

OPEN SESSION MINUTES
MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT
SPECIAL SCHOOL COMMITTEE MEETING
SEPTEMBER 8, 2015 PM 6:00 PM
PAUL REVERE ROOM, MINUTEMAN HIGH SCHOOL

Present:

Jeff Stulin, Chair (Needham)	Jennifer Leone (Lancaster)
Carrie Flood, Vice Chair (Concord)	Sharon Antia (Lincoln)
David Horton, Secretary (Lexington)	Jack Weis (Belmont) (arrived 6:25 PM)
Alice DeLuca (Stow)	Mary Ellen Castagno (Wayland)
Ford Spalding (Dover)	Pam Nourse (Acton)
Vince Amoroso (Boxborough)	
Judy Taylor (Carlisle)	
Dave Manjarrez (Sudbury)	
David O'Connor (Bolton)	

Absent: Sue Sheffler (Arlington); Doug Gillespie (Weston)

Also present: Ed Bouquillon, Kevin Mahoney, Jack Dillon, Elizabeth Rozan, Steve Sharek, Nancy Pierce, Adam Marowski, Jason Potteiger, David Kanter, Len Simon, Dana Ham, Maryanne Ham, Caitlyn Kelliher, S. Roche, Rick Manley

1. CALL TO ORDER: OPEN SESSION

The Chair called the meeting to order at 6:00 PM, and noted that the meeting was being recorded by Mr. Manjarrez.

2. CHAIR'S REPORT

The Chair explained the MSBA's unanimous August 6, 2015 action to move the Minuteman Building Project to Module 4, Schematic Design. He also noted that MSBA praised Minuteman's efforts, expressed its dedication to vocational education, and strongly endorsed the proposed school size of 628 students, noting that it would not support a school size smaller than 600, as this would not make sense financially or educationally. He noted MSBA's agreement with the rationale put forth by the Administration and the School Committee in voting for the 628-student option. The Chair then pointed out that there are now two goals facing the School District, both complicated and with time constraints: to secure the right to incur the debt required for the project and to submit the Schematic Design, observing MSBA's protocol and process, that maximizes both the educational benefits for the students and the value to the district towns. He further explained that because of the importance of these goals, the beginning of the usual School Committee business will be postponed until next meeting, so that this entire meeting can be dedicated to presenting information regarding these goals to School Committee members.

The Chair introduced a new School Committee member, Vincent Amoroso from Boxborough. He replaces Cheryl Mahoney whose term has expired.

Additionally, he noted that communications will play a major role in pursuing the goals. Toward this end, he explained that he and Ford Spalding will host three meetings with member town officials, primarily Selectmen and Finance Committee members. Each meeting will cover the same material, and invitees can select the one most convenient to them. The purpose of the meetings is to present information regarding the next steps in the building project, and to give officials an opportunity to ask questions and express their concerns. These are not meant to be School Committee meetings, but since they will be open to School Committee members and may attract a quorum of members, they will be posted as School Committee meetings. He further explained that the meetings have been scheduled for the following dates: September 21, 2015 at 7:00 pm, September 28, 2015 at 7:00 pm, and October 2, 2015 at 8:00 am. Kevin Mahoney will also be present to provide information.

3. SUPERINTENDENT'S REPORT

a. Update on Draft Project Prospectus

The Superintendent reported that he has received a draft prospectus document from the Education Alliance, whose scope of service was originally presented at the 6.16.15 School Committee meeting. He explained that the document is being finalized for discussion at the next School Committee meeting on the 15th. He referenced the Table of Contents, and noted the document's value as an independent third party review.

b. Recruitment Video

The Superintendent explained the work behind the recruitment video, prepared by Andrew Mudge of Black Kettle Films. The video was met with applause after it was viewed.

c. Stakeholder Engagement for Completing Schematic Design (Module 4)

The Superintendent referenced his August 26, 2015 memo, included with the packet, in which he outlined the process for Schematic Design, including the role of the Superintendent, the School Building Committee, the School Committee, the Design Team, MSBA, and overall efforts for open public communication. He noted the series of meetings he has scheduled with stakeholders who use the building to get input on the design.

Involvement from the community at large, MSBA's support for a Minuteman School of not less than 600 students, the tight timeframe for completing the Module 4 steps, and the financing in Module 5 were discussed. Additionally, the expertise of members of the School Building Committee, the Designers, the Owner's Project Manager (OPM), the Superintendent, and the collective wisdom of the students were discussed. Anecdotes about the engagement, intelligence, and energy of the students during recent design meetings with them were shared. It was pointed out that a small group of advisors was established from the membership of the School Building Committee, and included people with considerable experience and expertise with building projects. The Superintendent and the School Building Committee Chair expressed full confidence in the team.

4. School Building Committee Report

a. MSBA August 6, 2015

Mr. Spalding noted that there is value to repeating information, and he reviewed the MSBA's August 6, 2015 vote, included in the packet, that approved proceeding into Schematic Design (Module 4). He affirmed that MSBA likes Minuteman, that Minuteman follows the rules, and that the effort of Minuteman is to preserve the 40% reimbursement rate.

b. Skanska Process Flow Modules 2-5 (8.10.15); MSBA Modules 4 and 5

Mr. Spalding referred to the Process Flow document prepared by the Owner's Project Manager, noting the tight schedule of meetings to deliver the Schematic Design to MSBA by December 1 for its January 27 Board vote. He explained the flow of Modules 4 and 5, the Superintendent's efforts on the Schematic Design, the informational reach-out to the towns, how the design will align with the Education Program Plan, and the independent pricing review that KBA and Skanska will undertake. He described Module 6, the use of the "C M (Construction Manager) At-Risk" method of construction contracting, and emphasized that the focus is on "getting to yes" with all the towns by June, 2016, which will require ongoing communication with citizens, town, parents, legislators, alumni, all in an effort to disseminate factual information. He explained that questions raised by particular towns would be brought back to the full School Committee. He pointed out an email communication from the Sudbury representative (at the table, from August 10-19, 2015) and noted that the goal is to occupy a new building on or before September 2020, five years from now. Regarding enrollment, he encouraged people not to complain, but to do something to increase member-town enrollment. He also asked Kevin Mahoney to address the other concern raised in the email. Mr. Mahoney explained the formula for debt service, the DESE guidelines, and pointed out that this will further be addressed in the forthcoming project prospectus.

The Chair then opened the floor to questions, and Len Simon, Sudbury Board of Selectmen member, raised a question about the process of incur debt vis-à-vis the Regional Agreement. The Superintendent affirmed that the

District is bound by the present Regional Agreement, The Chair also clarified that the School Committee has not yet taken a vote on incurring debt, and that the current/in-force Agreement was noted. Mr. Spalding noted that he personally thinks the School Committee should seek Town Meeting approval, that the School Committee has not taken action yet, and the School Building Committee has not discussed the method.

Mr. Simon pointed out that the towns of Sudbury, Arlington, Belmont, and Wayland have expressed their preference for the Town Meeting route (16 (d)), as opposed to the District Wide Ballot route (16 (n)) for incurring debt. He referenced documents from the July 7, 2015 School Committee meeting that outlined the pros and cons of both, and related Frequently Asked Questions (FAQs), which in his opinion seemed to favor the District Wide Ballot option. The Chair emphasized that both options are legal, there has been lots of informational material circulated, as well as many views and opinions that have been expressed. He noted that ultimately it will come down to what the School Committee believes is best, based on evidence and independent judgment, for the District and for the current and future students. However, he pointed out that action on this will not be in the near future, as he would like exact information to be available.

In response to Mr. Spalding's inquiry, Mr. Simon noted that Sudbury welcomes future conversations relative to the process.

A suggestion was made to hold an informational session, similar to past Municipal Breakfasts to engage in discussion *after* the schematic designs are determined, but *before* the School Committee vote, to get stakeholders engaged in the Module 4 process. Mr. Spalding emphasized that the time was now to involve people. Another suggestion was to televise any meetings held in the towns to ensure a wider audience. The question of fiduciary responsibility was raised, and MASC's interpretation of the School Committee member's role as representing the interests of the District and the students was noted. It was also pointed out that this responsibility can have a wide interpretation.

5. RESEARCH SURVEY RESULTS

Steve Sharek introduced Adam Marowski, Research Associate, and Jason Potteiger, Senior Research Associate, of DAPA Research, Inc. presenting the research survey results for David Paleologos, who was indisposed for the evening. They described the survey methodology, demographics, and District area breakdown. They showed the questions asked and the results for categories such as: positive attitudes, voc-tech high schools academic programs and safety standards, awareness and shared cost for a new Minuteman High School, Minuteman High School accreditation, the decision to build a new high school, support or opposition for construction with the state paying at least 40%. They reviewed results for levels of support and opposition for a new Minuteman High School, the most important impact factor, and greatest concern. They emphasized that the results showed widespread support for a new high school. The survey results displayed the levels of support by gender, age, income level, area, political party affiliation, as well as among Minuteman families, modes of decision-making, most important factors, and greatest concerns. They outlined their conclusions as follows:

- Positive feelings about Minuteman High School and its programs;
- Voc-tech should meet academic and building standards;
- Overwhelming support for new construction;
- Intensity of support higher than intensity of opposition, and
- Vote keys are impact on students, tax bill, condition of building.

Discussion followed the presentation. The Chair commended the involvement of the Carlisle member, Judy Taylor in helping to formulate the questions, which were finalized by the State Office of Campaign and Political Finance. The Wayland member asked for specific breakdowns on her town. The researchers agreed to get back with some breakdown. . The researchers also clarified that the methodology was designed to ask the questions without further explanation, and she expressed her appreciation for the limits, but that people may not have understood fully the questions. The ratio of 10/1 in getting 400 respondents was noted. Possible skews in the data because of time of day the calls were made, or time of year were pointed out, as was eligible vs. registered voters, selection bias, validity, and getting the same results the next day vs. 6 months from now. The researchers pointed out that survey work is both an art and a science. The art is interpretive, but the science lies in the methodology and the data received. That the people surveyed seemed open to conversation about the issues, and displayed a general warm reception to the inquiry were points noted. There was an agreement that the results showed helpful information, but that

communication is still critically important. Members asked that a PDF of the presentation be sent to them. The presentation can be found as Attachment A.

6. DISCUSSION: SCHOOL COMMITTEE OPTIONS FOR INCURRING DEBT

The Superintendent introduced Rick Manley, Jr. of Locke Lord, LLC, and pointed out that at the table was an updated opinion letter dated 9.2.15 from Ed Lenox of Murphy, Hesse, Toomey & Lehane, LLP (Attachment B). Attorney Manley pointed out that professionally, he can describe the process for the Ch. 71 16 (d) and 16 (n) options, but cannot tell the School Committee what to do. He then described the traditional approach, of authorizing debt, namely that the School Committee takes a majority vote, notifies the towns, who then have 60 days to take action. Alternatively, the School Committee could agree by a 2/3 vote to authorize a District Wide Ballot to incur debt. In this case, the District would consult with the Town Clerks and the Selectmen on how to do it, and on preparation and delivery of ballots. The election would be by the District, with a warrant article and a specific day when all 16 towns could hold it. He explained that the polls would be open from 4-8 hours, and that absentee ballots would be allowed. Consideration of Town Meeting schedules, expense of a Special Town Meeting, and conditions that could be included in the warrant article were discussed. Additionally, the political impact and need to explain the options to the voters, the timing of the MSBA process restrictions for funding approval, timelines for working with Town Clerks, and vote tally for 16 (d) and 16 (n) were discussed. Attorney Manley pointed out that the 16 (n) option of a District Wide Ballot has been in place since 1995. He also noted that the Regional Agreement is subject to the laws, and even if these two options for incurring debt are not outlined in the Agreement, they are outlined in the law. He noted, in response to a question, that he has not heard of setting up both options in parallel. He also noted, in response to a question, that there is scant information on the rationale for the development of these options. To the issue of a town needing to include a debt exclusion vote as well, he pointed out that the District provides the wording to the towns, and debt exclusion can be incorporated as a condition. He also noted the nuance that the entire amount of the debt must be outlined in the vote, despite the anticipated reimbursement rate. It was noted that voter education is necessary.

The Chair noted that it is important to understand the specific requirements of the vote tally, and asked Attorney Manley to clarify what exactly is meant by the words “majority” or “two-thirds” in the context of M.G.L. Chapter 71, Sections 16(d) and 16(n). Attorney Manley agreed to provide this information.

7. ADJOURNMENT

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Elizabeth Rozan
District Assistant

David Horton
Secretary

ATTACHMENTS TO THE MINUTES OF 9.8.15

- A. Power Point of Research Survey Results
- B. Ed Lenox Opinion Letter dated 9.2.15

MINUTEMAN REGIONAL HIGH SCHOOL ISSUES

AUGUST 2015

ΔΑΠΑ RESEARCH INC.



MINUTEMAN
A REVOLUTION IN LEARNING

SURVEY METHODOLOGY

- ▶ 400 total respondents
- ▶ All voters within the Minuteman High School district
- ▶ Field Dates: August 25-28, 2015
- ▶ Margin of Error: +/- 4.9 percentage points

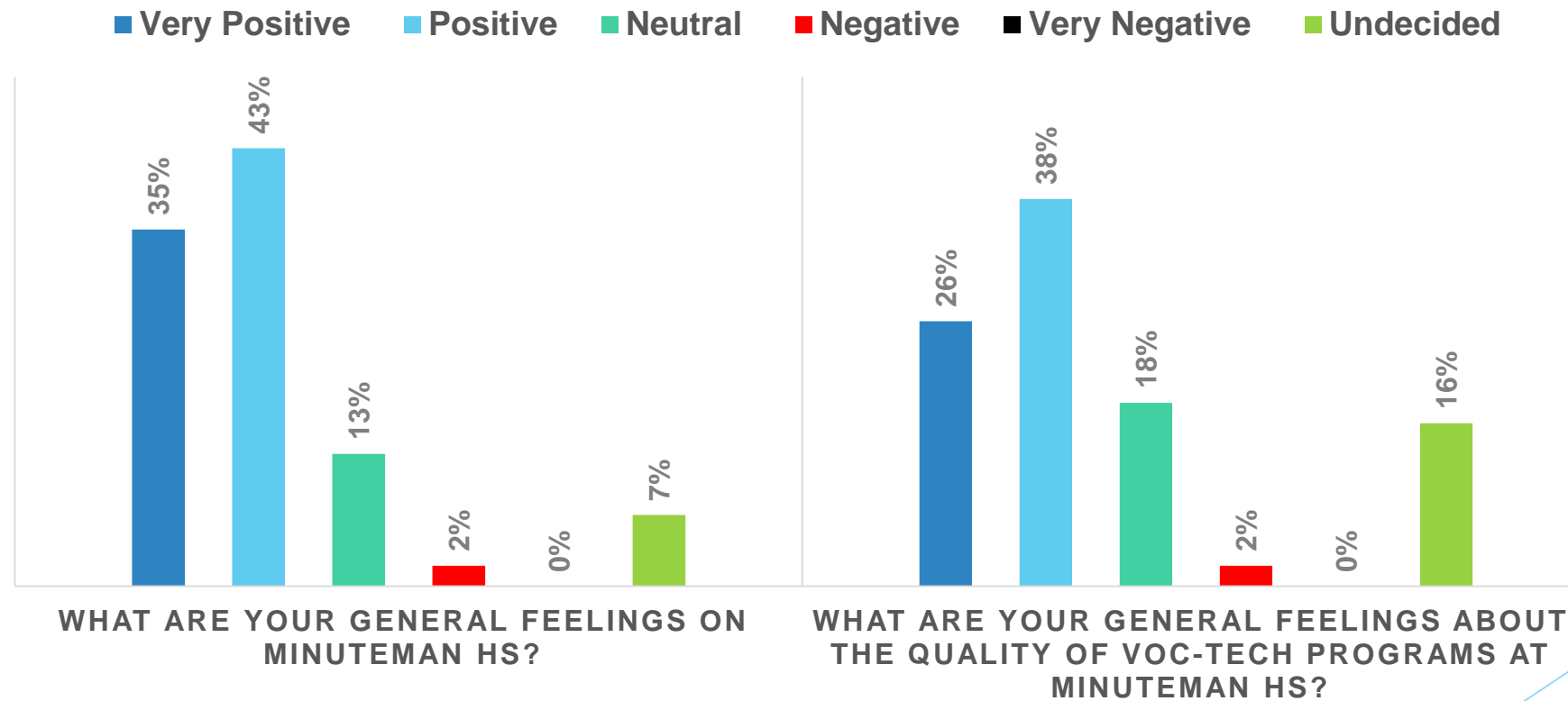
SURVEY DEMOGRAPHICS

- ▶ Gender: 48% Male; 52% Female
- ▶ Party Registration: 33% Democrat; 11% Republican; 55% Independent/Unenrolled
- ▶ 15% of respondents had students, graduates, or close family friends who attended Minuteman High School
- ▶ 53% of respondents know someone who has attended Minuteman High School

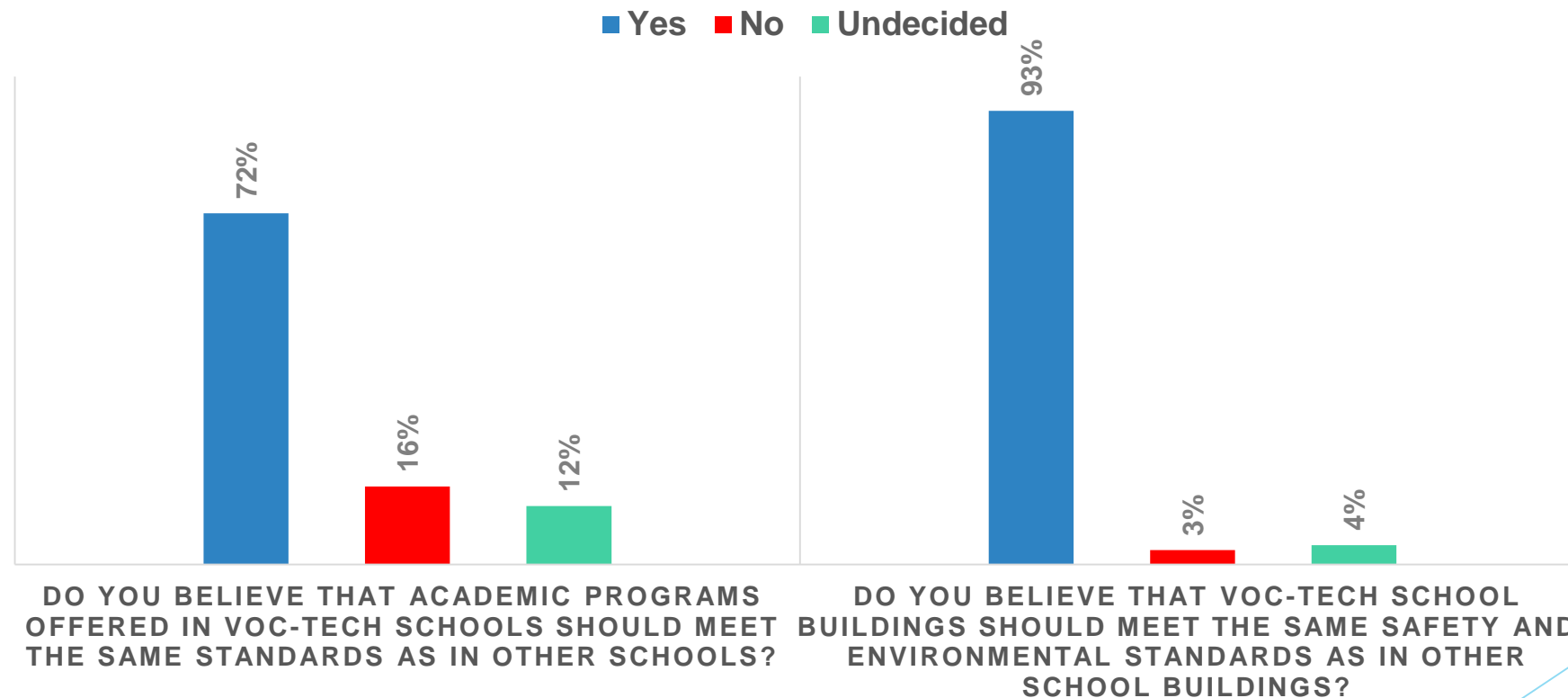
CITIES AND TOWNS IN MINUTEMAN DISTRICT

- ▶ ACTON (AREA 1)
- ▶ ARLINGTON (AREA 3)
- ▶ BELMONT (AREA 3)
- ▶ BOLTON (AREA 1)
- ▶ BOXBOROUGH (AREA 1)
- ▶ CARLISLE (AREA 1)
- ▶ CONCORD (AREA 1)
- ▶ DOVER (AREA 1)
- ▶ LANCASTER (AREA 1)
- ▶ LEXINGTON (AREA 2)
- ▶ LINCOLN (AREA 2)
- ▶ NEEDHAM (AREA 2)
- ▶ STOW (AREA 1)
- ▶ SUDBURY (AREA 2)
- ▶ WAYLAND (AREA 2)
- ▶ WESTON (AREA 2)

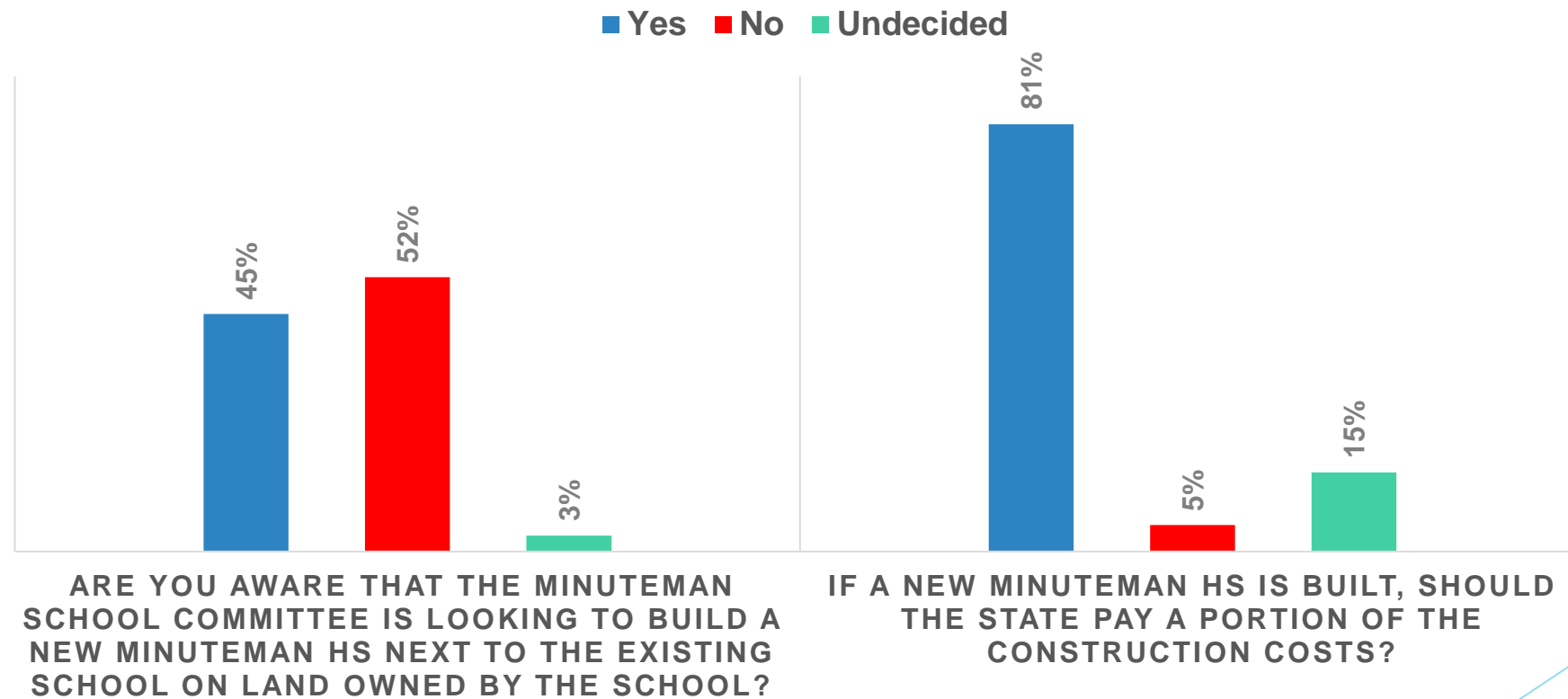
MINUTEMAN HS: POSITIVE ATTITUDES



VOC-TECH HIGH SCHOOLS: ACADEMIC PROGRAMS & SAFETY STANDARDS



A NEW MINUTEMAN HIGH SCHOOL: AWARENESS & SHARED COSTS

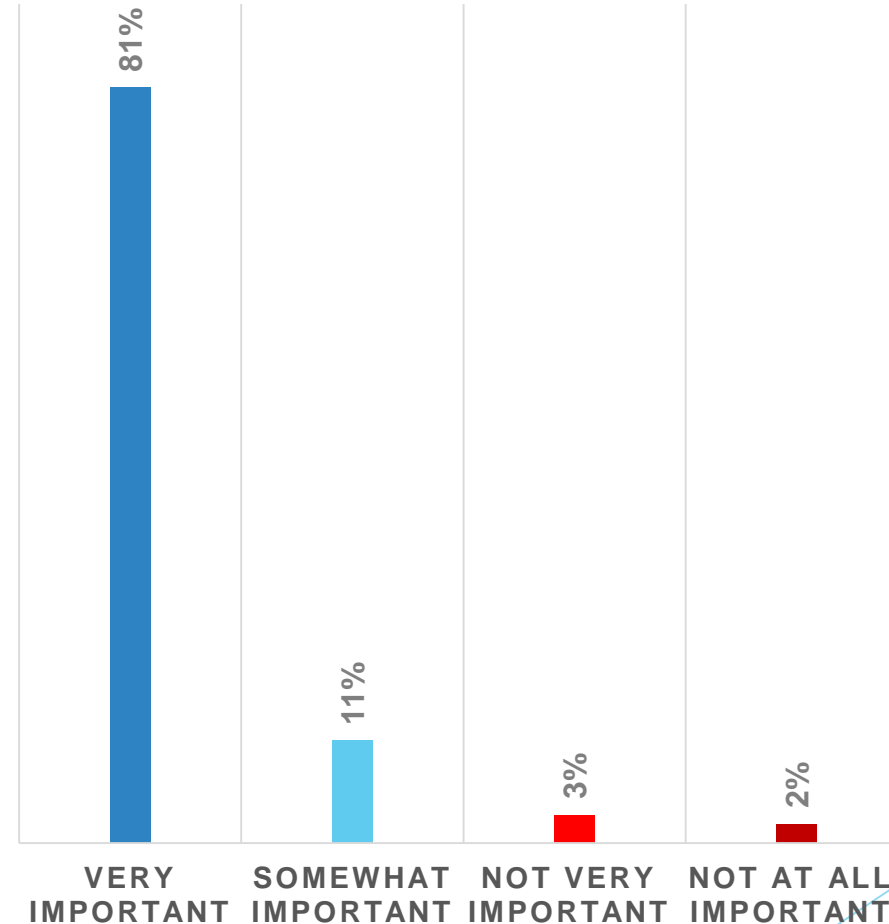


MINUTEMAN HS ACCREDITATION

Are you aware that Minuteman High School is currently accredited by the New England Association of Schools and Colleges?

- YES – 49%
- NO – 49%

HOW IMPORTANT IS IT TO MAINTAIN THE SCHOOL'S ACCREDITATION?



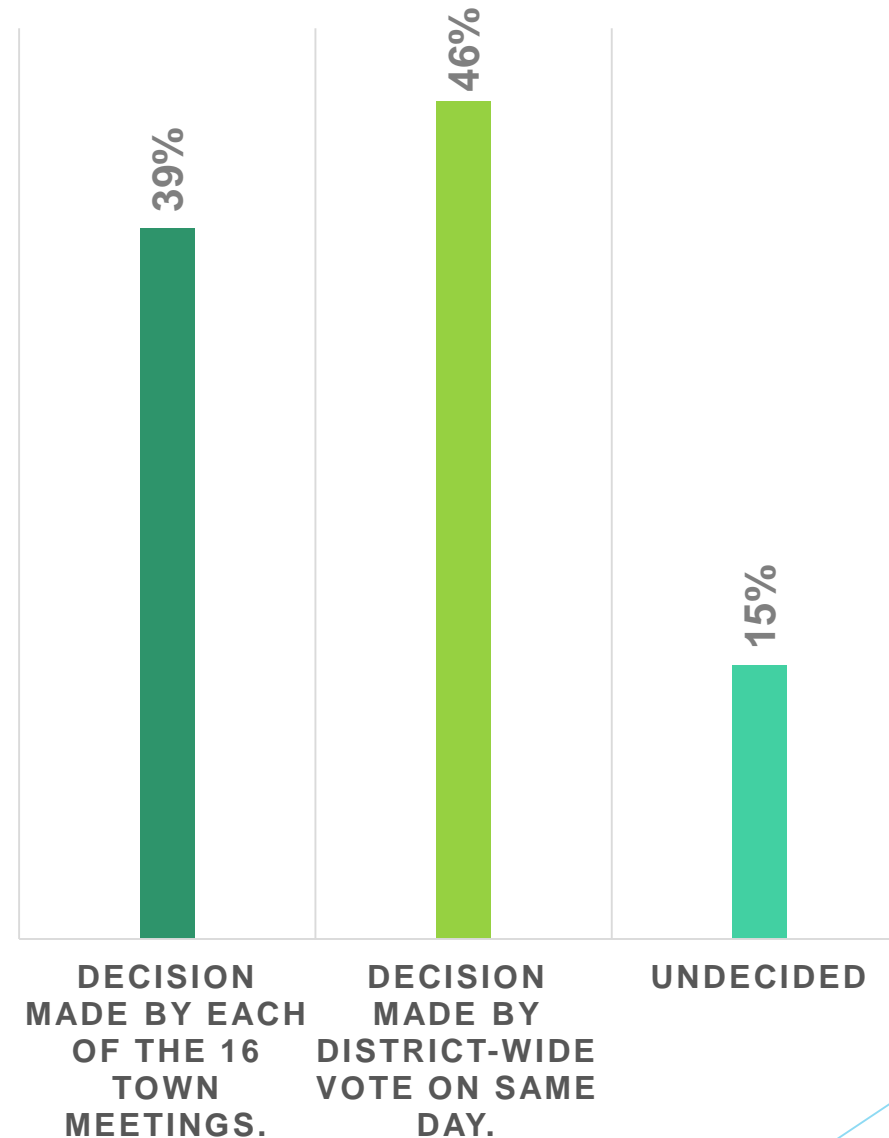
BUILDING A NEW HIGH SCHOOL

Some people say that the decision to build a new high school should be made by the individual town meetings in each of the 16 member towns.

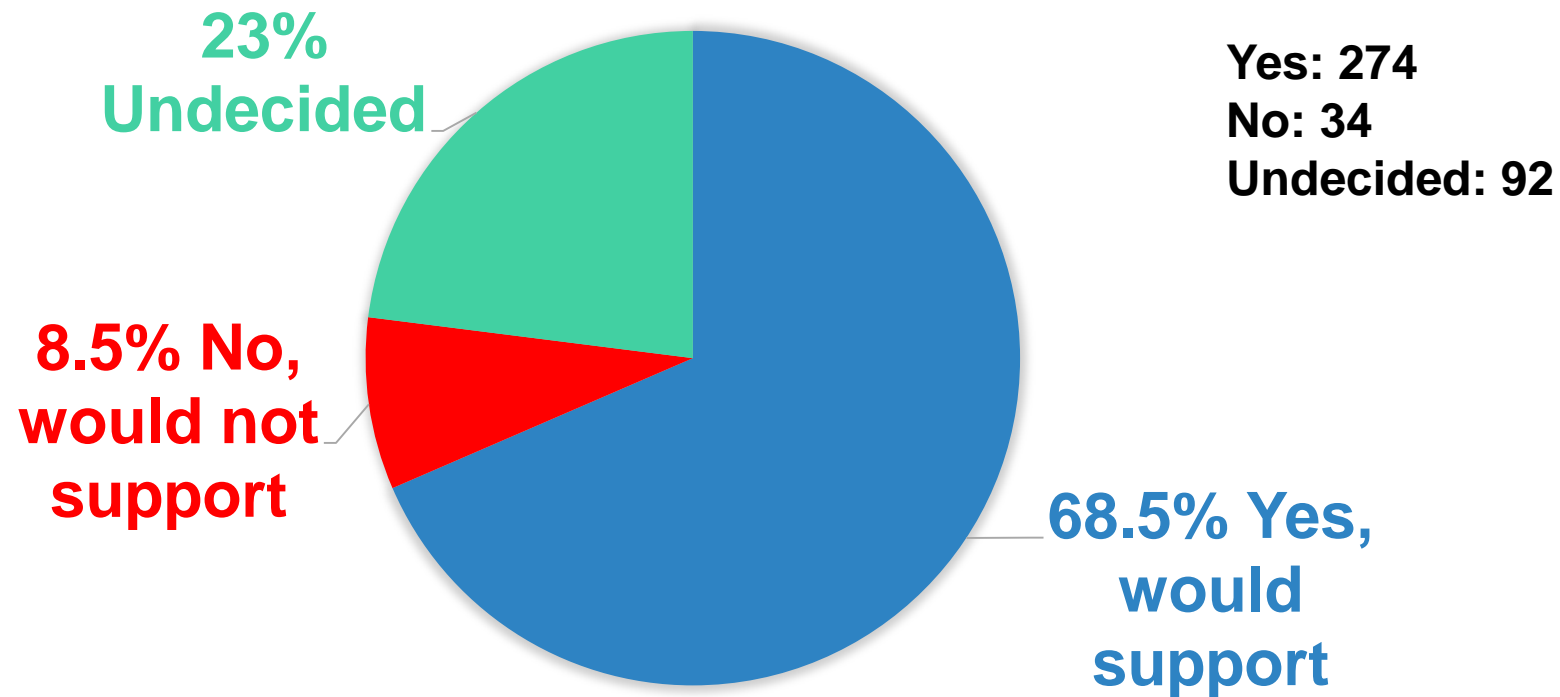
Others say that the decision to build a new school should be made by voters during a district-wide election held on the same day.

Which of these options do you prefer?

ΔΑΠΑ Research Inc. -- August 2015

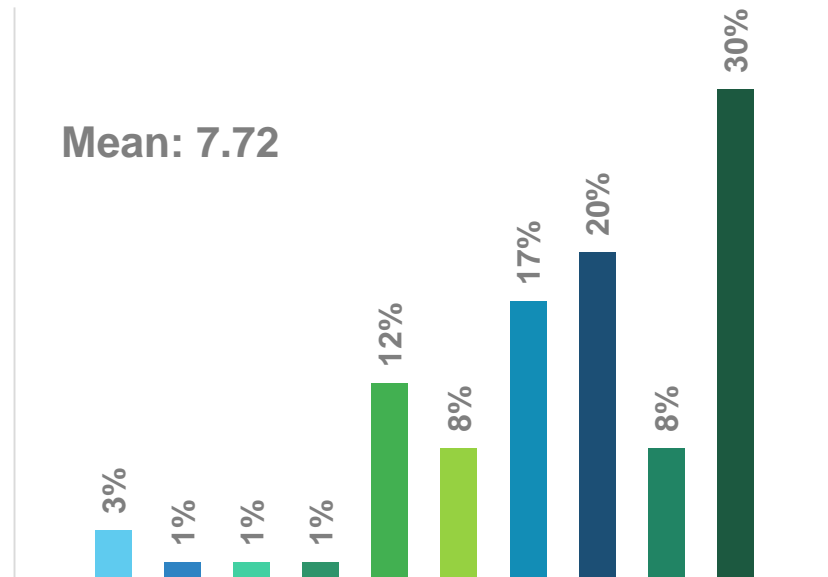


If you had to vote, would you support or oppose the construction of a new Minuteman HS if the state pays at least 40% of the eligible costs?



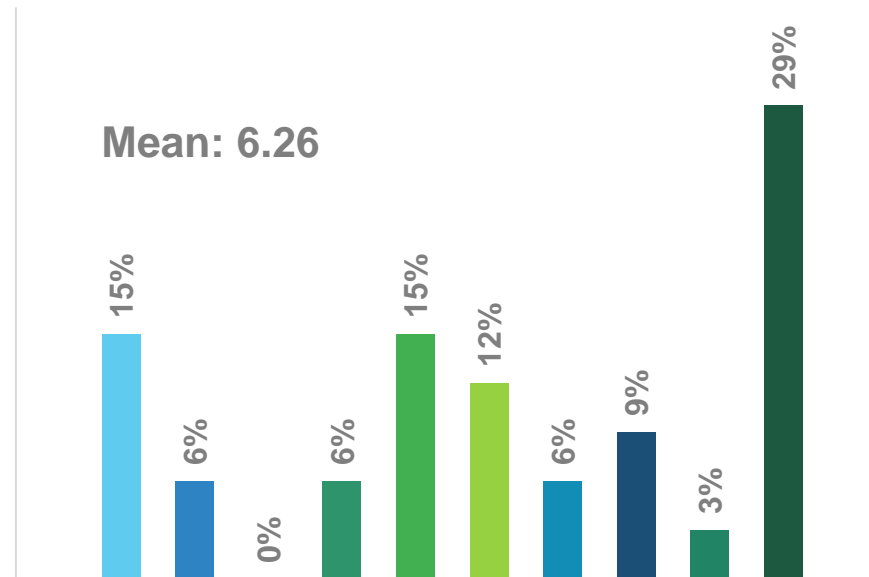
LEVELS OF SUPPORT AND OPPOSITION FOR A NEW MINUTEMAN HS

■ 1 - Lowest ■ 2 ■ 3 ■ 4 ■ 5 ■ 6 ■ 7 ■ 8 ■ 9 ■ 10 - Highest



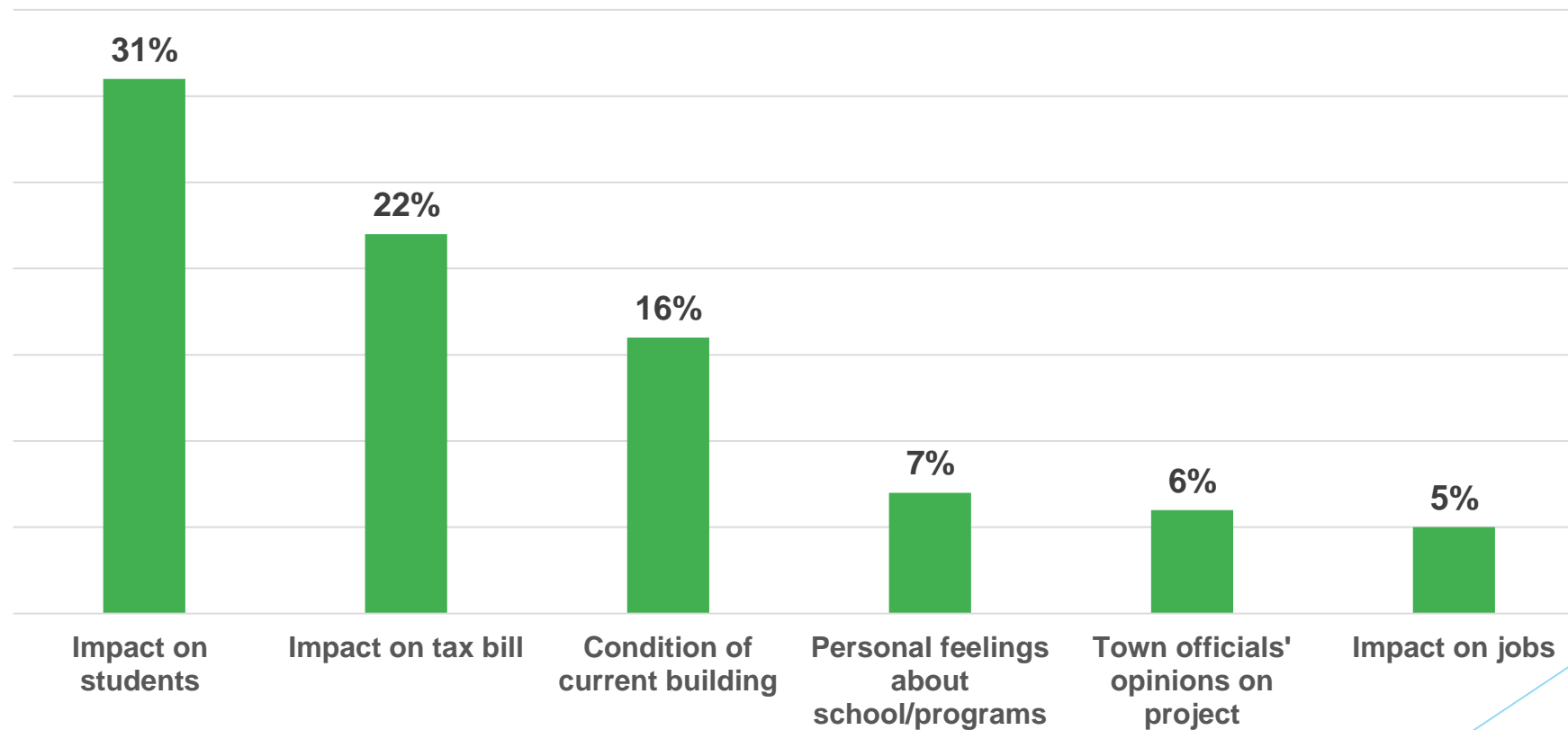
ON A SCALE OF 1-10 HOW WOULD YOU DESCRIBE YOUR LEVEL OF SUPPORT? (274 RESPONDENTS)

■ 1 - Lowest ■ 2 ■ 3 ■ 4 ■ 5 ■ 6 ■ 7 ■ 8 ■ 9 ■ 10 - Highest

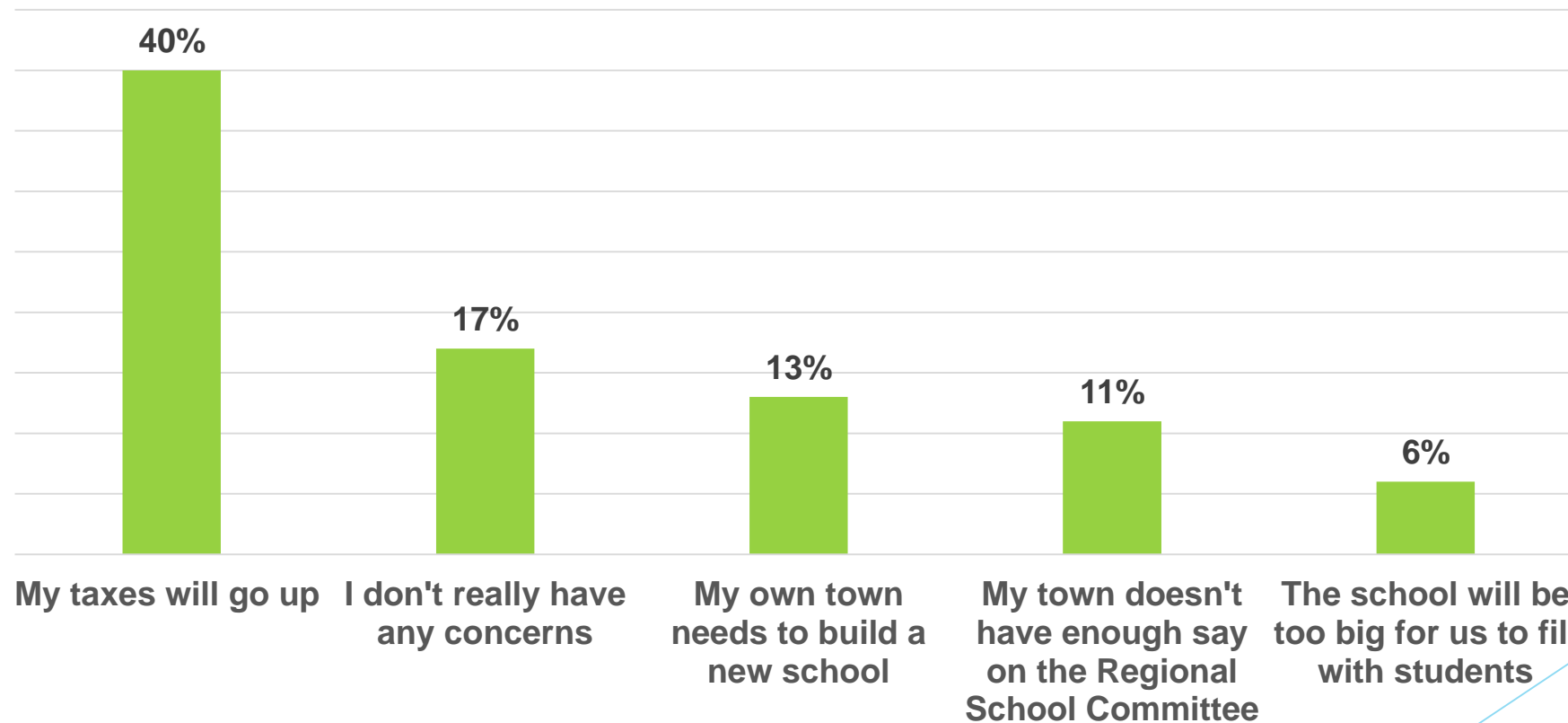


ON A SCALE OF 1-10 HOW WOULD YOU DESCRIBE YOUR LEVEL OF OPPOSITION? (34 RESPONDENTS)

Thinking about your vote, which of the following is most important to you?



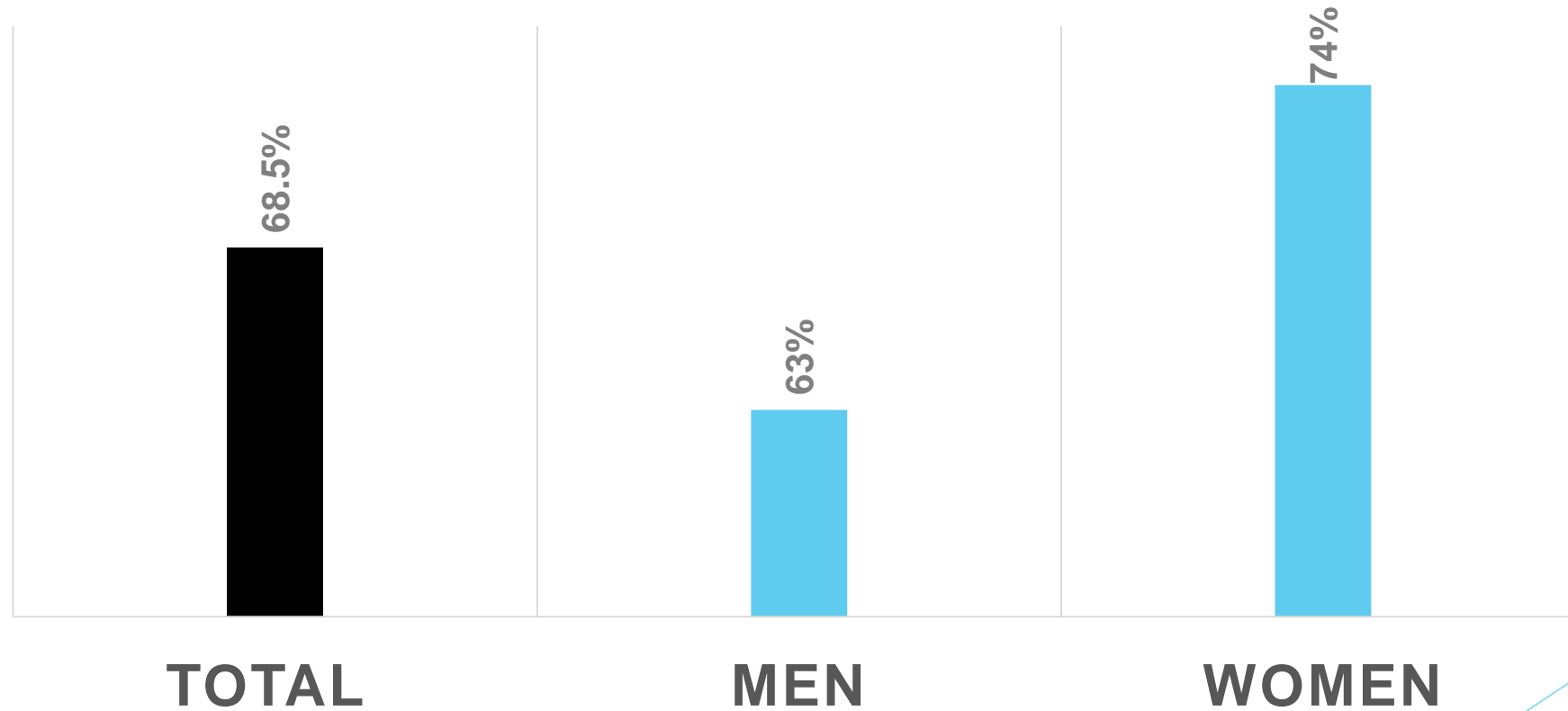
What is your greatest concern about plans to build a new high school?



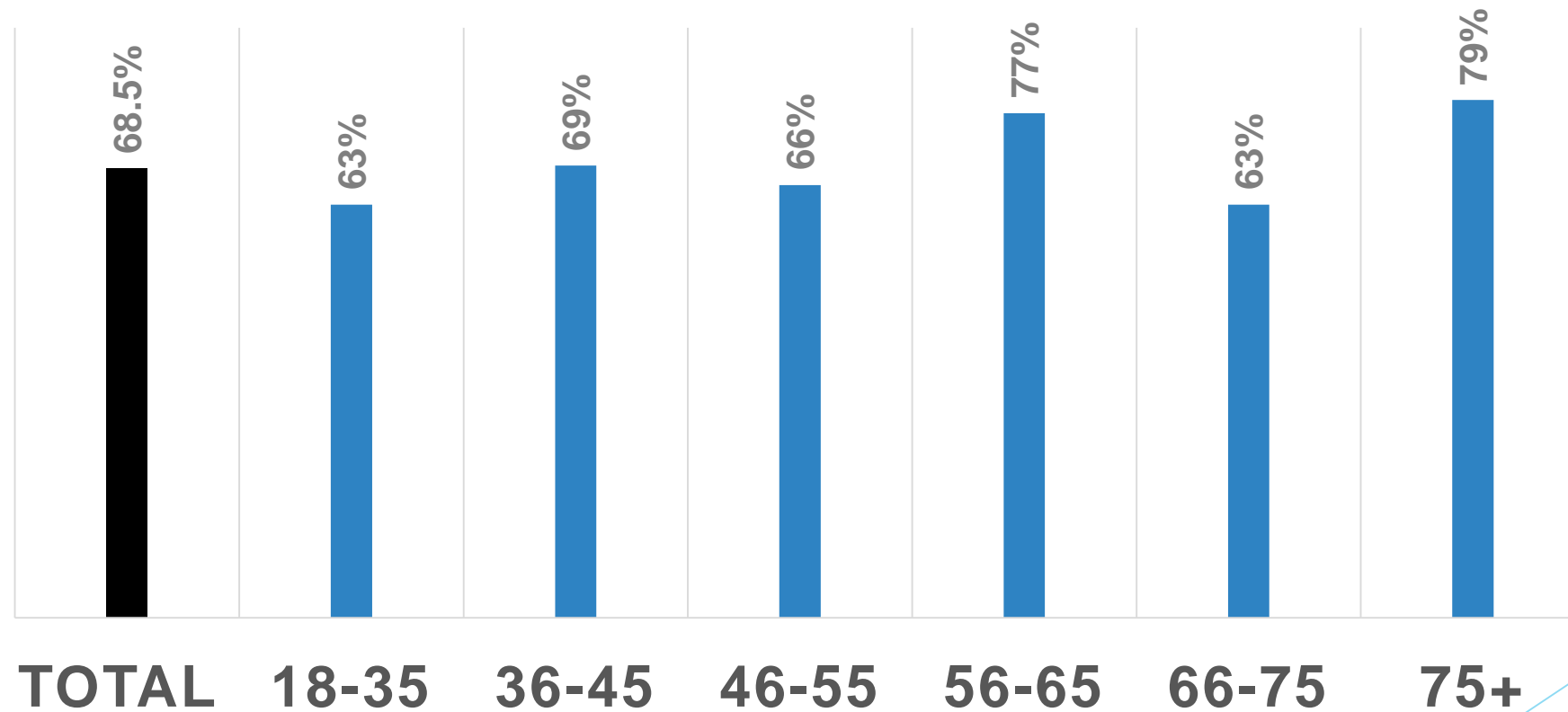
WIDESPREAD SUPPORT FOR NEW HS

SUPPORT IS STRONG THROUGH ALL DEMOGRAPHICS...

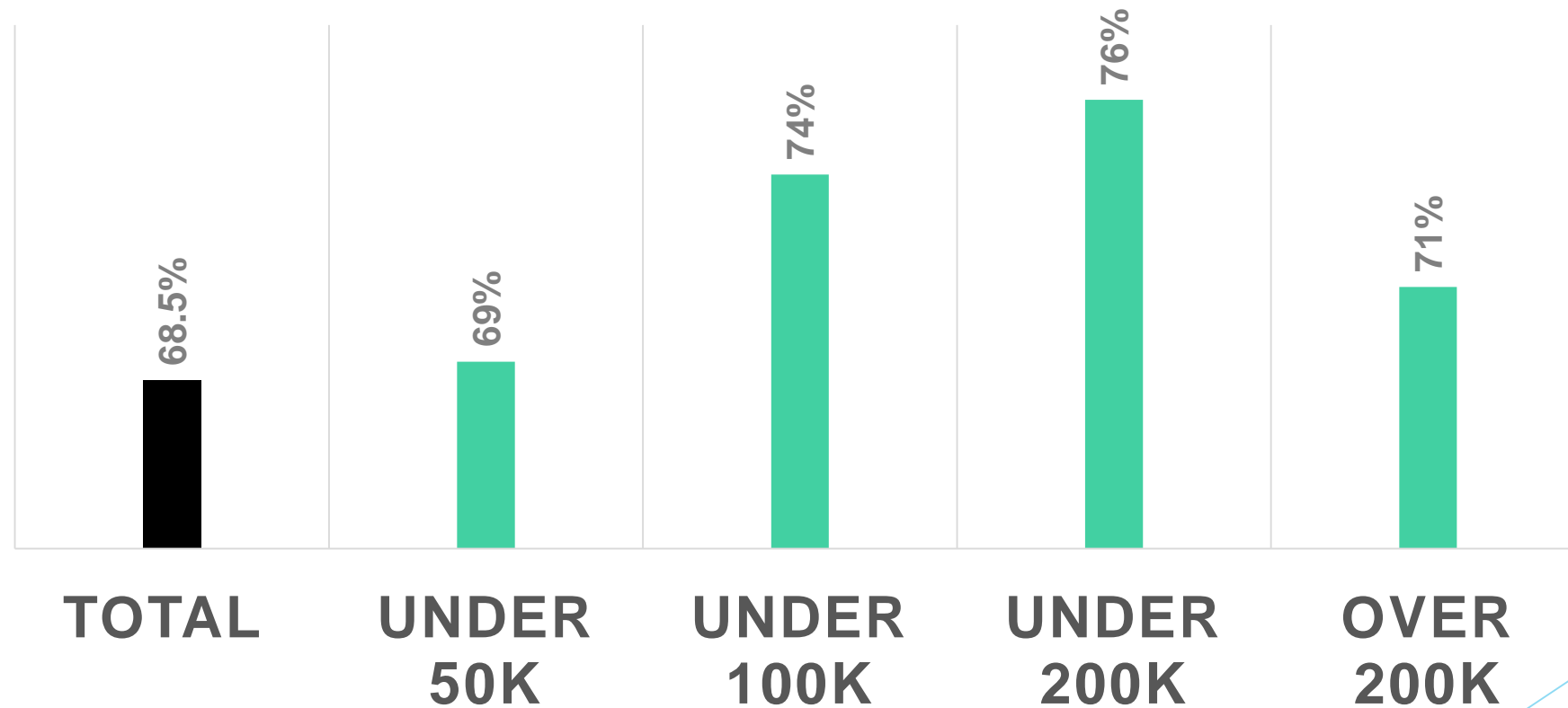
WIDESPREAD SUPPORT: BY GENDER



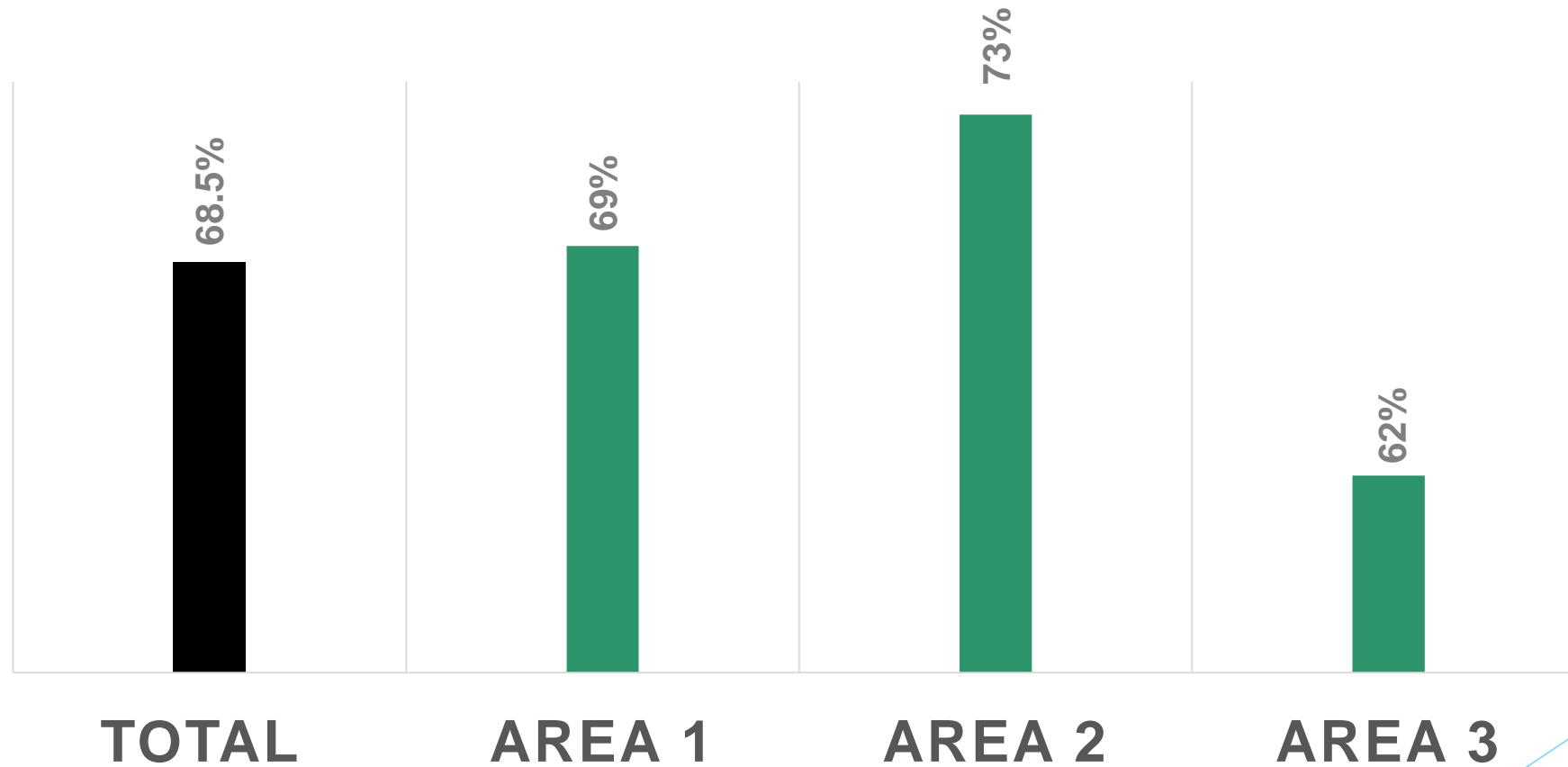
WIDESPREAD SUPPORT: BY AGE



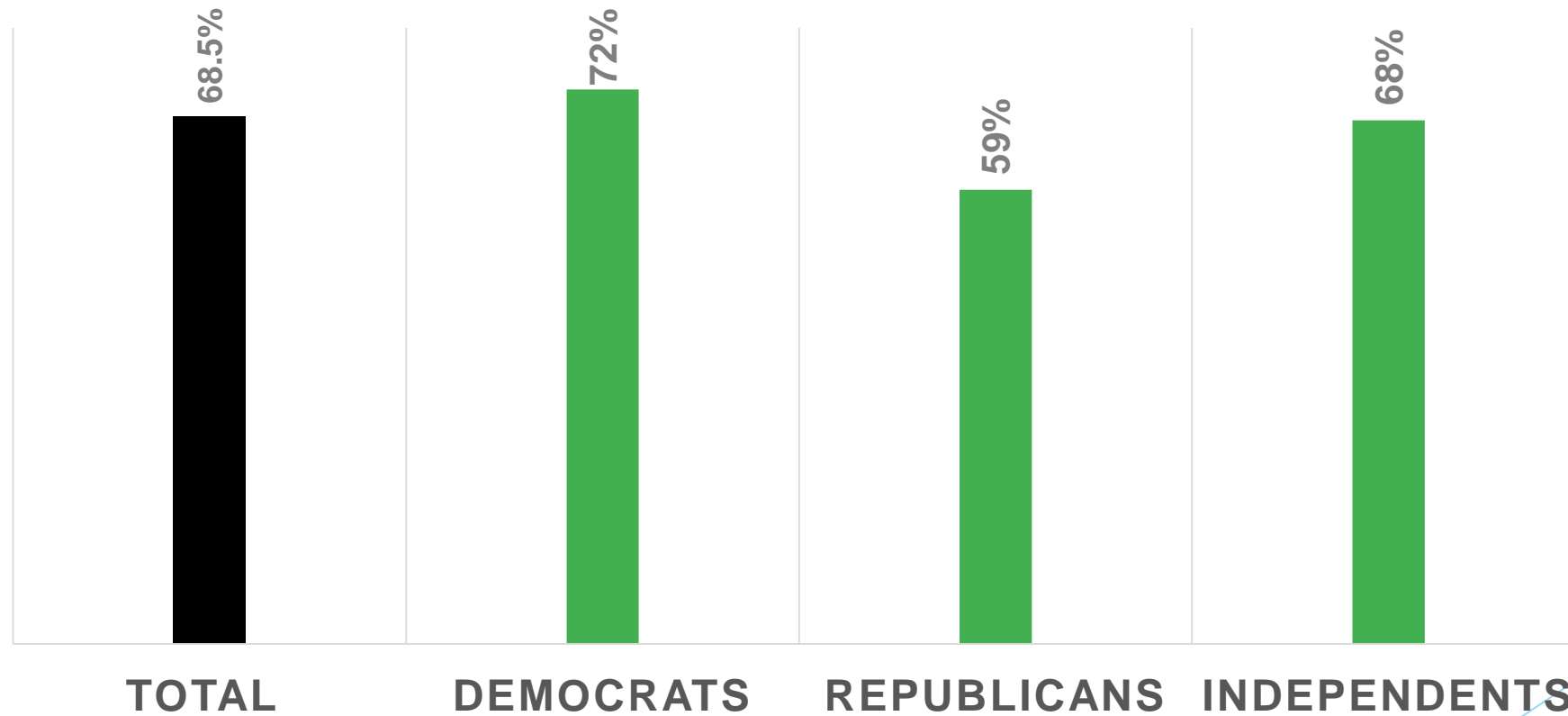
WIDESPREAD SUPPORT: BY INCOME LEVEL



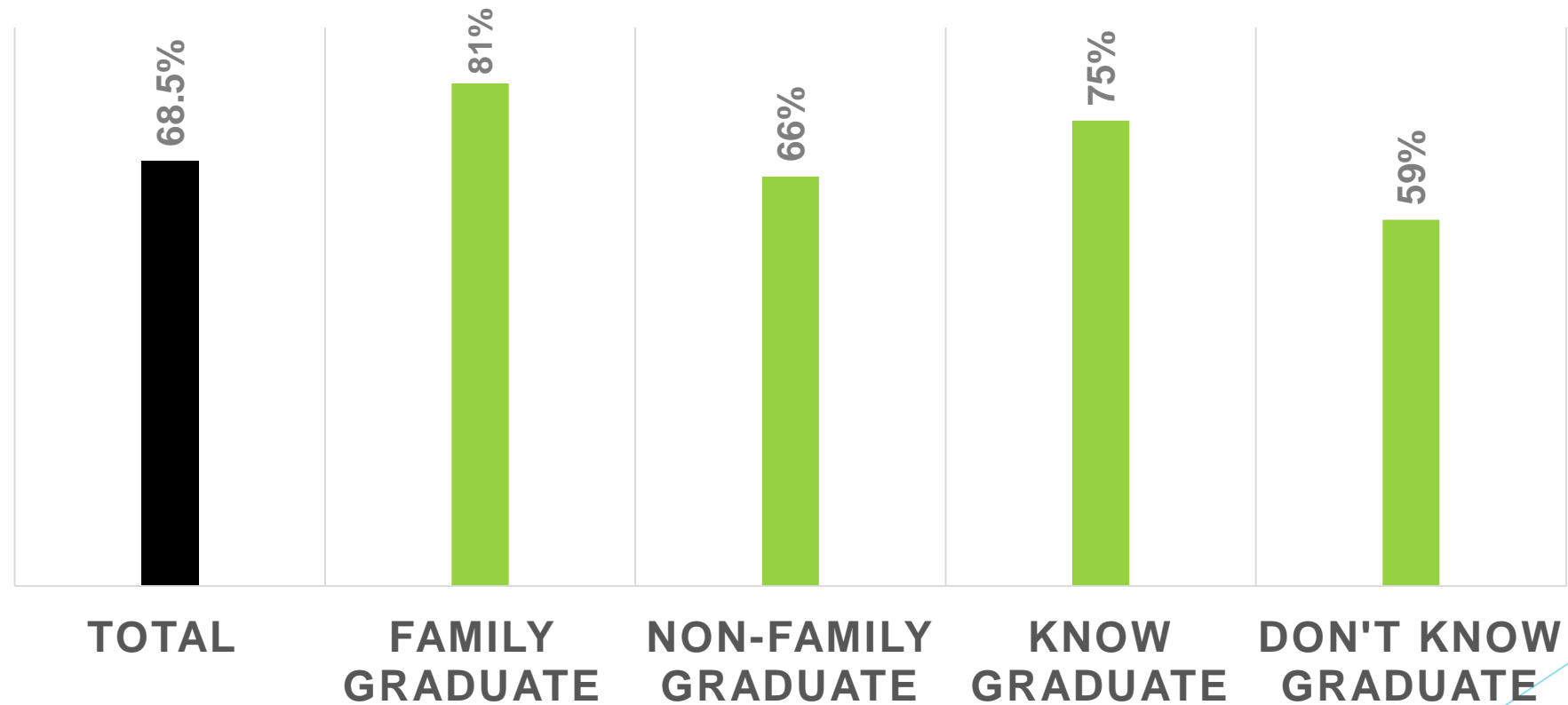
WIDESPREAD SUPPORT: BY AREA



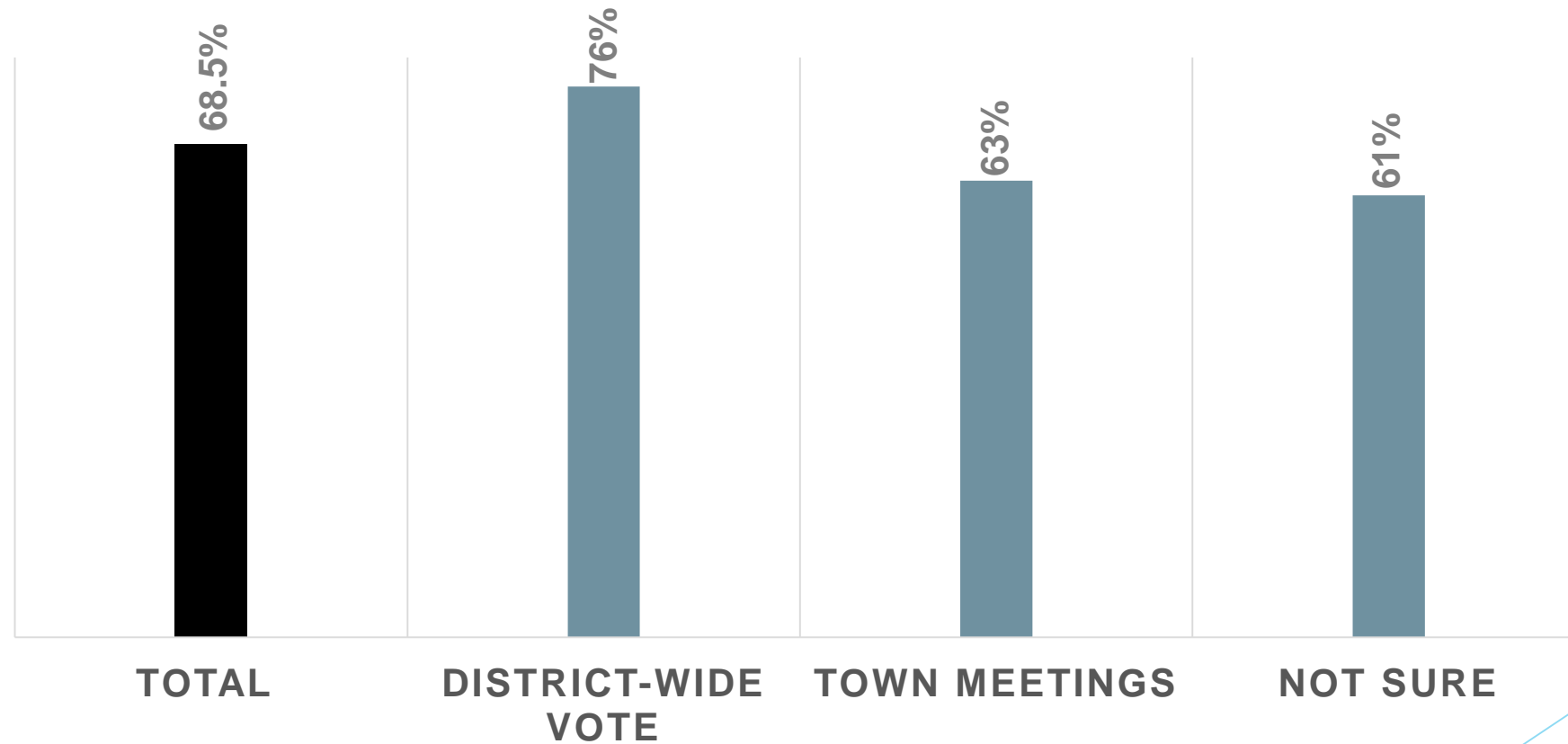
WIDESPREAD SUPPORT: BY POLITICAL PARTY AFFILIATION



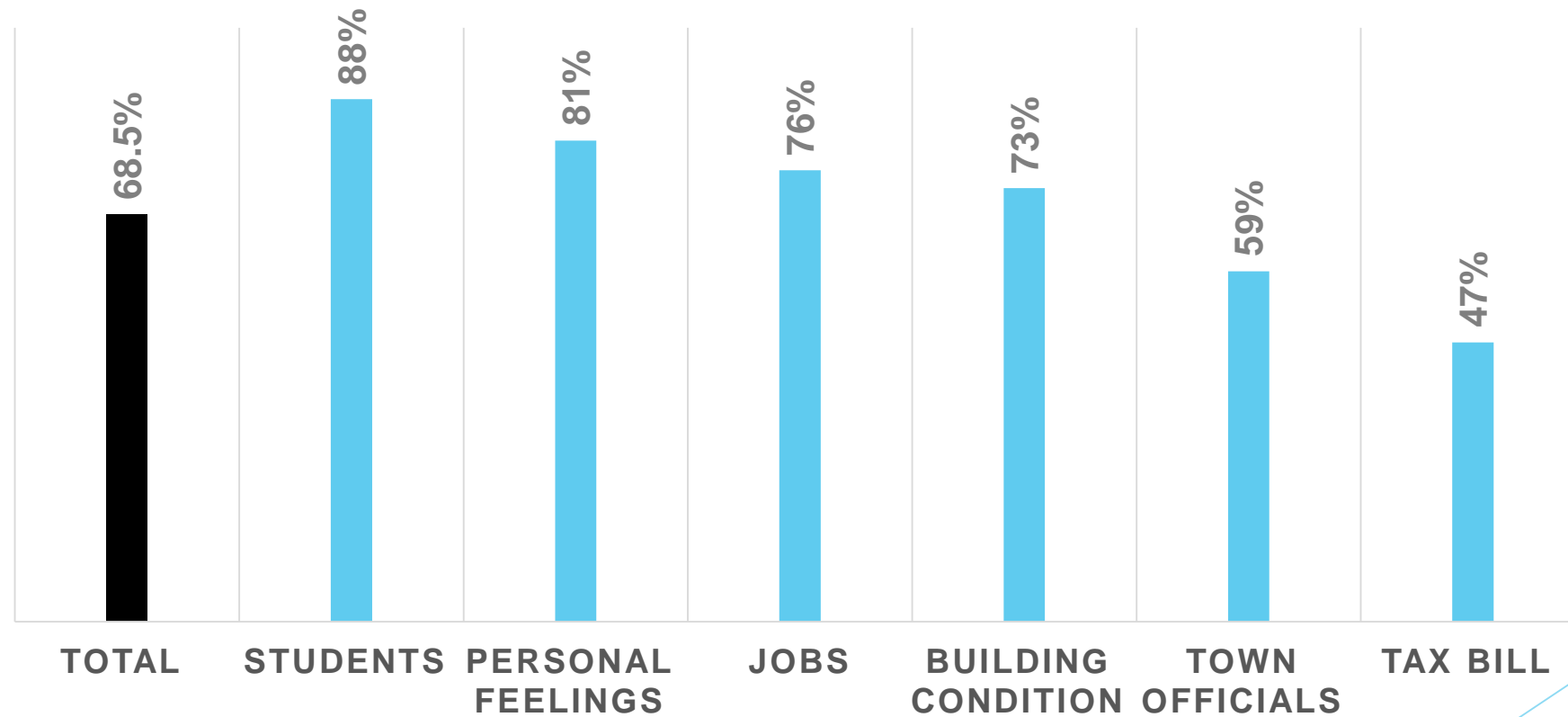
SUPPORT LEVELS AMONG MINUTEMAN FAMILIES



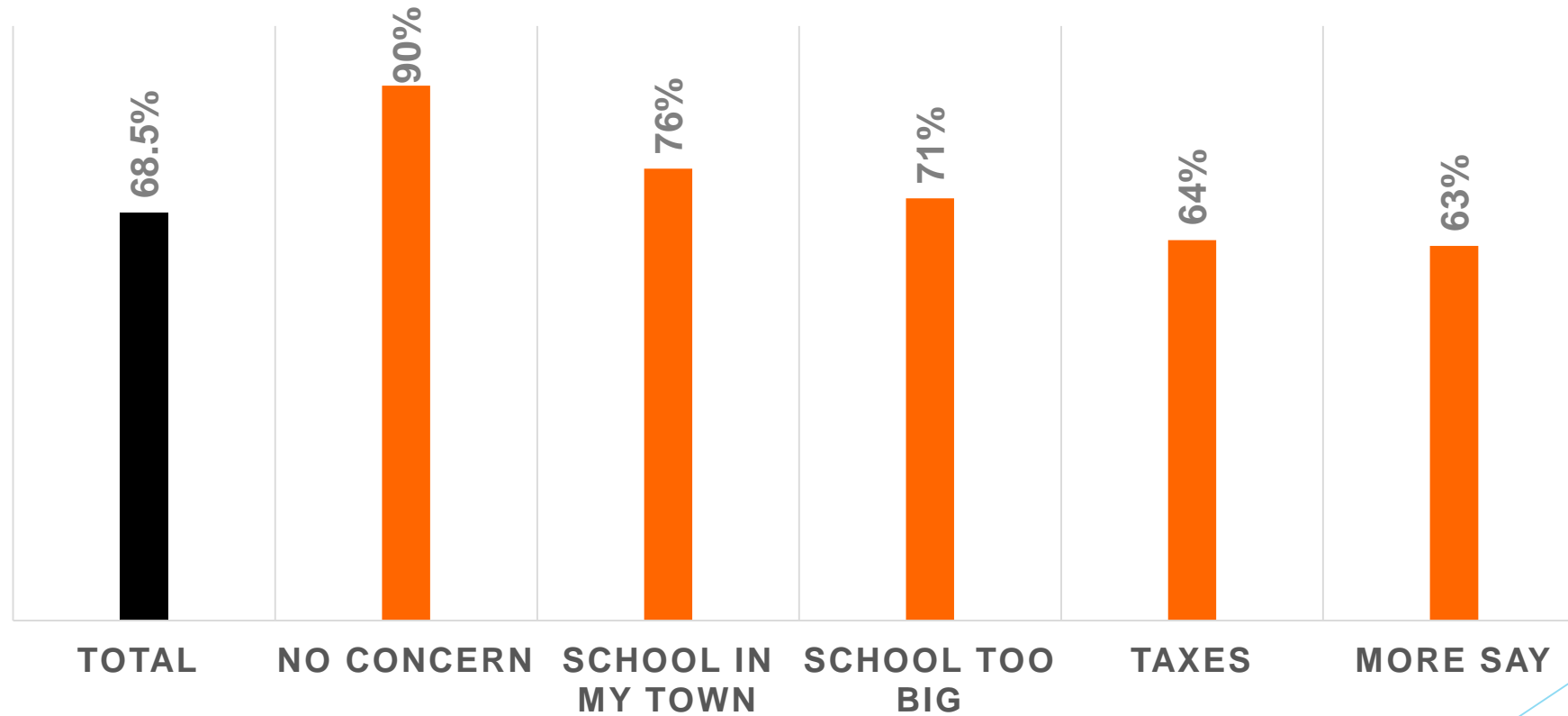
SUPPORT LEVELS AMONG MODES OF DECISION-MAKING



SUPPORT LEVELS AMONG MOST IMPORTANT FACTORS



SUPPORT LEVELS AMONG GREATEST CONCERNS



CONCLUSIONS

- ▶ Positive Feelings about Minuteman HS and its programs
- ▶ Voc-tech should meet academic and building standards
- ▶ Overwhelming support for new construction
- ▶ Intensity of support higher than intensity of opposition
- ▶ Vote keys are impact on students, tax bill, condition of building

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Ann M. O'Neill, Senior Counsel

Please respond to Quincy

September 2, 2015

Dr. Edward Bouquillon
Superintendent
Minuteman Regional School District
758 Marrett Road
Lexington, MA 02421

Re: Incurring of debt for school project

Dear Ed:

On June 15, 2015 I sent you a letter presenting an overview of the methods by means of which a regional school committee can gain approval for the incurring of debt, and also concerning some of the practical ramifications of the methods that can be chosen. I ask that you regard this letter as superseding my June 15 letter.

The process for the incurring of debt by regional school districts in Massachusetts is controlled by G.L. Chapter 71, Section 16, and there are two subsections of Section 16 (i.e., subsections (d) and (n)) that are relevant.

If Chapter 71, Section 16, subsection (d) is utilized, the process is as follows. First, the regional school committee would vote to incur the debt (because the current Regional Agreement does not create a higher standard, the vote would be a simple majority vote), and would then vote (again, by a simple majority vote) to use subsection (d). I recommend that these be two separate votes. Within 7 calendar days of the vote, subsection (d) requires that the District provide

MURPHY, HESSE, TOOMEY & LEHANE, LLP
Attorneys At Law

Dr. Edward Bouquillon
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written notice to each of the Boards of Selectmen of the member towns, identifying the amount of the proposed debt and a general description for the purpose for the debt. It is then up to each Board of Selectmen to decide whether or not to call a town meeting for the purpose of approving or not approving the proposed debt. Unless one or more of the member towns holds a town meeting within 60 calendar days of the regional school committee's vote and votes to disapprove the incurring of the debt, the incurring of debt will be deemed to have been approved upon the expiration of the 60 days. In other words, under subsection (d) any one of the member towns can defeat the incurring of debt by holding a town meeting within 60 days and voting to disapprove the debt, but if a town fails to call a town meeting within 60 days, or fails to vote to disapprove the incurring of the debt, that town will be taken to have approved the incurring of the debt.¹

The process under Section 16, subsection (n) is entirely different. The School Committee is free to select this process, even if the process under subsection (d) has not been attempted. However, because the regional agreement contains no provision for the utilization of subsection (n), the language of G.L. Chapter 71, Section 14D creates a requirement that two-thirds of all of the members of the School Committee must vote to utilize subsection (n) in order for this method to be pursued. If the School Committee, by majority vote, votes to incur the debt, and if two-thirds of all of the members of the Committee vote to utilize subsection (n) in order to gain approval of the debt, the District then would schedule a district-wide ballot vote consistent with the rather specific requirements contained in subsection (n). This election would occur on the same date throughout the District, with uniform voting hours throughout the District, using ballots and ballot language prepared by the District, and with the District bearing the expense of the election. The votes are then aggregated, District-wide, with the majority prevailing. The fact that the voters in certain of the towns may vote to disapprove the debt will be irrelevant if the overall vote District-wide is to approve the debt. The assessments needed to pay the debt will proceed consistent with the apportionment language in Section IV (D) of the regional agreement, even in regard to those member towns in which the voters in the subsection (n) election have voted to disapprove the debt. This last point deserves emphasis. Even if a majority of the voters in a particular member town were to vote against the incurring of the debt in a subsection (n) election, that member town will still be liable to pay its eventual assessments for that debt if a majority of the voters, District-wide, vote to approve the incurring of the debt in a subsection (n) election.

¹ There is a second paragraph in subsection (d) which is potentially relevant to vocational school districts. However, the opening sentence of this paragraph reads as follows: "In the case of a vocational regional school district, if the district agreement so provides or is amended to so provide, such debt may also be incurred if two thirds of the member towns do not vote disapproval within said sixty day period..." (underlining supplied). Because the current Minuteman Agreement is silent as to the process for incurring debt, this second paragraph of subsection (d) is not relevant to Minuteman.

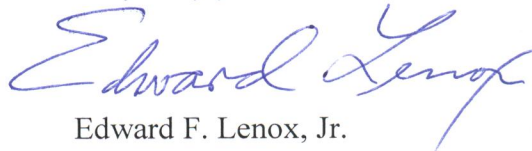
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Dr. Edward Bouquillon
September 2, 2015
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As an aside, I should mention that if the School Committee votes to utilize subsection (n) for the approval of the debt, the wording of the eventual ballot question should be approved by “bond counsel” ahead of time.

Please let me know if you have additional questions.

Very truly yours,

A handwritten signature in blue ink that reads "Edward Lenox, Jr." in a cursive style.

Edward F. Lenox, Jr.

EFL/dlp
cc: Kevin Mahoney