

School Building Committee

Wednesday, December 6, 2023; 7:00 p.m.

<https://zoom.us/j/98800242598?pwd=NEVHZEHdWC83cGU1QIBxWUE1WkIDQT09>

Meeting ID: 988 0024 2598; Password: SBC

Present: Chris Fasciano, Chair; Kim Bodnar, Vice Chair; Buck Creel; Gina Halsted; Tara Mitchell; Craig Nicholson; Ed Lang, liaison, Green Energy Committee; Rob Ford; Parry Graham

Absent: Doug Adams, liaison, Historical Commission; Owen Beenhouwer, liaison, Council on Aging; Andrew Glass, liaison, Historical Commission; Ian Spencer, liaison, Public Safety; Gary Taylor, liaison, Planning Board; Branden Kelly, Tim Christenfeld, Peter Sugar

Also Present: Rob Ford

Welcome and Opening Comments: Chris Fasciano, Chair, opened the meeting at 7:06 pm and noted that this Meeting of the Lincoln School Building Committee is being conducted remotely in a way that is consistent with Governor Baker's Executive Order of March 12, 2020 suspending certain provisions of the open meeting law, as further extended most recently by Governor Healy's March 29, 2023 signing of a bill extending said authorization to March 31, 2025.

The legislation suspends the requirement to hold meetings in a publicly accessible *physical* location. And it allows public bodies to meet entirely remotely so long as there is reasonable public access.

Construction Update: Buck Creel shared a presentation and provided an update on the project.

- Final CO #38 for the amount of \$1,598. About 18 months ago Consigli raised the issues of General Requirements. These are the expenses that the General Manager expends for their organizational expenses but not for a particular sub-contractor. SMMA submitted about \$400K of General Requirements expenses which were rejected by CHA for several reasons and the points had been contested for 18 months. A major point of discussion was interpretation of the Covid reimbursement agreement which could be interpreted in different ways, some of which could apply to the situation with Consigli, some of which would not. Consigli decided to hold the discussion until the job was finished. Recently, Steve Banick (CHA) and Buck Creel have discussed the matter. Mr. Banick, on behalf of CHA, presented a settlement around \$295K. Mr. Creel consulted with Town Council, who requested more detail. They received 51 pages of itemized expenses, which were difficult to discern. Some expenses certainly merited payment. Additionally, the project team continued to provide support beyond the occupancy date. They had, in fact, provided additional supervision beyond what was expected. They did not leave things undone and continued to be engaged even to the present. Mr. Creel reached the conclusion that there was merit to their claim. CHA reached the conclusion that there was some merit. Town Council advised that the amount was not worth arguing over. After more negotiations, the dispute was settled for \$203,095, \$125,095 of which came from the Construction Contingency and \$77,587 for allowances (totaling \$203,095). This plus CO #38 for the amount of \$1,598 brings the amount of the settlement to \$204,694.
- The final GMP will be \$84,105,486.46

Mr. Fasciano acknowledged the great deal of time and effort required to reach the resolution and thanked Mr. Creel for his diligence.

Ms. Mitchell asked where the \$1,598 would come from. It will be sourced from our contingency.

Motion: Ms. Mitchell moved to approve CO #38 as presented. Mr. Nicholson seconded. The motion was approved unanimously by roll call vote.

Mr. Creel added that this was the last payment to Consigli. We have also made last payments to SMMA and CHA. He thanked Jen Soucy for her continued help in resolving all the disputes and problems.

Mr. Creel explained that the mezzanine issue discussed in the September meeting is still a concern. SMMA proposed that they withdraw three of their final pay requests for \$30K. Buck accepted the offer and has resolved the payments.

Amount generated for the Town General Fund: Mr. Creel reviewed the various sources of funds which have been or will be turned back over to the Town. Over \$205K has already been received by and turned over to the General Fund, primarily sourced Eversource and NGrid construction incentives. An additional \$301K is anticipated, primarily from FEMA Covid reimbursements and Eversource. The total is anticipated to be about \$506K.

Mr. Creel explained that several projects have been put off in an effort to save money and to ensure that adequate funds would be available. He had consulted with Colleen Wilkins, Town Finance Director on how to proceed with the projects. She suggested keeping the budget until the end of the whole project and using what we can.

The anticipated remaining funds total \$519,587.

The projects that could be funded with the remaining funds include:

Items included:

Refinish Smith School Gym Floor,
Half Basketball court
New Wall pads in the Gym
Light switches in lecture hall
Dining commons entrance access control
Pave areas outside kindergarten doors
Reserve for Forbo flooring issues.

The estimated cost for these projects total \$280K. An additional \$46,300 is needed for FF&E.

If the remaining projects are completed within estimated totals and the additional FF&E is satisfied, anticipated remaining funds would be about \$193K.

Ms. Bodnar asked about the condition of the HVAC, having heard that the compressors were not functioning properly. The K& 3rd grade wings are being heated by other means. These areas are

covered by an extended warranty. The school is required to pay for installation of new equipment, which falls under the maintenance portion of the school operating budget.

Ms. Bodnar asked for Dr. Graham's thoughts about the location of the basketball court. Dr. Graham stated that kids have requested the court and that he would like to ask the Middle School principal about placement

Mr. Ford asked for more details about the size and orientation of the court. Mr. Creel reviewed some of the other options and noted that it's not quite a half basketball court – slightly smaller in length.

Ms. Bodnar wondered how to proceed for the evening's discussion if we don't have exact quotes. Where do we go from here?

Mr. Creel proposed that the SBC give the team an allowance. If the expenditures exceed the allowance, they come back to the SBC.

Ms. Bodnar asked about the priority of the projects. They are in approximate order of priority, except the reserve for the FORBO flooring issues.

Ms. Bodnar asked when the projects could be worked on. Some could be done during breaks, others would need to be done in late spring and early summer.

Ms. Mitchell noted that construction of the half basketball court would be better in the summer. Mr. Creel thinks we will know the cost by spring.

Mr. Creel suggested recommending a project allowance of \$280K.

Ms. Halsted recommended that all projects be completed before turning the process over to the School Committee.

Ms. Bodnar recommended that we return as much money as possible to the Town because there are many other projects that the town is hoping to fund.

Mr. Ford noted that the light switches, dining commons projects and paved areas could have been CO requests, but they were held back. Mr. Creel noted that the list of outstanding projects has been in existence for about two years. None of these are surprises, they have been intentionally delayed ensuring adequate funding.

Ms. Mitchell thanked Mr. Creel for the list and supported going forward with the items listed.

Mr. Nicholson suggested an allowance of \$280 and using the flooring as a contingency or raising the allowance to provide the contingency.

Ms. Bodnar reminded the committee that the projects are items that were removed from the project and should have been part of it. These are not wish list projects.

Mr. Creel noted that we did not approve these projects during the project because we wanted to ensure that there were funds to return to the town.

Brandon Kelly joined at 8:27pm.

The committee asked about potential risks in the estimates, particularly for the estimate of the Mr. Kelly explained that there are several unknowns, such as the sub-material of that area. Is it structural enough to compact and pave or will we need to truck in additional material to level it off. What kind of fencing is desired, how high a fence and how much of the court would be fenced?

Ms. Bodnar asked for his level of confidence with the \$75K estimate. Mr. Kelly thought it would be adequate for recess look. The level of what we are seeking is something that the kids can utilize safely.

Ms. Bodnar asked when he thought he'd have a firm estimate. Mr. Kelly thought in 2 weeks.

Mr. Fasciano asked about the confidence level that nothing else needs to be done. Mr. Kelly explained that the building has been occupied which gives them a good sense of what may be needed. He is not aware of any other potential lingering costs.

Mr. Ford asked about costs for the HVAC system. All the materials are covered under warranty. The school is paying for shipping and labor. Mr. Kelly is fairly confident in analysis that has been done to understand the source of the issues and their resolution.

Ms. Mitchell asked if there are additional funds required for landscaping around the basketball half court. She also wondered about its placement in relation to the school building. Mr. Creel explained the constraints on the placement, including a 100' setback to wetlands to the east.

Ms. Bodnar wondered if the committee was feeling consternation or if we were ready to move on.

Ms. Mitchell stated that she'd be comfortable with an allowance of \$300K with the understanding that remaining funds be returned to the town.

Motion: Mr. Nicholson made a motion to approve a \$300K cap on the list of seven projects with includes \$20K of contingency. Ms. Mitchell seconded the motion. The motion was approved unanimously by roll call vote.

Solar Project Update. Mr. Creel explained that the original cut over day was October 2022. The panels have not been energized yet. Eversource not installed meters, and the system is not yet connected to the grid. Items with long lead times are in place. The Project team was about to begin the commissioning sequence when the team received notification that the rapid shut down devices are no longer compatible with other components. All the rooftop panels will need to be removed, and new devices will need to be attached. The team is hoping that work will be started in December, and it is anticipated to take about 2 months. Mr. Creel continued that the sloped panels will need to be unscrewed and taken to a flat place to allow the new device to be installed. 1600 rooftop panels will be effective. No hot commissioning can be accomplished until this work is done. Assuming commissioning can be accomplished Mr. Creel is hoping that the system will be operational in late March. In the meantime, the school is paying for power that is not coming from the panels. Our partners are being impacted because they bear the cost of the repair.

Ms. Bodnar asked about our risks. Mr. Creel explained that the main risk is that the installation of the new components takes longer than anticipated causing the cutover date to slip. He doesn't see a risk in not getting financing or the contract being broken.

Mr. Creel, Br. Kelly and Jim Hutchinson have all been involved in the issues and Mr. Hutchinson is aware of the current status. The consultant, Beth Greenblat, is also involved.

There will be another project phase when additional panels will be installed – that has been delayed until the current situation is resolved.

Mr. Creel thinks we will successfully meet the 25 EUI, maybe even the 23 EUI based upon our experience. The building envelope is efficient. The operating parameters of the system are consistently being cut back. Mr. Kelly added that there continue to be discoveries of ways to run the system more efficiently and it is evolving in the right direction. It's discouraging that the solar panels are not online, but it's forcing us to look deeper and deeper into our everyday operations.

Mr. Creel asked Mr. Ford if he's heard any concerns from the faculty and staff. Mr. Ford thought things were working well.

Ms. Bodnar asked when the School Committee transfer of power with the PPA will take place. Mr. Creel explained that he, Mr. Kelly and the school finance director need to review how the various sources and uses of funds will flow.

The School Committee will receive an update at their December 14 meeting.

Outreach Update: Ms. Bodnar said that Outreach will meet via Zoom at 8:30am tomorrow.

Approve Minutes from May 10, 2023 Meeting: Ms. Mitchell moved to approve the minutes of the May 10, 2023 meeting. Mr. Nicholson seconded the motion, which was approved by roll call vote.

Adjournment: MOVED: Mr. Nicholson made a motion to adjourn, which was seconded by Mr. Creel and approved unanimously by roll call vote.

The meeting adjourned at approximately 9:06pm.

Minutes respectfully submitted by Gina Halsted

The School Building Committee was dissolved on October 10, 2024, before the minutes could be approved.