

**Minutes – Sherborn Library Building Committee
2/3/20, the Sherborn Community Center**

LBC: James Kolb, Chris Kenney, Adam Page, Mark Brown, Richard Littlefield, Alexis Madison, Libby Yon

Trustees: Mary Moore, Brian Connolly

Select Board: Eric Johnson, Jeff Waldron

Library Director: Elizabeth Johnston

Public: Frank Hess

Prior meeting minutes from 1/6/20 were approved subject to minor corrections.

Project Status

The following topics were discussed:

Five Star termination/Performance Bond claim:

The Select Board issued a Termination Letter and Performance Bond claim to Five Star Building Corporation on 1/16/20. FSBC is barred from the site.

Jim Kolb reported that a walk-through of the building with representatives from Travelers Casualty and Surety, Town Counsel, Five Star, and Town representatives took place on 1/27/20. The Surety is currently in an “investigation” phase with respect to the Town’s Performance Bond claim.

Mary Moore noted that BAA has assembled what is reported to be a complete package of all project-related documentation and transferred the package to Town Counsel. In addition, Mary indicated she will be requesting a proposal from BAA for continued Construction Administration services during calendar year 2020, as well as a proposal for assemblage of bid documents for the procurement of a new General Contractor.

DTI termination:

Jim Kolb reported that Design Technique Inc., the Owner’s Project Manager has been terminated “for convenience”. The firm is in the process of assembling project documentation for transfer to the Town. Items required include all written documents, correspondence, memos, logs, etc. since contract start-up, updated budget, and complete back-up information and current status of ongoing issues, including furniture procurement; storage; IT build-out, including copies of original bids; rebates (Eversource; LEEDS; other?). Eric Johnson requested that DTI prepare a list of significant project changes since inception in which responsibility for the change is assigned between the Architect, the Owner, FSBC and other third parties.

A contract is under preparation by the Town for a replacement OPM firm. Discussions have been underway with Daedalus Projects, Inc. subsidiary of CHA Consulting, Inc., a firm originally pre-qualified for these services in 2016. It was discussed that, in order to streamline communications, going forward all contact with the new OPM firm is to be

through Jim Kolb and David Williams; similarly, communication with Town Counsel is to be through Eric Johnson and David Williams.

Project Budget

The following topics were discussed:

Eric Johnston reported that Five Star requisition #35 from November for \$57,737.50, the most recent received, cannot be processed as with no contract in force the Town does not have authority to make payment. Subcontractors have the right to petition the Owner directly for payment of monies owed them under their contract with FSBC.

Mary Moore reported that a six-month lease extension with the Sherborn Community Center Foundation for the continued housing of the temporary library into July 2020, is “in process”.

Cost and maintenance of the temporary propane heat in the library building has been taken over by the Town.

Prior to termination provision of Builders’ Risk Insurance on the project was by Five Star. While the termination letter explicitly directed Five Star to maintain this coverage after termination, this may not occur. Mary Moore reported that until such time as a new contractor is on site the Town is pursuing “vacancy insurance” as a stop-gap measure.

Executive Session

Following a reading of the relevant section of M.G.L. 30a as set forth hereinafter, and the Chair’s declaration of detrimental effect, a roll call was held on a motion to adjourn to Executive Session not to return to public session under M.G.L. 30a. Section 21(a)(3) “to discuss strategy with respect to threatened potential litigation if an open meeting may have a detrimental effect on the litigating position of the Town”, as follows:

James Kolb – Yes

Chris Kenney – Yes

Adam Page – Yes

Mark Brown – Yes

Richard Littlefield – Yes

Alexis Madison – Yes

Libby Yon – Yes

The next LBC meeting is scheduled for 4/2/20.

Respectfully submitted,

Richard Littlefield