

MINUTES OF THE LINCOLN SCHOOL COMMITTEE
Thursday, May 21, 2009
Hartwell Building, Lincoln, MA
OPEN SESSION

Present: Julie Dobrow (Chair), Tom Sander (Vice Chair), Al Schmertzler, Jennifer Glass, and Rob Orgel. Also present: Mickey Brandmeyer (Superintendent), Buckner Creel (Administrator for Business and Finance) and Stephanie Powers (Administrator of Student Services).

Absent: Louann Robinson (Hanscom Representative), Cynthia Nunes-Tajeron (Hanscom Representative), Thadine Brown (Boston Representative) and Mary Sterling (Assistant Superintendent).

I. Greetings and Call to Order

Ms. Dobrow called the meeting to order at 7:05 pm. Tonight's special meeting was focused solely on the draft RFP for the leasing of space in the Hartwell Building now occupied by Magic Garden. She thanked everyone for coming and submitting questions in advance. They received over 50 questions. She indicated that they have prepared a document for distribution answering questions that they are legally allowed to and are appropriate to answer; some more specific questions are left for a bidder's conference. The Committee's goal is to consider all comments and consider revising the RFP. The Committee plans to vote on the RFP by the school year's end. Questions that are not germane to the RFP, such as the Freedom of Information Act concerns and the Lincoln Preschool, will not be addressed. Tonight is not the bidders' conference, which occurs after the RFP has been voted on. She asked that public comments be limited to 3 to 4 minutes, and any bidder can suggest improvements to the RFP. She noted that this was the only time that all 5 Committee members could meet, but noted that Mr. Sander and she would have to leave before 8:30 because of pre-existing commitments.

II. Committee Overview

Mr. Orgel presented an overview and the context of the RFP process for the Hartwell space, which is required by law when the value of the lease exceeds \$25,000. The RFP was not about ending Magic Garden's lease; the Committee likes Magic Garden and believes they have the wherewithal to be a responsive and successful bidder. There has been a lot of opportunity for community input and the many revisions to the RFP indicate that the Committee has heard the community. The goal is cost recovery for the school, not for the school to make money. Mr. Orgel said there were many comments on the cost allocations and concerns they were high, but he said he believed them to be fair and noted that many things that arguably might have been included in these cost allocations to allocate to the lessee of the Hartwell space have not been included. The Committee has to make sure that the cost allocations are fair, but in the process of being fair not create an unfair subsidy for any bidder.

Mr. Orgel said the RFP has been improved by giving bidders a choice on the services to the space, modifying the selection criteria to reflect the importance to the Lincoln community, and changing the notification of either party to end the lease from one year to two years. Tonight they will address the information on cost allocations, the utilities contracts, why certain costs were included in the RFP, suggestions to make the RFP cleaner, and additional input from the community.

Mr. Brandmeyer said in preparing the document of questions and answers, they combined similar questions and grouped them into four parts. He asked that the public contact him if they need additional information after tonight's meeting.

He commented on the cost methodology. The Hartwell building is an old school that was never intended to be split into separate units. There are two sections of the Hartwell space: the Hartwell building and the three Pods. The electricity to the space has a lock-in for part of the price which is not the same for the Lincoln schools. The electric meters are different with different rates and demand charges. At the Hartwell building, they heat with gas, and the building has its own gas meter. The Pods are heated separately with their own furnaces in each Pod. The amounts spent on electricity and heat are not calculated on square footage use of the three spaces. More specifics regarding gas and electricity will be addressed at the bidder's conference. The large spaces are two preschool spaces and the central administration and the Pods. The figures were compiled using the intensity and duration of the use of the spaces. Magic Garden is in session all year round, and the Preschool is open during the school year.

Mr. Brandmeyer said that in the calculations, they figured how much the custodial staff spend on the spaces, and they included the custodians' salary and benefits. The day custodian earns \$50,895 and benefits; the night custodian earns \$44,994 and benefits. They allocated 25 percent of the day custodian's time to Magic Garden and 40 percent of the night custodian's time to Magic Garden, meaning they would charge Magic Garden \$39,791. The custodians also respond to clearing snow, respond to accidents, and clean the common areas. Even if the lessee of the space hired their own cleaners, their fair allocation would still be an additional \$5,500 for that portion of the custodian's time for the above type of services. Each year, the custodial salary and benefits increase by 4%.

Mr. Brandmeyer said that in the revised draft of the RFP, dated May 7, they added an opt in/out provision for the services, and there are four ways things could work: 1) Lincoln schools would pay for all services; 2) they could include or exclude the use of the Lincoln schools' custodial services; 3) they could include or exclude electricity; 4) they could include or exclude gas. If any bidder wants to exclude any services, they must include a plan to address those concerns, which needs to be approved by the School Committee. There is an opportunity to segregate gas, but it is tough to do and it may not make sense since there may not be an adequate payback over a 5-year lease.

Mr. Brandmeyer addressed the playgrounds issue. He disagreed with the assertion that the schools are unfairly taking control of playground space that Magic Garden installed. The current contract with Magic Garden explicitly states that any improvements made by Magic Garden revert to the school upon the termination of the lease. As to issues of who maintains these playgrounds, he noted that in the front of the building, Magic Garden oversees the playground. The Recreation Department maintains the Strats wooden structure, which is certified for ages 5 and older.

Mr. Brandmeyer addressed the weighting of the criteria and noted that there is no factor that has a higher weighting than the 20% allocated for the value the bidder provides to the Lincoln community. This was increased based on community and Committee input.

Ms. Dobrow left the meeting at 7:40 pm.

Mr. Orgel said that he was originally concerned about the cost allocations, but he thinks it is fair because a number of costs are not included in the allocation. In terms of choices of energy, bidders have the choice to do it themselves if they believe it can be done more cheaply or accept a fixed price contract if they think energy costs will rise. The costs are not on the high side.

III. Public Comments

Tim Christenfeld, President of the Magic Garden Board, said they have a presentation of detailed specific changes to the RFP to create a more workable and fair RFP to make the lease affordable to them. Gustav Beerel presented the specific changes, which he had prepared in a package, entitled, "Presentation to Lincoln School Committee," dated May 21, 2009 prepared without having seen the May 7 draft of the RFP. He requested that the Committee address his suggestions, including things like charging the bidder marginal costs, not average costs; changing the language so that "responsible" bidders were considered to have responded to the RFP, not "responsive and responsible," return of unused capital funds paid by lessor, making clear that Administration would not unreasonably withhold support of separate provision of electricity, the right of the lessor to use the playgrounds, etc. He noted that the annual payment of Magic Garden had always increased by 3-4% a year, and this time is increasing by 250%.

Turid Horgen, a Magic Garden parent, what the costs per square foot were in the RFP, minus the utilities? Mr. Brandmeyer said that is not how the RFP was designed; the minimum bid was designed to recover the District's costs in providing services to the lessee. There is no charge, or rent, for the space. Ms. Horgen translated the costs into a square foot basis and thought it was high, especially when commercial rents were decreasing. She urged that Magic Garden be allowed to stay in the space whatever the cost, noting that they tend to the emotional development of the children. She also hoped that the custodians would be kept on since they have relationships with the students.

Julie Lynch, a Magic Garden parent, spoke emotionally about the value of Magic Garden in saving her children from being dysfunctional during a challenging time for her family. She urged them not to put a price on it.

Sheila Webber said Magic Garden is exceptional, and it can't afford the costs. She was concerned about the bidding scoring, noting that in the current proposal, a bidder could have a responsive score of 60 out of 100 and not address at all the criteria of value to the community and consistent use with the public school. She suggested that bidders should score at least 6 on each of the 10 criteria and that the RFP include the definitions of "highly advantageous," "advantageous," and "not advantageous."

Ms. Glass said they have read the proposals, but they cannot answer the questions but are listening to all comments and questions. Mr. Orgel said that there is no question that Magic Garden is a beloved institution in Town and that is not lost on them.

Joanna Wills noted that Magic Garden is important to attract and maintain great staff and faculty at the Lincoln schools since many teachers have sent their children to Magic Garden. She asked about attracting a third preschool to the school campus.

Mr. Sander left the meeting at 8:20.

Jillian Darling asked about the first page of the RFP and asked whether the Committee could reject all proposals if they did not like them, and could then issue a new RFP. Mr. Brandmeyer said that counsel had advised that the RFP Selection Committee could choose not to accept the highest lease payment. He reiterated that they cannot negotiate directly with Magic Garden or any other entity that is interested in the Hartwell space.

Jason Felsch said they should compel the bidders to provide full-day, year round preschool care and make it a requirement in the RFP for the space. Mr. Brandmeyer responded that they have talked to counsel, and

the Committee cannot shape the RFP to be too narrowly focused. If they did so, it could be contested as collusion.

Eileen McCrory, a member of the Magic Garden Board the last time the lease was negotiated, said that the capital investment of \$300,000 was not in lieu of rent.

Mr. Brandmeyer said they would prepare another draft of the RFP, but the Committee would not vote on the RFP at its May 28 meeting; they may vote on it at their June 11 meeting. Once approved, the RFP will be published, and he urged the audience to watch SCNews for additional information.

Ms. Glass thanked everyone for coming and for the congenial tone of the meeting. Ms. Glass moved, and Mr. Schmertzler seconded, a motion to adjourn the meeting. The Committee voted unanimously to adjourn the meeting at 8:35 pm.

Respectfully submitted,
Sarah G. Marcotte
Recording Secretary