

Minutes
STOW FINANCE COMMITTEE
Pre Public Hearing
December 6, 2005
Town Hall

Call to Order

Jason Robart called the meeting to order at 8:50 pm. Present were Patricia Heron, Pam Glauner, Charles Kern, Gary Bernklow, Stephen Pottle and Elizabeth Tobey, Secretary.

Correspondence

After a quick review of the correspondence it was put on hold until the next meeting as there was nothing urgent requiring immediate attention.

Approval of Minutes

Approval of minutes was put on hold until the next meeting.

Discussion of Reserve Fund Transfer Requests

There were no Reserve Fund Transfers to be reviewed at this time.

Liaison Reports

There were no Liaison Reports at this time.

Discussions and Votes for Town Warrant Articles

Jason explained that Patricia Heron would abstain from voting on several of the Articles. In particular, Article 2, Article 3 as it clearly relates to Article 2 and Article 4 as it also clearly relates to Article 2. Patricia will not be voting on any of those 3 articles.

Article 1 – Purchase of Two-Classroom Modular Unit

Charles kern moved to recommend approval of Article 1, Patricia Heron seconded the motion.

Discussion

Pam stated that she thought the Selectmen reason for buying instead of leasing was prudent. If the turning point is eight years and we're going to need them for close to that many years. I think it is prudent to leave it at a purchase as opposed to a lease.

At the joint boards meeting last week Superintendent Wood was discussing the future need for the modular. Once they are done here they will move up to Hale School. I think he threw out the number that Stow might need these for 15 years. He also said that they are generally constructed with a potential life span of a modular classrooms is 20 years. If there is a potential we need them for 15-20 then buy new.

Jason asked Gary Bernklow how, or does it at all fit in with the School Building Committee. Has the SBC taken any position on the modular classrooms?

Gary stated that the SBC does support them but they have not taken any official stand on them.

Jason asked if there were any other comments on Article 1.

Charles kern moved to recommend approval of Article 1, Patricia Heron seconded the motion.

The motion carried unanimously.

Patricia Heron left the meeting 9:14pm

Article 2 – Purchase of Minuteman Property

Pamela Glauner moved to recommend approval of Article 2, Charles Kern seconded the motion.

Discussion

Stephen Pottie stated that his question relates to Articles 2, 3 and 4. Right now Minuteman Property is zoned AAN. If we do not recommend the purchase of the Minuteman Property it is feasible that 40B could be headed there. This would further put a drain on our schools effecting Article 4. The \$10mil to improve the Center School would then become inadequate if the Minuteman Property was not purchased.

Gary stated that the Minuteman property is zoned industrial with a AAN overlay district on it.

Pam asked how many AAN units the developer was proposing for the Minuteman Property.

Linda Hathaway stated that she thinks it was 66, which is the maximum.

Jason asked for other comments, and suggested that before they vote on Article 2 lets discuss Article 4.

Jason opened the discussion on Articles 2 and 4.

Stephen asked Gary to elaborate on the wetlands issue at Center School

Gary stated that behind the Tennis courts at Center School there is wetland. It's a small dry gully that was created when the tennis courts were constructed and is considered wetlands. It will have to be moved to another area on the property.

Pam stated that it is not always dry.

Stephen stated that Article 4 doesn't seem to have the foresight that Article 2 and 3 have. A support of Article 2 and 3 negates support of Article 4. I don't see a future in Article 4 but I do in Article 2 and 3.

Jason asked what he meant by that.

Stephen stated that by that he means a long term outlet for the residents of Stow.

Pam stated that we could find a \$10mil long term solution to our elementary space needs I would be thrilled. I think it is safe to say that half of the town would be thrilled along with me. I not sure it is enough money and I am worried about putting some money in it that will so rapidly become obsolete that it needs to be redone 5 years down the road. We will be sitting here in the same place, except \$35mil will turn into who knows how many million. The \$1mil for Pompo particularly bothers me, because a 6 years back we voted in a \$400,000.00 to do some electrical, roof repair and some system type repairs and we didn't get that much for it. It didn't look like you could see a difference anywhere for that amount of money. I can't see how a rehab of Pompo for \$1mil could be substantive enough to actually put a dent in the problem.

Jason asked Tom Ryan that in the presentation Debbie Woods presented she mentioned the square footage would rise to 157 at Pompo under the plans and 173 at Center.

Tom stated that the figure is off a little bit. What we are basing it on is the original school building was 105k square feet for a single school, 108k feet for an add-Reno. It brings it up to around 137k to 140k by my calculations. It is basically by splitting it, if you put the projected number of classrooms 2, 3, 4, and 5. There will be 4 grades up there. The SBC wanted 6 classrooms without support space for each grade. Each would be 20 at the ideal number. That would give you at Center 480 students, which is very close to the ideal school size. Obviously if you stick another 5 students it will start getting crowded by the SBC standards. It is doable. We would be looking at putting enough support space in there to make it a 500 student school. Then by freeing up the space at Pompo you get almost the same amount of square footage by adding 30k as it would on a new building. You're not losing 72k square feet.

Jason asked if the add-Reno would trigger the need to bring the building entirely up to the new code. My understanding is that there is both a square footage trigger if you are adding a certain percentage of square feet relative to the current building, and/or if you are increasing the fair market value by the percentage of the fair market value, that those are both triggers to say that you need to meet all of the new building codes.

For example there was questions about whether or not there would need to be a new water treatment at Center.

There was a discussion about whether there would need to be a water treatment plant.

Jason asked if there are any other questions for Tom.

Pam asked if Tom expected to have anything different to present at Town Meeting other than what they had presented tonight.

Tom stated that they have been burning the midnight oil as the SBC has also. They are still pulling in more and more information all the time. It is the compelling argument that it is a mandate to reuse what we already have as well as it is a way to solve our space needs. Especially when adding more the space. A lot of the things that need to be done at Pompo and Center started out as health and safety issues, which is why we did the \$600k a couple years ago. As we did not spend all \$600k on health and safety issues and the money was reallocated to searching for a new property. My assumption is that all the health and safety issues must have been taken care of. So the health and safety issues aren't an issue now. There is definitely need for refurbishment and some of the rugs need to be changed. Interestingly enough that Center within the last 5 years has replaced all the rugs. If every time we end up having to replace the rugs in a building there is a problem. There are tiles that need to be replaced, but a lot of these have to be done on an ongoing basis. This is why the new MSBA is saying you can get extra bonus points for doing your maintenance. That being said we do have to fix up the schools. The main thing is we need the space. That is why we prioritized when we looked at the space and at the same time when this project goes forward we will be looking at that the experts in education will look at where the funds need to go.

Jason asked if the \$10mil included the architectural costs.

Tom stated that it includes all the cost.

Gary commented that SBC is looking at appropriateness of educational space, traffic patterns, play spaces, the whole thing, the future of the town, future of the classrooms, future of the school. It's not simply, we have x number of square feet, per classroom, per kid. It doesn't work like that. You need art space, music space, these are all MSBA regulations. You need computer space, cafeterias, and a real gym. Adequate play space that isn't taken up by modular units would be nice. Parents being able to drop their kids off without the fear of them getting run over by a truck going down the center of town would be good. There is myriad of issues we looked at and we picked the best solution to fix all of those problems. It wasn't just to add on a floor to Center School and everything was going to be hunky dory. There are a lot of different issues involved with this. I think if we are ever going to step out of this mode of putting a Band-Aid on chain saw wound, we need to start projecting to the future and fixing our problems in the future. I have no disagreement that \$10mil will do a lot of good for the school. It would do a huge amount of good for the schools but it wouldn't solve the schools problems.

Jason asked for other comments

Charlie commented that he is reluctant to throw away a 35 year old building.

Gary stated that the SBC does not advocate throwing away the building. In fact if projections continue along with the planning on building a school for 720 students, in all

likely hood Hale is going to get larger as well. We are talking about the need for the modular classrooms up there in 8 years or whatever it's going to take. I think there is a real opportunity to expand Hale down to Center School at that time. Possibly use Center for grade 5 to 6 and Hale for grades 7 to 8 or at least there is that possibility. Pompo is pretty close to useless your going to spend a lot more money to support it.

Charlie asked if Gary felt Pompo was a mistake.

Gary stated that he does.

Charlie questioned if it is because you can't expand it.

Gary commented that he is not an expert on it, but what he hears is you can't even add a story to it. So yes I do think it was a mistake.

Jason asked Gary to help him understand the solving of the problems or addressing of the problems. How do you make that argument and look at the 20 year cost to the tax payer of a little over \$13k for someone in an \$800k home, versus \$51k over that same time period.

Gary stated that he was very positive that there will be SBA funding for this project. There is no guarantee for that and it can't be said when the payment will come.

Pam stated that the high school renovation project was completed years after hale and they are getting paid at exactly the same time. It is not fair to extrapolate on Hale School in all situations.

Gary agreed with Pam and then stated that we shouldn't do this if we are not prepared to pay the full cost.

Jason questioned if there was a discussion of a fall town meeting and not being able to come back to town meeting in May with a construction number.

Gary responded that according to their time line they would not have those design documents by May, it would just be too soon. He wasn't aware that fall town meeting was an option.

Pam stated that it was an important enough issue to have a town meeting of it's own.

Everyone agreed.

Brian Burke stated that the architect has indicated that the design drawings would not be ready until around eight months down the road. In addition there was an idea that by that time that all architects would have a better idea of what the SBA's regulations would be. In addition it is also tied to cost projections. It would be difficult for the architect in May to make cost projections that would hold up starting in 2007 to set the project out to bid.

There is a tentative schedule now for design plans to be suitable for viewing in fall of 2006 and the project would be out to bid for the following year.

Steve commented that the more we talk about he is firming his conclusion that article 2 and 3 has a future and potential for the town.

Jason asked how everyone felt about the fact that Article 4 has no reference to construction dollars in the article. I have real concern of in essence writing a blank check. If the town spends \$2mil to develop detailed plans and \$4mil to develop the land we are in it this at that point. Whether or not we come back with a construction estimate that's \$35mil, \$45mil or \$70mil it's going to be really difficult to say we have wasted at least \$2mil, provided we can sell the land, we would be eating \$2mil at that point. I think it would be very difficult for the town to do that. This by reasoning leads to almost a forced vote of approval. At a dollar amount that we have no idea what it's going to be.

If they are assuming \$35mil cost right now, and its fairly conservative on the high end. If you look at the worst case scenario 7.5% escalation on an annual basis, you compound that over 40 years and you see a \$45mil number.

Gary stated that \$35mil is already figured into that 7.5% interest, going up to bid in 2007.

Jason suggested that if there are other extenuating circumstances or there are delays in getting this off the ground lets build in an inflation factor on top of that. I would be very wary of voting to approve this with out knowing and not having some sort of not to exceed wording in this. I don't care what the number is, I just want the people to know what they are committing themselves to. I do believe if you vote for article 2 and 3 you are voting to build a new school. I am suggesting that we either make our recommendation of article 3 contingent on a not to exceed language be put in there or that we make a motion to amend on town meeting floor that puts "not to exceed" language in the article.

Gary and Charlie stated they would be comfortable with that.

Jason asked if there were any other comments on Article 2 and 4.

Jason then stated that there is a motion to recommend Article 2 as it is written.

Pam then withdrew the motion.

Jason then asked for a new motion for Article 2

Charles Kern moved to recommend approval of Article 2 contingent on the Article being amended to include language that the cost shall not exceed \$40,250,000.00. Jason Robart seconded the motion.

Pam stated that she is really concerned about putting out a number that says \$40mil.

Jason asked if she was suggesting a contingency number that is lower than that, or that she doesn't want a contingency. I want to be respectful of the fact that there is uncertainty. If what we need is \$36mil then we should spend \$36mil on it. I don't feel if what we need is 75mil, we haven't really defined the need in my opinion. I don't want to write a blank check. I agree with you that we don't want sticker shock at the same time. We can go to great lengths to explain the manner in which we came up with the \$42,250,000.00 and our purpose. As Gary has suggested, they think the \$35mil includes the 7.5% growth factor as well as the \$2mil. Without a cap we are in trouble.

Pam stated that she would prefer it without a cap. People are very conscious of what the tax bill on \$35mil is going to be to them. If they see it from the Finance Committee that it could be \$40mil, I think that will sway people that would have voted yes on it to vote no on it.

Jason asked, even if we say "We are not saying that this is a \$40mil project".

Steve stated that he is incline to agree with that statement. They are going to see the number \$40mil they are not going to hear us speak it.

Pam suggested that it is a fine idea to express our concerns to the School Building Committee and encourage them to come up with a number that they feel would be an appropriate contingency, instead of us sitting here trying to put together a number.

Jason stated that he had that conversation with the Chairperson of the School Building Committee this after noon and there is no intension of doing that.

Pam stated that she would like to support this article but doesn't want to say no just because she doesn't like a \$40mil number.

Jason stated that he would like to support it but will say no without a contingency number in there.

Pam suggested that she would actually be incline to go with \$35mil rather than \$40mil and recognizing that indeed between your 90% certainty we do make some difficult choices of what to have and not to have then.

Jason stated that the purpose of Article 2 is to build a new school and the larger expenditure is in Article 2 rather than Article 3. I don't want to buy this land if we are not going to build a school on it.

Gary suggested it is more appropriate to put the capitol project on the design portion of it.

Steve asked if we should approve Article 2 based on the town approving or voting for Article 3. Take the approval of both or deny them both.

Jason asked, “Mr. Moderator have you given thought as to how the order of discussion will go at town meeting relative to Article 2, 3 and 4”.

Ed Newman stated that the only input he has had from the School Building Committee is that they prefer to discuss Articles 2 and 3 together with separate votes. Others have suggested other ways to do that but there has not been a final decision as to how we will do that.

Steve commented that he is totally understanding, yes lets buy the Minuteman Property but lets not spend \$2mil on architectural , lets not put a cap on the school, lets just buy the land. Well, why are we buying the land.

Pam asked how many people are going to vote yes on Article 2 if they haven’t already made up their mind on how they are going to vote on Article 3.

Steve suggested that it is our responsibility to make it as clear as possible.

Gary stated that logically it fits better when you are going out to bid for a design to put that in the RFP to begin with. I would think that is where it would be located.

Janet Wheeler stated that she thought the Finance Committee said that early they changed the wording in the warrant, to actually not saying anything about specific uses. My assumption is there would be no place for any cap in the language. I get your point but, if someone agreed to put language in that suggests you are buying the property outright then there is no need to tie any construction cap onto it.

Jason stated that he has a problem with Article 2 being written without specifying a school. I don’t want to buy the land if we are not going to build a school.

Gary suggested that there has been a miscommunication along the line.

Jason suggested that there is a vote on Article 2 as it is written with the agreement that if we get to our meeting Monday night before town meeting and that language is not included, “for the purpose of building a school”, that we will agree to reconsider our vote again on Article 2.

Pam asked if it could be seen again the motion as you have it at the moment.
Jason read the Article 2 wording.

Susan Hosier stated that she had received a revision of the motion that did have some substantive changes. I went to bond council today for his review. It is still being reviewed, and would guess that any omissions and last minute changes to things would be caught. I guess I would just say I don’t know how much you should invest in the wording of what you have right now knowing it is in quite a bit of flux.

Gary stated that he can SBC did discuss amending or changing of the warrant last night and that was never part of what we discussed, taking out the words “for school”. I don’t know how that happened.

Jason suggested voting on it tonight, and if the language does not include the school reference we will reconsider it prior to town meeting.

Jason asked if all members were comfortable with it.

All agreed they were.

Pam Glauner moved to recommend approval of Article 2 as written in the green copy of the warrant to purchase Minuteman Property for \$2.5mil. The motion was seconded by Charles Kern.

The motion carried 2 (Robart, Glauner) to 1 (Kern).

Article 3 – Purchase of PreK-5 Elementary School Design Plans

Charles Kern moved to recommend approval of Article 3 with clarification there will be some language including a cap not to exceed \$38.5mil total project cost. The motion was seconded by Pamela Glauner.

The motion carried 2 (Robart, Glauner) to 1 (Kern).

Article 4 – Improvement and Construction at Existing School Sites

Charles Kern moved to recommend approval of Article 4. Pamela Glauner seconded the motion.

The motion failed 2 (Robart, Glauner) to 1 (Kern).

Patricia Heron rejoined the meeting at 9:50 pm.

Article 5 – Purchase of Crescent Street Property

Charles Kern moved to recommend against the purchase of the Crescent Street property of Article 5. The motion was seconded by Pamela Glauner.

Steve stated that Penny Cushing made an excellent point about putting a parking lot beside the homes on either side of that property. I think it is very unfair to them. Charles Kern added that you are asking them to pay to devalue their own property.

Pam stated that she recognizes the need for parking but would prefer us to see to try again at Town Meeting to try and enlarge the parking area at the Town Building before doing something like this.

Gary suggested putting in sidewalks would be a better idea rather than a parking lot in that area.

Pam stated that we all know we need more parking, especially on Tuesday nights. I am not at all persuaded that this is the most cost effective way of doing it.

Ed Newman stated that when the Town Building was built, they put in parking spaces along Great Road for 22 or 23 parking spaces. At the time that the town tried to expand further down the hill at the same parallel there was tremendous resistance from the Conservation Commission and it was turned down. As a compromise they let us squeeze in 12 or 13 more. The total is 30 some odd spaces. I am not sure of the extent of which people were tremendously against using that Conservation Land Restriction, and would come out again and say you really don't have any options to expand on that site. With the exception of a couple of places along the road on the top lot, there are some trees there now and a couple of benches, so you may have some issues there.

Jason asked if there were restrictions or rejections.

Ed Newman replied there were objections in the past and he believed restrictions, although I don't know the specifics of the restrictions.

Gary added that his recollection was there were actual restrictions over there. He is not sure exactly what they are.

The motion carried unanimously against recommendation of Article 5.

Article 6 – Adoption of a Right-to-Farm Bylaw

Charles Kern moved to recommend against approval of Article 6, the Adoption of a Right-to-Farm Bylaw. Patricia Heron seconded the motion.

Charlie stated that he feels it is redundant and if it doesn't expand what is already in the Massachusetts State Law then we really shouldn't be reiterating it here.

Gary suggested it just adds paper work and expense.

Pam stated it negligible financial impact except for the sentence "A copy of the disclosure notification shall be provided by the town to land owners each fiscal year by mail.

Steve stated that it is just another added unnecessary expense.

The motion carried unanimously against Article 6.

Article 7 – Establishment of an Agricultural Commission

Charles Kern moved to recommend approval of Article 7. Pamela Glauner seconded the motion.

Pam expressed that it seemed like a good idea. Facilitator for encouraging farming and agriculture, there is a significant amount of agriculture activities in our town as compared to some other towns near to us, like Hudson, Acton, and Maynard.

Jason said that in principal he has no problem with creating an agricultural commission. However having said that we have way to many commissions and boards in this town. Steve Dungan has actually put together a flow chart that looks at the number of committees in the town, all reporting in to different people and it is mind boggling.

Linda Hathaway stated that as a 7th generation of and agricultural family, I would recommend strongly that you do support this. The department of agriculture does find that in many communities we do need advocates to help with us to work as a community as liaisons to the board. This agricultural commission would have a lot of agricultural folks on it. I realize as I swear in as the Town Clerk most of our boards and commissions appointment slips and all the others, I can understand your concern. But I think for the small number of farmers in the agricultural community this would be really helpful. As I said, the Commission of Agricultural really thinks this is going to help a number of communities. Having it in place is does not mean that someone has to be appointed right away. The agricultural community would appreciate your support.

Steve stated that he doesn't see a financial impact.

The motion carried unanimously for approval of Article 7.

Article 8 – Zoning Bylaw Amendment - Erosion Control

Hold off on vote until our meeting immediately prior to Town Meeting

Article 9 – Zoning Bylaw Amendment – Common Drives

Hold off on vote until our meeting immediately prior to Town Meeting

Article 10 – Zoning Bylaw Amendment – Non-conforming Uses and Structures

Hold off on vote until our meeting immediately prior to Town Meeting

Article 11 – Town Election

Speakers for each motion are as follows:

- Article 1 – Gary Bernklow
- Article 2 – Jason Robart
- Article 3 – Jason Robart
- Article 4 – Stephen Pottle
- Article 5 – Charles Kern
- Article 6 – Pamela Glauner
- Article 7 – Pamela Glauner
- Article 8 – Pamela Glauner
- Article 9 – Pamela Glauner

A motion to adjourn was made by Patricia Heron and seconded by Charles Kern at 10:00pm.

The motion carried unanimously.

Respectfully submitted,

Elizabeth A. Tobey,
Secretary