

School Building Committee
Monday, February 13, 2023, from 1:00 - 2:00 p.m.
Central Office, School Committee Meeting Room, and Via Zoom

Members: Mark Barrett; Michael Cronin, Vice-Chair; Charles Favazzo Jr.; Julie Hackett; Jonathan A. Himmel; Carolyn Kosnoff; Charles W. Lamb; Kathleen M. Lenihan, Chair; Alan Mayer Levine; James Malloy; Hsing Min Sha; Joseph N. Pato; Kseniya Slavsky; Andrew Stephens; and Dan Voss

The minutes were taken by Sara Jorge, Administrative Assistant for the Lexington Superintendent.

The School Building Committee Chair, Kathleen Lenihan began the meeting at 1:01 p.m.

The Committee reviewed the minutes from the [November 14, 2022 meeting](#). Mr. Pato made a motion to approve the minutes from November 14, 2022. Ms. Kosnoff seconded the motion. Ms. Lenihan took a roll call vote, passed 10-0.

Dr. Hackett: We are right up against the [March 1, 2023 date](#), which would be the official invitation to welcome us into the capital pipeline, which is very exciting!

Dr. Hackett reviewed where we are in the eligibility phase with the submission of the Maintenance and Capital Planning Questionnaire on November 24, 2022 and the enrollment meeting that took place with the Massachusetts School Building Authority on December 9, 2022. We have received our [design enrollment certification](#) from the Massachusetts School Building Authority stating that the Lexington High School proposed project will be based on an enrollment of no more than 2,395 students in grades 9-12. Dr. Hackett, Mr. Pato, Mr. Cronin, and Ms. Lenihan requested a significantly higher enrollment number during the enrollment meeting, however, the MSBA did take into consideration the work that is taking place in Town regarding the MBTA, so they are happy with the number that was agreed upon. Dr. Hackett felt the MSBA listened to their group and made adjustments based on their conversations, so we are happy with where we landed.

Mr. Pato: I think the enrollment size is a reasonable amount and it is crediting us with the potential growth coming out of the rezoning.

Mr. Cronin: the size feels right and is the right number for what we are doing in the building for the next 15 years anyway. It will allow us the ability to be flexible with some of the programs and allow for any new creative, educational content as well.

Ms. Lenihan: Mr. Pato, when you said you thought that the number that the MSBA settled on matches what we could potentially need for rezoning - are you referring to the MBTA Communities Act?

Mr. Pato: Yes.

Ms. Lenihan: I think that this information would be really helpful for people in the community to know. The Planning Board hearing about the proposals regarding the MBTA Communities Act has been well attended and one of the things people have been bringing up is, but what about the number of children who might come to school in Lexington, and are we building a large enough high school to account for this potential increase in enrollment. Hopefully, we can get this information out there so that people know we are taking this into account and that the MSBA did as well.

Mr. Levine: Regarding the impact of the MBTA communities rezoning, I assume it will happen at some point in

some way and I'm not going to quibble with what the allowances have been made. But the problem is, no one has a good estimate of what the impact is. It's a wild guess, and it's probably not adequate cause that rezoning could lead to 5,000 more people moving into Lexington which could lead to 400 or 500 more students in the high school eventually. But who knows how long it will take or if it will happen at all. No one has tried to make an estimate, and if they tried they'd have a hard time doing it reasonably. So, I think you shouldn't try to say that we have taken this into account when looking at the enrolment number for building a new high school. I think you can say we have done something but we really don't know what to do.

Mr. Pato believes the MBTA Communities Act has been taken into account more than you are giving credit, Mr. Levine. Mr. Pato and Mr. Levine will discuss more during an offline meeting.

Mr. Cronin: One of the strategies that we use when we build buildings these days, specifically schools, we look at an opportunity for future growth, things that we're not planning for today, but something that could be needed down the line. So, when we build the building, we'll actually build it to have the opportunity for some kind of addition to be built easily and simply onto that building and it will feel like a natural extension of the building. Although we don't know if we will need 15 more classrooms, Alan, I think the building will be constructed in a way that if we needed that we'll be able to put on a module of classrooms that will be permanent, not modulars, but permanent construction that will look and feel like the building intended it to from the beginning. I appreciate your fear of what happens in the future, but when we do the construction, we should be building that into account.

Mr. Levine: That is a great strategy and thank you for bringing that up.

Ms. Lenihan: We also did this when we built the Lexington Children's Place as well. During the design of LCP, it was very clear that if it needs to be bigger, here is exactly where will add an addition.

Dr. Hackett: As Mr. Pato said, they did factor in and have determined, as the MSBA on how to handle that particular piece of information, and how to credit us fairly for potential incoming students. I know that there is going to be some talk offline about it, but just so that people who are listening can understand that that's been addressed and, I think, in a satisfactory way.

Ms. Lenihan: The Town will hear much more about this when Town Meeting kicks off but the zoning does not mean something will be built, it just means something might be built someday and it is very hard to plan around that.

Dr. Hackett would like to have a discussion about having members of the School Building Committee give an update on the LHS project at Town Meeting.

Mr. Malloy believes people will wonder where we are at in the process. At the beginning of the Town Manager's presentation, Mr. Malloy plans on using our current estimate of what the debt service would cost of 400 or 500 million dollars. Mr. Malloy will use a barometer to show what costs we are covering at this point in time.

Mr. Malloy: I think if we do something like that this year, it shows that we're making some progress toward what the debt service costs will be. This will help as we move towards actual votes that the public will have to take.

Mr. Pato: I am glad to see the financial piece but I think we need to give an update on the MSBA process as well presumably as we move past the March 1, 2023 invitation at that point.

Dr. Hackett: Along those lines, I think it would be nice for members of this group to do the update at Town Meeting. It would show the community that people are actively involved.

Mr. Himmel: Shortly after the selection of an architect, I would think the Town would want to have a series of visioning meetings, and I think that Town Meeting would be a good place to start publicizing what's coming down the road and to look for us in the Fall. It is critical to get input from the community when it is needed and not after it is needed.

Ms. Slavsky: A lot of the questions that I've heard from people in the community are about the schedule and if we are on track. People are eager to have the school and I think a little communication about where we are and why this period takes up so much time would help with the timeline questions.

Mr. Levine recommends that Ms. Lenihan reaches out to the Town Meeting Moderator, Deborah Brown about the School Building Committee giving a report under Article 2.

Mr. Pato stated that the plan is to have Town Meeting in person this year but presentations will be recorded. Questions will be taken live but Article 2 reports are not able to have questions asked.

Ms. Lenihan will reach out to the Town Meeting Moderator, Deborah Brown to see what the process is to have community members on the School Building Committee give an update to Town Meeting members on where we are with the process with the LHS building project.

Dr. Hackett will reach out to Kelly Axtell to see when the recorded update will need to be submitted for Town Meeting and work with Hsing Min Sha and Ms. Slavsky on a recorded update for Town Meeting.

Dr. Hackett reviewed the [LHS School Building Project website](#) with the Committee. If any members have any updates or thoughts on the website or on the FAQs, please contact her, Sara Jorge, or Maureen Kavanaugh. Mr. Levine will be sending updates.

Ms. Lenihan explained that the website is always going to be a work in progress as we go through the process of designing and building a school but there is a button on the website to contact us with questions and we have had a few so far.

Dr. Hackett: One of the questions that have been really hard to understand is the timeline because it all depends on supply chain and construction timelines. So, I reached out to Sarah from the MSBA to get a better sense of what we are talking about. Sarah responded back with [this email](#). After reviewing this email, the Committee should be able to put pen to paper with where we go with the timeline. I imagine this FAQ would be something we would incorporate into the Town Meeting presentation since everyone wants to know, when will this project be done.

Mr. Himmel: People are going to want to know when we can get students into the building.

Ms. Slavsky: Is the MSBA skipping the phase where they ask us to go through the process and accessibility stage of deciding if it needs to be a renovation or new construction?

Dr. Hackett: The feasibility is a one-year process so it is part of the [Feasibility Study](#)/Schematic Design phase which is a 20 to 24-month period.

Ms. Slavsky is concerned about the duration of the feasibility study as we will not know if we are doing a renovation or a full new build until the 20-24 month feasibility is complete, so we won't be able to pin down the schedule.

Dr. Hackett believes we can determine a timeframe based on the feasibility study being a confined process and

there will be variations in the schedule.

Hsing Min Sha: The main point is to just set expectations and the expectation is that it is a multi-year process but a good amount is defined by the state. There will be considerable uncertainties in certain stages but we will keep the community informed.

Ms. Lenihan: I had a question about the local project funding authorization within 120 days of project scope and Budget Board approval. So this Board would vote and it will occur no sooner than July 2024. If that vote takes place in July 2024 then within 120 days that is when we would need to do our local project funding authorization, the Town-wide debt exclusion. Is that correct or not?

Mr. Cronin: I believe that is correct.

Ms. Lenihan: This is good information to know in terms of convincing the Town voters to vote to borrow money for this project but that will be a whole other separate Committee and not this one.

Ms. Kosnoff: I just want to clarify that if in theory, we would be looking to do a debt exclusion vote in the Fall of 2024, which is about a year and a half from now, is it the intention that the Town Meeting vote for the construction would come afterward? Otherwise, we would need that in the 2024 budget, which it is not currently. I just want to make sure we have a timeline of our capital planning projects of when we are going to request design funding, which is not for fiscal 24 and is for fiscal 25. It is our understanding that we are going to do the debt exclusion vote first then the Town Meeting appropriation afterward.

Ms. Lenihan: I know from the past, you can have the Town-wide vote, and then you have Town Meeting votes or vice versa. The Town Meeting vote does not have to come first.

Mr. Pato: That is correct but we have not yet discussed the timing.

Ms. Kosnoff: I assumed the vote would take place next Spring but it sounds like it could potentially be earlier than I think I had been anticipating.

Ms. Lenihan: Another thing to think about when scheduling a Town-wide vote like that, is the time of year matters just in terms of a campaign perspective and getting people out to vote. The first week in January and over the summer is never great. There are just times of the year that are much better than others to have a vote like this.

Mr. Malloy: There is a difference between voting in an annual Town Meeting and a Special Town Meeting on the timeline of when you have to hold the debt exclusion vote and we would have to look at the statute.

Mr. Levine: I think the idea that the debt excursion will take place in 2024 is very misleading. When does the feasibility phase begin?

Dr. Hackett: We have the feasibility study agreement now. What is tricky is we are discussing this sooner than we normally would. Typically, you get an Architect and an Owner's Project Manager on board, and they take you through the process. There's a feasibility study agreement attached to your agenda, and in it, they've indicated that we need to sign a copy. The vote happens on March 1, 2023 to officially invite us in, and then we enter into the feasibility process that was being described where we have to pretend we've done nothing, and we sort of start over. We imagine what are all the possibilities it could be an add reno, a brand new building, or even on different sites, but they walk us through the steps.

Mr. Cronin: The MSBA sent Dr. Hackett, Jim Malloy, Kathleen Lenihan, and myself an invite to the March 1st

MSBA Board meeting along with the feasibility study agreement which is a big deal. If we are voted in on March 1st, in essence, they are going to take module 2 and module 3, and kind of put them together. We will start the selection process for an Owner's Project Manager, an architect, and a designer and then we will go into more of a traditional feasibility window where, as you heard from Dr. Hackett can take anywhere from 12-15 months for that process. So, I agree with you, Alan, I do not think a vote will take place in July 2024 but that is the earliest it could possibly happen.

Mr. Levine would like for knowledgeable people to put together a comprehensive schedule with certain assumptions down as it is really unclear. Mr. Levine does not believe a debt exclusion vote in 2024 is likely but 2026 sounds more realistic.

Ms. Lenihan: From a School Committee perspective 2026 would feel late. It is important that every year we delay, we have children attending high school in a building that does not meet their needs. We need to balance between as Mr. Cronin said, really making sure that it is a well-thought-out process but at the same time, we really want to get our students into a new building as soon as we reasonably can.

Mr. Lamb: Correct me if I am wrong, Carolyn, but I believe you said that the debt exclusion would happen before the majority of the design funds were spent because it is a very large amount of design and we don't want to be put that in the tax levy, or we don't want to risk tax money, because it is 8 digits. I believe that this one will be sequenced differently, such that the debt exclusion has to come somewhere in the design phase before we get too deep into the design. Unlike typical projects where we vote at that exclusion prior to construction, this would mean that the vote would probably be in the 2024 timeframe, but now this seems to be a bit of a surprise to Carolyn, and we may be adjusting the 5-year plan numbers because of this.

Mr. Malloy: If you had a Special Town Meeting vote in September of 2024, you wouldn't be having the debt exclusion vote until sometime in the middle of winter. Whereas if the vote is taken at Annual Town Meeting then the debt exclusion vote will need to take place no later than September 15th of the same year. The Annual Town Meeting vote means there is a 6 months window to run a debt exclusion campaign. It all depends on if there is a need for a large campaign of 6 months as opposed to 90 days. Based on this conversation, I would think that 2024 sounds too early and 2026 sounds too late, so probably 2025 is the right timeframe, where you have the Annual Town Meeting vote in the Spring, and then in early September of 2025, the debt exclusion vote will take place.

Ms. Kalvsky: my understanding of the process is that the agreement is going to be hopefully voted on and signed in March and is going to authorize us to go forward with OPM costs for the feasibility stage and design costs for the feasibility stage. Once this process is complete, the result of it is going to be a schematic design. The schematic design is going to be estimated by probably 2 independent estimators, and the estimates are going to be reconciled. That reconciled estimate would become the basis of a project funding agreement, which is the second of 3 agreements, it gets modified after the bids, which means that there's no way that we would be looking to authorize the cost. So, that project funding agreement would also authorize the spending of money to do the design development and the construction documents. So there's no way that we would be looking at authorizing money for the bulk of a design effort at this stage? Because, first, the feasibility and feasibility is going back to the drawing board and talking about, whether we are even building a new building, or are we renovating or renovating and adding, so there are built in 2 stages of what they're authorization for the soft costs, and then once the design is complete, it goes out to bid to get hard costs. The project funding agreement is updated and modified. I don't think the bottom line of reimbursement changes at that point but things get pocketed correctly, and that's when authorization to go forward with construction money happens, but that is quite a bit of time away.

Hsing Min Sha: I'm a visual person, it sounded like this was largely sequential and that the length of some stages is not only variable because they're unpredictable, but they're also dependent on whether we hit certain

stages or not and some stages also have implications about the timing of collateral work. Would it be practical for someone to draw a gap chart that has target dates such as the preferred and alternate election dates?

Dr. Hackett: Mr. Himmel is currently working on a timeline and if the MSBA agrees then we will have accurate information to share.

Mr. Himmel: I do not think we will have one schedule but a bunch to discuss to find the solution that works best.

Dr. Hackett: As we move forward, we want to begin to think about what sorts of things we want to ask the Owners' Project Managers and the Architects when they come on board and that could be a whole meeting discussion in itself. Things to keep thinking about: how do we make sustainability at the forefront of the work, and not an afterthought, what did we learn from Hastings? What could we do better? How do we use that to inform the work and inform the interview process? We also want to learn a little bit more about what the MSBA will not cover in terms of sustainability. I think they are open to funding for lots of things with sustainability, but it means that how you spend your dollars is different project-wise.

Mr. Cronin: The main important thing is, we recognize that interviewing the Owners' Project Manager, the architect, and the designer is going to take a different approach than some of the typical approaches we've taken in the past. We will be working with Sustainable Lexington and the Permanent Building Committee to come up with a series of guidelines and interview questions that align with the Integrated Design Policy so that when we are interviewing contractors, we find a match to what Lexington is looking for.

Ms. Lenihan: Our next meeting, I think sustainability needs to be more of a focus.

Mr. Voss: I know there is a lot of work going on outside these meetings. I am not sure what the expectation of these meetings are for pace and frequency. I think that some of the items that we would have gotten to if we had another hour to meet are really important. I would be concerned about running for another month and not meeting again. We need to understand the implications of these meetings. I wonder if it will be worthwhile outside the workday to schedule another meeting.

Ms. Lenihan: I agree, I think the hour format is a little limiting.

Dr. Hackett agrees that having longer meetings when there is more that we know. At the next meeting, we will discuss the updates to the website from Mr. Levine, we will review the timelines that Mr. Himmel puts together, and give you a briefing of the information that we would like to give at Town Meeting. Sara Jorge will send a Doodle Poll to the Committee to determine the next meeting date for a 2-hour meeting and send the next agenda as soon as possible.

Hsing Min Sha made a motion to adjourn the meeting at 2:03 p.m. Mr. Malloy seconded the meeting. Ms. Lenihan took a roll call vote, passed 11-0.