

MINUTES OF THE SELECTMEN'S MEETING - May 7, 1990

The meeting began at 7:00 p. m. with Selectmen Mansfield, Johnston and Dodge in attendance. Sandra Gendron took minutes.

Carl Houghton was in at the request of the Selectmen to renew his gravel permit from July 1, 1989 thru July 1, 1990. The Selectmen also wanted to discuss with Carl his intentions with regard the property line between Carl and Carolyn Strong. Carl would need to reach an agreement with Carolyn so that gravel could continue to be removed and the face could be reduced in the area of the property line. It was Carl's contention that Carolyn's side of the property line was dug lower and she could not meet the three to one slope that was required, he could still maintain the slope requirement; therefore, he felt she would have to reach an amiable agreement with him. He stated that he had tried on several occasions to reach Carolyn and had been unsuccessful as yet. \*Carl reported back in later in the evening that he had in fact reached Carolyn Strong and the two of them agreed that the area in question would be flattened. Selectman Dodge asked Carl the life expectancy of the pit and discussion ensued as to existing excavations and their depths. It is Carl's intention to go at least to the level of the Wheeler Pit which adjoins his.

The Selectmen reported to Carl that they still, as yet, had not heard from Peter Beers with answers to a couple of questions, so they had no further information for Carl regarding the Joe English Road Project.

Discussion turned the need for Carl to renew his gravel permit to expire as previously stated in July, 1990. Carl was asked how many yards he would estimate he has removed to date from the pit since last July. Carl responded approximately 3 - 4,000 yards had been removed in that time frame. The Selectmen suggested to Carl that he should keep records of what has been removed to be readily available if the yardage removed was ever questioned. To date Carl stated that he has never removed the maximum 10,000 that his permit allows. Carl realized that should the gravel come from his pit for the Joe English Road Project that his limit would be exhausted. He expressed some thought that should the gravel for this project come from his pit, he would suggest to Carolyn Strong that she might want to sell some for the same project in an effort to reduce the mound around the lot line.

John Staiti was in at his request to discuss with the Board of Selectmen the fact that he had not heard from them regarding his submission of the lowest bid for the Joe English Road Project. He was promptly told by the Selectmen that this bid had yet to be awarded. The Selectmen went on to say that when the Board was ready to award the bid John would most likely not receive the award. The Selectmen stated they had met again with Peter Beers, the second lowest bidder, but were still reluctant because they did not feel that the project could be done for the amount submitted in either of the two lowest bids. Selectman Dodge went on to say that he had viewed Mr. Staiti's Lyndeborough road job and does not feel that it represents the quality that the Board of Selectmen wish to maintain for the roads in New Boston. The Board went on to say that the interview with Mr. Staiti conducted on April 16th when the four lowest bidders were called in was, in their mind, completely

unsatisfactory; that Mr. Staiti did not appear to know how he had arrived at his bid price and did not give competent answers to questions asked.

John Staiti responded to the above remarks, by defending his Lyndeborough job as not having been completed when the it was seen by New Boston officials and now at 90% completion, in his opinion, it would look much different to anyone viewing it. He stated that the Lyndeborough project had been overseen by engineers and he had no complaints as to the quality of the road construction. He further commented as he had before that, in his mind, the Lyndeborough job was more complex than the proposed project he had bid on in New Boston. He defended himself against the Selectmen's opinion of his interview by stating he was not aware when he was called in for the interview that he would have to specify how he had priced the job, that the Selectmen had caught him off guard. Discussion ensued as to whether the Joe English Road Project could or would be completed by John Staiti if he ran out of money since the job had been bid so low. John Staiti contended that if his bid was low that was his problem and the Selectmen countered that it was their responsibility as public officials to accept, what in their mind, was a responsible bid despite how it ranked in the order of bids received for any given project.

Discussion continued with the Selectmen stating that they were still not willing to accept the fact that the gravel from the Houghton Pit was of satisfactory quality for the project. John offered assurances that he could provide the quality of gravel the Selectmen were looking for since he owned two other gravel pits. John Staiti further offered that he could supply an irrevocable letter of credit and/or a bond and could not understand what more the Selectmen could want. The Selectmen explained to Mr. Staiti that they were not requiring either a letter of credit or an insurance bond for the project so that his offer was not germane to the issue. Again, discussion continued relating to the road job that Mr. Staiti has underway in the Town of Lyndeborough and the fact that Mr. Staiti was under the impression that the bid would be awarded to the lowest bidder regardless. It was the opinion of Mr. Staiti that since he was not a resident of New Boston this was being used against him and he was; again, in his opinion, being treated unfairly by the Board of Selectmen.

Selectman Mansfield stated once again that the Board had not reached a decision regarding the awarding of the bid; but, certainly during the interview Mr. Staiti left him with the impression that he did not know what was going on with regard to Joe English Road and appeared to be very unsure of himself. He went on to say that he felt that the Selectmen had a responsibility to the voting public who placed their confidence in the Board when they had been elected and that the bid would be awarded to the bidder who could do the job and do it right without the Road Agent looking over their shoulder. He also stated that all the bids received were within the budget, and, that although it was not likely, the Board could award to the highest bidder should they chose to.

Selectman Johnston expressed his concern that neither Mr. Staiti nor Mr. Beers could do the project for the amount that they had