

## **PRIME CONTRACT**

**This agreement is between Contractors:**

**Arrowhead Construction and Maintenance, Inc.**

**491 Industrial Ave.**

**Williston, Vt. 05495**

**And (owner):**

**Indian Creek Homeowners Association**

**911 Dorset Park**

**South Burlington, Vt. 05403**

**Work required under this contract agreement is limited only to the Indian Creek homeowners and the limits of their property boundaries. This contract is bound by the following Attachments and is part of this contract agreement.**

**Work will be done in Phases and released in Phases. Phase one, maintenance work only, valued at \$64,246.00. Phase two, balance to complete contract agreement, valued at \$58,960.00.**

**Phase one, is released for work to be done at signing of this document. A deposit of \$20,684. Has already been given to Arrowhead Construction in good faith.**

**Phase two, balance to complete contract agreement will be released at a different time. Notification from Indian Creek to Arrowhead will be given in writing. If this notification is not received by Arrowhead before June 1, 2010, Arrowhead will then have the option to change the current pricing.**

**ATTACHMENT "A"**

**Proposal from Arrowhead Construction and Maintenance, Inc. Pages 2-8. Total pages 7**

**ATTACHMENT "B"**

**YCS Sheet Description and Pricing request. Included with this sheet are SK's #10, #14, #15, #16 & #17, Total pages 6.**

**ATTACHMENT "C"**

Scope of work, addendum one. 2 pages

**ATTACHMENT "D"**

Sheet, page 20, Contract negotiation summary. Total pages 1.

**ATTACHMENT "E"**

Proof of Insurance page 2 &3. Total pages 2.

**ATTACHMENT "F"**

Llewellyn – Hawley Engineers Drawing entitled Ridgewood/Indian Creek Condominiums, Project #2005089, dated 6/02/2006. Sheets 1-9 Total pages 9

Both parties entering into this contract agreement agree to have any disputes settled by arbitration.

**INDIAN CREEK HOMEOWNERS ASSOCIATION**

By *Donna M. Seymour*

Date *7/13/09*

OWNER *President of the Board*

*[Signature]*

By *Chris Flanagan*

Date *7/13/09*

Proposal for Indian Creek Condominium Association

from

Arrowhead Construction and Maintenance, Inc.

491 Industrial Avenue

Williston VT, 05495

(802) 318-4907

ORIGINAL

Owner: Christopher Flanigan

Superintendent: David Jerome

**Insurance:**

TEAM Arrowhead will be responsible for making sure all contractors on this job site carry adequate insurance.

TEAM Arrowhead will make sure all employees are adequately covered by insurance.

TEAM Arrowhead carries a \$1,000,000 per incident insurance and valid workmen compensation.

TEAM Arrowhead is responsible for contacting dig safe.

## **Sheet #14**

### **Swale and Ditch Cleanup**

Clean and dig out ditches along main portion on development road approximately 3,000'. TEAM Arrowhead will clear and remove all brush and trees. Debris from the brush and trees may be chipped and blown into the wood line to prevent erosion. Seeding and mulching will be done in area that digging occurred. All places where the existing culverts intercept with the ditch will have new stone or riprap and stone suitable to prevent erosion.

### **Culvert Work**

Approximately twelve culverts of variable lengths will be flushed with high pressure water from one end to the other. Both ends of the culvert will be re dug if need be for correction of water flow. Stone or riprap will be laid at the entry and exit of culvert if needed. A pull line will be run through the culvert that leads to the garden area. Flared ends will be added to the existing culverts as shown on Llewelyn and Howley drawing 4 of 9.

Swale cost: \$16,000.00

Culvert inspection/cleaning: \$6,346.00

Replacing culvert: \$2,050.00

## **Sheet #15**

### **Sidewalk and Related Drainage Work**

New drainage design in front of units 12, 14 and 15. Swale will be determined according to elevation of new sidewalk. A low area will be specified for lawn basin and drainage pipe that will be installed. The new drainage will have topsoil seed and mulch applied. Some areas of lawn will possibly be re-graded.

New drainage design for units 22, 23, 24, and 25. Sidewalk needs to be removed and replaced at a new elevation. Pipe and lawn basins will be installed. A new swale will be created on the entry and exit of the pipe and lawn basin.

Drainage for units 16, 17, 18, 19, 20, and 21. Sections of sidewalk will be replaced to correct elevation for drainage. There will be an installation of two lawn basins with pipe. The new drainage will have topsoil, seed and mulch applied.

Units 16 through 25, estimate of 100' of 4'x4" walk needs to be removed, re-graded and re-poured at new elevation. New sidewalks are needed due to completion of the drainage access and water puddling on existing sidewalks.

Units 51, 52, 53, and 54, estimate of 260' of 4'x4" walk needs to be removed along with three entry slabs due to water problems. The entry slabs will need to be re-graded to a higher elevation. This will consist of removing the siding boards at the bottom of the units, the entry door trim. The new walk ways will need to be re-graded for correct elevation along with the nearby landscape.

Units 12, 14, and 15, estimate of 100' of 4'x4" walk will need to be raised due to water drainage issue. TEAM Arrowhead will remove, re-grade, and re-pour new walks. There will not be a need for a new entry slabs as they are currently at the maximum height.

All concrete will be treated with a weather sealer for protection of the elements. Concrete will be guaranteed for a year from installation. Daily notices will be placed on each home owners door as to what the schedule will be.

Drainage in replaced sidewalk area cost: \$ 17,280.00

Sidewalk replacement cost: \$14,120.00

## Sheet # 16

### New work and improvements required by Act 250 permit

**Basin #1-** Creation of new pond according to detail and drawings from Llewellyn and Howley.

Basin #1 Cost: \$ 18,600.00

#### **Basin #2**

Complete work on basin #2 per Llewellyn and Howley drawings cost: \$15,560.00

#### **Basin#3**

Alternate #3- structure and spillway per Llewellyn and Howley drawings cost: \$15,650.00

**Area #4** –replace culvert if needed cost: \$2,050.00.

**Area#5-** dredging existing swale cost: \$2,400.00

#### **Landscaping:**

- Landscaping for upper and lower ponds to match plan provided by Land Works.
- Species of plants will be provided to match blueprint outlines as long as said species are available due to the end of the growing season.
- Trees will be provided at a height of 48" to 96".
- Planting of grass and trees will be accomplished as per weather permitting.
- Replanting of grass on pond banks and lawns to be accomplished with mulch hay and grass seed.
- Dry pond to be installed as proposed by Engineer's plans.
- Any changes in these systems must be approved by the Board and Engineer.
- Locating of Association utilities and sewer lines to be paid by Indian Creek. If dig safe is unable to indentify , Team Arrowhead will perform exploratory discovery work within their own capacity prior to a third party intervention. This will be known as on site conditions.

Lower Pond:

Pond work will be performed as specified by Engineer's walk around and drawings.

Landscaping cost: \$4,680.00

## Sheet # 17

### Suggested Work to Swales and Ditch

Clean up existing swales and ditches, remove trees and grub if needed. Cost: \$3,950.00

#### Pricing and payment schedules

Maintenance work \$64,246.00

Act 250 & Storm Water Work \$58,960.00

Total amount of contract as outlined on  
page #7 summary breakdown **\$123,206.00**

Deposit of \$20,684.00 is required before work is started. Work will begin within five business days of receipt.

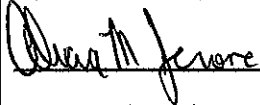
Arrowhead Construction and Maintenance, Inc.

Alison M. Jensen Date 7/10/09

Indian Creek Condo Association

Donna M. Jensen Date 7/13/09  
President of The Board

Indian Creek Summary Breakdown

Item	Task and Ref Sheet Number	Storm Water	250 Amend	Maintenance	Contract Total	
1	# 10 Pavement			\$4,500.00	\$ 4,500.00	
3	# 14 swales and culverts	\$16,000.00 \$6,346.00		\$16,000.00 \$6,346.00	\$16,000.00 \$6,346.00	
4	New Culverts #15 Alt #1 concrete walks	\$2,050.00	\$2,050.00	\$2,050.00 \$31,400.00	\$2,050.00 \$31,400.00	
5	#16 Basin#1 Alt #2 Alt #3	\$18,600.00 \$15,560.00 \$15,650.00	\$18,600.00 \$15,560.00 \$15,650.00		\$18,600.00 \$15,560.00 \$15,650.00	
6	Area #4 Area #5	\$2,050.00 \$2,400.00	\$2,050.00 \$2,400.00		\$2,050.00 \$2,400.00	
7	#17 Alt #4			\$3,950.00	\$3,950.00	
	Totals	\$78,656.00	\$61,010.00	\$64,246.00	\$123,206.00	
	<b>Contract Amount of Work</b>				<b>\$123,206.00</b>	
	<b>Total Amount of Maintenance Work</b> \$64,246.00    Maintenance <b>Balance to finish all work</b> \$58,960.00    Balance <b>\$123,206.00 Balance Total</b>					
	Team Arrowhead  Date: 7/10/09					



## INDIAN CREEK CONDOMINIUM INTRODUCTION AND SCOPE OF WORK

### ADDENDUM ONE

Indian creek in the effort to acquire storm water permits has developed plans and specifications. Act 250 permits are written showing Ridgewood condominiums and Indian Creek as one application. Drawings being priced are on Indian Creek property only as defined by property lines.

Llewellyn – Howley are the engineers for both projects. Drawings were required to show what work was to be completed before a Stormwater permit was issued. These drawing were developed based on the 2002 Stormwater requirements and show what needed to be completed to acquire permit. Llewellyn Drawings also show fixes for areas that had failed over the years as requested by the Board of Indian Creek at that time. To date, not all is shown on Llewellyn drawing. This will show on separate sheets YCS Sheets # 10, 14, 15, 16, and #17. Please use these sheets for clarification of areas to be priced.

Most problems are a result of poor maintenance. Some areas may require a determination by site contractor if work in certain areas need to be done at all due to a change over time with ground elevation change. These areas need to be qualified.

### GENERAL SCOPE OF WORK

1. Contractors to carry all permits required to perform their work.
2. Landscape plans around ponds is not available at this time and can be added separately.
3. Any vegetation, tree and stumping will be hauled <sup>off</sup> ~~of~~ site and or chipped.
4. All erosion control is contractors responsibility
5. All replacement of material to be on site material and seeding, mulching and details need to be as per Llewellyn drawings.
6. Some work may have been done contractors responsibility to confirm.
7. If any fix is shown where you want to substitute an alternate, primarily for cost saving, please qualify and get approval.
8. Side walk work and drainage work in front of buildings are shown on Llewellyn drawings sheet 5 of 9. Additional work required is shown on YCS sheet #15.
9. Pavement failure is still accruing as shown on sheet YCS #10. Your thoughts on solution.
10. Pond areas need to be cleaned up to view to see if further work is required.
11. All work as shown including clean-up work on pond located on YCS #17. Should be priced separately at this time. \*See list of alternates.
12. At walk through work will be reviewed for clear and grub behind units #39 - #46. See sheet YCS Sheet # 14, this work may not need be done as originally shown on previous sheet YCS Sheet # 12.
13. Contractor is responsible to carry workmen's compensation insurance and liability insurance.

**Addendum includes:**

- a. Revised Addendum Introduction Sheet.**
- b. General Scope of Work 1-13.**
- c. YCS individual sketch sheets for clarification. Sheets 10, 14, 15, 16, and 17.**
- d. YCS Sheet description and pricing request.**
- e. Transmittal 5/18/09**



**NGM INSURANCE COMPANY**  
55 West Street, Keene, NH 03431  
Telephone: 1-888-646-7736

INSURED

Attachment "E"

## CONTRACTORS POLICY DECLARATIONS

### Named Insured and Mailing Address

**ARROWHEAD CONSTRUCTION &  
MAINTENANCE INC**  
%P FLANIGAN 491 INDUSTRIAL AVE  
WILLISTON, VT 05495

Policy Number: MPP4839B  
Account Number: CACP4839B

Agent: T S PECK LLC  
AGENT PHONE : 802-865-8000

Producer Code: 440337

### POLICYHOLDER INFORMATION

Named Insureds Business: **LANDSCAPE GARDENING**  
Entity: **CORPORATION**  
Policy Term: **12**  
Effective: **05/19/09** (12:01 A.M. Standard Time at the address  
Expiration: **05/19/10** of the Named Insured stated above)

In return for the payment of the premium and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy. See the attached schedules for Description of Premises, Property Coverage, Optional Coverages, Forms and Endorsements applying to this policy and Mortgagee Schedule if applicable.

BUSINESSOWNERS LIABILITY COVERAGE	LIMITS OF INSURANCE
Liability & Medical Expenses - each occurrence	\$ 1,000,000
Personal and Advertising Injury Limit	\$ 1,000,000
Products-Completed Operations Aggregate Limit	\$ 2,000,000
General Aggregate Limit	\$ 2,000,000
Fire Legal Liability - any one fire or explosion	\$ 500,000
Medical Expense Limit - per person	\$ 10,000
Business Liability and Medical Expense: Except for Fire Legal Liability, each paid claim for the above coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to section D.4. of the Businessowners Liability Coverage Form.	

For policies subject to premium audit: Annual Audit Applies.

Commercial Inland Marine Coverage Part	\$	480
Estimated Annual Premium:	\$	2,664
<b>TOTAL PREMIUM AND CHARGES</b>	\$	<b>3,144</b>

Countersigned: \_\_\_\_\_  
64-5470 (9/00) 03/25/09 RENEWAL JG

By:  \_\_\_\_\_

31 (Policy Provisions: WC 00 00 00 A)

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FW INFORMATION PAGE

WEG WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY

INSURER: HARTFORD UNDERWRITERS INSURANCE COMPANY  
HARTFORD PLAZA, HARTFORD, CONNECTICUT 06115

NCCI Company Number: 10456  
Company Code: 5



23890

\*2100076FW82310101

POLICY NUMBER: 76 WEG FW8231  
Previous Policy Number: NEW

Suffix  
LARS RENEWAL  
00

HOUSING CODE: 76

- 1. Named Insured and Mailing Address: ARROWHEAD CONSTRUCTION & MAINTENANCE INC  
(No., Street, Town, State, Zip Code)

FEIN Number: 030367793  
109 AIRPORT PARKWAY  
SOUTH BURLINGTON, VT 05403

State Identification Number(s):  
UIN:

The Named Insured is: CORPORATION  
Business of Named Insured: BUILDING OWNER - LESSORS RISK  
Other workplaces not shown above: 109 AIRPORT PARKWAY  
SOUTH BURLINGTON VT 05403

- 2. Policy Period: From 10/14/08 To 10/14/09  
12:01 a.m., Standard time at the insured's mailing address.

Producer's Name: AUTOMATIC DATA PROCESSING INS AGCY

308 FARMINGTON AVE  
FARMINGTON, CT 06032  
Producer's Code: 250717

Issuing Office: THE HARTFORD  
308 FARMINGTON AVE  
FARMINGTON CT 06032  
(877) 287-1316

Total Estimated Annual Premium: \$13,562  
Deposit Premium:  
Policy Minimum Premium: \$750 VT

Audit Period: ANNUAL  
Installment Term:  
The policy is not binding unless countersigned by our authorized representative.

Countersigned by *Kristine R. Gier* Authorized Representative  
Date: 10/16/08