

Mindess School Building Committee Meeting Minutes
June 22, 2021

Name	Committee Role	Voting Member	External Position	Attended
Paul Kendall	Chair	Y	School Committee	X
James Adams	Notice Person	Y	Superintendent	X
Michael Herbert	Member	Y	Town Manager	X
Yolanda Greaves	Vice-Chair	Y	Select Board	X
Chris Mathieu	Member	Y	Director, Finance and Operations	
Paul Carpenter	Member	N	Director of IT	
Jon Murray	Member	Y	Director of Facilities	X
Michael Caira	Member	Y	Assist. SI, Curriculum & Instruction	X
Claudia Bennett	Secretary	Y	Mindess Principal	X
Melissa Mercon Smith	Member	N	Director Extended Day	
Ed Hart	Member	N	Finance Committee	
Christopher Lee	Member	Y	Community Member	
Nicholas DiGiovanni	Member	Y	Community Member	X
Ketan Joshi	Member	Y	Community Member	X (6:35)
Tilak Subrahmanian	Member	Y	Community Member	
Tim MacKay	Member	Y	Community Member	X
Michael Kane	Member	Y	Community Member	X (6:28)
Total Members In Attendance				11
Voting Members In Attendance				11

Present from Compass Project Management:

- Michael Quinlan, Senior Project Manager
- Jeffrey D’Amico, Project Executive

Present from Shawmut Design Management:

- Ryan Lynch, Project Executive
- Jonathan Seymour, Project Superintendent
- Phil Conroy, Project Manager

Present from Flansburgh Architects:

- Kent Kovacs, Principal in Charge
- William Beatrice, Project Manager
- Chelsea Vollmer, Architect

Other Notable People Present:

- Dan LaFrance, Fuss & O’Neill

6:22 P.M. - Paul Kendall called the meeting to order.

Mr. Kendall reviewed the agenda and received consensus from the members.

Online Meeting Notice

Pursuant to Governor Baker's June 16th signing of legislation suspending certain provisions of The Open Meeting Law, this meeting was conducted using the Zoom conferencing platform and all board/committee members participated remotely. Attendance and all votes were done by roll call. The goal is to maintain the spirit of the Open Meeting Law, providing access and transparency to all proceedings. The meeting posting included details for the public to connect via the Zoom app, the web, or by phone.

Public Comment:

Mr. Stephen Morgan expressed interest in hearing the committee's discussion on agenda item 7 regarding use of CPC funds on the Mindess Fields.

To respect individual's time, Mr. Kendall asked the committee to address agenda item 7 first. There was consensus of the committee members. (See notes below re: CPC Fund Use)

Agenda Topics

CPC Funds Used For Mindess Fields

Mr. Kendall provided an overview that few community members have raised concerns that because CPC funds were used to make improvements to the fields behind Mindess, the fields would now be subject to "article 97" or otherwise restricted, and that such restrictions would not allow the project to continue as planned.

The subject was discussed with Town Council, who provided a written opinion that was included in meeting materials. The opinion states that the use of CPC funds for field improvements did not restrictions be placed on the Mindess fields.

Mr. Kendall said the discussion with Town Council centered on two things:

- Did the use of CPC funds for field improvements require any restrictions be placed on the fields or property; and
- Are any state funds being used for the construction of the new fields as part of the project

In the memo Town Council says there are no restrictions on the Mindess fields or property and explains that the law requires a restriction be put in place when the town acquires an interest in real estate. The Community Preservation Act does not include requirements for restrictions for use of CPA funds to recreational improvements, absent an acquisition of interest in real estate. In reaching this conclusion, Town Council also conferred with the Department of Revenue.

Relating to the funding of the new fields, 100% of the cost of the new fields will come from Town funding. The MSBA caps site costs, the category fields would fall under, at 8% of the building construction costs. Using the estimates from the Schematic Design submission to the MSBA (the latest estimates available when addressed by Town Council), the total site cost was \$12,452,834, and after the cap only \$2,991,146 is eligible for MSBA participation. This means the state would reimburse the Town 55.57% of the eligible amount, or \$1,662,180. This amount would not even cover the “General Site Work/Prep” section of the SD estimate, which was \$1,999,840. Additionally, the parts of the estimate directly attributed to constructing the new fields totaled \$596,865.

Mr. MacKay, discussed his experience with this type of situation and agreed with Town Council’s opinion, particularly in that we are not disposing of the property, but rather keeping the same use, just changing the location of the uses on the same property.

Mr. Kendall allowed Mr. Morgan another opportunity to address the committee. Mr. Morgan, disagrees with Town Council’s assessment, and that moving the field is not allowed based on current case law.

Form Subcontractor Pre-Qualification Subcommittee

Mr. D’Amico explained the purpose and requirements of the subcommittee. The committee didn’t have any questions.

A motion to form a Subcontractor Prequalification Subcommittee for the purpose of evaluating all subcontractor qualifications proposals received for the David Mindess Elementary School project to proceed to the bidding phase was made by Jim Adams, seconded by Yolanda Greaves. Vote 10-0-1, in favor (Mr. Herbert did not vote).

A motion to appoint:

- **Paul Kendall, Building Committee Chair**
- **James Adams, District Superintendent**
- **Jeff D'Amico, representative from the Owner's Project Manager**
- **Michael Quinlan, representative from the Owner's Project Manager**
- **Bill Beatrice, representative from the Designer**
- **Chelsea Vollmer, representative from the Designer**
- **Ryan Lynch, representative from the Construction Manager**
- **Philip Conroy, representative from the Construction Manager**

as voting members of the Subcontractor Prequalification Subcommittee was made by Jim Adams, seconded by Yolanda Greaves. Vote 9-0-2, in favor (Mr. Herbert and Mr. Joshi did not vote).

Permitting Update

Chelsea Vollmer, architect at Flansburgh. Design team sent application packages to the Conservation (notice of intent and storm water) and Planning Board (special permit) on June 14. The first Conservation Committee public hearing/meeting is on June 28 and the first Planning Board public hearing/meeting is on July 15.

Schedule and MSBA Update

Mr. D'Amico updated the committee that the Design team is working on the 60% CD set and that the project team is meeting regularly. Additionally, the MSBA provided their comments on the Design Development package. The project team will respond to the MSBA on behalf of the Town. The MSBA has scheduled a kickoff meeting with the project team for July 13.

Soil Pre-Characterization Proposal

Mr. Conroy explained that the soil pre-characterization will provide details needed to determine the best use and disposal of the materials that will be excavated and reused during project construction. It will also provide more accurate bidding and budgeting.

Dan LaFrance, an environmental engineer from Fuss & O'Neill, further explained the specifics and reasons for the proposed testing.

A motion to approve the contract amendment between the Town of Ashland and Flansburgh Architects for Soil Pre-Characterization as presented with a not-to-exceed amount of \$129,360.00 was made by Yolanda Greaves, seconded by Jim Adams. Vote 11-0, in favor.

Hydrant Flow Test Proposal

Mr. D'Amico explained the requirement of a hydrant flow test within a certain timeframe relative to permitting.

A motion to approve the contract amendment between the Town of Ashland and Flansburgh Architects for a Hydrant Flow Test as presented with a not-to-exceed amount of \$2,145.00 was made by Yolanda Greaves, seconded by Jim Adams. Vote 11-0, in favor.

Project Team Updates

Mr. Kovacs updated the committee on the work the design team is doing related to exterior materials and models. The team expects to have material samples and models available within the next few weeks for the committee to review.

Mr. Quinlan noted the need to coordinate the soil pre-characterization work with the district.

Consent Actions

Approval of Invoices

Invoice	Vendor	Description	Amount
CPM 75-25	Compass Project Management	OPM Services	\$21,296.25
APP 1	Shawmut Construction & Design	Pre-Con Services	\$42,516.00
32417	Flansburgh	Geotech/Geo-environmental • Test pits and borings with final reports Civil • Soil infiltration work	\$63,228.00
32418	Flansburgh	Traffic study work, 24% billed	\$6,077.50
32419	Flansburgh	Civil Site Survey work performed December-February	\$64,350.00
32420	Flansburgh	Wetlands Delineation (ANRAD)	\$7,700.00
32434	Flansburgh	Traffic study work, 85% billed	\$13,102.65
32435	Flansburgh	Final Design Development invoice	\$249,020.00
		Total	\$467,290.40

A motion to approve the invoices/expenses as presented was made by Yolanda Greaves, seconded by Jim Adams. Vote 11-0, in favor.

Approval of Meeting Minutes

A motion to approve the Building Committee meeting minutes for May 19, 2021 as presented was made by Yolanda Greaves, seconded by Jim Adams. Vote 11-0, in favor.

Adjournment

Motion to adjourn made by Yolanda Greaves, seconded by Jim Adams. Vote: 11-0, in favor.

Meeting adjourned at 7:05 p.m.

Documents used during the meeting:

[Backup - SBC Mgt - CPC Funds - Town Council Opinion - 2021-04-07.pdf](#)

[Backup - SBC Mgt - CPC Funds - Excerpt From SD Cost Estimate - Ball Field Costs.pdf](#)

[Backup - SBC Mgt - CPC Funds - Minutes - Annual Town Meeting - 2013-05-01.pdf](#)

[Backup - SBC Mgt - CPC Funds - Minutes - Annual Town Meeting - 2014-05-07.pdf](#)

[Backup - SBC Mgt - CPC Funds - Slides from Town Meeting - Mindess Building Project Overview - 2021-01-23.pdf](#)

[Backup - SBC Mgt - FAI Contract Amendment - Hydrant Flow Test Proposal - 2021-06-21.pdf](#)

[Backup - SBC Mgt - FAI Contract Amendment - Soils Pre-Characterization Proposal - 2021-06-21.pdf](#)

[Backup - SBC Mgt - Shawmut Request For Soil Pre-Characterization - 2021-06-17.pdf](#)

[Backup - SBC Mgt - MSBA Design Development Review Cover Letter - 2021-06-16.pdf](#)

[Backup - SBC Mgt - MSBA Design Development Review Comments - 2021-06-16.pdf](#)

Approved XX/XX/2021