



## Ashfield Select Board Meeting

Monday, June 5, 2017, 7:00

Ashfield Town Hall, 412 Main Street, Ashfield MA 01330

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Select Board was held in Town Hall at 7:00 PM.

Present: Todd Olanyk, Chair; and Ron Coler.

Absent: Tom Carter

Also Present: Tom Poissant, Highway Superintendent.

Olanyk convened the Select Board meeting at 7:13 pm, with no recording device present.

### **Appointments with Select Board**

#### **A. Highway Superintendent; Apple Valley Bridge Proposal & Contract**

Tom Poissant arrived with the Apple Valley bridge engineering contract up for discussion. Town Counsel reviewed the proposal and recommended the following changes:

- Section 2, currently reads this is a lump sum contract and includes \$12,575 for expenses. Recommends having it revised to read this is a lump sum contract and the total expenses hereunder shall not exceed \$12,575.
- Section 4, delete "and GEA shall have no liability for repair or replacement construction rework or other costs. GEA makes no warrant, expressed, or implied." Counsel stated that if GEA fails to design the bridge using professional standards, and it is discovered after some construction work has commenced, then GEA should not only pay for the rework for the design, but also any additional construction costs caused by this.
- Section 5, delete "or otherwise confirmed by CLIENT." No additional costs should be incurred without it being confirmed in writing.
- Section 5, delete the last sentence.
- Section 6, delete in its entirety.
- Section 8, make payment terms net 45 days. Towns are unable to turn invoices around in 15 days.
- Section 9, delete the first sentence and change 30 days to 60 days.
- Section 10, delete in its entirety.
- Add provisions regarding the contract documents, termination, indemnity, insurance, coverage limits of liability, license and fees, nondiscrimination, compliance with laws, availability of funds, access to records, rights and remedies, conflict of interest, jurisdiction, modification, waiver or change, assignment, successors and assigns, entire understanding, severability, ownership of documents, statutory compliance, and further provisions.

After discussing the recommended changes, the Select Board directed Mr. Poissant to bring these recommended changes back to Gill and to also ask for other proposals.

**Discussion/Decision Items - None**

**Town Administrator's Report - None**

**Mail - None**

**Public Comments - None**

**Upcoming meetings – July 12, 2017**

**Items Unanticipated - None**

**Adjourn- 7:30 pm**

*Motion to adjourn at 7:30 pm: Coler*

*Second: Olanyk      Vote: 2-0-0*

Respectfully Submitted,

Todd Olanyk  
Select Board Chair

Document List:

1. Agenda for June 5, 2017
2. Gill Engineering Proposal for Apple Valley Bridge
3. Counsel Email – Recommended Changes to Gill Proposal