

Approved

Town of New Boston Selectmen's Meeting May 17, 2021

PRESENT: Karen Scott Selectman
David Litwinovich Selectman
Peter Flynn Town Administrator

Police Chief James Brace, Road Agent Allen Brown, Road Committee members Mark Suennen, Mark Debowski, Mark Siemiesz and Denis Pinard, Bill McFadden, Joyce Arivella, Christine Quirk, Jason Lyons, Donna Stephens and Kaleb Jacob were present for all or part of the meeting.

A. CALL TO ORDER: A regular meeting of the Board of Selectmen was called to order by Karen Scott at 6:00PM beginning with the Pledge of Allegiance.

Consent Agenda- The Selectmen reviewed the May 17, 2021 consent agenda. David moved to approve the May 17, 2021 consent agenda including appointment of William Dodge to full-time status with the Highway Department, appointment of River Marmorstein to part-time status with the Police Department (with appreciation for his honesty) and Selectmen approval for lifting the mask mandate at town buildings. Karen seconded the motion. All were in favor. 2-0

B. PUBLIC FORUM:

Karen noted the Board always welcomes public comment and feedback. There are two opportunities for public comment, one at the beginning of the meeting and then another at the end. Anyone with a comment is asked to either call 603-848-5387 or attend the meeting (limited seating capacity which is about 8 or 10 people for social distancing) to comment as per the rules for live meetings and state your name and address for the record and that comments be respectful and thoughtful. The Board will listen, but public comment is typically not back and forth. If there is any need for extended dialogue a request to be added to the agenda and supporting documentation should be sent to the Town Administrator beforehand. Seeing none, Karen closed the first session of public comment.

C. APPOINTMENTS:

Item 1: Jason and Skye Lyons-Request to Purchase Town Owned Land Map 8 Lot 68: Jason Lyons was present to meet with the Selectboard to express interest in purchasing vacant town owned land at Map 8 Lot 68 which abuts his property at 143 Bedford Road. Peter requested time to research with town counsel and abutters how this can be done. The Selectboard requested any history of the property that is available. Peter reported sale of this town owned land does not need voter approval as decided by voters at a past Town Meeting and it is possible the Selectboard could vote to sell any town owned land. Karen noted this includes the land previously planned for a fire station near the library and post office.

Item 1a: Mark Debowski-Discussion of Road Bids: Karen reported the Selectboard reviewed four paving bids in April and awarded a contract to Continental Paving per Road Agent and Town Administrator recommendation. The Road Committee discussed this at its May 12 meeting and noted concerns.

Road Committee member Mark Debowski was present and noted he has assessed all paved town roads according to standard practices of evaluating paved roads from the American Society of Testing Materials, ASTM-D-6433 revised in 2020. He prepared some tables of information of road location and priority along with a summary graph that was shared with the Road Agent, Selectmen, Town Administrator and Road Committee. He noted he has also been researching and reviewing the bids in depth since receiving them. He requested the Road Committee be involved in future bid processes and suggested revisions for the bid packages. He also noted the following concerns with the bid request that went out:

- specific road widths are less than existing (if paved to these specifics driveways would not meet the road)
- if roads were paved at existing widths pavement quantities would be overrun
- two specified roads do not specify widths
- Byam Road specifies reclaim only which would turn Byam Road into a gravel road
- the request for bids asks that roads be made to specifications but there are no specifications given for pavement or reclaim method (there are different methods)
- contractors are bidding to different items to different types of pavement, reclaim methods, traffic control, mobilization charges, liquid asphalt bid prices making it difficult to compare bids instead of comparing apples to apples to determine the actual low bidder.
- If reclaim is done on the roads it will raise the road by approximately four inches causing difficulty with driveway matches. This could cause difficulty for driveways sloping down from the road as drainage could then go down the driveway.

He distributed and reviewed a spreadsheet he prepared of the bid results. He determined Advanced is the lowest bidder, then Brox, then Continental. It was difficult to compare the bids as the contractors were bidding to different specifications. Continental is proposing DOT pavement mixes that are preferred and Brox did not specify the mix. Brox specified how deep they would go and Continental did not. When paving occurs, the quantities are expected to overrun the amount specified in the bids, there was no accounting for rutting or liquid asphalt price escalation that occurs throughout the summer when demand for oil increases. On behalf of the Road Committee, he requested a certified asphalt inspector be used on these projects to ensure quality. He is a licensed professional civil road engineer. He spoke to a construction supervisor at his company about these contractors who mentioned an incident by Continental when they brought four loads of asphalt from another project to the town of Lyndeborough. The material was cold and placed and the pavement disintegrated over the next year. The town has vulnerability to contractor abuse without an inspector checking tickets, temperature, width, thickness, cross slope, compaction. He recommended contractor references be contacted. He wants to ensure the proposed method would put the base layer this year and the surface layer next year to prevent quick deterioration of the base layer. He calculated the cost of the surface layer to be placed in 2022 at approximately \$416,000. He recommends base and surface coat in one season for roads that experience a lot of truck traffic to prevent winter damage to the base layer. Two roads included in the bid package, Cochran Hill Road and Greenfield Road are not on the paving priority list he prepared for the Road Committee. He agrees Continental Paving's bid is the most effective bid as they specified the mix. On behalf of the Road Committee, he

recommends the asphalt quantities be strategized as the specified quantity will not be enough to pave all the roads specified in the bid package. At the May 12 meeting, the Road Committee moved to request to be included in the discussion, if Continental is being used for 2021 paving, to determine how paving quantities could be best applied to the town. The motion was previously shared with the Town Administrator and Selectboard.

David thanked the Road Committee for all their hard work. He confirmed DOT is the standard specifications for NH. Mark noted they are very standard and can be made more stringent depending on the pavement quality desired.

Road Agent Allen Brown was present and noted he has calculated each bid. He reported there was a \$4,872 difference between the bids. Continental's bid was a little higher per ton, but the price includes the equipment and traffic control valued at \$15,000 that Advanced did not include.

Karen reviewed the bid process that occurred this year. The original bid request did not specify roads and measurements. She is concerned the bid request was inaccurate as the width of some of the roads could cause a need for more material resulting in increased paving costs. Allen noted some override is expected as paving is not an exact science, some roads will need more pavement, some will need less than anticipated. He noted Continental uses a winter blend/mix of material. Mark agreed that is desired. Allen agreed the roads will need recapping in 2022 as Mark noted above to avoid wasting money on the base layer.

Karen noted Byam Road is listed as reclaim only on the bid request. Allen noted that was included in the bid request as the budget is unknown at this time pending voting day. He listed the roads that are on a schedule for reclaim. He noted the bid request dated March 18, 2021 was a starting point and the paving plan may change according to budget constraints.

Road Committee Vice-Chairman Denis Pinard asked if the Road Agent has a bid request that the Selectboard has not seen but was asked to approve a contract of \$850,000. Karen agreed.

The available paving budget of approximately \$870,000 was reviewed to include \$450,000 from the Highway Block Grant, \$190,000 encumbered from 2021, and at least \$269,000 in 2021 (default budget, will increase approximately \$70,000 if voters approve operating budget). The Selectboard approved the bid in April based on the budget.

Allen noted the original bid request was seeking square yardage price per foot to grind and reclaim/compact and to pave. He recommends this bid request format. The contractors all came in at different numbers. Karen is concerned specifications were not given to contractors to give accurate quotes. Byam Road was included in the bid request and used as an example, it is 1.3 miles long but the width specifications given were two feet short causing the cost to pave this road to be higher than quoted. Allen noted the default budget will not allow Byam Road to be paved in 2021. The original bid request was seeking square yardage price per foot to grind and reclaim/compact and to pave, the contractors sent the information, then the Selectboard requested the contractors to bid certain roads. Mark noted the contract does note that the town may modify roads, road lengths and add and subtract paving work.

David noted he is on the Planning Board and asked about “as-built.” There is a budget, and a letter of intent was sent to Continental. He asked if the roads to be paved can be reprioritized as the budget allows. Roads would be paved appropriately in order of priority until the budget is spent and some roads included in the bid request may not be able to be paved in 2021. Allen noted that is the anticipated procedure. For example, Bedford Road is high traffic of 6,000-7,000 vehicles per day one way. It needs overlay.

Road Committee member Mark Siemiesz was present and noted once a base layer is placed this year, the town is committed to the top layer next year.

Road Committee member Mark Suennen was present and noted a letter of intent was sent to Continental but the contract has not been finalized. He noted the contract could specify the quantity and price of each material then give scope per task/road with appropriate oversight.

Allen noted the town has already obtained this information however price calculation fluctuation will occur due to changing oil prices.

Karen noted the information reviewed at the April meeting is not what she signed off on.

Allen noted it is hard to improve a lot of roads with the current budget. He noted the town would have to budget approximately \$2 million per year for five to six years to improve roads. The current budget is adequate to improve the worst roads only to prevent paved roads to deteriorate to dirt roads.

The Selectboard agreed these bid requests and proposals should be reviewed by the Road Agent, Selectmen and Road Committee in the future.

Allen noted the Road Crew is currently working on drainage and paving is anticipated to begin three to four weeks after this is done. The Road Agent and Road Committee hope to meet to prioritize roads to be paved. Mark Debowski noted a certified asphalt inspector could be found (through an engineering company) and the contract could be drafted with Continental. Allen noted if the town does not have a certified asphalt inspector, asphalt temperatures and core borings could be taken throughout the project to ensure asphalt quality.

Denis noted concerns with the \$500,000 needed for the top layer in 2022 as the Road Committee was not informed of that need but was given a task to prioritize roads that need improvement. He is concerned that half of each year’s paving budget would be needed to finish paving roads that receive a base coat in the prior year and there are other roads in need such as Parker Road cannot wait, but the paving cycle cannot be started. Allen also noted several other roads in similar condition, these can be paved this year if budget allows. Denis asked about using a cutout machine and patching as Goffstown is using on Bog Brook Road. Allen noted this process will not work in New Boston due to deteriorated road condition, there would be too many cutouts and patches and they would not last.

Allen will work on a prioritized list of roads to be paved for the Selectboard with estimated costs. He will bring this to the Road Committee for review at its June 9 meeting, although Mark

Debowski has already assessed all paved roads. The Road Committee made two motions at its May 12 meeting that were reviewed as follows:

- 1) The Road Committee has identified material inconsistencies and recommends to the Select Board that they reconsider and re-evaluate the bids that were submitted prior to signing a final contract with the apparent low bidder. Vote: 5-0 in favor. Karen noted this was accomplished tonight.
- 2) If the Town has already signed the contract with Continental Paving, then re-evaluating the bids is off the table and all the town can do is move forward with the contract we have. Does the Select Board want the Road Committee to assist the Road Agent in evaluating how to best apply the contract that is before us to the roads of New Boston. Vote: 5-0 in favor David moved to ask the Road Committee to assist the Road Agent in evaluating how to best apply the contract that is before us to the roads of New Boston. Karen seconded the motion. All were in favor. 2-0

There is almost no guarantee funding for the top layer will be available in 2022. A Warrant Article could be used for this purpose. The town also must vote to accept the Highway Block Grant, Article 10 in 2021.

The Selectmen thanked the Road Agent and Road Committee for their efforts.

D. OLD BUSINESS:

Item 2: Approval of Public and Non-Public Minutes of April 19, 2021: The Selectmen reviewed the Public minutes of April 19, 2021. David moved the Public minutes of April 19, 2021 be accepted as amended. Karen seconded the motion. All were in favor. 2-0 Approval of the Non-Public minutes of April 19, 2021 was deferred pending review.

E. NEW BUSINESS:

Item 3: Selectmen Approval to Authorize the Town Administrator to Sign A Three-Year Agreement for Auditing Services: Peter reported the town has used Plodzick and Sanderson for the annual audit for ten years. They were valuable in correcting account numbers and providing training to former bookkeepers. They have continued working with the town through subsequent Finance Directors and it has gone very well. Peter recommends retaining Plodzick and Sanderson for another three-year contract. New Boston pays approximately \$16,000 per year for this service, less than other towns of similar size. David agreed the price seems reasonable and the firm has done well for the school district and the town. David moved to renew the contract with Plodzick and Sanderson for auditing services 2021-2023. Karen seconded the motion. All were in favor. 2-0

F. OTHER BUSINESS:

Item 4: Announcement of Selectmen's Renewed Meeting Schedule: Peter reported the Selectboard decided not to meet the night before the voting day in June. One meeting will be held in June and then the previous meeting schedule will resume for the remainder of the year. The Board can also call additional meetings whenever needed. Peter will ask the Moderator if masks need to be worn at the polls June 8.

Item 5: Town Administrators Report:

- Continued Road Paving Plans: As above under Item 1a.
- Town Meetings: Voting day rescheduled to June 8, 2021.
- Energy Commission Report: At the April 19 meeting, the Selectboard instructed the Town Administrator to proceed if funding can be provided to implement as soon as possible with a time payment schedule.
- Year-To-Date Expenses and Revenues: Provided.

Item 6: Town Department Managers Monthly Reports: Peter provided documentation from the Department Managers.

Item 7: Selectmen's Reports:

David reported the Planning Board will meet May 25 to review an application for an office building construction at Chestnut Hill Road. Code enforcement will be discussed in non-public at night.

Karen reported the Road Committee will meet June 9.

G. PUBLIC FORUM:

Karen noted the Board always welcomes public comment and feedback. There are two opportunities for public comment, one at the beginning of the meeting and then another at the end. Anyone with a comment is asked to call 603-848-5387 or attend the meeting (limited seating capacity which is about 8 or 10 people for social distancing) to comment as per the rules for live meetings and state your name and address for the record and that comments be respectful and thoughtful. The Board will listen, but public comment is typically not back and forth. If there is any need for extended dialogue a request to be added to the agenda and supporting documentation should be sent to the Town Administrator beforehand.

Bill McFadden of Dane Road asked about Chairman Joe Constance's absence from this meeting. Peter reported Joe informed him he would not attend and did not give a reason. Seeing no further Public Comment, Karen closed the second session of public comment.

Item 8: Non-Public-Per RSA 91-A:3, II(a)(b)(c) Personnel/Legal: Karen moved to enter Non-Public session per RSA 91-A:3II at 7:11PM. David seconded the motion. All were in favor. 2-0 Poll Vote: David-yes and Karen-yes. The Board then entered non-public session.

Move to exit Non-Public Session: Karen moved to exit Non-Public Session at 8:10PM. David seconded the motion. All were in favor. 2-0 Poll Vote: David-yes and Karen-yes.

David moved to seal the Non-Public Minutes for five years, seconded by Karen. All were in favor 2-0.

ADJOURNMENT: David moved to adjourn the meeting at 8:11PM. Karen seconded the motion. All were in favor. 2-0

Prepared by Maralyn Segien

**Next Scheduled Meeting: Town Hall Conference Room on June 21, 2021 (6:00 PM)
7 Meetinghouse Hill Road- New Boston, NH 03070
Phone: (603) 487-2500-www.newbostonnh.gov
Handicap Access available**