



TOWN OF MENDON

SELECT BOARD

20 Main Street, Mendon, MA 01756
Tel: 508-473-2312 Fax: 508-478-8241

Notice of Meeting

April 7, 2020, 6:30 PM
VIA Conference Call
Call In # 774-462-5991
Use Participant Code #
1236 or 1238

Board Members

Christopher Burke, Chairman
Mark W. Reil Jr.
Lawney Tinio

Select Board **Meeting Minutes** **April 7, 2020**

At 6:35 PM a regular Select Board Meeting was called to order. Ms. St.John-Dupuis read the remote meeting statement. Mr. Burke provided the ground rules for the meeting. Due to the meeting being a remote meeting all votes are to be taken by roll call vote. Present: Chris Burke, Mark Reil, Lawney Tinio, Kimberly Newman and Laura St. John-Dupuis.

Correspondence to the Board

Ms. Bonnie Budd, 8 Harrington St, addressed the Board stating that she had emailed a letter this morning to the Board at the advisement of the Town Clerk, regarding Mr. Burke stated that the Board was in receipt of the letter this morning but is unsure if this issue is under the jurisdiction of the Select Board and asked Ms. Budd to give the Board time to digest her correspondence and follow up with the appropriate department. Mr. Burke further added that if this issue is under the jurisdiction of the Select Board it would be addressed at a future meeting. If not, the appropriate department would be in touch with Ms. Budd to address the concerns outlined in her correspondence.

Ms. Budd agreed and thanked the Select Board for their time.

Soil Removal Permit, 7 Nipmuc Road-Request for Extension

Ms. Cindy Amara ,Town Counsel, advised that under recent legislation via gov. Baker, permits in effect of March 10th will not lapse of expire during the current state of emergency. This permit will not expire when the executive order expires. Mr. Burke stated that there is nothing that the Board has to approve at this time. This item will be tabled until the applicant comes back and ask us to extend the permit.

Ms. Bonnie Budd, 8 Harrington Rd addressed the Board of Selectmen

Discuss Police Station Building Project

Mr. Don Morin, Secretary of the Police Station Building Committee addressed the Board and provided the below sequence of events.

Mendon Police Station Project – Sequence of Events

April 7, 2020

March 25 – Governor releases guidelines for essential projects to keep employees safe.

March 26 – Tower issues estimated cost increase of \$2500/day, \$12,500/wk. to comply with guidelines.

March 27 – Town Administrator sends letter to Tower offering to assist with taking of temperatures each morning to help offset the cost to the GC to comply with the Governor's guidelines.

March 31 – Change Proposal from Tower received to comply with Governor’s guidelines at an additional cost of \$18,838.38 for remaining 23 days of construction schedule. This assumes that the Town will take temperatures of employees working inside the building once each morning.

March 31 – Governor releases clarification on what constitutes essential services. It does not appear that the Mendon Police Station Construction project fits clearly into any of the essential services categories.

April 1 – Town informs Tower that Change Proposal needs to be reviewed with Select Board as they have questions. Their next meeting is on April 7. Tower is also informed that while the Town offered to assist with taking temperatures daily, it is unable to support this until the proper equipment is obtained to be able to do this safely.

April 2 – Tower is on site, but no sub-contractors are working. Phone call held and Tower explains that it has decided to stop work inside the building until they can comply with the Governor’s guidelines. Site work is not scheduled today due to the forecast for rain on Thursday and Friday (April 2-3).

April 2 – Tower issues revised Change Proposal including the cost to take temperatures, increasing the total to \$34,321.98 for 23 days of work.

April 2 – Tower issues a stop work order letter. Their contention is that they “were directed to stop operations” by the Town.

April 3 – Kaestle Boos asks Tower to produce the written order to stop operations (per contract).

April 3 – Tower states that “Inaction is still action”, implying that since the Town has not approved the proposed change order and the architect has not issued a CCD, this equals direction to stop work.

April 3 – Town asks Tower to request the state to make a determination if the project is essential.

April 3 – Tower responds “It is our understanding that this determination has to come from the Owner” with regards to the determination if the project is essential.

April 6 – Site work continues on the project, but interior work is not taking place.

Mr. Burke asked Mr. Morin if the Board were to deem the project essential, has the building committee selected one of the three options that they would recommend. Mr. Morin stated there are really 2 options. 1. To advise the General Contractor to continue all work and 2. To perform site work that is under less stricter conditions. Mr. Morin stated that we can agree to the proposal and are willing to pay or we will allow the addition of time to complete the work but no additional money. The building committee believes that per the contract we can give the contractor the ability to continue but can talk about money after. Ms. Cindy Amara, Town Counsel, stated that if the board votes they deem the project essential there is still the possibility the state could say otherwise. In addition, Town Counsel stated she was not so sure how the State would proceed. In light of everything that is going on, there maybe other ways to divide the cost so that everyone is paying for some part of this.

Mr. Burke stated that we can control our timing and clearly want to keep people safe not put undue burden on the contractor. Mr. Burke stated that it is his opinion if we want them to finish the site work so that we can get the parking lot in order for when the state lifts its order and then shut down the interior work. Then grant the contractor the extension of the 23 days to complete the work after the executive order is lifted. Mr. Tinio agreed that given the situation we are in; he is willing to do what necessary timewise. Ms. Amara agreed that any disputes about who pays the costs can be dealt with down the road. The biggest question is there a risk and any potential liability that comes back to the Town, performing the outside work makes sense in light of everything and can social distance and take necessary measure. Mr. Morin stated that the contractor wants to continue with the site work and feels the site work is essential and the building is not at this point. Mr. Morin stated that they can issue a directive allowing site work and work the money out later. Mr. Burke is in favor of this. Mr. Reil stated that he was fine with that option and Mr. Tinio agreed.

Ms. Amara stated that no work will be done inside, once the is lifted by the governor the contractor will have 23 days from that point to finish the project.

Mr. Tinio made a motion proceed forward with the building committee to act upon with the change order proposal number 55 for outside work only, nothing inside and for additional time to complete the interior work and money to worked out later. Second by Mr. Reil. The motion passed unanimously.

Roll Call Vote: Burke-aye, Reil-aye, Tinio-aye

Vote to comply with COVID-19 State guidelines through May 4, 2020

Mr. Tinio made a motion to comply with the updated COVID-19 State guidelines, all Town buildings will remain closed to the public through May 4, 2020. Second by Mr. Reil. The motion passed unanimously.

Roll Call Vote: Burke-aye, Reil-aye, Tinio-aye

Discuss Town Meeting Date

Ms. Newman stated that she would like to address this at the next meeting date and proposes we pass over this for now. The Annual Town Meeting is scheduled for June 1.

Review of ATM Warrant

Ms. Newman went through the draft Annual Town Meeting warrant. Ms. Newman stated that her position is that any articles that can be moved to November would be preferred. Mr. Tinio stated that if an article does not have to be on the ATM warrant and can be moved to November it should be. Ms. Newman stated that the other issue is being able to get this information out adequately to residents, she is concerned we are not going to have enough time to do these articles justice and do not see the downside of moving any of the articles to November. Mr. Burke and Mr. Reil agreed that the housekeeping articles should be left on for this June 1st Annual Town Meeting. Mr. Merolli stated that he would send an email to remove the citizen's petition and would like support of the Board for the is article at the November Special Town Meeting.

Mr. Tinio made a motion to accept the Annual Town Meeting Warrant as amended pending Town Counsel approval. Second by Mr. Reil. The motion passed unanimously.

Roll Call Vote: Burke-aye, Reil-aye, Tinio-aye

Town Administrator Update

Ms. Newman stated that she is on regular conference calls with the state. Ms. Newman will discuss this further at the next Board meeting.

Consider the Appointment of Ellen Agro to the position of ZBA Administrative Assistant

Mr. Tinio Agro to the position of ZBA Administrative Assistant. Second by Mr. Reil. The motion passed unanimously.

Roll Call Vote: Burke-aye, Reil-aye, Tinio-aye

Adjournment

Mr. Tinio made a motion to adjourn. Second by Mr. Riel. The motion passed unanimously.

Roll call Vote: Burke-aye, Reil-aye, Tinio-aye

Submitted by Laura St.John-Dupuis

Approved