

Engineer and Faison May Battle Over Fee Difference

Unless paid according to the estimated cost of the water system designed, Finley Boney, engineer with Boney & Associates of Raleigh, informed the Faison Board of Commissioners a legal battle would result for the \$14,000 fee difference.

The difference resulted in the design fee of Town Engineer Boney when contracts were let for the water improvement system. The estimated cost of the system designed by Boney was \$470,000, and the contracts let on the water system totaled \$325,000. According to Boney, engineers are paid on a sliding scale set by Farmers Home Administration ranging from 6.8 to 8 percent. Boney contends his fee for the system designed should be based on work which he was instructed to do by the Faison board regardless of the amount of the system the board lets in bids. A fee of \$38,000 is requested by Boney; a fee of \$24,000 has been approved by the Faison commissioners.

Town Attorney Jene Thompson advised the board at the July meeting not to pay the estimated design fee of \$38,000, but the \$24,000 fee on the actual contracts let for the project. The Kinross FmHA office advised Boney that FmHA funds could not be used to pay design fees beyond the actual cost of

contracts let in the project. And, an engineer with the Raleigh office of FmHA, which Boney contacted, instructed the entire \$38,000 fee be paid. However, the FmHA engineer said Farmer's Home funds could only be used to pay \$24,000 of the fee, and town funds or grants would have to be used to complete the \$14,000 difference. Farmer's Home funds can only be used to pay design fees on the actual cost of the project.

"I do not want this to go back to your attorney (Thompson), but I will go as far as necessary to get the money this town owes me for designing the water system," Boney said. "If I have to, I will take the matter to my attorney, but I don't want to spend my money in legal fees or see the town spend their money in legal fees."

Boney denied that he had deliberately over-designed the water system. Boney reminded the board they had instructed him to design extras into the system. And, he said, "At the time the extras were requested, I informed the board that the project could not afford additional improvements."

"You (town board) said design, and I designed the additional improvements. Now I should be paid for them," Boney said.

Any additional use of the water system plans beyond the contracts let at the beginning of the project will be without payment for the design, Boney said. The town has requested change orders in two of the original contracts. Brown Steele for the water tank, and T.A. Loving for the water distribution system.

Both changes were made to the town board by Boney. The change in the Brown Steele contract includes a \$1,100 addition of a six-inch overflow pipe and a door to seal off public access to the tank ladder. The T.A. Loving contract changes involved the addition of 6,000 feet of pipe at a cost of \$15,000. Money to make the improvements in the two contracts resulted from a saving of \$21,000 on the tile and concrete foundation for the elevated storage tank.

Changes to both contracts were approved by the Faison board, and the Loving contract is to be reviewed in 30 days for a possible addition of more pipe. The board took no action on the payment of the design fee requested by Engineer Boney. Mayor Bill Carter agreed to meet with the town attorney for further advisement on the engineer's fee.

Public Works Director Fred Wheelless suggested the board consider designating a

place for local farmers to buy water from the town. A fire hydrant on the corner of Ellis and Mary and Elias Streets was suggested by Wheelless. The system would allow farmers to fill their water trucks during planting time and pay at the town hall on an honor system basis. Commissioner and Public Works Director Wheelless was appointed to study the matter and report back to the board at the next meeting.

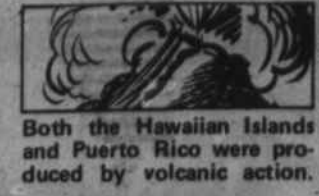
Bruce Armstrong with Truxmore of Richmond, Va., appeared before the board and brought a 1979 demonstration model trash truck for board members to inspect. The 17-cubic-yard truck could be financed on a five- or three-year lease-purchase plan or bought straight out. The regular price of the truck was \$40,315. According to Mayor Carter, advertisement for bids would have to be placed in local newspapers and Truxmore, along with other bidders, would have an equal opportunity to submit a price. It would be the obligation of the town board to purchase the trash truck from the lowest bidding company, the mayor said.

Cherry Receives Service Award

Col. Wm. M. Burkett, commander, Western Space and Missile Center at Van-

denburg, CA, presented an award for Meritorious Civilian Service to David Ervin Cherry. It is the highest award the Air Force can present to a civilian employee. Cherry is program planning engineer in the center's Western Test Range. His efforts resulted to support dual launch in a 10-month time frame with cost saving estimated to be in excess of \$600,000.

David is the oldest son of the late David Lemuel Cherry. His mother lives in the Summerlin Crossroads area. He is a 1950 graduate of Kenansville High School, according to Delphia E. Cherry.



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PRESENTED AWARDS OF APPRECIATION - Two resolutions of appreciation were presented during the regular meeting of the Kenansville town board. H.C. Mitchell, a former Kenansville police officer, resigned from the department and will be employed with J.P. Stevens as a security officer. Town

Clerk Sandra Middleton resigned after three years of service in the Kenansville town hall. Both Mitchell and Middleton are pictured receiving the framed resolutions of appreciation from town Mayor Douglas Judge.

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