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SELECTMEN'S MEETING MINUTES

October 22, 2020

Ms. Pitt stated, as Chairman of the Marlborough Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 Pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during the meeting, which is required under the Right-to-Know law.

Roll call attendance:

Chairman Pitt	Yes – Present via Zoom	No one else in the room
Selectman Paight	Yes – Present via Zoom	No one else in the room
Selectman Nelson	Yes – Present via Zoom	No one else in the room

The Meeting was called to order at 5:06 pm. Present in the Town Office was Ellen Smith, Town Administrator. Those present via Zoom were Teresa Horne, Doug Hamshaw, Jackie Lahey, Jeff Miller, Rufus Frost, Gilda Goodrich, Ed Goodrich and Bob Sweet.

Chairman Pitt began with some basic principles for moving forward based on Town Attorney Kinyon's letter dated October 1, 2020. The Board of Selectmen has responsibility for the management of the Library Addition Project with the recommendation and input of the Library Trustees and the 150 Committee. The object is to develop the substance of what is to become a written agreement between the parties involved in the project in accordance with the guidance provided by Attorney Kinyon and Tom Donovan of the AG's Office.

Jeff Miller of the 150 Committee said he wants to satisfy everyone's interests. Doug Hamshaw, speaking as a member of the 150 Committee, stated that from the Committee's standpoint, they were the ones who developed and shepherded the project to this point and it was their intention to run the project all the way through; it was 100% ready to go, they had a hard quote and the subs were ready to go two years ago. Chairman Pitt clarified that the hard quote was the one from Cheshire Builders in 2018. Bob Sweet said that neither the Library Trustees nor the Board of Selectmen wanted to run the job. Then it was stated by the 150 Committee that there are certain, significant donors, who do not want the Board of Selectmen running the

job. They do not want the project managed by the Town. Chairman Pitt asked them to be clear as to what these donors have said. The 150 Committee explained that the donors view the project as a private donation to the Town in the same spirit as the original donation of the Library. Mr. Miller clarified that the concern is in the final paragraph of Attorney Kinyon's letter that said upon receipt of the construction funds from the 150 Committee, the Town will assume exclusive control for the construction.

Chairman Pitt referred back to her first point at the beginning of the meeting in which she stated that "The Board of Selectmen has responsibility for the management of the Library Addition Project with the recommendation and input of the Library Trustees and the 150 Committee".

The 150 Committee objected, Mr. Hamshaw could not agree to that and Mr. Sweet said that the Town didn't want to do the project at first and now they do. After some discussion about how the Town Attorney and the AG's Office advised the group on the proper way to run the project, they group agreed to the Chairman's first point which is that the Board of Selectmen hold the decision making power. She further pointed out that the Attorney stressed in his letter that this was a collaborative effort, decisions will be made with input of the Library Trustees and the 150 Committee.

There was a discussion about how other advisory committees interact and make recommendations to the Board of Selectmen.

Questions were raised as to how the 150 Committee went from a fundraising group to running the job. The Selectmen asked when it was decided that Doug Hamshaw would run the job? Mr. Hamshaw is of the opinion that neither a Clerk of the Works nor a Construction Manager is needed for this project.

Discussions shifted to the financial information provided by Jeff Miller. Selectman Paight emphasized that it is her opinion that no Mary Lodge Fund money should be included in the project at this time and a portion thereof should be available if needed for contingencies.

The underground waterway on Library property was discussed. Mr. Hamshaw said that there will be no impact to the waterway. Selectmen Nelson said that it is prudent to look and make sure there isn't going to be a problem. The waterway is functioning properly now and the Selectmen will do their due diligence. No one wants to spend money on unnecessary engineering studies but the Selectmen do want the opinion of an engineer that has actually seen the waterway and has considered measures to mediate any risk.

Mr. Hamshaw repeatedly referred to "the plans". TA Smith reiterated that the only thing the Selectmen's Office has is the one page schematic. If there are other documents or "plans" related to this project, they must be disclosed immediately, as should any and all documents associated with the project. As noted in Attorney

Kinyon's letter this is a collaborative effort and in order for the project to move forward there needs to be full disclosure.

Chairman Pitt asked for the attorney's invoice for time related to the Library Addition Project to be paid with fundraising money as no taxpayer money is to be used for this project. The 150 Committee did not believe that they should have to pay the invoice when it was the Town who wanted their attorney involved. There was no resolution.

The group discussed next steps. Mr. Sweet agreed to provide the Selectmen with a set of full size plans for the project and Mr. Hamshaw agreed to attend a Board of Selectmen's Meeting with all of the documentation and information he has on the project.

Selectman Paight moved and Selectman Nelson seconded a motion to adjourn the meeting at 7:45 pm, vote to adjourn was unanimous.

Respectfully submitted,

Ellen Smith
Town Administrator