



TOWN OF CARVER

North Carver Water District

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North Carver Water District Minutes September 14, 2015

Posted in Accordance with the Provisions of M. G. L. Chapter 30A, Section 20B, authorized person Jack Hunter.

The North Carver Water District Commissioners met on September 14, 2015 at the Carver Town Hall, Meeting Room #3, 108 Main Street, Carver, MA. The meeting was opened by Mr. Kevin Tracey at 5:03pm.

PRESENT: Kevin Tracey, Chair; William Sinclair, Commissioner; Stephen Romano, Commissioner
ALSO PRESENT: Michael Ohl, CEI; Mark Smith, M.E. Smith; Mike Woollam, SWSS; Jack Hunter; Marlene McCollem; Madeleine Pompei, Administrative Assistant

2. CITIZEN'S PARTICIPATION –

Mark E. Smith appeared at the meeting in order to discuss a dispute over liquidated damages. In a series of emails between Mr. Smith and Mr. Ohl, it was discovered there were three areas of contention: the review period took 40 days but there is a statute of limitations stating 30 days, the plans by Norfolk Ram contained incorrect information regarding placement of pipes, plant was not available on more than one occasion. Mr. Ohl stated the contractor submitted shop drawings that were incomplete. Horizontal join details were missing and the plans were sent back with comments requesting more details before a sign off could be given. Performance specifications were also missing. Mr. Hunter stated that Mr. Smith was awaiting certifications from the manufacturer. Mr. Smith stated the tank was not ok'd until 5/18. Mr. Romano stated there was a void from February 18th until April 6th. Mr. Ohl stated the plans had gone back to Mr. Smith to get the certifications but the documents regarding specifications were still missing. Mr. Smith stated with all the re-bar there was an issue. Mr. Ohl stated that was not mentioned as an issue by any of the other bidders. Mr. Romano asked how much over in days. Mr. Ohl stated 65 days. Mr. Ohl agreed the location of the main pipe was further out and more shallow than the as-built indicated. He stated he believed Mr. Smith had some claim due to the time lost because of incorrect plans. Mr. Ohl stated Carver was owed \$32,500 in liquid damages. Mr. Romano asked if we gave Mr. Smith 25 days would this all go away. Mr. Ohl said yes, Mr. Smith would then owe 30 days. Mr. Hunter asked about the punch list. Mr. Ohl replied the DEP signed off on August 28th, there is still a ladder missing, the gate boxes need

to be trimmed, cement risers have to be fixed grading issues need to be addressed, the fence and bollards have to be placed, latch covers have to be fixed, an extension cord need to be returned to Mr. Woollam, and a fire extinguisher needs to be recharged. Mr. Romano asked if Mr. Smith walked away from the project at this point, would there be enough money to hire someone to complete it. Mr. Tracey replied yes. Certification of the tanks caused a long delay. Mr. Ohl stated it was not all a matter of waiting for certification; after certification was received there was still a wait for other parts such as ladders and vent pipes. These items were identified early on and Mr. Smith should have had them ordered and waiting for when certification was complete. Mr. Smith stated there were issues with the concrete risers, Mr. Ohl replied that discussions were had. Mr. Smith states he would like \$25,000 off of liquidated damages and the change order. Mr. Sinclair stated he didn't think that would work. Mr. Romano suggested Mr. Smith meet the Board halfway; the dollar amount could be reduced by \$19,000 and Mr. Smith would absorb the change order. Mr. Smith requested time to think about it and left the meeting.

1. EXECUTIVE SESSION to discuss strategy with respect to litigation over contract dispute with Weston and Sampson

Nothing to be updated.

3. MINUTES: AUGUST 10, 2015

MOTION: by Mr. Sinclair to approve the minutes of August 10, 2015 as written

SECOND: by Mr. Romano

APPROVED UNANIMOUSLY

4. CLEARWELL EXPANSION

Per Mr. Smith's comments, the project will be completed next week if someone can come in and do the fence. The certifications have been completed on the tanks and they are in use.

5. WATER OPERATOR'S REPORT

The new tanks are doing well, no leaks. Indian Head has dropped NCWD for now but plan to be back in the spring. They draw from the fill station. A clay valve is not working properly. Mr. Woollam suggested purchasing a repair kit. He thought the issue might have occurred when the switch to Middleboro water was made. He stated he would get a quote for the cost of the kit. Roof construction has started. Mr. Artiano was not pleased because the same contractor had to be hired to complete the work. A circuit board was broken during repair. Mr. Woollam thought it might be a good idea to use yard hydrants to backflush the lines. He will get a solid cost for that. There was a question about withdrawal permits for the Cole bogs and whether or not they would come from NRCS.

6. GENERAL DISCUSSION

MOTION: by Mr. Romano to pay bills in the amount of \$7,603.62

SECOND: by Mr. Sinclair

APPROVED UNANIMOUSLY

MOTION: by Mr. Sinclair to hold the next meeting September 21, 2015 at 5:00pm.

SECOND: by Mr. Romano

APPROVED UNANIMOUSLY

MOTION: by Mr. Sinclair to hold the next meeting October 19, 2015 at 5:00pm

SECOND: By Mr. Romano

APPROVED UNANIMOUSLY

MOTION: by Mr. Romano to adjourn

SECOND: by MR. Sinclair

APPROVED UNANIMOUSLY

The North Carver Water District meeting was adjourned at 6:28pm on September 14, 2015.

Respectfully submitted,
Madeleine Pompei

Table of Documents

Exhibit A	Meeting Agenda – September 14, 2015
Exhibit B	Letter from M.E. Smith dated September 14, 2015
Exhibit C	Minutes August 10, 2015
Exhibit D	DEP letter of approval dated August 28, 2015
Exhibit E	Schedule of Bills Payable