

**Minutes of the  
Topsfield Town Hall Building Committee  
461 Boston Street-Conference Room  
July 26, 2017**

Chairman Smith called the meeting to order at 8:03AM at the Town Hall. Committee members present were Gregor Smith, Peter Bryson (left at 8:40AM), Josh Rownd, Ben Nutter, and ex-officio member Selectman Mark Lyons. Elizabeth Mulholland was absent. Community Development Coordinator Donna Rich was also present. Other persons present during all or part of the meeting included Design Technique representative John Sayre-Scibona, Selectmen Boyd Jackson and Dick Gandt.

Open Meeting Law & Public Records Complaint Acknowledgment: Chairman Gregor Smith announced that there had been a Public Request made by resident Kim Sherwood for the Committee's minutes and reported that a major effort had been made to provide what had been requested. Ms. Sherwood has since filed a formal Open Meeting Law complaint with the Office of the Attorney General and a Public Records Request with the Secretary of the Commonwealth Public Records Division relative to the access to meeting minutes. Chairman Gregor Smith wanted to ensure that the Committee acknowledged the two complaints, and that the Committee understood that they had met the requirements requested, to date. Chairman Smith stated that KP Law LLC has been made aware of the complaints and has been requested to provide a response, if that is the will of the committee. Member Ben Nutter made a motion to direct KP Law LLC to respond on behalf of the Town Hall Building Committee to the Office of the Attorney General relative to the complaint filed by Kim Sherwood, 29 Perkins Row, seconded by Member Josh Rownd; so voted: 4-0. Chairman Gregor Smith will inform KP Law LLC of the Committee's decision.

Minutes: Member Josh Rownd made a motion to approve the minutes as written for July 19, 2017, seconded by Member Ben Nutter; so voted: 4-0.

Project Update: John Sayre-Scibona distributed the Budget Analysis & Cost Projection dated 7/21/17. He explained that the Builders Risk insurance coverage would be through the Town's carrier and was reflected in line 808 of the Budget Analysis & Cost Projection, therefore reducing Construction Manager line 101a of the Budget Analysis & Cost Projection to \$6,963,710. Chairman Gregor Smith stated that the figure, \$6,963,710 was what the Board of Selectmen voted to approve for the GMP at their July 24<sup>th</sup> meeting. Member Josh Rownd made a motion to approve and authorize the Budget Analysis & Cost Projection document dated 7/21/17, seconded by Member Ben Nutter; so voted: 4-0. Chairman Gregor Smith signed the document. There was a discussion relative to items that were deducted and the process that would be followed during the construction phase. John would resurrect the list for further consideration of the committee, example of the items are the front stairs and the second floor windows. The committee discussed their meeting schedule the during the construction phase. It was determined that there would be weekly in the field construction meetings on site and any major work changes would be brought to the committee at a monthly posted meeting. There was a discussion about decisions that potentially could arise at the site during the weekly in the field meetings.

Member Josh Rownd made a motion to allow Chairman Gregor Smith to approve in the field changes up to \$25,000 and staying within budget for each occurrence, seconded by Member Ben Nutter; Member Peter Bryson expressed his concern for the amount of \$25,000 and amended the motion to be \$10,000 for each occurrence; so voted: 4-0. Back to original motion; so voted as amended: 4-0.

Groundbreaking Event: The Committee unanimously agreed that a Groundbreaking Event was appropriate for the project. A date of August 23<sup>rd</sup> at 10AM was agreed upon. The Committee brainstormed about the mechanics of the event, such as invitees, speeches, shovels, tent options, and refreshments. Donna Rich would work with Ben Nutter on the development of the invitations.

At 9:10AM Member Josh Rownd made a motion to adjourn, seconded by Member Ben Nutter; so voted: 3-0

Respectfully submitted,



Donna C. Rich  
Community Development Coordinator

Per the Open Meeting Law, the documents that were either distributed to the THBC before the meeting in a packet, or at the meeting were:

1. Agenda
2. Minutes: July 19, 2017
3. Budget Analysis & Cost Projection dated 7/21/17
4. Open Meeting Law Complaint to Office of the Attorney General from K.Sherwood
5. Secretary of the Commonwealth Public Records Division letter dated 7/17/17 to K.Sherwood

*Approved as amended at the September 6, 2017 Town Hall Building Committee meeting.*

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Committee as to the completeness or accuracy of such statements.
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## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

2017 JUL 13 AM 11:26

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Kim Last Name: Sherwood

Address: 29 Perkins Row

City: Topsfield State: Ma Zip Code: 01983

Phone Number: +1 (978) 561-1406 Ext.

Email: kmsherwood@comcast.net

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/  
town, county or region, if applicable): Topsfield Town Hall Building Committee

Specific person(s), if any, you allege  
committed the violation: Donna Rich, Recording Secretary, Gregor Smith, Chair, Beth Willis, RAO

Date of alleged violation: June 16, 2017



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On May 25, 2017 I submitted a public records request, asking for copies of all the minutes for the Town Hall Building Committee that I had not received to date, or been able to access on the town website. At that time, over 25 meetings of this committee had been held. Most of the missing minutes at this point were for meetings occurring prior to February 1, 2017. I also requested copies of all documents or materials referenced or not in the meeting minutes, that were used at any of the meetings.

On June 15, 2017, I received an email response from Beth Willis, the Topsfield RAO. She included draft minutes of meetings held in September 2016 and May 2017. She also stated that drafting of some of the minutes was ongoing. In response for my request for copies of all documents or materials used during the meetings, she did not include these items, but rather stated the following:

"Documents and attachments listed in the THBC minutes are preserved with the official minutes for the Town Hall Building Committee and are available for viewing during business hours."

I responded to B. Willis that the draft minutes were incomprehensible to anyone but the minute secretary. In addition, I had requested copies of all documents and attachments used at the meetings, not simply the right to view them at town hall. Here is the link to the agendas and minutes, showing their current status, with no materials or documents provided: [http://topsfield-ma.gov/townhallcommittee/agenda minutes.shtml](http://topsfield-ma.gov/townhallcommittee/agenda%20minutes.shtml)

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This is a \$10 million project that will ultimately cost the taxpayers over \$16 million including financing. The Committee has openly violated open meeting and/or public records laws pertaining to this project for years. All minutes should be finalized, approved and posted. In addition, copies of all documents or materials relating to these public meetings must be provided to the public. Note: The Public Records Division at the Secretary of State's office has also reviewed this complaint

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

*Kim Sherwood*

Date: \_\_\_\_\_

*July 11, 2017*

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Rebecca S. Murray  
*Supervisor of Records*

July 17, 2017  
SPR17/969

Kim Sherwood  
29 Perkins Row  
Topsfield, MA 01983

Dear Ms. Sherwood:

I have received your letter appealing the response of the Topsfield Town Hall Building Committee to your request for records.

I have directed a member of my staff, Attorney Manza Arthur, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

*Rebecca Murray*

Rebecca S. Murray  
Supervisor of Records

cc: Donna C. Rich







# Topsfield Town Hall

Project SF: 19,345  
\$ /SF: \$360  
Const \$: \$6,963,710

J Sayre-Scibona : DTI Project M

21603 : Project #

McGinley Kaslow : Architect

Consigli Construction : Contractor

Topsfield, Massachusetts

## Budget Analysis & Cost Projection

DTI  
Acct  
#

Prepared by  
Design Technique, Inc.

Budget				Final GMP - 7/21/17		
	Concept. Budget	Adjustment s	Current Budget	Previous Forecast	Current Forecast	Proposed Budget Adjustments
<b>CONSTRUCTION</b>						
101a Construction Manager (CMR)	\$5,086,859	\$1,912,865	\$6,999,724	6,999,724	\$6,963,710	(\$36,014)
101b CM Fee	\$299,587	(\$299,587)	\$0	\$0	\$0	\$0
102a CM Payment/Performance Bond	\$66,660	(\$66,660)	\$0	\$0	\$0	\$0
104 General Conditions	\$673,199	(\$673,199)	\$0	\$0	\$0	\$0
106 Escalation allowance	\$454,291	(\$454,291)	\$0	\$0	\$0	\$0
<b>Construction Subtotal</b>	<b>\$6,580,596</b>	<b>\$419,128</b>	<b>\$6,999,724</b>	<b>\$6,999,724</b>	<b>\$6,963,710</b>	<b>(\$36,014)</b>
<b>CONSTRUCTION RELATED COSTS</b>						
202 HAZMAT Removal	\$68,256	\$31,256	\$37,000	\$37,000	\$40,111	\$3,111
203 Utility Backcharges			\$0	\$0	\$0	\$0
204 System Upgrades			\$0	\$0	\$0	\$0
<b>Construction Related Subtotal</b>	<b>\$68,256</b>		<b>\$37,000</b>	<b>\$37,000</b>	<b>\$40,111</b>	<b>\$3,111</b>
<b>PERMITS &amp; FEES</b>						
301a Bldg. Permit			\$0	\$0	\$0	\$0
301b Other Permits & Fees			\$0	\$0	\$0	\$0
302 Conservation / Site review			\$0	\$0	\$0	\$0
303 Site Plan / Peer review			\$0	\$0	\$0	\$0
<b>Permits &amp; Fees Subtotal</b>	<b>\$0</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>INFORMATION SYSTEMS</b>						
401 Tel/Data /Security	\$25,000	\$0	\$25,000	\$25,000	\$25,000	\$0
402 Computer/Technology Equipment			\$0	\$0	\$0	\$0
<b>Information Systems Subtotal</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$0</b>
<b>FURNITURE, FIXTURES &amp; EQUIPMENT</b>						
501 AV Equipment	\$25,000	\$0	\$25,000	\$25,000	\$25,000	\$0
502 Storage systems	\$150,000	\$0	\$150,000	\$150,000	\$150,000	\$0
505 FF+E	\$100,000	\$0	\$100,000	\$100,000	\$100,000	\$0
506 Signage	\$30,000	\$0	\$30,000	\$30,000	\$30,000	\$0
<b>FF+E Subtotal</b>	<b>\$305,000</b>	<b>\$0</b>	<b>\$305,000</b>	<b>\$305,000</b>	<b>\$305,000</b>	<b>\$0</b>
<b>ARCHITECT / DESIGN CONSULTANTS</b>						
601 Architectural Design & Engrg Fees	\$775,225	\$0	\$775,225	\$775,225	\$775,225	\$0
602 Architect. Reimbursables	\$28,000	(\$10,500)	\$17,500	\$17,500	\$17,500	\$0
603 Architectural Extras		\$113,970	\$113,970	\$113,970	\$113,970	\$0
604 Interior Design (FF+E Fee)			\$0	\$0	\$0	\$0
605 Cost Estimator			\$0	\$0	\$0	\$0
606 Geotechnical Consultant & Testing	\$24,200	\$0	\$24,200	\$24,200	\$24,200	\$0
607 Site Borings			\$0	\$0	\$0	\$0
608 Surveyor			\$0	\$0	\$0	\$0
609 Landscape Architect	\$44,000	\$0	\$44,000	\$44,000	\$44,000	\$0
610 Civil Engineer			\$0	\$0	\$0	\$0
611 Structural Engr./Test. Oversight			\$0	\$0	\$0	\$0
612 Technology/ Equip. Consultant			\$0	\$0	\$0	\$0
614 Acoustical Consultants	\$6,500	\$0	\$6,500	\$6,500	\$6,500	\$0
615 Code Consultant	\$5,500	\$0	\$5,500	\$5,500	\$5,500	\$0
617 HAZMAT Engineering/Testing			\$0	\$0	\$0	\$0
618 Kitchen/Food Service Consultant			\$0	\$0	\$0	\$0
619 Lighting Consultant	\$9,075	\$0	\$9,075	\$9,075	\$9,075	\$0
620 Environmental Consultant	\$40,000	\$0	\$40,000	\$40,000	\$40,000	\$0
621 Peer Review			\$0	\$0	\$0	\$0
622 Site Plan Review			\$0	\$0	\$0	\$0
623 Historic Preservation Consultant	\$6,500	\$0	\$6,500	\$6,500	\$6,500	\$0
624 Other Consulting Services	\$56,500	\$31,500	\$25,000	\$25,000	\$25,000	\$0
<b>Architect/Design Consultants Subtotal</b>	<b>\$995,500</b>	<b>\$103,470</b>	<b>\$1,067,470</b>	<b>\$1,067,470</b>	<b>\$1,067,470</b>	<b>\$0</b>
<b>PROJECT MANAGEMENT</b>						
701 Project Management	\$188,000	\$32,000	\$220,000	\$220,000	\$220,000	\$0
702 Site Rep. (if required)	\$0		\$0	\$0	\$0	\$0
<b>Project Management Subtotal</b>	<b>\$188,000</b>	<b>\$32,000</b>	<b>\$220,000</b>	<b>\$220,000</b>	<b>\$220,000</b>	<b>\$0</b>
<b>MISCELLANEOUS</b>						
801 Legal	\$0	\$0	\$0	\$0	\$0	\$0
802 Material Testing	\$19,000	\$0	\$19,000	\$19,000	\$19,000	\$0
803 Commissioning /Air Bal. Testing	\$0	\$0	\$0	\$0	\$0	\$0
804 Aerial Inspection Costs (Lift)	\$0	(\$10,500)	\$10,500	\$10,500	\$10,500	\$0
805 Temp facilities	\$350,000	(\$134,000)	\$216,000	\$216,000	\$216,000	\$0
805a Moving/storage		(\$75,000)	\$75,000	\$75,000	\$75,000	\$0
805b Misc. Moving/Fitout Expenses		(\$59,000)	\$59,000	\$59,000	\$59,000	\$0
806 Assist.w/Temp. Relocation of Town	\$10,000	\$0	\$10,000	\$10,000	\$10,000	\$0
807 Misc. fees & expenses		(\$10,000)	\$10,000	\$10,000	\$10,000	\$0
808 Insurance (Builders Risk)	\$86,325	\$86,325	\$0	\$0	\$70,408	\$70,408
<b>Miscellaneous Subtotal</b>	<b>\$465,325</b>	<b>(\$202,175)</b>	<b>\$399,500</b>	<b>\$399,500</b>	<b>\$469,908</b>	<b>\$70,408</b>
<b>TOTAL BEFORE CONTINGENCY</b>	<b>\$8,627,677</b>	<b>(\$426,017)</b>	<b>\$9,053,694</b>	<b>\$9,053,694</b>	<b>\$9,091,199</b>	<b>\$37,505</b>
<b>CONTINGENCY</b>						
901 Contingency	\$1,231,323	(\$426,017)	\$805,306	\$805,306	\$767,801	(\$37,505)
<b>PROJECT TOTAL</b>	<b>\$9,859,000</b>		<b>\$9,859,000</b>	<b>\$9,859,000</b>	<b>\$9,859,000</b>	<b>\$0</b>
<b>TOTAL PROJECT AUTHORIZATION</b>						
			<b>\$9,859,000</b>	<b>\$9,859,000</b>	<b>\$9,859,000</b>	

