



**TOWN OF PITTSFIELD
BOARD OF SELECTMEN
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263**

MEETING MINUTES OF Tuesday, April 14, 2020

CALL TO ORDER

The meeting was called to order by Chairman, J.C. Allard at 6:00 P.M.

All who attended the Town meeting stood together and said the Pledge of Allegiance.

MEMBERS PRESENT

J.C. Allard, Chairman

Gerard LeDuc, Vice-Chairman

Carole Richardson

Carl Anderson

Jim Adams

OTHERS PRESENT

Cara Marston, Town Administrator

PUBLIC INPUT - regarding agenda items only

None.

AGENDA REVIEW

J.C.: None

Gerard: BCEP update

Carl: One information, two action items

Carole: None

Jim: None

NEW BUSINESS

ACTION ITEMS

1. Town operations during the COVID-19 pandemic

Carole motioned to keep current Town operations as they are and reassess during the next Select Board meeting on April 28, 2020.

Carl: Second.

Discussion: None.

Motion carried 5-0-0.

2. Consideration of contract adjustment – FL Merrill, Safe Routes to School contract

J.C. acknowledged consulting engineer Mike Vignale and representatives from F.L. Merrill Construction, Inc. and invited them to address the Board.

Mike Vignale explained the reason they were at the meeting was because they couldn't come to terms on a final number in the invoice. He said that the reason for a changeover in the first place was because of the paving on the intersection where the pole was for a year. Merrill had to come back later to finish the job with extra costs associated with that without remobilizing everything else. He said that those were legitimate costs so he wasn't questioning that and understood the extra cost, but that there was a dispute between them on the cost of the grinding and extra pavement used.

He said DOT requires that before work is done on any projects that are outside the original scope, a change order is needed, which both sides know about. He said that the work in question pertained to paving on the intersection of Tilton Hill Rd. Mike said that after Merrill's work projection, he had asked for a change order in the amount of \$10,700.00 that he had sent to DOT. He said that DOT always asks where it fits into the budget and where it's projected to be at the end of the project. He said that he went back with the numbers and put it into data base, added the \$10,700.00 and the additional of what he thought was going to be 80 tons of paving and that it came out to just about the limit of where the contract was.

So, DOT said they weren't going to change the contract and to go ahead and get the work done with zero contingency, which is what DOT requires. He said the change was approved and DOT authorized the work so that Merrill could do it. Merrill went and did the work with the paving and it went down like expected except there was extra grinding and pavement needed that went into the finished work. His projection of 80 tons used was with 1" paving had put him at about 40 tons left over, which is debatable according to the imperfections that were found. When Merrill sent the changeover in, the changeover was for 350 sq. yards compared to the 680 sq. yards it took to finish the job.

Mike said that he highly respected Merrill and the work they do, but the issue was the work and cost when finished exceeded the projected cost in the changeover and that DOT wouldn't pay an amount over what is in the changeover. The Safe Routes to School program is for a certain amount of money and if more money is needed then they would need to go through the process of another changeover. He said that DOT doesn't allow a contingency on the projects so when a job is completed and goes over the amount in the contract, the Town is then extended to pay the bill. If Merrill had done the change order and said it would be over 144 tons and cost so much for grinding, they would have approved that. The program funds are still there, but because it was after the fact, DOT refused to pay it.

He said that he spent the last three to four months going back and forth with DOT for a reimbursement. It took a while because the first guy retired and the second person who took over wasn't familiar with the Town grant and was inundated with ten other cases. He had asked every way he could possibly think of for a way they could refund the amount that went over. Mike said that he doesn't feel like the town should have to pay the extra amount because it wasn't in the original contract. He feels that Merrill should have known looking at it that it would go over. Merrill doesn't agree, so that's why they were here to talk about it before the Board. He feels that the town shouldn't be on the hook for the extra costs.

Terry from Merrill addressed the Board and added that with the existing road out there today, if it was in a perfect condition, it could absolutely be finished with just 1" of pavement on that road. But it was an older road and that's why they were in there, besides the Safe Routes to School

project, to clean up the intersection and make it look a little better. He explained that the shoulder of the road was lower than a single plane, so in order for them to carry a uniform layer of asphalt they have to do a little extra milling. Rather than just mill a joint to abut into, they carried it out into the road or the shoulder of the road and on top of that they were trying to put the crown back into the road, so there can be some imperfections when doing that.

Terry said that in theory most construction projects he has been on, especially paving and surfacing existing roads, is a difficult number to be without cold planing the entire road to make it one single plane, so they can just carry the single 1" paving through. He said that it's not typically Merrill's job to be estimating, but in this case, they did do the changeover. So yes, in the changeover, if the road was perfect and they did the takeoff correctly, it would have been the estimated 80 tons. Survey work is an estimate and it's an estimate based on some of those conditions.

He said that typically, they will come in and shim the paving job first which would use a load or two loads to get the road surfaced and prepared and then overlay the road, but in this case, they just did a single layer without doing a ton of surveying. He said that Merrill doesn't really make any money off estimating and at the end of the day if there's a puddle, then it becomes a problem for everyone. The additional areas that Merrill completed were basically at Dollar General to cover the puddle and instead of paving halfway through a driveway, they extended it to the entire driveway so that they wouldn't just leave the puddle at the end of their entrance. He said that they absolutely went around 25 feet further than what we should have, other areas like that, then tied it back into their property a little further back in order to alleviate some of the puddles that were there. At the end of the job they ended up being extended, but they had fixed the puddle and they did additional milling because the road wasn't a single 1" plane job.

Terry ended by saying that in essence, they should have gone back to the Board and said there's a few things that could become problems and we need to extend these limits and this could be over but the time of the year that they ended up doing this, to get that thing done in the additional year, it was right at the end of the season. He said they weren't able to finish the year they were supposed to finish due to the telephone pole in the middle of the intersection so they were trying to get the project done the second time around so they didn't have to go through another season again in order to complete the work.

The Board discussed the bill and Cara noted that the completed project came in well under the overall initially approved project budget to begin with, it was an unfortunate technicality that DOT didn't approve the overage ahead of completion, despite DOT pushing the town to complete the project late into the fall. There had been emails exchanged with the now retired grant manager at DOT but no formal submission or approval of the contract overage. The bill that had been emailed to Cara by Merrill had some incorrect amounts on it, so Mike will contact Merrill to get the discrepancies resolved. The Board will pursue the reimbursement for the project costs over the initial contract amount with the DOT commissioner while in the meantime using funds set aside for other Town road projects. The Board agreed that Merrill has done a great job with the project and were very happy with their work. This seemed to be the only project that had some issues and that it was only right to pay the bill to Merrill for their work. Carole also pointed out how ridiculous it would have been to leave a huge pot hole and puddle at the end of Family Dollar entrance.

The Board thanked Mike Vignale and Merrill for all their hard work and for coming in to address the issue. The Board also wanted it to be noted that anyone applying for a grant must remember to follow the protocol because these grant programs have to answer to the Federal Government for funds which is why specific procedures are in place and the grant programs are adamant about following it.

Carl motioned to pay what is owed to Merrill.

Carole: Second.

Discussion: Mike will get the final bill amended by FL Merrill and over to Cara for payment.

Motion carried 5-0-0.

3. Request for authorization to apply for grant funds – cleaning/restoring library portraits

The Board approved authorization for the library to apply for a grant to clean and restore two large antique paintings of Mr. Josiah Carpenter and his wife Mrs. Georgia A. Carpenter located in the main entry room of the library.

ADDED ITEM – Homeland Security and Emergency Management Grant – trailer & equipment

Deputy Chief Rob Freese addressed the Board stating that a few months ago he went through an approval for a grant with Homeland Security and Emergency Management for a trailer that would also include items such as traffic control devices, cones, barricades, an AM transmitter and other various Emergency Management items.

Rob said that he went ahead and put an entire package together with quotes for everything. It is predicted on the purchase of the new police cruiser, the Explorer, which came through with a trailer hitch that can be used as the collateral or the Town's portion of the grant. Putting it forward that way with the already previously planned expenditure, it was just shy of approval. He said that as the grant stands, it's a \$90,000.00 project but it's a \$45,000.00 grant that goes to a trailer and the equipment inside the trailer.

Rob said that he was there to ask the Board the sign the grant agreement to accept responsibility on the \$45,000.00 and that he would abide by the purchasing practices and will complete the project by September 21, 2020. He said that his plan was to finish in the next couple of months just as soon as they allot the money. To have everything in place, he just needed the approval of the grant as it was being put forward with the acceptance of the State requirements.

J.C. asked Rob if there would be any problems with long term idleness and the trailer being outside.

Rob replied that the trailer he had in mind was set up to be stored outside. He said that they may need to purchase skirts to go over the tires to keep from dry rot, but the floor is laminate flooring with a LINE-X compound on the top and bottom to protect from moisture. The trailer is also aluminum which means that it would be less susceptible to corrosion from being outside.

Carl motioned to accept the State grant for the emergency trailer with the specific wording as required - the terms of the Emergency Management Performance Grant as presented in the amount of \$45,000.00 to purchase an emergency management trailer and equipment. Furthermore, the Board acknowledges that the total cost of this project will be \$90,000.00, in which the town will be responsible for a 50% match (\$45,000.00).

Gerard: Second.

Discussion: The grant match has already been achieved.

Motion carried 5-0-0.

ADDED ITEM – Request of Bid Policy Waiver

Rob said that the grant request had relatively low dollar items and doesn't exceed their normal purchasing. The two items he had looked into were the AM transmitter and the trailer. With the AM transmitter there were only a couple of companies in the U.S. that made them (which fall under the DOT guidelines). One of them asked for him to come back when he had the money, but there was one out of Michigan that did the site work and figured out the best location to place antenna.

He said the AM transmitter is a portable unit that can be used as a benefit to the State as a regional resource. For example, if Barnstead has a flood and needs to borrow the AM transmitter, we would be able to loan it. Rob said that he would like to use the company out of Michigan because they have gone through and done all the work for him before purchase. He understood that it deviated from the normal and customary purchasing process so he wanted to let the Board know about it.

Rob said that while looking into purchasing a trailer, he went to three different trailer companies. H&K Trailer Sales, Tilton Trailers and Central New Hampshire Trailers off of NH-106 in Loudon. He said that he was surprised at the lack of support that a couple of the companies wanted to provide in terms of helping specify shelving so that it wouldn't be just an open box snowmobile trailer. He said the folks in Loudon came back multiple times to help with setting up electrical requirements and suggestions with the right trailer to purchase for storage that would be kept outside. So, if it was alright with the Board, he would like to spend the allotted \$10,000.00 grant money with Central New Hampshire Trailers.

Carl made a motion to wave the bid policy for the trailer and AM transmitter.

Carole: Second.

Discussion: None.

Motion carried 5-0-0.

The Board thanked Deputy Chief Rob Freese for all of his hard work on the grant for the last five months. The Board also thanked the Fire Department, Police Department and EMS services for the drive by Easter Bunny parade put on for the children and families in Pittsfield on Easter Sunday. The Board and community really appreciate everything they do for the Town, especially during this difficult time.

ADDED ITEM – Old Home Day Parade permit

Carl motioned to approve the parade permit for Old Home Day on July 11, 2020.

Jim: Second.

Discussion: None.

Motion carried 5-0-0.

ADDED ITEM – Opportunity for Grants

Carl said that Louie Houle had recently been on conference calls with NH Senator Jeanne Shaheen's office as well as various other groups that are allocating money to towns that have

been affected by COVID-19. Louie wanted to let the Board know that there were opportunities for grants to help the town of Pittsfield if needed. Cara said that she has already touched base with Louie and let him know that the town would start with the FEMA reimbursement funding in place that didn't have the application process as some of other grant opportunities did and that she would start going through those steps as soon as they were available.

ADDED ITEM – Pennichuck Water Works, Inc. as an essential service

Carl brought up an issue of Pennichuck denying a service turn on request to some properties. He said that plumbers and electricians were still providing services to home owners/renters, but, based on a phone call for service request, Pennichuck denied service turn on at this time. He said that he had called the Public Utilities Commission to find out what was going on and was told that someone would need to contact the Attorney General's office. Carl said that he maintains that it isn't an unreasonable request for renters to ask for water to be turned on and should be considered an essential service under the law. Cara stated that she had an upcoming legal call with the AG's office and that she would bring the topic up and try find out how to resolve the issue.

At 7pm the Board ended this part of the regular session as they had a scheduled call with town counsel.

NONPUBLIC SESSION

Carl motioned to go to Non-Public session under RSA 91-A:3 (a) & (c)

Carole: Second.

Discussion: None.

Motion carried 5-0-0.

When the Board returned to public session Jim made a motion to seal the non-public minutes and the motion was seconded by Carl.

Discussion: None.

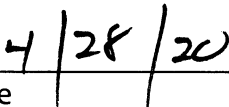
Motion carried 5-0-0. Roll call was done and all approved.

There was no other business discussed in regular session.

Meeting was adjourned at 8:30 p.m.

Approved:


James C. Allard, Chair


Date



MEETING AGENDA
TOWN OF PITTSFIELD
BOARD OF SELECTMEN
TOWN OFFICE, 85 MAIN STREET
PITTSFIELD, NEW HAMPSHIRE 03263

TUESDAY, APRIL 14, 2020

In response to the COVID-19 Pandemic, Governor Sununu has issued Emergency Order #16 pursuant to Executive Order 2020-04, which is a temporary prohibition on scheduled gatherings of 10 or more attendees.

To comply with this order, this meeting will proceed at the scheduled time if the number of attendees is at or less than 10, and social distancing is maintained as recommended by State and Federal Health Officials.

Comments for public comment consideration can be emailed to admin@pittsfieldnh.gov, expressed by telephone at (603) 435-6773, or by mail to our town hall at 85 Main Street, Pittsfield NH 03263.

REGULAR SESSION - 6:00 p.m. – call to order

PLEDGE OF ALLEGIANCE

PUBLIC INPUT – regarding agenda items only

AGENDA REVIEW

NEW BUSINESS

ACTION ITEMS

1. Town operations during the COVID-19 pandemic
2. Consideration of contract adjustment – FL Merrill, Safe Routes to School contract
3. Request for authorization to apply for grant funds – cleaning/restoring library portraits

COMMITTEE REPORTS

INFORMATION ITEMS

1. March 2020 Wastewater Treatment Facility monthly report

OLD BUSINESS

1. Perambulation of town lines (8/14/2018)
2. Memorial Day 2020 (6/11/2019)
3. Town Hall exterior repairs (8/27/2019)
4. Zoning & RSA 155-B violations (8/27/2019)
5. Request for the Board's march on Washington (tabled 3/17/2020)

CHECK MANIFESTS

1. Accounts Payable
2. Payroll

MINUTES

1. March 31, 2020 – Nonpublic Session Minutes
2. March 31, 2020 – Public Session Minutes
3. April 7, 2020 – Nonpublic Session Minutes
4. April 7, 2020 – Public Session Minutes

PUBLIC INPUT

Public Input standards: The Board of Selectmen may accept the public's input that is addressed directly to the Chair in a courteous and respectful manner in a time frame of three minutes or less.

NONPUBLIC SESSION - The Board of Selectmen may enter into Nonpublic Session under RSA 91-A:3

Please note: The meetings of the Board of Selectmen are recorded, audio and video.