

COMMITTEE OF THE WHOLE

Minutes of the Meeting

March 19, 2018

1. Vice-President Logan called the meeting to Order at 8:00pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – Councillors Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal, Waddick and Logan were present.
3. A motion by President LeBlanc to approve the minutes of the COW meeting held on March 5, 2018 was adopted on a voice vote and the minutes of March 5, 2018 were approved.
4. President LeBlanc moved to take both resolutions of the “Massachusetts Pregnant Workers Fairness Act” (2/26/2018) and the “Massachusetts Equal Pay Act” (2/26/2018) from the table. The motion was adopted on a voice vote. Vice-President Logan asked President LeBlanc to assume the Chair so that would be able to speak on the matter. Vice-President Logan moved to hear from the HR Director, Kristen Murphy. The motion was adopted on a voice vote. Vice-President Logan asked Ms. Murphy to provide an explanation and status of both Acts, as there certain requirements under the law for notification, compliance and deadlines. Ms. Murphy explained the key elements and impacts to the City of each Act. Councillor Romard asked if the implementation of these Acts impacted the School Department and how it would be addressed. Vice-President Logan moved to file the resolution on the “Massachusetts Pregnant Workers Fairness Act”. The motion was adopted on voice vote. Vice-President Logan moved to file the resolution on the “Massachusetts Equal Pay Act”. The motion was adopted on voice vote. Vice-President Logan resumed the Chair.
5. Councillor Romard moved to take the request from the School Department concerning the transfer of the care, custody and control of the property located at 655 Lexington Street (former North Branch Library) (11/27/2007) from the table. The motion was adopted on a voice vote. Councillor Romard moved to hear from the Superintendent of Schools, Dr. Drew Echelson. The motion was adopted on a voice vote. Councillor Romard asked about the need for the property and its planned use. Dr. Echelson stated it could be potentially used by the Kennedy Middle School or expansion for Waltham High School. President LeBlanc, Councillors Fowler, Waddick and McMenimen spoke in favor of the transfer request. On a roll call vote of 13 in favor (Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Stanley, Vidal & Waddick), 1 opposed (Romard) and 1 presiding (Logan) the request to transfer the care,

custody and control of the property located at 655 Lexington Street (former North Branch Library) to the School Department was approved.

6. Councillor Romard moved to take the request from the School Department concerning the transfer of the care, custody and control of the property located at 14 Ash Street (former Fitch School) (11/27/2007) from the table. The motion was adopted on a voice vote. Councillor Romard moved to hear from the Superintendent of Schools, Dr. Drew Echelson. The motion was adopted on a voice vote. Dr. Echelson distributed a copy of the SMMA (school architect) report (see attached) that analyzed three potential sites for a K-8 school building. Councillor Harris asked questions about the report and asked Dr. Echelson to explain the Dual Language Program, including the building needs of the program. Councillor Harris expressed concern about the vacant Fitch School building and the potential for vandalism and/or fire. President LeBlanc explained her reasons for supporting the transfer request and moved to transfer the care, custody and control of the property located at 14 Ash Street (former Fitch School) to the School Department. On the motion, Councillor McMenimen spoke about the work of the Fitch School Re-Use Committee and stated the building needs to be analyzed further for structural integrity. Councillor Mackin asked the Clerk of the COW to include the SMMA report with the minutes so that it is publicly available. Councillor Stanley stated the City has not done a good job maintaining the building. Councillor Fowler stated it was a good idea to use the Fitch School for the Dual Language Program. Councillor Brasco expressed his concern and frustration with the request to transfer the Fitch School back to the School Department. Councillor Brasco stated the "Mayor, City Council and School Committee have failed the citizens". Councillor Brasco stated it did not matter who had care, custody and control as the cost to renovate/maintain the building would be borne by the taxpayers and he recommended selling the property. Councillor Waddick stated he would support the transfer to give the Superintendent flexibility in assessing his options. Councillor Vidal expressed his familiarity and history of the building and nothing has happened. Councillor Darcy made a motion to move the question. The motion was adopted on a voice vote. The original motion of President LeBlanc was adopted on a roll call vote of 12 in favor (Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Stanley, Vidal & Waddick), 2 opposed (Brasco & Romard) and 1 presiding (Logan) and the request to transfer the care, custody and control of the property located at 14 Ash Street (former Fitch School) to the School Department was approved.
7. President LeBlanc moved to take the resolution of the Agenda Management Software (3/14/2016) from the table. The motion was adopted on a voice vote. President LeBlanc moved to hear from the Assistant City Clerk, Joe Vizard. The motion was adopted on a voice vote. President LeBlanc gave a brief history of the progress to date on the project and asked Mr. Vizard to provide an update. Mr. Vizard spoke about the different software programs that are available and indicated the pros and cons. Mr.

Vizard stated he has been using Google Docs as a pilot program to see if it would provide the level of information the Council is seeking for the docket. Mr. Vizard noted the annual cost of the Agenda Management Software, while the Google Docs is free. It was Mr. Vizard's observation that Councillors seem to have a preference for receiving information on paper. Councillor Darcy commended Mr. Vizard and stated it was a step in the right direction. Councillor Mackin asked follow up questions about the amount of time to prepare the docket and the benefits of using electronic filings. Councillor Mackin also noted that the electronic means of disseminating information was a benefit to the constituency. Councillor McMenimen commended Mr. Vizard on the improvements, but asked what we can do to make it better. Councillor Vidal stated that if paper is the preference, why spend \$10,000 for a program that would be rarely used. Councillor Fowler suggested that there be some continuity amongst departments, board and commissions to use the same software provider. Councillor Mackin suggested contacting other cities and towns to see what they use. President LeBlanc moved to table the matter. The motion was adopted on a voice vote.

8. President LeBlanc moved to take the resolution of the City Clerk vacancy (1/8/2018) from the table. The motion was adopted on a voice vote. Councillor Waddick recused himself from the discussion to avoid any appearance of a conflict of interest. President LeBlanc provided a copy of a proposed compensation ordinance to change the City Clerk stipend as the Clerk of the City Council. President LeBlanc gave a brief reason and moved to amend the compensation ordinance by reducing the annual stipend from \$7,000 to \$4,000. The motion was adopted on a voice vote. President LeBlanc provided a copy of a proposed compensation ordinance to change the City Clerk stipend as a member of the Board of Registrars. President LeBlanc gave a brief reason and moved to amend the compensation ordinance to read City Clerk-Board of Registrars, \$1,500. The motion was adopted on a voice vote. President LeBlanc noted that the Voter Registration and Election annual budget listed a position as Registration Clerk and Voting Machine Custodian with an annual stipend of \$2,500 and \$500, respectively. President LeBlanc stated the reference for these positions did not appear in the City ordinance or the State statute and they should be removed from the budget. President LeBlanc provided copies of two requests to the Committee. Councillor McMenimen spoke about the past interview process when the Assistant City Clerk vacancy was filled and that only a candidate who was nominated by a Councillor could be considered for election. Councillor Stanley stated, "That's the City Charter, to change the process, change the City Charter". President LeBlanc stated she was attempting to move the process forward. On the first request, President LeBlanc moved to provide a copy of the revised City Clerk job description to the HR Director. The motion was adopted on a voice vote. On the second request, President LeBlanc moved to ask the HR Director to prepare a draft job posting and to provide it to the Council for review and approval before it is sent out. Councillor Mackin asked the phrase "his or her" be changed to "their". President LeBlanc accepted the friendly amendment and the motion was

adopted on a voice vote. Councillor Darcy questioned the manner in which the votes would be calculated and stated there was a flaw in the mathematics. Councillor Darcy encouraged all Councillors to be available for the interviews of the candidates. Councillor Darcy moved to approve the manner and the locations where the posting would be found. Vice-President Logan suggested this be discussed once the job posting was ready. Councillor Darcy withdrew his motion and would hold it until the time the posting is approved. President LeBlanc moved to place the matter on the table. The motion was adopted on a voice vote and the matter on the City Clerk vacancy was tabled.

9. Councillor Romard moved to take the matter of the resolution of 334R Prospect Hill Road (10/1/2017) from the table. The motion was adopted on a voice vote. Councillor Romard moved to approve the following order, "That the Mayor should consult with the City's Environmental Specialist and perform an adequate level of environmental analysis to ensure the property at 334R Prospect Hill Road meets the requirements for its intended use; if successful, the Mayor should then proceed with entering into a Purchase and Sale agreement for the property for the agreed upon price of \$88,000 along with all of the City's standard conditions." The motion was adopted on a voice vote. Councillor Romard moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was tabled.
10. Councillor McLaughlin spoke to congratulate the Waltham High School Boys' Hockey Team on their recent victory as the Division 1 State Hockey Champion. Councillors LaCava and R. LeBlanc also congratulated the team and Coach John Maguire on this achievement and both noted the character and dedication of the team players. It was also noted that both the Waltham High School Boys' and Girls' hockey teams received the Sportsmanship Award for their respective programs.
11. Councillor Mackin informed the Committee and viewing audience that an active shooter drill would be conducted at Brandeis University this week on Wednesday.
12. Councillor Stanley informed the Committee and viewing audience about the Food, Wine and Craft Beer Festival that will take place at the Westin Hotel on April 5, 2018.
13. A motion by President LeBlanc to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 10:30pm.

Paul G. Centofanti – Clerk to the Committee of the Whole

To:	Dr. Drew Echelson	Date:	12/1/2015
From:	Lorraine Finnegan	Project No.:	15111
Project:	Waltham Public Schools - 3 site study		
Re:	Final report and recommendations		
Distribution:	(MF)		

Memorandum

Dr. Echelson,

As requested SMMA analyzed three sites for a potential new K-8 multipurpose school in Waltham. Our findings and recommendations as well as some planning considerations are noted below.

Site Analysis

Fitch School

The Ezra C. Fitch School is a former elementary school, but currently sits unoccupied. According to available on-line assessors and GIS information, the school is located at 14 Ash Street and is owned by the School Department. The existing building is believed to have historically significant architectural elements on the exterior (Art deco). The lot is approximately 1.4 acres and contains the former school, striped parking for about 23 vehicles, and a paved play space with play structures and various courts. It is adjacent to another small School Department-owned parcel to the southwest, approximately 0.23 acres, which contains a water spray park. Parking lots exist to the north and south, which are both owned by Watch City Ventures and are associated with the condominium development to the west. The property is located within the Residence B zoning district, and educational uses are allowed as of right. Required building setbacks are shown on Figure 1.

A 4-story addition is recommended to be constructed onto the existing facility, which would provide the district 80,000 to 85,000 GSF. Given the size of the site and expanding the building to provide additional building square footage would leave no room for on-site parking or exterior play space. Parking lots to the north or south could be acquired to provide play space or parking. In addition, 2 variances would be required for this development. The 4-story structure exceeds the maximum allowable building height of 3 stores, and lot coverage would likely be exceeded as most of the site would be occupied by the building as shown on figure 1a.

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Lowell Field

The Lowell Field is located at the corner of Grove Street and Willow Street and is parkland owned by the City of Waltham. According to available on-line assessors and GIS information, the property is about 5.3 acres. The site has a large lawn that is able to accommodate multiple fields, a softball skinned infield, 3 tennis courts, a basketball court, a playground structure, and a water spray park. Striped parking on the site can accommodate about 37 vehicles. The property is located within a dense residential neighborhood and within the Residence B zoning district, and educational uses are allowed as of right. Required building setbacks are shown on Figure 2.

A 3-story building is recommended to be constructed on the southeastern portion of the site, which would provide the district with approximately 110,000 to 130,000 GSF. Parking to accommodate approximately 90 vehicles could take the place of the existing tennis and basketball courts and would allow a 220' field to be maintained as shown on figure 2a.

If this site were to be selected to construct a new school building, it would take land currently owned and operated as parkland from the city, which is protected under Article 97 of the Massachusetts Constitution. The Article requires that land protected cannot be taken or acquired for other purposes except by laws enacted by two-thirds vote of the Massachusetts Legislature. Furthermore, the Massachusetts Executive Office of Environmental Affairs (EOEA) as established an Article 97 Land Disposition Policy that regulates the transfer of Article 97 lands including a land swap where "No Net Less" of parkland is to occur. In addition, the Public Lands Preservation Act (a.k.a. the Article 97 Bill, the No-Net-Loss Bill, and House Bill 3438) is a current bill before the Legislature, requiring among other items a land swap. See attachment for more information on Article 97, the Article 97 Land Disposition Policy, and the Public Lands Preservation Act.

In summary, Article 97 itself does not require a land swap, but does require approval by the Legislature. Environmental approval is not possible without compliance with the Land Disposition Policy, which required a land swap. The Public Lands Preservation Act was filed in 2011 but remains in Ways and Means. Recent cases (under the current administration) are consistent with the Gov. Romney position that the Governor will not sign legislation unless in compliance with the Land Disposition Policy. Additional information on Article 97, the Article 97 Land Disposition Policy, and the Public Lands Preservation Act is attached to this report.

For planning purposes, we have developed conceptual schedules for three possible scenarios in gaining approvals in the Article 97 process. These durations are open to significant variations as the durations provided assume no appeals during each step of the process. Appeals can and have delayed school projects for months and years.

Scenario A assumes the City commences with Schematic Design after City Council vote in July 2016 and approves the land swap, there is risk for the City here since the State legislature will not have voted on the proposed land swap so all design work would be completed at risk. This would result in a potential school opening date of November 2019.

Scenario B assumes the City commences with Schematic Design after the Environmental Notification Form (ENF) is approved by Massachusetts Environmental Policy Act (MEPA). There is risk for the City here since the State legislature will not have voted on the proposed land

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swap so all design work would be completed at risk. This would result in a potential school opening date of June 2020.

Scenario C assumes the City commences with Schematic Design after the State Legislature approves Article 97 for the project. This date assumes an Environmental Impact Report (EIR) was required by MEPA. This would result in a potential school opening date of June 2021.

Refer to **Exhibits A & B** for the schedule and bill language.

McDevitt School

The John W. McDevitt Middle School is located at 75 Church Street and is owned by the City of Waltham and School Department. According to available on-line assessors and GIS information, the property is about 9.3 acres and contains the middle school, striped parking for about 112 vehicles, and open lawn areas to the north, west, and south of the building. The southern lawn area is large and is able to accommodate a 270' soccer field. The site is surrounded by residential properties and one church to the southwest. The property is located within the Residence B zoning district, and educational uses are allowed as of right. Required building setbacks are shown on Figure 3.

A 3-story building is recommended to be constructed on the southeast portion of the site, in the approximate location of the old vocational high school (now demolished) which would provide the district with 85,000 to 130,000 GSF. The site could accommodate additional parking, about 100 spaces, while maintaining the existing southern field as shown on figure 3a.

Educational Analysis

Although the project is not defined as an MSBA funded project, we have used a modified MSBA summary of spaces to calculate the space quantities and sizes -prorating for the potential numbers of students to the overall gross square footage required for the building. The School District requested an overall building target size of 80,000 - 95,000 gross square feet (GSF) as a planning guideline. We have modeled several options to be evaluated by the Waltham School department relative to impacts on class sizes, numbers of sections (classrooms/students per grade), transitions between the elementary school and middle school grades, and middle school team teaching pedagogy.

Option 1:

A 2-section school that follows Waltham's educational goals of 18 students per class for grades K-8 recommendation would be approximately 85,000 GSF and serve 324 students total: 2 Kindergarten classrooms, 10 Elementary Classrooms, and 6 Middle School Classrooms.

Pros: This school size meets the needs of the districts size criteria.

Cons: With a 2 section middle school, there is only half of a team per grade. Teaming could be achieved by creating a 5/6 team and a 7/8 team however there is an assumption at that point that this school would be more of a 5-8 middle school model.

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Option 2:

A model could be created where the K-5 portion of the building functions as a 2 section school and the 6-8 portion of the building function as a 4 section school. The building would be approximately 100,000 GSF and serve 432 students.

Pros: This effectively addresses the issue of middle school teaming.

Cons: The size is larger than the targeted size. Educationally it creates some greater districting issues wherein students who matriculate through the elementary grades within this school would be joined by additional middle school students when they move into the middle school grades.

Option 3:

A 4-section school that follows Waltham's educational goals of 18 students per class for grades K-8 would be approximately 131,600 GSF and serve 648 students total: 4 Kindergarten classrooms, 20 Elementary Classrooms, and 12 Middle School Classrooms.

Pros: At the middle school, each grade would have their own dedicated team which alleviates the challenges at the middle school and allows for the 6-8 middle school model to function properly.

Cons: This size is significantly larger than the targeted size for the new K-8 building.

Refer to **Exhibits C** for a breakdown of grades and classrooms for each option above.

Recommendations

Preferred Site:

Regardless of the size of the building the best site for another K-8 school in our opinion is the McDevitt site. The site itself affords the area for a school ranging from 80,000 GSF up to 130,000 GSF and provides the greatest flexibility for play areas and parking.

The Fitch school site is too small and in order to maintain play areas it would require a 5-6 story building which we do not recommend for K-8.

The Lowell Field site has the potential to accommodate a school in the same size range as McDevitt however the unknowns with the schedule due to the Article 97 process make this site less desirable.

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Preferred Educational Planning:

SMMA recommends Option 3 - a four section school (4 classrooms per grade). This allows team teaching to be maintained at the middle school level and maintains the same population within the school as the students matriculate from K-8. It will also provide the maximum flexibility for multi-purpose spaces as it has the most classrooms.

Planning Considerations

Owner's Project manager:

Regardless of MSBA funding or not, any building project on which the construction work is estimated to cost \$1.5 million or more requires the City/Town to contract with an owner's project manager to serve as your jurisdiction's agent throughout the planning, design and construction stage of the project – M.G.L. c.149, Sec 44A1/2

Designer Selection:

Designer selection thresholds and applicability are governed by M.G.L. c.7 Section 38A1/2-O. For local governments, the designer selection law applies to contracts for design services for any building construction, reconstruction, alternation, remodeling, or repair project that has an estimated construction cost of more than \$100,000. Cities and towns are required to adopt their own procedures for selecting designers for building projects; these procedures must confirm to the purposes and intent of the designer selection process outlined in M.G.L. c.7.

Design Timeline:

Since this project is not proposed to be an MSBA funded project it is not required to adhere to the MSBA regulations for submittals and hence its schedule can be coordinated directly with the City. The design process of Schematic Design, Design Development and Construction Documents should still be followed to allow adequate time for existing conditions investigations, educational planning, and design and cost estimating. A typical design schedule for a building between 80,000 GSF and 130,000 GSF is twelve months.

Designs:

Model School: The MSBA has a model school program and they do have K-5 schools in this program. In order to utilize a model school this would need to be a project approved by the MSBA and invited into that program. There are a number of misconceptions regarding the model school program that should be understood

The concept behind the model school program was it allowed the Cities/Towns to put the project out to bid quicker. The intent is that the building plans require little to no alternation and therefore the Design Development Phase (approximately 4 months) is eliminated from the design schedule. There is no time savings on the construction side.

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The more changes the City/Town requires of the model school the longer it will take to revise the plans and therefore the schedule reduction is less. Additionally, the City/Town is required to compensate the designer for those changes.

The intent behind this K-8 school is to provide the City with a multi-purpose, flexible environment and does require planning specifically for those needs. The current models schools do not meet that criteria.

Use of Old Plans: The City may be considering utilizing plans developed for one of its other elementary schools. We respectfully request that you verify through legal counsel the feasibility of doing this for two reasons:

1. Does it subvert M.G.L. c. 7 Designer Selection?
2. How old are those plans and how many code upgrades have occurred since they were completed? All plans would need to be brought up to current code and the Kennedy which is your newest school is over 10 years old and we have experienced 3 code upgrades and 2 energy code upgrades in that time. The changes required by code will have a significant redesign requirement on these older plans.

Comments have been made about using the Plympton Plans. The building opened in 2004 and from a review of the floor plans and through discussions with the school department we understand that this footprint was very tight to accommodate the building on the site and was not designed to current 21st century educational pedagogy with project based learning spaces and push in/pull out resources rooms. The intent for the new building is a multi-grade multi-purpose building and the Plympton plans do not demonstrate that flexibility.

Pre-K: If the City intends to create an early childhood center as part of this building that will change the proposed square footage above. A Pre-K and K classroom require 1,200 square feet and a toilet. While grades 1-8 general education classroom only required 900 square feet. If any more early learning rooms are added beyond the two K classrooms that are currently planned this will increase the overall square footage and needs to be determined at the outset of the project.

Class Size: As noted during our earlier study Waltham has a very envious class size of 18 students/grade. In our exhibit C we demonstrate the capacity for the same size building as calculated through the MSBA class size of 23. This is for your information only but allows you to understand there is room for some expansion as enrollment bubbles move through your system.

Budget Planning:

A project budget is made up of soft costs and construction costs, typically the soft costs represent 20% of the total project cost and include items such as existing condition investigation work – survey, geotech, traffic etc., OPM fees, designer fees, furniture and technology. The construction cost is the bricks and mortar and the fee paid directly to the general contractor.

For planning purposes we are providing order of magnitude ranges based upon recently bid projects (MSBA data), please note that these numbers need to be escalated from their bid date

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to the midpoint of construction of your school (assume Spring 2017). Escalation has been 3.5-5% per annum.

2013 bid prices ranged from \$315 to \$360 per square foot for elementary schools

Therefore in 2013 dollars an 80,000 GSF building would cost between \$25M and \$29M in construction cost with a corresponding project cost of between \$31M and \$36M (before escalation).

Attachments:

Figures 1, 1a, 2, 2a, 3 and 3a

Exhibit A – Article 97 Schedule

Exhibit B – Article 97 Bill Language

Exhibit C – Education sections per grade analysis

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