

***Via Certified Mail, Return Receipt Requested
And First Class US Mail***

William Saturley
PO Box 1318
Concord, NH 03302-1318

RE: Saad Right-of-Way

This letter is a reply to your letter to me dated 3/27/2015.

Starting on 9/5/2013, I hired Dave Leone LLC to install a 12' gravel travel way across the Rumney School District property as outlined in the Order of the Grafton County Superior Court on July 29th, 2013. Attached is a copy of the work order describing the work to be performed by Dave Leone LLC.

Prior to starting the work, Dave Leone, owner of Dave Leone LLC, engaged in a number of conversations with two members of the school board and their agent Peter Helgerson; principal of the Russell Elementary School, who raised the following safety concerns related to the work that was going to be performed:

- Ability of ambulance and other emergency vehicles to access the playing fields after the work was completed
- Ability of the general public to be able to pull off Right-of-Way to park vehicles so that elderly and handicapped persons can be close to the playing fields after the work was completed
- Precautions to minimize dangers to students and public during construction activities
- Limit construction work during planned soccer activities

According to the Order of the Grafton County Superior Court on July 29th, 2013, we were not obligated to address any of these concerns. Specifically in the 'Agreed Statement of Facts' item #6 states "The parties agree that the Respondents are able to take reasonable steps ... without the necessity of approval from the Petitioner"

However, we chose to accommodate their concerns as a gesture of goodwill. As a result, Dave Leone, at no cost to the Rumney School District, did the following to satisfy the safety concerns of the school agents:

- Erected a fence to keep students/public away from the construction area and equipment
- Delayed and rescheduled work so that all work was done during times when the playing field was not in use for scheduled soccer activities thus avoiding any disruption to practices and game schedules
- When constructing the shoulders of the 12' gravel travel way, gravel was extended beyond 12' to create a much safer transition between my Right-of-Way and the adjacent playing field. If the gravel area was constructed solely for my benefit the shoulder area within the 12' would have been constructed with a more acute angle creating a gravel way which protrudes more resulting in a greater trip hazard for those running on the playing field. The additional gravel placed outside the 12' area also created a safer transition for emergency and other vehicles which need to pull off the Right-of-Way and park on the grass during soccer games and other school events.

As documented in the work order, I specifically ordered that the gravel area be limited to the area staked out by Sabourn Surveying. The expansion of the gravel area past the 12' Right-of-Way was done solely to address safety and practical use issues directly raised between the school board agents and Dave Leone prior to and during construction.

At the time, Dave Leone felt he was addressing the concerns of the school board agents when he spread additional gravel outside the 12' Right-of-Way. Unfortunately, now the school board does not accept the work that was done to satisfy safety concerns and for the public's benefit.

I attended a school board meeting on 9/18/2013 and during that meeting, I requested that should the school board have any issues with the Right-of-Way work that was done, they should forward them to me in writing so that I could communicate those issues back to the contractor.

Apparently, on September 24, 2013 a plan showing the Right-of-Way, as renovated, was prepared by Sabourn & Tower. However, a copy of that document nor any other written communication was ever forwarded to me prior to your letter dated 3/27/2015. Why did the school board take over 1 ½ years to provide written communication to me on this issue?

Shortly after I received your letter, Dave Leone and I attended a school board meeting on 4/15/2015. Dave Leone attempted to explain that the gravel area was wider than 12' as a result of addressing the safety concerns as outlined above.

Regardless of the good intentions of Dave Leone in addressing the school's safety related concerns at the time of construction, your letter stipulates that the school board does not accept the gravel that was placed outside the 12' area. I have made arrangements with Dave Leone LLC to remove the gravel from outside the Right-of-Way so that the gravel is limited to a 12' area. Please be advised that the correction requested by the school board will result in a travel way shoulder with a more acute angle that protrudes more than it does currently which may not be in the best interest of students and the public who use the playing field. Should the school board wish to reconsider its position, please let me know within 10 days, otherwise the work will commence when the contractor is available and should be completed prior to August 31, 2015.

Regards,

David L. Saad