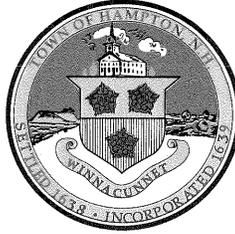


Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN November 23, 2009 Minutes

PRESENT: Richard Griffin, Chairman
Richard Nichols, Vice Chairman
William Lally
Richard Bateman
Gerald Znoj
Frederick Welch, Town Manager
Atty. Mark Gearreald

7:00 PM

Chairman Griffin called the meeting to order at 7:00 PM and introduced the members of the Board.

SALUTE TO THE FLAG

I. Public Comment Period

Ed MacDonald, 25 Epping Ave, has several questions about the infrastructure project that will hopefully be answered tonight. He would like to know why there is only \$470,000, if this was a lump sum contract why was there change orders and lastly did the Town take legal action against either FST or Zoppo for non performance of their contract.

II. Announcements and Community Calendar

Mr. Lally announced that on this Wednesday night there will be a re-union weekend party and dance at the Galley Hatch Conference Center starring the Old B's from 7 to 11pm.

Chairman Griffin hopes that people will take advantage of things that are happening in Hampton. He would also like to wish everyone a Happy Thanksgiving.

III. Appointments

1. Peter Howe of Fay, Spofford & Thorndike – Beach Infrastructure

Mr. Howe would like to first state that FST is proud of the work that was done in Hampton. Hopefully he will be able to answer some questions tonight especially since there are so many new faces. He has reviewed the minutes and watched some meetings so he would like to go over some points first that might help answer some questions. He first gave some history on how this project got started back in 2003 when a warrant article was passed. The dollar value was not set by FST but instead passed in the warrant article which was before FST got involved. This project was going out as a design build and Mr. Howe explained what his means.

He also shared how the Town Manager at the time wanted to get this project done as quickly as possible. The reasons why Zoppo was selected was because they had a great proposal, good grasp on the project, demonstrated excellent quality and they had it in their work plan that they were not going to work at the beach in the summer. There were provisions in the contract that the contractor could work in the summer but there were many restrictions. The key decision that was made that put the Town in this situation was made by the Board of Selectmen to not allow the contractor to work during the summer. This allowed for a delay claim in the future. There were ten change orders which Mr. Howe explained. In the end we ended up with a \$570,000 credit for the west side streets. The Town did pay out an additional \$108,000 of the warrant article money for other reasons which he believes were administrating of the bonds and police details. Mr. Howe explained that FST was not aware of these other payments which brought the total left down to \$470,000. He also spoke about how the Public Works Director went out and got a quote from an outside contractor to have this same work done on Jones Ave which came in at around \$56,000. He shared how a bid went out for 4 of the 7 streets and the results.

Discussion

Mr. Nichols questioned which 4 streets went out to bid. Dave from FST believes that they were Hobson Ave, Johnson, Riverview Terrace and Harris. Mr. Howe explained these streets were chosen because they had an excessive amount of ground water going into the treatment plant. Mr. Nichols questioned what the bids came in at for these 4 streets. Mr. Howe stated the lowest bid came in at \$430,000 but the bid was withdrawn and the next bid was in the low \$500,000. There was also a discussion as to why the Town did not go forward and accept one of these bids.

Mr. Lally thanked them for coming in and wonders if he understood an email stating that the bidding prices have gone down. Mr. Howe explained that the bid prices have gone down since 2008 by around 20 to 30% however prices did go up between 2002 and 2008.

Chairman Griffin would like to bring up another part that is not being mentioned. He wonders if the Island section was supposed to be part of this project. Mr. Howe explained that there was hope of doing the same on the Island section as was done on the lettered streets. However this was met by a lot of opposition. This item was dropped in the beginning by the Steering Committee. Chairman Griffin reiterated how the Board of Selectmen was led to believe all along that all the work was going to be done. There was an additional discussion as to the amount of pressure that was being put on the Board of Selectmen by the public to make sure that there was not any work done during the summer. Mr. Howe stated once again how he believes that by not allowing the contractor to work during the summer is why the project was not completed. He explained how if the contractor was allowed to work during the summer he would have made the choice after trying to work that he could not work under the provisions of the contract and would have pulled out himself. The contractor would have then been made to complete the project on his own dime when he returned in the fall.

Mr. Znoj would like to know what type of contract was awarded. Mr. Howe explained the contract was a design build. This contract is one in which when the work begins the design is not yet completed. This is not true for the sewer part of the contract. There were a lot of things that came up that increased cost and things that reduced cost. Chairman Griffin added that the Selectmen did get to comment on these cost. There was an additional discussion on items that were added in and some items that came out. They also discussed some other problems that they ran into like the gas explosion. Mr. Znoj wonders if it is normal to begin a project when it is

only 30% designed and what is the total cost in relation to design changes. Mr. Howe stated that it is not normal to start at 30% but they started actually at about 60%. He does not know the total cost in relation to design changes but he can tell him that Zoppo's original contract was for \$10,371,240 and the final contract amount was \$10,446,783. Mr. Znoj wonders about change orders for FST and Mr. Howe does not have these change orders with him. Mr. Znoj also would like to know how many streets were done. Mr. Howe does not have all that information and does not recall since this project does go back a couple of years. Mr. Znoj would like to make a final comment that a contract should never have been issued allowing work to be done on the beach in the summer.

Mr. Howe would like to make another comment as to the fact that there were 41 change orders which were reduced down to 10 change orders.

Mr. Bateman would like to know who was at fault for the original 2 month delay in the start of the project. Mr. Howe explained how this was a whole new process for DES and how the permit process took a lot longer than expected. He does not know if it was any one persons fault but instead a new type of process for everyone involved. Chairman Griffin reminded everyone of all the different groups involved.

Mr. Lally questioned whether or not the pipe is still available at Public Works. Mr. Price explained that the pipe has been used but will be replaced.

Chairman Griffin would just like to comment that Mr. Barrington and Mr. Hangen made many of the decisions on this project even though the Board was informed.

Mr. Nyhan of the Hampton Beach Area Commission would like to give the Board an update on his thoughts in regards to raising additional funds to complete the work on these 7 streets. He has spoken with Mr. Price, Mr. Welch, Mr. Lally and FST. Mr. Nyhan's recommendation would be to continue to move forward and look at ways to finish these 7 streets. Over the next couple of weeks the Commission plans to meet with people at the Federal level and get them involved with funding. He would like to go to the next step and put a request for proposal out in order to get a dollar figure. Mr. Nichols questioned whether or not FST has provided the Town with the prior bid information for these streets. Mr. Howe explained that they do have the information for the Town from 2007. The permitting has lapsed and new permits would have to be issued. There was a discussion as to how normally you would not go out to bid until funding has been secured. Mr. Nichols wonders if it would make sense to have Mr. Welch and Mr. Price have access to those engineering documents. It was confirmed that FST has brought copies of these documents for Mr. Welch and Mr. Nyhan. Mr. Nichols pointed out that there is \$470,000 and there should be enough money to do some of this work. There was an additional discussion as to making sure that there is a process in place to use this money on these streets before the auditors arrive next year. Mr. Nyhan confirmed that there will be continuation on securing funds to have this work done and updating the RFP information from 2207.

Dean Gove from FST would like to offer their help in understanding the documents provided tonight on the remaining 7 streets.

The Board thanked FST for coming and FST thanked the Board for having them.

IV. Minutes of November 16, 2009

Mr. Nichols MOTIONED to approve the minutes of November 16, 2009 as written. Mr. Znoj
SECONDED

VOTE: 4-0-1(Bateman)

V. Town Manager's Report

The Lane Memorial Library Board has a trustee vacancy. Interested candidates should send a letter of interest to the Board. More information can be found on the Library website.

The bid for the purchase of a new ambulance to replace an existing unit was awarded to Specialty Vehicles/Road Rescue of North Attleboro, MA for the sum of \$170,660. Specialty Vehicles was the second low bidder but was the lowest bidder to meet all specified requirements for the needed equipment.

The US EPA has given preliminary approval to extend for one year the submission of a Sewer Collection System Operations and Maintenance Plan for the Town.

The Town should take notice that the Commonwealth of Massachusetts Coastal Zone Management Department's DRAFT "Massachusetts Ocean Management Plan" has identified Salisbury Beach as a potential location to site up to 10 wind turbines approximately 1,329 feet off the shore line of the Beach at the New Hampshire border. Height of the units is estimated to be the same size as the new unit off of Route 1 in Newburyport at 292 feet or higher.

We would request the Board to sign a Proclamation designating November 30th to December 6th as Buy Local Week in Hampton.

Mr. Bateman will not be able to attend the Planning Board meeting on December 2nd and an alternate should attend. It was agreed that Mr. Nichols is the alternate and will attend.

Mr. Welch spoke with DOT today and they have approved the removal of Drakeside Road Railroad Bridge.

The unit cost for police details will be changed due to the fact that the Town now has to pay the State portion of retirement on special duty pay. This will be an increase from \$40 an hour to \$66.35 if a cruiser is used.

The bid for the generator can be used since the company has a GSA number. Once he receives this information he will move forward.

Discussion

Mr. Lally and Mr. Nichols both questioned the increase in police details and believe that the number is a little high. Mr. Welch will have Mr. Schwotzer provide the Board with the information used to calculate the increase.

Mr. Znoj wonders if they are looking for comments in regards to the wind turbines in Salisbury. Mr. Welch stated that Massachusetts is not looking for comments nor do they have to from any abutters or surrounding Towns. Chairman Griffin would just like to add that the Energy Committee has looked into this and it does not pay off in this State. There was an additional discussion on net metering.

VI. Old Business - None

VII. New Business

1. Wind Turbines discussed above

VIII. Consent Agenda

1. 3 Wall Street – Permission to place silt fence on Town Property in order to rebuild retaining wall.
2. Proclamation for Buy Local Week in Hampton from November 30th to December 6th.
Discussion

Mr. Welch stated that item 1 is a great idea and will help protect Town Property.

Chairman Griffin read the proclamation for Buy Local Week in Hampton.

Mr. Bateman MOTIONED to move the Consent Agenda. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Closing Comments

The Board wished everyone a Happy Thanksgiving.

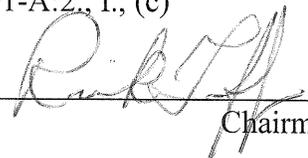
X. Adjournment

Mr. Znoj MOTIONED to adjourn. Mr. Lally SECONDED.

VOTE: 5-0-0

The Board adjourned at 8:35 PM

The Board went into a Non-Meeting with Legal Counsel under RSA 91-A:2, I., (c)


Chairman