

An Open Letter to the Sherborn Community on the Library Construction Project

from the Sherborn Board of Library Trustees and Select Board

The Sherborn Board of Library Trustees had anticipated opening the library by fall 2021. However, unanticipated circumstances have caused further delay. While there is not a new date for the library reopening, the Board of Library Trustees wants to inform the community of the causes of the recent delay and actions being taken.

What's happening

Ductwork Replacement

During the initial library construction project, the existing HVAC fiberglass ductwork in the original library building, which was slated to remain, was damaged by subcontractors. It was recently discovered that the damage caused the release, within the existing fiberglass ductwork system, of asbestos fibers that were contained in the sealant used to connect segments of the ductwork. Following third party testing, it was reported that all the fiberglass ductwork was contaminated and, due to the nature of the ductwork material, the ductwork could not effectively be cleaned and needed to be replaced.

In July and August 2021, the Board of Library Trustees issued notices to the performance bond surety which has undertaken completion of the project, demanding indemnification of all damages arising from the ductwork damage, including the cost to replace the ductwork. It also issued a Construction Change Directive (CCD) to the completion contractor hired by the surety to complete the project, directing the contractor to remove and replace the ductwork in the original library building. However, the surety refused to proceed with the work and denied any responsibility for the damage and repair. Thus, the Town shall seek to have the repair work performed by a separate contractor and charge the cost of that work to the surety. The scheduling of the ductwork replacement depends on securing contractors to build and install the new ductwork. We are working diligently to solicit bids from qualified contractors to perform the repair work. After the repair work is contracted and scheduled, we will revise the reopening plan.

Construction Progress

On the bright side, the construction of the new wing of the library is almost complete. We have posted photographs of the building exterior and interior at https://sherbornlibrary.org/uploads/pages/img/Sherborn_Progress_Presentation_9.8.21.pdf to highlight the progress made to date.

Litigation

Since October 2020, the library construction project has been in litigation. The complaints filed are public documents that can be found here <https://www.sherbornma.org/library/pages/library-construction-public-legal-document-repository> for Middlesex County Superior Court Docket Number: 2081CV02664.

The Town intends soon to file new claims against the original contractor, the surety and the completion contractor, including claims that such parties have engaged in unfair and deceptive acts or practices in violation of chapter 93A of Massachusetts law by, among other things, denying responsibility for damage to the fiberglass ductwork in the library building. These claims are discussed in letters from the Town's legal counsel, which can be accessed at the following link:

<https://www.sherbornma.org/library/pages/library-construction-public-legal-document-repository>

Because of the ongoing litigation, we are required to keep certain information related to the litigation confidential. The Sherborn Select Board is actively pursuing the Town's rights in the litigation and is pursuing compensation for the Town for costs related to delays and other damages.

Costs and Funding

The Town, the library's endowment, and the Massachusetts Board of Library Commissioners (MBLC) grant continue to provide the funding for the project. The ductwork replacement and other construction delays will result in additional costs, which we will seek to recover from the contractors and surety. A new budget will be established as we receive bids from contractors for the ductwork replacement project.

What's Next

The library will continue to operate in the Sherborn Community Center until the construction project, including the ductwork replacement, is complete. Current programming will continue through 2021, and with recent changes to COVID restrictions, the facility is now open 41 hours per week, offering many programs and events as well as expanded digital resources. Please visit sherbornlibrary.org for additional information.

We will continue to share periodic updates as the library construction project progresses. When appropriate, we will hold a Public Forum to provide additional information on the project, including overall project costs/funding and schedule updates on the library reopening.

How to Learn More

Information on the library construction project is posted on the Sherborn Library website [Sherborn Library Renovation News](http://SherbornLibraryRenovationNews) .

Should you have specific questions, please e-mail sherbornlibrary@comcast.net and we will respond to all inquiries.

Both the Library Trustees and the Library Building Committee meet monthly in open public meetings. The dates, times and location of these meetings are posted on the Town of Sherborn website: <https://www.sherbornma.org/calendar> Citizens are invited to attend these meetings to learn more about the construction work and ask questions.

In Closing

The project, the time it has taken to complete, and the issues that have come up during construction, have been difficult and stressful for all involved. We know these latest delays are disappointing news for the community. As we proceed with the ductwork replacement work and completion of the construction of the new wing, we will have a better sense of when both jobs will be completed and when the library can safely reopen. Although we don't know all the answers, and some information is limited due to the litigation, we will do our best to share with our community what we currently know and the actions we are taking.

Thank you for your patience. The Library Trustees, Library Building Committee and Select Board remain committed to delivering a beautifully renovated and expanded Library to serve Sherborn residents and the community for many decades to come.

Sincerely

Brian Connolly, Chair of the Library Trustees

Eric Johnson, Chair of the Sherborn Select Board