend you hire somebody who's qualified to
19 make the assessment.

20 Q. So it's your testimony in your affidavit that
21 basically says, We're not responsible for warning
22 anybody about any problems that were in that
23 building.

1 MS. GOLDSTEIN: Objection.

2 Q. With the mold.

3 MS. STEPHENS: Objection.

4 A. It's not what it says.

5 Q. Okay. What does it say?

6 A. It says that we are not qualified to assess
7 the health risks associated with mold and indoor
8 contaminants and that qualified individuals should
9 have been -- should be hired to make that assessment.
10 If there was a structural engineering
11 issue wherein the building might have been in danger
12 of collapse, that's within our field of expertise and
13 we would have warned about that.

14 Q. So why did you even do this? Why did you
15 take the samples? Why did you even include that
16 information in your report?

17 Why didn't you just say, We're not
18 qualified -- We took samples but we're not qualified
19 to make any comments whatsoever on any of this
20 material?

21 MS. GOLDSTEIN: Objection.

22 A. There are various degrees of contribution to
23 the mold issue. What we did here is something very

1 basic which is you take samples and you send them to
2 a laboratory so the laboratory can tell you whether
3 in fact it is mold or it's not mold.

4 There's a huge leap between getting a yes
5 or no answer with respect to mold and equating that
6 with the airborne contaminants in the building, the
7 mold spore counts, and the potential risks associated
8 with the occupants.

9 Anybody can take -- You can go to Home
10 Depot and for \$5 get yourself a mold assessment kit,
11 and that mold assessment kit will tell you whether
12 you've got mold.

13 But it's a huge leap from knowing that
14 you have mold to knowing that you've got a health
15 risk. Anybody can do the former. You have to be a
16 qualified professional to do the latter.

17 The reason we even got involved was
18 Mr. Zirpolo requested, since there was a concern that
19 there was still some discoloration -- Despite the
20 fact that the basement had been evacuated and that
21 all the gypsum had been removed, there was still
22 discoloration.

23 He asked, Can you just get that tested to

1 see if it's mold? And we made him the courtesy. We
2 did that.

3 Q. And you included it in your report, your
4 analysis.

5 MS. GOLDSTEIN: Objection.

6 A. It was not an analysis. It was a summary of
7 the laboratory results that we received back.

8 Q. Which is an analysis. I mean, you say in
9 your report --

10 MS. STEPHENS: May I make a -- It's like
11 3:20 -- I'm sorry. It's 2:20.

12 MR. D'ANGELO: I'll be done in a couple
13 minutes.

14 MS. STEPHENS: We all might need to eat
15 or take a break.

16 MR. D'ANGELO: I had suggested that a
17 while ago.

18 MR. BUCKLEY: It sounds like we're at the
19 end of the line here so let's bear with it.

20 MS. STEPHENS: I mean, if he's got more,
21 that's fine, but let's take a break and have
22 something to eat. How much questioning are you going
23 to have?

1 MR. BUCKLEY: Very little.

2 MS. STEPHENS: I have maybe five minutes.

3 MR. BUCKLEY: I don't even have that.

4 But, I mean, you're free to ask as many questions as
5 you want. I think that the point is that we're
6 getting close to beating a dead horse.

7 MS. GOLDSTEIN: Right.

8 Q. I'm just getting to the point that in here,
9 sir, you've included a substantial amount of
10 information regarding biological growth in that
11 building.

12 And in here you are making comments of an
13 expert in that area by saying, The presence of fungi
14 and bacteria on a sample of interior material should
15 not be considered a condemnation of those areas. Are
16 you qualified to make that kind of a comment?

17 MS. GOLDSTEIN: Objection.

18 MS. STEPHENS: Objection.

19 MS. GOLDSTEIN: If you know. I mean --

20 MR. D'ANGELO: No. Either he is
21 qualified or he isn't qualified to make that kind
22 of -- This is on page 20. The very first bullet
23 paragraph.

1 MS. GOLDSTEIN: If he's qualified to make
2 what --

3 MR. D'ANGELO: He's saying in his
4 affidavit -- you know, you put the affidavit
5 together -- that it was a minor -- you basically
6 minimize what he was doing.

7 You try to -- This was a professional
8 courtesy and it was minimal, what we did was minimal.
9 That's what it says in paragraph 10.

10 MS. GOLDSTEIN: We all know what the
11 affidavit says. I don't understand what you're
12 asking my client.

13 MR. D'ANGELO: So what I'm saying is in
14 here you're saying it's minimal. In here he's
15 expressing an expert opinion.

16 MS. GOLDSTEIN: The report says what the
17 report says. How many times are you going to ask him
18 about --

19 MR. D'ANGELO: Because it's in his
20 affidavit. I haven't got a chance to get back to his
21 affidavit. So the question is either he's not
22 qualified to put those things in here or he is.

23 MS. GOLDSTEIN: To put what is in the

1 report?

2 MR. D'ANGELO: Yes.

3 MS. STEPHENS: Which particular --

4 MR. D'ANGELO: We're talking about the
5 Exhibit 29, water leakage investigation, summary
6 report. We're on page 20.

7 MR. BUCKLEY: It seems pretty clear he's
8 saying -- and you can argue --

9 MR. D'ANGELO: I don't want to hear what
10 your interpretation is.

11 MR. BUCKLEY: It's not my interpretation.
12 He's saying he put it in there as a layman giving a
13 general understanding --

14 MR. D'ANGELO: That's your
15 interpretation. I'm not interested in that. I'm
16 interested in his interpretation.

17 MR. BUCKLEY: But I think we hit a brick
18 wall on this point. Let's move on. That's my point.

19 MR. D'ANGELO: Then you've made your
20 point. Your objection is noted. He can answer it or
21 not. I mean --

22 MS. STEPHENS: Could I just ask --

23 MR. D'ANGELO: With all due respect,

1 let's just -- you know, either he can or can't answer
2 that question. I look at that paragraph and I say --
3 a person reading it would say, Oh, no problem here.

4 MS. STEPHENS: Which paragraph? That's
5 the only thing I want to know.

6 MR. D'ANGELO: The first sentence in the
7 bullet, page 20.

8 MS. STEPHENS: The presence of fungi.

9 MR. D'ANGELO: Yes. He's exerting an
10 expert opinion here. In my opinion that's what this
11 is and that's where -- I believe where the issue lies
12 in terms of all the things that you say in your
13 affidavit is minimal and then you say, this here, we
14 don't know anything about it, I'm not an expert in
15 this area. However --

16 Q. The question comes to you, sir, as I said,
17 with all due respect, obviously you have great
18 credentials in terms of what you do.

19 You're a very intelligent person, but
20 when you're talking to people and expressing an
21 opinion here -- and that's what this is -- it's taken
22 as an expert opinion on the part of people reading
23 it, and this is what you have here.

1 And I ask you, is this your expertise to
2 be able to say what you said in that first sentence,
3 that first paragraph in that first bullet section?

4 MS. GOLDSTEIN: Objection.

5 MR. D'ANGELO: Duly noted.

6 MS. GOLDSTEIN: I need to keep objecting.

7 MR. D'ANGELO: I know.

8 A. First sentence is not an opinion.

9 Q. What is it then?

10 A. It's a statement of fact in the industry that
11 the presence of mold in and of itself does not
12 automatically imply that there's a health risk in the
13 building. Otherwise every bathroom in Massachusetts
14 would be non-occupiable.

15 Q. I'm aware of that, but with all due respect
16 you just told us all day today you're not an expert
17 in this area.

18 A. You don't have to be an expert to have this
19 level of knowledge. We investigate buildings and
20 water leaks.

21 We are not experts in health-related
22 issues for mold. We do know what mold is. We do
23 know what it looks like. And we do know when there

1 might be an issue, that it's time to call in the
2 experts.

3 We have a fundamental knowledge of what
4 microbial contamination might look like and we are
5 aware of some of the potential health hazards because
6 we deal with this as part of our investigations.
7 That doesn't make us experts.

8 This opinion simply states the facts
9 which is mold does not automatically equal a health
10 risk. And that was put in there for information
11 purposes. It is not an opinion on this building and
12 that is stated clearly three times in the report.

13 Q. This is the report that you've submitted to
14 the city of Somerville -- This report signed by you
15 and Mr. Nelson, Peter Nelson. And isn't this whole
16 report basically an expert report?

17 MS. GOLDSTEIN: Objection.

18 Q. Isn't it an expert report based on your
19 knowledge and experience to the city; these are my
20 recommendations, this is what I am as an expert
21 telling you about this building?

22 MS. GOLDSTEIN: Objection.

23 A. That paragraph that you mentioned is not a

1 recommendation. It is a statement of fact.

2 Q. Well, that's what I'm saying.

3 A. We're not recommending anything here.

4 There's no opinion stated other than a clarification

5 that the presence of mold does not automatically --

6 Q. Well, in our language in the law we discuss

7 things in very specific patterns. It says here,

8 should not. Not might not, could be, would be, may

9 be. This is a very -- This is very powerful wording

10 that you've put in here. Should not be considered.

11 MS. GOLDSTEIN: Objection. Is there a

12 question?

13 Q. The question is why didn't you use might not

14 be or may not be or could not be?

15 MS. GOLDSTEIN: Objection.

16 MS. STEPHENS: Objection.

17 MS. GOLDSTEIN: You're getting really

18 argumentative here. What do you want him -- How many

19 times do you want him to answer the question?

20 MR. D'ANGELO: I want him --

21 MS. GOLDSTEIN: If you want someone to

22 say this was an expert opinion, get an expert.

23 MR. D'ANGELO: No. I don't want an

1 expert opinion. I want him to clarify, he's not an
2 expert in this area and that he put this in here,
3 this expert report.

4 MS. GOLDSTEIN: He told you what his
5 knowledge is on this report.

6 MS. STEPHENS: Is there a question in
7 front of him?

8 Q. The question is why didn't you use less
9 forceful language in that first paragraph?

10 MS. STEPHENS: Objection.

11 MS. GOLDSTEIN: Objection.

12 MS. STEPHENS: Objection to the question.

13 A. I don't know why I didn't use less forceful
14 language.

15 Q. Okay. And would you agree with me, sir, that
16 this report is considered, in its entirety, an expert
17 report?

18 MS. GOLDSTEIN: Objection.

19 MS. STEPHENS: Objection.

20 A. It's considered a preliminary investigation
21 report.

22 Q. What is that? Is that your expert opinion
23 that these things are wrong with the building, they

1 should be fixed?

2 MS. GOLDSTEIN: Objection.

3 Q. Is that true?

4 A. Unless otherwise noted, yes.

5 Q. And you didn't otherwise note it.

6 A. Just before that paragraph you mentioned it
7 says right there, We are not qualified to assess the
8 potential health risks and you should --

9 Q. But then the next paragraph you say something
10 totally different.

11 A. No. How is it -- Can I ask a question?

12 MS. GOLDSTEIN: You know what? Let him
13 ask the questions. I know this is getting
14 frustrating. Just let him --

15 MR. D'ANGELO: I think we've gotten
16 there. I want to take a couple-minute break and I'll
17 let you know if I'm done.

18 (Whereupon at 2:28 p.m. the deposition recessed and
19 reconvened at 2:33 p.m.)

20 Q. Just one or two more questions and I'll be
21 done. Just some follow-up stuff. There was a number
22 of things in your report that you said were potential
23 hazards.

1 One of the things that comes to mind is
2 this fine black dust, but you don't make any
3 recommendations like -- to go out and get somebody to
4 investigate that, or did you?

5 MS. GOLDSTEIN: Objection.

6 A. We did. Retain the services of a qualified
7 certified industrial hygienist to perform air testing
8 and make recommendations for cleanup procedures for
9 existing contaminated finishes and systems.

10 Q. But you don't mention the fine black dust
11 specifically there, where you talk about the mold
12 very clearly.

13 When you had your conversations with
14 Zirpolo and Donahue, among other people that you
15 might have chatted about this report, did you make as
16 much emphasis on the fine black dust issues as you
17 did with the mold?

18 MS. GOLDSTEIN: Objection.

19 MS. STEPHENS: Objection.

20 A. We were not hired to comment on the health
21 hazards associated with the contaminants. We're not
22 qualified to comment on it.

23 We state in the report that there was an

1 accumulation and that the air quality may have been
2 compromised and that it should be investigated.

3 Q. Did you think the air quality was compromised
4 in the building?

5 MS. GOLDSTEIN: Objection.

6 A. We saw the fine black dust, and one of the
7 comments in the mechanical systems was that -- Let me
8 find it. Under Section 5.8.

9 About halfway down the paragraph we
10 state, We suspect that there are repeated but not
11 constant instances of excessive particulate and
12 noxious gas contamination that is entrained into the
13 building's ventilation air because of the poor
14 location of the outdoor supply louvers.

15 Q. So did you warn anybody about that?

16 MS. GOLDSTEIN: Objection.

17 MS. STEPHENS: Objection.

18 A. It's in the report and we asked that an air
19 quality assessment be performed.

20 Q. But did you tell anybody in the building that
21 this could be a potential problem for them?

22 MS. STEPHENS: Objection.

23 MS. GOLDSTEIN: Objection.

1 A. We noted it in the report and we asked
2 that -- we recommended that an air quality assessment
3 be performed.

4 Q. Just for my final questions here, we had this
5 as Exhibit No. 15 earlier in another deposition and I
6 just wanted you to take a quick look at these
7 photographs and see if there's anything in those
8 photographs that looks familiar to you.

9 If you do see something that looks
10 familiar, just please identify it. Each one of these
11 pictures is labeled A, B, C, and so forth.

12 MS. STEPHENS: Off the record.

13 (Discussion off the record.)

14 A. What do you mean by familiar?

15 Q. In other words, you did the investigation of
16 this building. Do you see anything in these
17 photographs that you saw at the time that you did
18 your investigation?

19 In other words, you're walking through
20 the building and looking at different things. So is
21 there anything here that you may have observed? And
22 this is all photographs of inside the building in
23 Somerville.

1 A. We did that investigation eight years ago. I
2 won't be able to recall specifically --

3 Q. Did you see tiles --

4 A. We saw stained ceiling tiles. I cannot tell
5 you for a certainty whether the stained ceiling tiles
6 in these images are the same ones we observed. But
7 we did see stained ceiling tiles. I'm not sure
8 what --

9 Q. If you don't, you don't have to make any
10 comments. Just any of the things that you see in the
11 photographs that are familiar to you that you saw at
12 the time that you were there like the stained ceiling
13 tiles.

14 A. We did see stained ceiling tiles. Photograph
15 K appears to show a water-damaged window sill. We
16 did see that. I don't know if it was the same
17 specific window sill but we did see water-damaged --

18 Q. Was it similar to that at the time that you
19 were looking?

20 A. I would have to go through our set of
21 photographs and compare the two. The rest are just
22 difficult to tell what they're showing. They don't
23 ring a bell specifically.

1 Q. Other than those couple of things, the
2 ceiling tiles and so forth, you can't be specific but
3 you saw ceiling tiles similar to this when you were
4 doing your observations back in 99, 98?

5 A. We saw stained ceiling tiles. Like I said,
6 I'd have to go through our photographs and compare
7 them to see if they were to that extent or somewhat
8 less.

9 Q. Just one final question that I want to
10 address here. Exhibit No. 29, which is the water
11 leakage investigation, this report was distributed to
12 Mr. Zirpolo only or did you give it to anybody else?

13 Did you give it to anyone else within the
14 city of Somerville? The mayor, Mr. Donahue, the
15 engineering -- any employees at the building that you
16 surveyed?

17 A. Our contact was Mr. Zirpolo. We sent him an
18 original and a copy.

19 Q. That was it. That's all you sent out?

20 A. As far as I recall that's all we sent out.

21 MR. D'ANGELO: Do you want to mark the
22 transmittal on this showing where it went?

23 MS. STEPHENS: Ask him to identify it.

1 MR. D'ANGELO: Why don't we mark this as
2 the last exhibit, No. 45.

3 (Exhibit 45 was marked for
4 Identification.)

5 Q. So Exhibit 45 is the -- If you could identify
6 that for us.

7 A. Exhibit 45 is a transmittal from SGH to
8 Mr. Paul Zirpolo, project manager, the Department of
9 Public Works, city of Somerville.

10 It says, Enclosed are the following:
11 Original and one copy of our investigation report to
12 the above-named project.

13 And it refers to the wall leakage
14 investigation, Somerville Public Safety Building in
15 Somerville, Massachusetts.

16 Q. And it's dated?

17 A. It's dated 9 April 1990.

18 MR. D'ANGELO: I don't have any other
19 questions.

20 Cross Examination

21 Q. (by Ms. Stephens) My name is Cindy Stephens
22 and I represent the defendant in the case Envirotech
23 and I just have a really quick few questions.

1 Have you ever had any conversations or
2 contact with anybody at a company called Envirotech?

3 A. I'm familiar with the company.

4 Q. Okay.

5 A. But I don't recall any conversations or --
6 with anybody there.

7 Q. Have you done any jobs or projects that --
8 other than this one that Envirotech was involved
9 with?

10 A. I think the reason I recognize the name is
11 because they may have been involved with other
12 projects that we were working on, but I cannot
13 ascertain exactly what those projects were or where.

14 Q. Do you know a man named Dan Greenblatt?

15 A. The name sounds familiar.

16 Q. And where do you think -- how do you think
17 the name sounds familiar?

18 A. May have been through any variety of projects
19 that we may have been involved with.

20 Q. How about a man named Ron Fallon?

21 A. I don't recognize that name.

22 Q. And you're not an HVAC system expert, are
23 you.

1 A. No, I am not.

2 Q. And you're not licensed in HVAC technology,
3 is that right?

4 A. That's correct.

5 Q. And you don't have any expertise on air
6 quality -- indoor air quality, is that right?

7 A. That's correct.

8 Q. And you're not a mold remediator, is that
9 right?

10 A. That's correct.

11 Q. And you have no expertise on inspecting,
12 sampling, the indoor testing mold, is that right?

13 A. That's correct.

14 Q. You say in your report which is Exhibit 29
15 that there was an accumulation, I believe, of dust or
16 black dirt, is that right?

17 A. Correct.

18 Q. And I think -- I believe you said it was in
19 the interior of the property.

20 A. That's correct.

21 Q. On the surfaces of the property, interior
22 surfaces?

23 A. Horizontal surfaces.

1 Q. What is a horizontal surface?

2 A. It's a plane much like a table or a window
3 sill. We didn't notice it on vertical surfaces such
4 as walls. I don't recall seeing it on the walls.

5 Q. Do you recall if you saw this on all of the
6 floors that you walked through during the
7 walk-through?

8 A. I don't recall specifically. I would have to
9 read through the report to refresh my memory.

10 Q. So you would have found it on horizontal
11 surfaces like desks or objects in the room.

12 A. That's where we would have seen it.

13 Q. Window sills maybe?

14 A. Maybe, but I would have to review the report,
15 go through the photographs to refresh my memory.

16 Q. You also said you took some sampling that you
17 sent off to a mold testing lab.

18 A. Not of the black dust.

19 Q. No. You just took some sampling of -- some
20 bulk samples, I think you said, and sent those off to
21 a mold testing laboratory.

22 A. Correct.

23 Q. And I believe you said you took some of those

1 samples, is that right?

2 A. I did.

3 Q. And did your other person that was with you
4 take some also?

5 A. Yes. If I recall correctly I took the bulk
6 samples and Edward Lyon took the swab samples.

7 Q. What exactly did you do to take a bulk
8 sample?

9 A. You cut a piece of the discolored material.
10 You put it in a plastic bag. You seal the plastic
11 bag. You label it. You fill out the form that you
12 looked at earlier and send it out.

13 Q. I think two of the samples you mentioned were
14 either in a return air grate or a supply vent, is
15 that right?

16 A. Correct. Actually, let me qualify the answer
17 I just gave you. Ned, if I recall correctly, did the
18 swab samples and he also, I believe, took the bulk
19 sample from within the duct. There was one bulk
20 sample of duct insulation. He retrieved that one as
21 well.

22 Q. Were you present when he took that sample?

23 A. I was in the building with him. I don't

1 recall if I was with him side by side or if I was
2 doing work elsewhere.

3 Q. Do you know if he had to get on a ladder to
4 reach it or was it something that he could get
5 without use of an aid to reach wherever he was taking
6 the sample?

7 A. If it was in a diffuser I would suspect he
8 would have had to climb at least a step ladder to get
9 to it.

10 Q. And that was a bulk sample that he took?

11 A. Yes.

12 Q. Did you say that you took a bulk sample or a
13 swab of one of the air return supply system?

14 A. No. I took bulk samples of the gypsum
15 wallboard and the batt insulation in the walls. If I
16 recall correctly, Ned Lyon took the swab samples and
17 the bulk sample of the duct -- the mechanical duct
18 liner insulation.

19 MS. STEPHENS: That's all the questions I
20 have. Thank you.

21 MR. BUCKLEY: Good afternoon. My name is
22 Matthew Buckley. I'm an attorney representing the
23 city of Somerville in this matter.

1 Q. (by Mr. Buckley) I have a couple of questions
2 about the recommendations you made to the city once
3 you finished your initial investigation.

4 And I don't want to put words into your
5 mouth but you said something about the city rejecting
6 those recommendations. Can you just elaborate on
7 that a bit?

8 A. The recommendations that they rejected were
9 not part of our initial investigation. They were
10 part of -- On August 7th we did a walk through the
11 building with Mr. Zirpolo.

12 Q. This is in 98?

13 A. In 98. To gauge the scope of work that we
14 felt would be adequate.

15 Q. Right.

16 A. Within that scope of work there were
17 recommendations, as we stated in our 18 August
18 letter, to do a comprehensive HVAC system analysis
19 and mold analysis and three other items.

20 Q. Right. Now, my question -- You say the city
21 rejected that proposal but your proposal really was
22 for you to continue to do -- to be a participant in
23 that work to some degree.

1 A. We hadn't started our work at that point.

2 Q. Right, but you were actually making a
3 proposal to do further other different work that
4 was -- you know, sort of in compliance or overseeing
5 getting those recommendations completed, is that
6 accurate?

7 A. The recommendations were intended to express
8 to the city or to the DPW what we felt needed to be
9 done. And there were some prices associated with it.

10 The city instructed us to do the very
11 limited, given the budget restraint, scope of work,
12 that we include several of those items.

13 Q. Right. And with respect to the rest of it,
14 even though they didn't have you do that work, is it
15 a fair statement to say that you don't know if anyone
16 else did that work; you just know you didn't do it.

17 A. That's fair.

18 Q. So you don't know if they actually rejected
19 your recommendations in toto so much as -- at least
20 in the portion that they didn't have you do, so much
21 as they did not have you do the work. Is that a fair
22 statement?

23 A. Correct. That is fair. They could have gone

1 out the next day and had somebody else do it.

2 Q. With respect to Exhibit 43, you were asked a
3 couple of questions about the language in the last
4 paragraph on the first page that says -- It's -- I
5 think it's the last full sentence on the page.

6 The microbiological information in the
7 report from Simpson, Gumpertz & Heger dated April 9,
8 1999 represented contaminants present in areas of
9 minor microbiological growth.

10 Now, I think you went to great lengths to
11 explain that you didn't make an assessment of the
12 microbiological material. That's correct?

13 A. We didn't make an assessment of the health
14 effects.

15 Q. But your report does incorporate the PathCon
16 Lab report, correct?

17 A. That is correct.

18 Q. And the PathCon Lab report contains some
19 information, correct?

20 A. It contains some information.

21 Q. Some data.

22 A. Yes.

23 Q. And is it fair to say that you're not

1 qualified to interpret that data.

2 A. Not as it relates to health effects
3 associated with these materials.

4 Q. And did you also include information in your
5 report indicating from where each of these samples
6 were taken?

7 A. Yes.

8 Q. Now, if you know, do you think that the
9 information you contained in your report, including
10 the PathCon Lab report, is enough information for a
11 qualified party to make an assessment regarding the
12 level of biological -- microbiological growth?

13 MS. GOLDSTEIN: Objection.

14 MR. D'ANGELO: Objection.

15 Q. If you know.

16 A. My understanding is that an industrial -- an
17 indoor air quality consultant would need to take
18 indoor air samples to determine the level of
19 contaminants that are airborne.

20 Q. But if they were just assessing -- In other
21 words, without going into the body of this whole
22 report which I think is more comprehensive than just
23 that sentence, that sentence is basically talking

1 about the microbiological growth contained in those
2 samples.

3 So with respect to a qualified party
4 looking at those -- that data which was the PathCon
5 report and your information about from where those
6 samples were taken, if you're just interpreting those
7 samples, not making an assessment of the whole
8 building but just those samples, is there enough
9 information in your report for a qualified expert to
10 assess the level of microbiological growth in those
11 samples?

12 MS. GOLDSTEIN: Objection. If you know.

13 A. I don't know.

14 MR. BUCKLEY: Fair enough. I have no
15 further questions.

16 MS. GOLDSTEIN: All set?

17 MR. D'ANGELO: Okay. Thank you.

18 (Whereupon at 2:55 p.m. the deposition concluded.)

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WITNESS CERTIFICATE

I, Vince Cammalleri, do hereby certify that I have read the foregoing 186 pages of my deposition transcript, and I further certify that said transcript is a true and accurate record of said testimony.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS DAY OF _____, 2006.

Vince Cammalleri, Deponent

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2 COMMONWEALTH OF MASSACHUSETTS)
3 COUNTY OF PLYMOUTH) Ss.
4)

5 I, Linda J. Modano, Certified Shorthand Reporter
6 and Notary Public duly appointed and qualified in and
7 for the Commonwealth of Massachusetts do hereby
8 certify there came before me the deponent in the
9 foregoing deposition, who was by me satisfactorily
10 identified according to the Laws of the Commonwealth
11 of Massachusetts, and duly sworn to testify to the
12 truth and nothing but the truth concerning the
13 matters in this cause.

14 I further certify that the foregoing transcript is
15 a true and correct transcript of my original
16 stenographic notes.

17 I further certify that I am neither attorney or
18 counsel for, nor related to or employed by any of the
19 parties to the action in which this deposition is
20 taken; and furthermore, that I am not a relative or
21 employee of any attorney or counsel employed by the
22 parties hereto or financially interested in the
23 action.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my Notarial Seal this 15th day of
December, 2006.

LINDA J. MODANO
NOTARY PUBLIC
My commission expires
June 2, 2011

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