

Please note that this is an unofficial version of the Massachusetts School Building Authority's Regulations, 963 CMR 2.00, and is intended for informational purposes only.

(b) Any Eligible Applicant seeking funding from the Authority which has, prior to submitting any part of an Application to the Authority, sold, leased or otherwise removed from service any schoolhouse operated by said Eligible Applicant shall be eligible for such grant only if the Authority determines that the grant is not for the purpose of replacing a schoolhouse sold, leased, or otherwise removed from service in the past ten years or that the need for the Proposed Project covered by the grant could not have reasonably been anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service pursuant to M.G.L. c. 70B, § 15 (c).

(c) Pursuant to M.G.L. c. 70B, § 8, the Authority shall not approve any Proposed Project for any school district that fails to spend in the year preceding the year of application at least 50% of the sum of said school district's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses, and extraordinary maintenance allotment as defined in M.G.L. c.70, for said purposes. From Fiscal Year 1999 forward, no school district shall be given approval for a Proposed Project nor receive any funding from the Authority unless said district has spent at least 50% of the sum of said district's calculated foundation budget amounts in each of the Fiscal Years including and succeeding Fiscal Year 1999.

(3) School Building Committee.

(a) The Eligible Applicant shall formulate a school building committee for the purpose of generally monitoring the Application process and to advise the Eligible Applicant during the construction of an Approved Project.

(b) The school building committee shall be formed in accordance with the provisions of the Eligible Applicant's local charter and/or by-laws and it is recommended that the city, town, regional school district, or independent agricultural and technical school make a reasonable effort to include one or more of the following individuals: the local chief executive officer of the Eligible Applicant, or, in the case of a town whose local chief executive officer is a multi-party body, said body may elect one of its members to serve on the school building committee; the town administrator, town manager, or city manager, where applicable; at least one member of the school committee, as required by M.G.L. c. 71, § 68; the superintendent of schools; the local official responsible for building maintenance; a representative of the office or body authorized by law to construct school buildings in that city, town or regional school district, or for that independent agricultural and technical school; the school principal from the subject school; a member who has knowledge of the educational mission and function of the facility; a local budget official or member of the local finance committee; members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability.

(c) The Authority may hold "best practices" information sessions at varying geographic locations in the Commonwealth for the purposes of keeping school building committees up to date on regulatory and policy activities of the Authority.

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(d) The Eligible Applicant shall submit to the Authority for its approval, a written statement describing the composition of the school building committee and the role of the school building committee in monitoring the Application process and advising the Eligible Applicant during the construction of the Approved Project. The written statement shall be in a format prescribed by the Authority.

(e) The Authority shall approve the composition and role of the school building committee which approval shall not be unreasonably withheld. The Authority's approval will be based on several factors, including, but not limited to:

1. past performance of the school building committee, the building committee, whether temporary or permanent, or any other committee responsible for the oversight, management, or administration of the construction of public buildings, the composition of the school building committee and qualifications of its individual members, the powers and duties of the school building committee; and the school building committee's procedures for conducting its meetings; and
2. the extent to which there is representation of the municipal government, school district personnel with management, educational and maintenance expertise, and representation of members of the local community with design and construction experience. After the approval of the school building committee by the Authority, if any, the Eligible Applicant shall notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee. The Eligible Applicant shall make a reasonable effort to ensure the continuity of membership of the school building committee throughout the life of an Approved Project.

(f) The Eligible Applicant shall not delegate their fiduciary responsibilities to the School Building Committee.

(4) Design and Educational Program and Budget Statement for Educational Objectives.

(a) If the Authority determines that the Proposed Project has been deemed to merit further consideration, the Authority may require that an Eligible Applicant submit, in the format prescribed by the Authority, a Design and Educational Program, and a Budget Statement for Educational Objectives. The Eligible Applicant shall outline the specific educational program goals for a Proposed Project and how the Eligible Applicant proposes to align those goals with the operating budget for the District and Proposed Project.

(b) The following spaces shall be categorically ineligible for Authority funding: swimming pools, skating rinks, field houses (only to the same extent as gymnasia), district administrative office space, indoor tennis courts, and other spaces which may be determined ineligible by the Authority.

(c) The Design and Educational Program shall be subject to the approval of the Authority. The Authority may provide, when in the discretion of the Authority it is necessary, technical assistance to the Eligible Applicant with the development of Design and Educational Program elements. The Authority shall review the Budget Statement for Educational Objectives in the context of the Design and Educational Program, and the Authority may

*Town of Medfield, MA
Monday, January 31, 2022*

Chapter 10. Boards, Commissions, Committees and Councils

Article IV. Permanent Planning and Building Committee

[Adopted 4-30-2018 ATM by Art. 37]

§ 10-20. Municipal facilities.

There shall be a Permanent Planning and Building Committee (hereinafter "Committee") responsible for overseeing the planning, prioritizing, design, approvals, construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, or operated by the Town.

- A. The Committee shall consist of five members appointed by a majority vote of the Town of Medfield Board of Selectmen.
- B. Each member of the Committee shall be a resident in the Town of Medfield. No member of the Committee shall be a paid employee of the Town.
- C. Among the members, the Board of Selectmen should endeavor to appoint a member with expertise in architecture, building engineering, commercial or municipal construction, and/or construction law/contracts. If volunteers with this expertise are not available for appointment, the Board of Selectmen shall have the discretion to appoint instead any individual meeting the qualifications set forth in Subsection **B**.
- D. The Town Administrator or his/her appointed designee, the Town Facility Manager and one member of the Town Warrant Committee each shall be appointed as ex-officio members in addition to the five-member Committee.
- E. Committee members shall serve a term of three years.
- F. If a Committee member chooses to resign his or her term, the Board of Selectmen shall appoint a replacement to complete the unexpired portion of that term. Expiring terms shall end on June 30 of each calendar year. A member may hold his or her seat after his or her term expires until a successor is qualified.
- G. The Committee shall have supervisory authority and oversight for all projects that fall under MGL c. 149, MGL c. 149A, MGL c. 30, § 39M, and MGL c. 7C. The Committee may, with the consent of the Board of Selectmen, delegate its authority to another governing board, committee, commission or Town official should the Committee's involvement be deemed unnecessary.
- H. The Committee, in consultation with the Town Facility Manager, shall be responsible for assessing the current conditions of all Town facilities and projecting their useful life.
- I. The Committee shall be responsible for projecting the need to replace and/or renovate existing facilities and maintain a Facilities Master Plan with a prioritized list of future needs.
- J. The Committee shall, subject to Town Meeting project authorization and appropriation, conduct feasibility studies and final designs, oversee construction of projects, procure project management

(if required), procure design, architectural and engineering services as it deems necessary or as required by law.

- K. Prior to commencement of a project or feasibility study, the relevant user department shall designate up to two people to serve as ex officio members to support the completion of the project or feasibility study and represent the needs of that department.
- L. Any user department seeking to construct, reconstruct, alter or enlarge a building under its jurisdiction shall file a project application with the Board of Selectmen; if the Board of Selectmen determines that the project should proceed, it shall refer the application to the Committee. The Committee shall meet with the applicant department and if the project is deemed viable by the Committee shall present its findings to the Board of Selectmen for approval to start a feasibility study.
- M. If, after the completion of a feasibility study, it is deemed by the Board of Selectmen that the proposed construction project is necessary, the Committee shall conduct the final design process subject to Town Meeting approval of all funding and review of projected budgets with the Board of Selectmen and Warrant Committee.
- N. The Permanent Planning and Building Committee shall report its progress on all capital projects on an as-needed basis or as requested by the Board of Selectmen.

PROPOSED SCHOOL BUILDING COMMITTEE BYLAW

Subject to the requirements of any applicable state statute or regulation, any committee formed for the purpose of evaluating any potential new or renovated school building ("school building committee") will include at least 15 voting members, and will be appointed as follows:

5 by the Board of Selectmen, 5 by the School Committee, and 5 by the Town Moderator. Any committee members required by the MSBA or other rule or regulation of the Commonwealth by virtue of their positions to serve on such a committee will be appointed by the BOS and the School Committee as part of their minimum of 5 appointees. If the committee is to be expanded beyond 15 members, the size of the committee will be determined by the BOS and any additional members will be appointed by the Town Moderator.

The Council on Aging and the Warrant Committee shall, in their discretion, nominate one or more people to serve on the School Building Committee. The BOS shall select as one of its 5 appointees from those nominated by the Council on Aging, and the Moderator shall select as one of the Moderator's nominees at least one of the candidates nominated by the Warrant Committee.

The BOS may appoint any additional non-voting members in its discretion or to comply with any state statute or regulation.

As drafted by Selectman Michael Marcucci

Municipal and School facilities.

There shall be a Permanent Planning and Building Committee (hereinafter "Committee") responsible for overseeing the planning, prioritizing, design, approvals, construction, reconstruction, alteration or enlargement of all buildings owned by the Town or School Department constructed on land owned, leased, or operated by the Town or School Department.

A. The Committee shall consist of up to seven five-voting members recommended appointed by the Town Moderator and appointed by a majority vote of the Town of Medfield Board of Selectmen. In the case of School Projects, the Moderator will make the appointments in accordance with Medfield School Policy FB.

B. Each voting member of the Committee shall be a resident in the Town of Medfield. No voting member of the Committee shall be a paid employee of the Town.

C. Among the members, the Town Moderator and Board of Selectmen should endeavor to appoint at least one voting member with expertise in architecture, building engineering, commercial or municipal construction, and/or construction law/contracts. Other voting members should come from relevant town boards, plus members from the community at large. If volunteers with the necessaryis expertise are not available for appointment, the Board of Selectmen shall have the discretion to appoint other individuals instead any individual meeting the qualifications set forth in Subsection B.

D. The Town Administrator or his/her appointed designee, the Town Facility Manager and one member of the Town Warrant Committee each shall be appointed as ex-officio members in addition to the maximum seven five-member Committee members.

E. Committee members shall serve a term of three years.

F. If a Committee member chooses to resign his or her term, the Town Moderator will recommend to the Board of Selectmen a possible shall appoint a replacement for appointments to complete the unexpired portion of that term. Expiring terms shall end on June 30 of each calendar year. A member may hold his or her seat after his or her term expires until a successor is qualified.

G. The Committee shall have supervisory authority and oversight for all projects that fall under MGL c. 149, MGL c. 149A, MGL c. 30 and c.30A, § 39M, and MGL c. 7C, and M.G.L. c. 70B and CCMR 963 2.0.

The Committee may, with the consent of the Board of Selectmen, delegate its authority to another governing board, committee, commission or Town official should the Committee's involvement be deemed unnecessary. § 10-20 § 10-20 :1. Such Committee actions will be required to adhere to this bylaw § 10-20.

H. The Committee, in consultation with the Town Facility Manager, shall be responsible for assessing the current conditions of all Town and School facilities and projecting their useful life.

I. The Committee shall be responsible for projecting the need to replace and/or renovate existing facilities and maintain a Facilities Master Plan with a prioritized list of future needs.

J. The Committee shall, subject to Town Meeting project authorization and appropriation, conduct feasibility studies and final designs, oversee construction of projects, procure project management (if required), procure design, architectural and engineering services as it deems necessary or as required by law.

K. Prior to commencement of a project or feasibility study, the relevant user department shall designate up to two people to serve as ex officio members to support the completion of the project or feasibility study and represent the needs of that department.

L. Any user department seeking to construct, reconstruct, alter or enlarge a building under its jurisdiction shall file a project application with the Board of Selectmen; if the Board of Selectmen determines that the project should proceed, it shall refer the application to the Committee. The Committee shall meet with the applicant department and if the project is deemed viable by the Committee shall present its findings to the Board of Selectmen for approval to start a feasibility study.

M. If, after the completion of a feasibility study, it is deemed by the Board of Selectmen that the proposed construction project is necessary, the Committee shall hold one or more public hearings to inform town residents about the project, including its timetable, scope and estimated cost range. The project cannot advance to the design stage until public hearings are held. The conduct the Advancement to the final design process will then be subject to Town Meeting approval of all funding and review of projected budgets with the Board of Selectmen and Warrant Committee.

N. The Permanent Planning and Building Committee (or its delegated agent per G) shall report its progress on all capital projects with the Board of Selectmen on an as-needed basis determined by the Committee, and/or in response to requests by 10 or more citizens, or as requested by the Board of Selectmen.