

MINUTES OF THE BOARD OF SELECTMEN'S MEETING JOINT MEETING WITH
THE SCHOOL COMMITTEE-FINAL

October 13, 2009 7:00PM

School Committee Room, Medway Middle School, Medway, MA

Present: Chairman Andrew Espinosa, Selectmen Richard Dunne, Dennis Crowley, John Foresto, and Glenn Trindade; Town Administrator, Suzanne Kennedy and Board Secretary Wendy Harrington.

School Committee members Jeff Devolder, Shelley Wieler, Debora Trindade, Diane Borgatti, Carol Bernstein, Superintendent Dr. Judy Evans, Beth Greenblatt, Consultant for Beacon Intergrated Solutions and Dave Verdolino, Director of Operations.

CIPC members Jim Palladino, Jim Gillingham, Tom Anderson, and Richard Briggs. FinCom members Larry Ellsworth, Eric Arbeene, Paul Marble and Martin Dietrich.

School Committee Chair, Diane Borgatti at 7:06pm, called the meeting to order.

Mr. Verdolino updated the group on the status of the Solar Panels and the Power Purchase Agreement (PPA), which will allow the town, at no cost, to purchase solar power. The Middle school roof has been evaluated. It was decided that keeping the High School and Middle School solar projects separate was the best choice. The RFP went out to 33 firms. The proposals for both projects are being reviewed by Ms. Greenblatt, Mr. Verdolino and Bob Hebden (who was a part of the solar project with Ashland schools). Ms. Greenblatt explained there are three bidders that the group felt sent in the best all around proposals. The price, termination value, cost at the end of the contract, extension of the contract and what if any costs at the end of the contract if wanted removal from the roof were considered. The proposals were ranked, meetings have been set up and a spreadsheet with summary of proposals and a summary of solar project price proposals was handed out for the group to review.

The Commonwealth of MA offers many incentives. Trane submitted an application for Medway High School and the rebate is reserved for a specific time period. Ms. Greenblatt explained that last week the State decreased the rebate amounts available. Last Friday, the incentive program was shut down due to over subscribing. The American Recovery Act may be a possible source of funding for the Middle School solar project.

Ms. Greenblatt explained the rank order for the vendors and identified the vendor the group thinks they should begin negotiations with for a long-term agreement with, as this makes good economic sense. There is a significant dollar savings from what the town is currently paying its current supplier.

It was offered that the best choice at this point is Broadway. (Ameresco and Nexamp were also in the top 3). Ms. Greenblatt would like to engage in negotiations with

Broadway for the HS project only and to secure the \$532K rebate from Mass Tech collaborative.

It was explained that the panels' useful life is 20-25 years and the panels must generate current before the February deadline. There are no expected issues with the engineering of the roof at the high school as the high school is new construction. Ms. Greenblatt believes that once construction has begun if there are issues structurally, you can apply for an extension.

It is necessary to go back to each of the vendors to ask to give another proposals for the Middle School since the rebate program has changed.

Mr. Dietrich, FinCom, asked why they chose Broadway if they are ranked fourth. Mr. Verdolino explained that Broadway was chosen for their technical presentation. Technical evaluation is done without regard to the price. The law allows you to weight the price and non-price in whatever manner you wish. Ms. Greenblatt explained that a lot of "fluff/glamour" is put into the proposals and some have more substance. Many were very similar.

Selectmen Dunne arrived at 7:35pm.

Selectman Crowley asked if the rebate of \$532K was going to be transferred over to the contractor. It was explained that all businesses knew they would be getting the rebate for the HS work, and the MS numbers are totally out the window because of the changes in the rebate program last week.

Addendums 2 and 3 were reviewed. It was reiterated that the project must be completed by February 2010 and will begin November 1, 2009. The deadline was discussed. An extension will be applied for if necessary. Broadway says they will meet the deadline and they will put in liquidated damages verbiage in their contract so if they don't adhere to the schedule they will be covered.

Administrator Kennedy asked who would be paying for the structural engineering to examine the Middle School roof. Ms. Greenblatt explained that a permit will be pulled and a licensed structural engineer will be provided. The school is the host facility and the vendor is putting the panels on the roof and selling the school the output. The town must approve this. Early termination questions have been asked and removal costs as well. The HS will have no issues because it is so new. While the real estate on the MS roof can accommodate more panels, the structural integrity cannot.

Ms. Greenblatt discussed the contract that is proposed.

All the power generated will be sold to the school at X rate. Cost savings in year one, is 6 cents per KW/hr is a savings of \$10,000 a year.

Ms. Greenblatt explained net metering. July and August we could be spinning the meter backwards, if this happens NSTAR has to repay the town for certain specific parts.

Chairman Espinosa asked for the next steps. Mr. Verdolino explained that assuming there is no objection the negotiation process with Broadway would begin. Mr. Verdolino asked who would be executing the contract, the School Committee or the Town of Medway. Selectman Foresto asked if this should go to Town Meeting, as it is a 20-year lease.

Ms. Greenblatt explained that there is an exception under 30B. Chairman Espinosa asked what is the preference as to who authorizes, as the timing is critical. Administrator Kennedy will review with Town Counsel and Chairman Borgatti offered that she doesn't think school counsel needs to review. Mr. Verdolino would like to begin negotiations tomorrow and execute so they can begin 11/1. Chairman Borgatti explained that the model contract could go to Town Counsel right away. Selectman Crowley asked that Town Counsel act timely. Chairman Espinosa explained that the Board of Selectmen will be meeting 10/19 and he would like to get a vote on that date to have Town Counsel review the contract.

It was stated that under 25A a 10-day notice must be posted upon final notice on an award contract. The question was raised as to who is posting the 10-day notice; this must be posted with the DOER. Melanie Phillips, Treasurer/Collector suggested doing the postings jointly to cover all bases.

In closing the posting will be joint BOS/SC, award date was discussed, Town Counsel will review model contract to see if needs Town Meeting approval. BOS will get an update on 10/19 and will vote the same day.

MSBA PROJECT

The Middle School project has gone through different levels of scrutiny thus far. The MSBA is looking for the Town's support. The School Building Committee list needs to be updated. It was suggested that Shelley Wieler be added as a School Committee rep with Debora Trindade. Larry Ellsworth will replace Frank Faist as the FinCom Chairman. Selectmen Trindade thinks someone should represent CIPC and another FinCom representative should be added. The others on the list for the committee include: Suzanne Kennedy, Dr. Evans, Dave Verdolino, Dennis Crowley, Joanne Labarre, Tina Wright and Bob Tucker.

School Committee Chairman Borgatti believes the Selectmen should convene a meeting of the School Building Committee. The Committee should appoint a Chair and then update the Selectmen before Town Meeting. The Selectmen will arrange a date for the meeting and notify all that should be in attendance. Dr. Evans believes that the School Building Committee should decide on the Owner's Project Manager.

MSBA has extended the Middle School Repair project because of the Trane project. The reimbursement minimum is 50% of the amount approved for the project including feasibility, schematics, and the owners project mgr.

The request for an Owner's Project Manager, RFS is almost ready to go out. Usually the OPM is a firm, not an individual. The school expects to receive a number of packages. The project is not a renovation, it's a repair project to bring windows, floors, electrical up to date, but sprinklers and handicap accessibility are not included. A menu of options was discussed, as the entire project could be expensive depending on what is done.

A feasibility study needs to be performed and coming to an agreement with MSBA on what the project will entail would be the next steps after hiring an Owner's Project Manager.

Town Meeting will be the final deciding factor.

The Town Meeting article was discussed. The article seeks permission to allocate a form of free cash to pay for the Owner's Project Manager, the schematics and the feasibility study. It was suggested to have the article ask for the entire sum and then get 50% reimbursed. Mr. Verdolino explained that reimbursement is timely and MSBA makes direct payments. The cost for the Owner's Project Manager is a percentage of the entire project cost, an estimate of \$250K(which is based on 3 different sources). It was mentioned that it might be difficult to ask for the money without the feasibility study being finished first. MSBA is comfortable with that amount and the OPM we met with was comfortable with this amount too.

Selectmen Crowley would like to see the School Building Committee make all the recommendations to Town Meeting.

Dr. Evans explained after the discussion on the article that any further changes would have to go back to MSBA for approval. She emphasized that the committee needs to organize and meet ASAP. Representatives from CIPC asked that they be kept informed and it was determined that meetings should be posted and minutes taken to conform with open meeting guidelines.

All present were reminded that if we don't move forward in a timely manner the MSBA will not give us the money. There are 135 other projects in the works.

FEASIBILITY STUDY

Aside from the projects presented there are many other town projects that need to be addressed.

Many towns do a joint town/school study. The needs of all groups that may need space could be reviewed with this study. The future status of who's going to take care of town/school facilities could be considered. The total cost of a municipal, town and

school study would be fairly expensive and it may be cost effective to hire a firm to do the study.

This is separate from the Middle School Repair (MSBA project) project. The estimated cost quoted for a joint master facilities study is \$300-\$400K. Although this study would not include the Middle School Repair Project it will study the use and enrollment of the Middle School. The high school could be eliminated from the study, as it is a fairly new structure.

Selectman Dunne and Chairman Espinosa asked CIPC to spearhead this type of a project. The town would provide administrative support. Dr. Evans believes all departments will benefit as doing facility planning gives us a direction to proceed towards. Selectman Crowley believes it will be hard to ask for that kind of money for such a program and wonders if the timing is right. Selectmen Trindade thinks now is a buyers market, which could benefit the town.

Chairman Espinosa suggested CIPC should sit down with Administrator Kennedy and Dr. Evans and discuss the steps for the RFP process. Dr. Evans will get the previous study (facilities master plan) from 10 years ago, which resulted in the High School being built and will forward it to CIPC to review.

Proposed budget calendar was reviewed

Administrator Kennedy reviewed the Budget Calendar and Town Meeting Warrant Calendar.

Selectman Trindade explained that the whole calendar is predicated on the May 10th date for the Annual Town Meeting. Mr. Devolder suggested we should push the date out to June given the financial picture of the state. Administrator Kennedy explained that the charter dictates the ATM date and if the Selectmen see fit, it may be appropriate to change the date.

Discussion Concerning 2010 Chapter 70 Shortfall

There is a potential \$145K net shortfall. Dr. Evans had a stimulus increase, resulting in a lower allocation to the schools from the overall town budget. The plan was that the school hoped to reserve about half of the stimulus money. The circuit breaker reimbursement was reduced by about half, which will need to be made up from another ARRA grant. A lot more accountability is involved. The school anticipates using additional ARRA grant money and not asking the town for more. The school will try to make up shortfalls from existing sources and will do their best with the ARRA stimulus money. Dr. Evans believes that things look like they are on track but one or two more out town placements could put the budget off track quickly. She explained that the new Special Education Director is helping to reroute. Dr. Evans anticipates the reserve to be 0, but that depends on the special education spending. Already reallocated IDEA money to replace the circuit breaker.

The school department budget remains at what was presented.

Selectmen Crowley offered that is why the Selectmen put the money aside for the operational budget last year.

Selectmen Chairman Espinosa thanked all those in attendance for coming and offering great insight into the topics discussed.

At 9:00PM Mr. Devolder moved that the meeting adjourn for the evening; Selectman Foresto second; No Discussion; All ayes.

Respectfully submitted,
Wendy Harrington
Board Secretary
*Approved 11/2/09