

**Meeting of Sherborn Library Board of Trustees
January 21, 2020**

Trustees Present: Acting Chairperson Brian Connolly, Kristiina Almy, Bruce Eckman, Chris Kenney, Jim Murphy, and Hank Rauch.

Others Present: Library Director Elizabeth Johnston; Assistant Director/Public Services Librarian Liz Anderson; Select Board Member Jeff Waldron; and DPW Director Sean Killeen

Call to Order: The meeting of the Library Trustees was called to order by acting Chairperson Brian Connolly (Brian) at 7:31 P.M.

Voting of Minutes: There were no minutes voted upon at the meeting.

Chair's Report:

Brian, with the help of notes provided by Mary Moore in her absence, reported that Five Star had been hand delivered notice of termination of its general contract this past Friday, January 17, 2020. Sean Killeen hand delivered the notice of termination to Five Star's attorneys and to the Surety's office. A copy of the notice of termination and its attachments has been posted to the Town's website. Soon after receipt of the notice, the Surety requested a substantial number of documents, as it is the surety's obligation to act with reasonable dispatch following a termination. Relatedly, the OPM DTI was also given a notice of termination to be effective in 30 days.

Brian also relayed from Mary's notes that additional updated scheduling and budget information is being developed.

Elizabeth expressed some of the mixed emotions we have all had about the termination, given that this decision has been hovering over the project for nearly a year and the unknowns about the means, manner and identity of the replacement contractor and timing and costs of completion.

It was also relayed that the MBLC had been notified about the termination and that the MBLC would grant additional time to complete construction which will likely mean written agreements with the Town to that effect.

Brian also relayed that Mary Moore and Jim Kolb (Chair of Library Building Committee) were actively discussing implementing a streamlined communication process with the new OPM and contractor.

Brian reported that Mary had reached a verbal agreement with the Sherborn Community Center Foundation to extend the lease until July 2020, with a further option to extend. On motion duly made and seconded, it was unanimously voted to permit Mary Moore to sign an extension of the Lease with the SCCF for the additional periods of time with the same underlying terms and conditions of the

existing lease as previously amended. It appears that Ernie and SCCF are confident that they can work around the Library's presence in connection with the other booked event that they have during these time periods. There was also a discussion about the fact that the SCCF boiler was down, and as a result the Library was closed for a time, re-opened for a partial day, but will be further shut down until the boiler is repaired. There was discussion about whether the Library would be responsible for some of the costs of the boiler replacement. There were strong views that since the boiler replacement was a capital cost, that the Library should not be responsible for contributing, and that any discussions about use of the Library's operating budget (strongly disfavored) or a Reserve Fund Transfer were speculative at this point in time. It was noted by Sean that the Select Board had previously been of the view that SCCF was being adequately advantaged financially by the stream of lease payments and that he was of the view that the Select Board would likely urge payment of the boiler replacement by SCCF.

Going back to the termination of Five Star, Sean indicated he had changed the building locks and had caused the propane tank to be filled to maintain heat in the building. He indicated that although Five Star had asserted that the building was weather tight, Richard Littlefield had indicated otherwise and had made contrary observations. A discussion was had as to insuring the building; likely now as a vacant building, but later once the Surety took over, with a builder's risk policy.

Friends of the Library Report:

On behalf of the Friends, Liz Anderson reported that the Friends were holding a Book Sale on February 1st and that the Winterfest was being held this upcoming weekend. She reported that the Friends had received two additional grants; one from the Sherborn Business Association for a Game Night; and another from the Sherborn Cultural Council.

Executive Session:

Following a reading of the relevant section of M.G.L.c. 30A as set forth hereinafter, and the Chair's declaration of detrimental effect, a roll call vote was held at approximately 7:44 p.m. on a Motion to Adjourn to Executive Session under M.G.L.c.30A § 21(a)(3["to discuss strategy with respect to threatened potential litigation if an open session may have a detrimental effect on the litigating position of the Town and the Chair so declares"] with the intention to return to public session at the conclusion of the Executive Session as follows:

Brian Connolly - Yes
Chris Kenney - Yes
Jim Murphy - Yes
Bruce Eckman - Yes
Hank Rauch - Yes
Kristiina Almy - Yes

Return from Executive Session:

After roll call voting to end the executive session (as will be reflected in the Executive Session minutes) the Trustees returned to Public Session at approximately 8:01 PM.

House Subcommittee Report:

Chris Kenney indicated that the LBC last meeting was primarily in Executive Session and as such he would not be reporting that aspect at this time. He did indicate that updated completion schedules had been again requested. He reported that another Five Star super had left the project. With respect to weather tightness, he indicated as noted before, that Five Star claimed the project was weather tight, but there was exposed plywood and other infiltration noticed. He reported that with the masonry subcontractor there seemed to be a stall tactic, with the masonry subcontractor submitting 27 RFIs to the architect, many of them repetitive of earlier requests. He indicated that the expert reports on roof and alignment had been received. They are exhibits to the termination notice. Payment Requisition #36 was discussed in Executive Session. There have been no changes to the budget since the December 2019 update. Currently the budget is at \$10,997,000 with the removal of certain rejected extra costs. The Select Board had reached an agreement with the architect as to the payment of open claims, and BAA withdrew its suspension notice.

There was a discussion about FFE (furniture, fixtures & equipment) and whether certain items had been accepted and where they were stored. The goal is to get all accepted items to be stored with our movers William B. Meyer. This is a task that John Sayre-Scibona should be taking care of in his final days as OPM.

Finance Subcommittee Report:

Hank Rauch reported that he had filed two place holders warrants for the Library regarding Trustee custody of donated funds and use of the MA Prudent Investor Act. Hank hopes to have this latter warrant subject co-ordinated with a similar request by Heidi Doyle, Town Treasurer. Elizabeth reported that David Williams had asked he whether the Library still wanted to go forward with these, and Hank indicated he would willingly meet with David to review this request and any interrelationship with Heidi's articles. Jeff Waldron indicated his support for the Library's use of the MA Prudent Investor Act and made some suggestions about contact with other members of the Select Board, such as Chuck Yon who might be helpful.

Community Relations Report:

Kristiina Almy reported that FAQs had been posted in December. Elizabeth indicated that Mary Moore had also posted a summary relating to the Five Star termination and that will or has been posted to Next Door. There was a sigh of relief by all that we could now report openly to fellow Town residents that Five Star had been terminated.

Policy Subcommittee

The Policy Subcommittee brought forward drafts of the Social Media and Photography policies.

With respect to the Social Media Policy, after discussion, and slight changes to the wording, it was moved and seconded to adopt the presented Social Media Policy, with the two discussed wording amendments, and thereafter it was unanimously voted to so adopt it.

With respect to the Photography Policy, Elizabeth gave some helpful background about developments experienced by other Towns and libraries, interrelated First Amendment issues, and American Library Association viewpoints, and it was decided to bring the proposed policy back at the next Trustees' meeting for final action - it seeming as though the proposed policy addressed appropriately the balance that the Library was seeking on this new and nuanced area. It was suggested that on outside public areas, Carole Marple, the Town Clerk, may have useful information and perspective and policies that would be applicable to the Library's anticipated uses and mission.

New Business:

Elizabeth reported that she is working on the draft of the Annual Report to be included as part of the Town Report.

Elizabeth reported that the Trustees' budget presentation to Advisory was slated for Wednesday, February 12 at 7:15 p.m. Hank Rauch will lead. Brian and Jim are planning to attend.

It was noted that Advisory Chair, Steve Leahy had asked to be notified when the LBC was to meet.

The next meeting of the Trustees is scheduled for February 18, 2020. As this date falls during a school vacation week, Elizabeth will poll the Trustees to see if that date will still work and garner a quorum, or identify an alternative date.

Motion to Adjourn:

Upon motion duly made by Hank and seconded by Bruce, the Trustees unanimously voted to adjourn at 8:36 P.M.

Upcoming Meetings:

Next Scheduled Trustees' Meeting: Tuesday, February 18, 7:30 PM

Next Scheduled LBC Meeting: Monday, 2/2, 2020, 7PM, TBD

Construction Site Meetings - None Presently Scheduled

Materials Distributed at or in advance of the Meeting:

1. Agenda;
2. Draft Sherborn Library Social Media Policy;
3. Draft Photography, Recording & Filming - Public Policy;
4. Town Meeting Warrant Place Holders with explanatory note.

Respectfully submitted,
Jim Murphy
Recording Secretary