

Town of Groton
Select Board Work Session Minutes
August 20, 2024

In attendance: John Rescigno, Tony Albert, Ron Madan and Sara Smith (Town Administrator)

John called the meeting to order at 6:00pm.

Building Forms/Agreements to sign

Sara reviewed the following paperwork with the Select Board that they have to sign regarding the new Public Works Building project.

- AIA Document A101-2017 the standard form of agreement between the owner and contractor (contract): Primex and the attorney did review this and both have some change recommendations that need to be made. The attorney will not sign the completed the certificate of owner's attorney forms until the changes are made and the Select Board signs it. Sara went over the changes with the Select Board. They agreed to these changes and told Sara to send them to USDA to see if they need to review and approve the changes and then send them to the contractor. Sara will do so and will then ask that the contractor make these changes and that the forms be resubmitted to the Select Board once this is done. Once the changes are done the Select Board will come in and sign it. **John motioned to come in and sign the AIA A101-2017 the contract/agreement between the owner and contractor once the changes are made, Tony 2nd, so voted.** The attorney reviewed the contracts, attachments and Primex's notes. They stated that Primex did a good job reviewing for coverage and they agree with all of the proposed changes to insurance, indemnification, waiver/subordination of claims, etc. but they have a few additional thoughts they wanted the Select Board to discuss:
 - In addition to arbitration, Primex struck through mediation and parts of the section specifying the PM as Initial decision maker. While we never recommend arbitration, the Town should consider which of either (or both) informal dispute resolution process they wish to pursue. For small things, an initial decision maker in the PM is not a bad idea, but for larger items you may wish to consider non-binding mediation before pursuing litigation. Look through the PM section and let's discuss. She would not necessary eliminate all of the sections struck through by Primex in that section. The Select Board agreed.
 - Section 4.5 is left blank but a liquidated damages clause was added to the A101-2017 at 3.3.4 at \$1/day that they run over. The attorney feels that is ridiculously low and does not provide much disincentive to stay on schedule. They recommend increasing that amount substantially. The Select Board agreed that this should be increased to \$100/day.
 - While unlikely the Town will terminate other than for cause, the contract includes a very high penalty for termination without cause. It states at section 7.1.1 of the A101-2017 that the owner (Town) will pay the amount owed to date and a penalty of 5% of the contract value. That seems excessive. (See also Section 14.2.2 of the A201-2017 which references the A101-2017 penalty). The Select Board agreed this should be changed to 2.5%.
 - They recommend adding in contactors on the State of NH debarred list in addition to federal contractors as those that need not be approved. The Select Board agreed.
- Attachment to AIA Document A101-2007 the standard form of agreement between owner and contractor: The Select Board have to fill in where it states the contractor shall pay to the owner

liquidated damages in the sum of ____ for each calendar day of delay. This was also stated above in the agreement and the Select Board agreed to put in \$100.00 for each calendar day. **John motioned to sign the attachment to AIA A101-2007, Tony 2nd, so voted.**

- DOL Financed Contract Instruction 1901-E Exhibit C: This informs the DOL that there is a construction contract in excess of \$10,000.00. **John motioned to sign the DOL Financed Contract Instruction form 1901-E Exhibit C, Tony 2nd, so voted.**

Sara explained that Casey also submitted the following that the Select Board do not need to sign:

- AIA Document A201-2017
- Bond Power of Attorney
- Performance Bond
- Payment Bond
- Kuplin Invoice totaling \$659,812.50: This was separated into four phases and the payment schedule is as follows:
 - Phase 1: Due at the start= \$273,207.80
 - Phase 2: Due prior to building delivery= \$224,135.00
 - Phase 3: Due when building erection is complete= \$101,772.70
 - Phase 4: Due when finish work is started= \$60,697.00
 - Total= \$659,812.50

The Select Board would like the Phase 4 payment due date changed to either be due when the job is complete or half when phase 4 starts and the remaining balance due when the job is complete. Sara will pass this information along.

Sara explained that we currently have the \$269,000.00 that was encumbered from 2023 that we should use first. We also have \$226,533.38 in the Public Works Capital Reserve Fund. This is \$495,533.38 that the Town has available to use before we get the grant money of \$250,000.00. Sara asked the Select Board if they think we should submit the request to move the money out of the Capital Reserve Fund now so it is available to pay what we need since Phase 1 and Phase 2 total \$497,342.80 which is \$1,809.92 over what the Town has raised, between the encumbering amount and the CRF amount, without the grant. The Select Board agreed we should. Sara created a memo requesting this transfer. **John motioned to sign the memo to transfer funds from the Public Works CRF to MVSF, Tony 2nd, so voted.**

Once the changes are made and Casey and the Select Board sign all of the forms, she will send all signed and completed documents to USDA and request that we schedule the preconstruction meeting.

Laptops

Sara let the Select Board know that she has received all laptops that we ordered. Bubba has his for the highway department and currently in the Select Board office are the ones for the Emergency Management Director, the Planning Board and the shared one for Zoning, Conservation and Cemetery. She did put the cabinet together but has to make copies of the keys which she will do on Friday. She will email after to let them know they can pick up a key to the cabinet for their board/committee. Sara informed the Select Board Deb is not happy about not being able to take the lap top home.

Sara asked if these should come out of the budget lines for these departments or out of the electronic equipment and software Capital Reserve Fund. She said that the boards and committees did not budget

for them this year and the Select Board made the decision to order these, so Sara was thinking the Capital Reserve Fund line but wanted to double check with the Select Board. There is currently \$9,292.64 in there and the bill for these laptops with set up and everything came to \$1,918.40 so that would leave \$7,374.24. The Select Board agreed. Sara created a memo to the trustees requesting the transfer of funds. **John motioned to sign the memo to transfer funds from the Electronic Equipment & Software CRF to MVSBS, Tony 2nd, so voted.**

Building Permit Question

A resident contacted the Town with a question regarding their building permit. They currently have a building permit and the work is still in progress. The permit is for a 32x58 log cabin home with two floors and attached garage with two floors. They are putting a lean-to off the side and wanted to know if this would need a new permit or would be part of this one. This is still under construction. They know they would need a permit if the house was completed and they were adding this on but they were not sure if they needed a new permit now. Sara didn't think they would since it is part of this construction that is still on going. The home also has two decks on it which were not stated on the permit but are part of the construction and they would not need a new permit for those decks but would if they house was completed and they were adding a deck on later. Tony said that this has not been assessed or measured yet and that will be done once the construction is complete so Avitar will record it as a part of the build at that time so they will be assessed on it. Therefore, he doesn't think a new permit is needed. John agreed and stated that a lot of people don't put decks and lean tos on their permits for the initial build and we do not require separate permits for them, unless it is done after the build is complete. The Select Board agreed that a new permit is not required and it is part of the construction of the permit that has already been filed.

493 Sculptured Rocks Road

The Select Board was notified that an addition was being put on at 493 Sculptured Rocks Road. There is no building permit on file. Sara drove out there and it appears to be that they are adding another story/level to the house. This definitely appears to be over 100 square feet so a building permit is required. Sara drafted a letter for the Select Board to sign and printed the building permit guidelines and a building permit to be sent with the letter. **John motioned to sign the letter to the owners of 493 Sculptured Rocks Road, Tony 2nd, so voted.**

Updates on Projects

- The Transfer Station overhead door is complete.
- The new compactor has been installed and the old one removed.
- The River Road project is complete.
- The Town House repairs is scheduled for August 26, 2024.
- The Chip Sealing is tentatively scheduled for the second week in September.
- As of right now, the grading and prep work for paving on North Groton Road is scheduled for August 26th and 27th with the paving taking place on August 28th-30th.
- As of right now, the grading and prep work for paving at the Transfer Station is scheduled for September 3rd with the paving taking place on September 5th. They may try to get the grading and prep work done earlier, as soon as they finish North Groton Road since they will have their equipment here already. Sara will email Norm with these dates and have him make sure the compactor is changed prior to.

Meeting with Virginia- updates on Pasquaney School District

Virginia requested to meet with the Select Board to go over a few things regarding SAU 108, the Pasquaney School District. She said that this is all moving a mile a minute. Right now, it is very Bridgewater Hebron for the school district but when it is a new district, she feels Groton would be more involved as it should be. They want to be more aligned with Select Boards than SAU 4 has been. They want to keep everyone involved in the process so they feel keeping the Select Board informed is important. They want the Select Board to have a seat at the table. Truthfully with the number of tasks on their plate they need to have separate meetings with just the boards. At next meeting they will review 15 polices. On the financing side there is no immediate need for action but she doesn't want it to be last minute. As of now, the village district appropriated funds to help with the consultants, legal fees, etc. That money will take them pretty far but she doesn't want them to get that far and then fall short in July. She is not asking for money right now but they are looking at ways to have funds available. They understand they will have to have a public hearing. She is not here with an ask at this time. They are waiting for the village and they need to come up with a budget, a plan for what funding they are looking for from now until the official budget next July. This is an informal way to see if there is a way for Groton would be willing to do this.

Sara said she can add this to discuss during our budget meetings for the 2025 budget, to contribute to start-up costs for SAU 108. Sara asked if there is amount that they have in mind and explained that they would need to have that amount to bring before the town in March. Virginia said there really is not a specific number but they are afraid of the unexpected costs. She said this meeting is just something she wanted to do, nothing that SAU108 asked her to do. She is a planner so she figured if she brought the idea forward now, the Town can discuss during the budget meetings. John said we would also need a budget for our town to vote on in March that will be active that July. Virginia said that they understand all of that and are working on it. The only thing that will be different is Special Education because it is reimbursement program but we won't have anything to reimburse.

John asked if they are leaning towards Plymouth. Virginia said she had a non-public session regarding this two weeks ago. She felt it went well but since it was a non-public session she cannot speak to it at this point. Not only do they want to provide the option for Plymouth but they would like to have Newfound as an option as well. Some parents have expressed they would like to keep their kids in Newfound. She said the way the house bill was written they almost have to provide at least two options so they want to continue with Newfound and hopefully have Plymouth as well. The best-case scenario is to have both. John asked if they would only provide bussing for one. She said it is to be determined; the budget and what people agree on will decide that.

Tony asked if they are still having the issues with getting real numbers since SAU4 had the data breach. She said that every school gets audited by an auditor so they are waiting on that to be complete to get more information.

Ron asked when we stop payments to SAU4. Virginia explained that this entire school year is still with SAU4, not until July 2025 will anything change. She said that SAU4 is SB2 school. This is something you adopt. SAU108 is nothing yet because they have not adopted anything yet. Overall, they are trying to build a framework and give parents and teachers answers without locking anything in.

Sara mentioned that she had told Virginia that she would be happy to attend any meetings that have to do with needing input from the Town, or talking budget or costs for the town. She said she doesn't attend the SAU 108 meetings yet because there is still so much unknown and they are using these

meetings to figure it out and she doesn't want to add to the distraction. She asked that Virginia let us know when it would be beneficial for us to attend. She agreed that it is not needed to attend every week because they have a lot to discuss but she is trying for once-a-month meetings to meet with Select Boards. The Select Board also agreed that they would be willing to attend when she feels it would be beneficial.

Sara handed out a school board rotation chart that Virginia emailed her. Virginia explained that Jen Larochelle put this together. Right now, it is one school board member for each town which is a 3-member board. That makes it hard for certain things. Ideally, they would like to have more members for more input but there should be an odd number. However, if we did two from each town that would be six which is not an odd number. They talked about doing it at large but we would have the fewest voters so they are looking at always having at least one person from each town and some years we will have two. They want to have it staggering so that there are not entirely new members on the board, that each town will have someone with experience on the board. That is what this spreadsheet reflects. Virginia said that Sara observed that the way they have it staggering, Groton and Hebron would have to elect for both the same year, which would mean two new people will be voted in the same year and it shouldn't be this way. Only one new person should be voted in at a time. Virginia is looking into changing it to avoid this from happening.

The Select Board had to close the meeting to go to the Select Board meeting but thanked Virginia for meeting with them and keeping them in the loop.

Having no other business to conduct, John motioned to adjourn at 7:01pm, Tony 2nd, so voted.

Respectfully submitted,

Sara Smith
Town Administrator