

**CITY COUNCIL MEETING**

**AGENDA ITEM VIII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*October 7, 2013 City Council Meeting*

**From:** Richard Lewis, Director of Planning and Zoning

**Subject:** Acceptance of the Downtown Transportation

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**Proposed Motion:**

"I move that the Franklin City Council approve the work associated with the Downtown Transportation Project and authorize the endorsement of the Certificate of Final Completion of Work".

**Discussion:**

As the City Council is aware, the City received federal funds for the construction of certain transportation improvements in the downtown area. These improvements have been completed and my office has been working with McFarland Johnson, the project engineer, on the preparation of the documents and plans required to close out the project.

The lead contractor, John H. Lyman & Sons, has completed all of the work. I have walked the work zones with the project engineer and Jack Lyman to inspect the work; some minor items needed some correction and this work has been completed. Representatives from NH DOT have also inspected the work site. It is possible that one additional inspection may be conducted before there is a final sign-off from NHDOT.

The traffic light installed at the intersection of Smith and Central Streets was a major component of the work; this light will provide for improved egress from the mill district area, which is important for the future re-development of the mill buildings. As part of the regular maintenance of all of the traffic lights, the City will have East Coast Signals adjust the timing of this new light as needed. Obviously, the City will incorporate the future maintenance responsibilities for the improved parking lot behind the Central Street buildings into the regular maintenance and winter plowing program.

One additional invoice will be filed by the project engineer for their work. In order for the final payment to be made, the City is obligated to vote to approve and endorse this Certificate of Final Completion of Work.

**Concurrence:**

Municipal Services Director Brian Sullivan has been involved with all of the phases of this project and he concurs with the need to accept the work and endorse the Certificate of Final Completion of Work.

**CERTIFICATE OF FINAL COMPLETION OF WORK**

(page 1 of 2)

**NHDOT #15584**

OWNER'S CONTRACT NO.: FHWA #X-A000 (806) ENGINEER'S PROJECT NO.: 17361.00

AGREEMENT DATE: August 2, 2011

CONTRACT TITLE: Downtown Transportation Improvement Project

FINAL COMPLETION DATE PER AGREEMENT AND CHANGE ORDERS: July 1, 2012

ACTUAL DATE OF FINAL COMPLETION: June 11, 2012

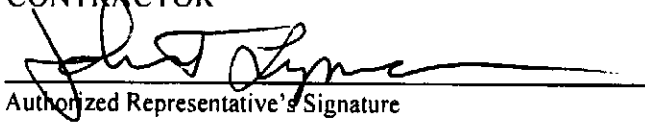
FINAL CERTIFICATION OF CONTRACTOR

I hereby certify that the Work as identified in the Final Payment Request dated September 24, 2012 for the above-noted construction Contract represents full compensation for the actual value of work completed. Additionally, all work completed conforms to the terms of the Agreement and authorized changes.

John H. Lyman & Sons, Inc.

CONTRACTOR

9/13/13  
Date

  
Authorized Representative's Signature

John T. Lyman, Vice President  
Name & Title

FINAL CERTIFICATION OF ENGINEER

I have reviewed the Contractor's Final Payment Request dated September 24, 2012 and hereby certify that to the best of my knowledge, the cost of the work identified on the Final Payment Request represents full compensation for the actual value of work completed and that the work has been completed in accordance with the terms of the Agreement and authorized changes.

McFarland Johnson, Inc.

ENGINEER

SEPTEMBER 17, 2013  
Date

  
Authorized Representative's Signature

BRIAN R. COLBURN, ENGINEER  
Name & Title

**CERTIFICATE OF FINAL COMPLETION OF WORK**

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FINAL ACCEPTANCE OF OWNER

I, as representative of the Owner, accept the above Final Certifications and authorize Final Payment in the amount of **\$529,020.31** and direct the Contractor's attention to the General Conditions. The guaranty for all Work completed subsequent to the date of Substantial Completion, expires **one** year from the date of this Final Acceptance.

At a meeting of the \_\_\_\_\_ (Town Council/Selectmen/Alderman), the Owner, the **City of Franklin, New Hampshire** (Name of the community) has accepted the constructed project.

**City of Franklin, New Hampshire**  
OWNER

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative's Signature

\_\_\_\_\_  
Name & Title

END OF SECTION

**CONTRACTOR'S FINAL LIEN WAIVER**

(page 1 of 2)

**NHDOT #15584**

OWNER'S CONTRACT NO.: **FHWA #X-A000 (806)** ENGINEER' PROJECT NO.: **17361.00**

AGREEMENT DATE: **August 2, 2011**

CONTRACT TITLE: **Downtown Transportation Improvement Project**

To: **City of Franklin, New Hampshire** (Owner)  
**316 Central Street**  
**Franklin, NH 03235**

**APPLICATION FOR FINAL PAYMENT**

The undersigned hereby certifies that the amount owed set forth below constitutes the entire value of all work performed and services rendered by, through or under the undersigned with respect to the project not heretofore paid for up to and including the period covered by the above Application for Final Payment; that all work covered by such Application has been incorporated into the project and title thereto has passed to the Owner free and clear of all liens, claims, security, interests or encumbrances; and that no work covered by such Application has been acquired subject to an agreement under which any interest therein or an encumbrance thereon is retained by the seller or any other person. In consideration of payment of the requisition, the undersigned hereby releases the Owner from all claims of lien which the undersigned has regarding the Project.

The undersigned, in order to induce the Owner to pay the requisition, hereby represents that it has paid or will pay from the proceeds of the requisition all sums due to those parties who have performed work or provided materials to the undersigned in connection with the Project, and that it will on request of the Owner provide written evidence of the discharge by the undersigned of its obligations to such parties.

Executed under seal as of this **13<sup>TH</sup>** day of **SEPTEMBER**, 20 **13**.

Amount Owed to Contractor by Owner as Final Payment:  
\$ **529,020.31** (total value of project including change orders)

Amount Unpaid From Previous Application for Payment:  
\$ **0.00**

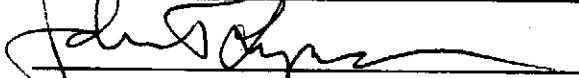
**CONTRACTOR'S FINAL LIEN WAIVER**

(page 2 of 2)

From: John H. Lyman & Sons, Inc. (Contractor)

310 Hoyt Road

Gilford, NH 03249



Authorized Representative Signature

John T. Lyman, Vice President

Name and Title (printed)

NOTARY:

Then personally appeared the above named John T. Lyman, Vice President and acknowledged the foregoing to be the free act and deed of the above-named Contractor, before me.

Subscribed and sworn to on the 13<sup>th</sup> day of September, 2013.

Notary Public: Susan M. Magnuson

My Commission Expires:

SUSAN M. MAGNUSON NOTARY PUBLIC NEW HAMPSHIRE MY COMMISSION EXPIRES OCTOBER 8, 2013
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