

ABCC Approved Minutes 2013/10/11

Acton Memorial Library, second floor meeting space, 2:45pm meeting opened

Present: Nancy Kumaraswami, Kristie Rampton, Greg Hutchins, Barbara Estabrook, Linda Mayer

Barbara and Linda update group on NARA Park sculpture. Topics discussed with the artist Carolyn Wirth included site location. Artist has been sent draft of the contract in late August. The draft contract has been reviewed by the artist and fabricator. Pond location agreed on by all parties. High estimates received for grinding of the base. Acton was able to provide staff to grind the base in September. When draft contract was received by Carolyn, she requested \$600 cancellation fee. No details of installation included in the contract. It was suggested Janet Adachi ask if Acton can use their legal staff to have contract reviewed. Janet did not want to review it. Janet suggested we look at a nonprofit lawyer group to review contract. Funds are not available to ABCC to pay for legal counsel. Barbara and Linda came up with new contract. ABCC would not approve payment of \$600 cancellation. Subsequently detailed information has been given on installation. \$500 has been paid to the artist and the money covers materials already used. Janet felt to protect the town it was a good idea to have town staff be in charge of the sculpture installation with the artist's supervision.

The group looked back at the original contract to review it. It is a common practice to make payments to the artist while the work is progressing. The artist has completed full scale patterns and she is awaiting approval of the mock ups. The size is 62" wide by 47" high. We considered the idea of a 'progress payment' to show our good faith. We are deciding if we want this idea to be included in the contract. This is a better idea than a 'cancellation fee'. We can show that we are earnest in wanting to complete this project. Barbara also said that we could send references to the artist verifying other projects that we have been earnest about and explain that the nature of town government involves a slow and thorough process. Completion of the project can be expected within 6 weeks from when the contract is signed.

Kristie moved that the 'progress payment' be made to the artist. Barbara seconded. The vote was unanimous to include a 'progress payment'.

Nancy moved that \$500 be used for the 'progress payment'. Kristie seconded. The vote was unanimous to make a 'progress payment' of \$500.

Kristie moved that we add an addendum to the contract to have the \$500 'progress payment' refunded if the project is not completed. Greg seconded. The vote was unanimous to add an addendum to the contract to have the \$500 'progress payment' refunded if the project is not completed.

We think an addendum can be added to the base of the contract. The addendum needs to be prepared and sent to Janet. The contract needs to have the completion date indicated and name the artist as the person payment will go to. Maintenance is being provided by the artist

for one year. Follow up regarding future maintenance by the Town of Acton needs to be explored. It was agreed that the term being used in the contract 'initial fabrication' means once the animal shapes have been cut by the fabricator.

Barbara will fill in the blanks in the contract. Kristie and Steve Ledoux will sign the contract. Janet will be sent the revised copy. Janet needs to be asked what the next step in the process should be.

All hand outs used in Council meetings need to be kept for 7 years per State law.

Meeting adjourned 3:45pm