

# TOWN OF MEDFIELD MEETING NOTICE

Posted:

Town Clerk

Posted in accordance with the provisions of M.G.L. c. 30A, §§18-25

This meeting will be held remotely on Zoom. Members of the public who wish to view and/or listen via Zoom may do so by joining by one of the following options:

1. To join online, use this link:  
<https://medfield-net.zoom.us/j/86182695280?pwd=cEVBak5CeWtuNENKTVJzclF5Zmo4UT09>
  - a. Webinar ID: 861 8269 5280
  - b. Password: 417477
2. To join through a conference call, dial 929-436-2866 or 312-626-6799 or 253-215-8782 or 301-715-8592 or 346-248-7799 or 669-900-6833
  - a. Enter the Webinar ID: 861 8269 5280
  - b. Enter the password: 417477

## **School Building Committee Bylaw Review Committee**

PLACE OF MEETING	DAY, DATE, AND TIME
Remote Meeting on Zoom	Wednesday, April 6, 2022, 6:30-8:30 pm

## **Agenda (Subject to Change)**

1. Draft as a committee additional bylaw language as needed.
2. Potential vote on final bylaw language.



## **Medfield School Building Bylaw Review Committee**

Meeting notes 4/4/2022

Attendees: Sarah Lemke, Russ Hallisey, Bob Morill, Tom Marie, Carolyn Casey, Cynthia Greene. Brittney Franklin hosted and set up the meeting.

Meeting began at 6:30 pm via Zoom. Bob read the introduction for a public meeting by zoom. Committee members introduced themselves and acknowledged they were participating remotely.

Meeting Focus: The Committee worked on meshing the current draft of the proposed new School Building Committee Bylaw (SBCB) with the existing Permanent Building Committee Bylaw (PBCB).

The following topics were discussed in-depth.

- Which sections of the PBCB apply to the draft SBCB
- Which sections do not apply to the draft SBCB
- Where should the draft SBCB be placed in relation to the existing PBCB
- Feedback and suggestions on the draft SBCB from the Town attorney
- Feedback from public comments sent by email
- The pros/cons of having a clerk present at all meetings to take the minutes of the School Building Committee, and how to pay for such services.
- Manner in which the minutes and audio recordings of all future school building committee meetings will be available to the public.
- Ways to ensure that the public has ample opportunity to give input into any future school building projects

As a result of these discussions, edits were made to the proposed School Building Committee Bylaw. The completed draft is attached to these minutes.

Next Meeting 4/6/2022 @6:30

### **Meeting Tasks**

- Discuss any public comments (submitted by email) that have not been previously discussed
- Discuss any additional feedback from Town attorney on current SBCB proposal
- Final editing (if needed) and reading of current draft of proposed SBCB
- Vote on proposed SBCB
- Approve meeting minutes from 4/4/2022

Minutes of the 3/29/2022 meeting prepared by Russ Hallisey were unanimously approved. Motion to adjourn unanimously approved @ 8:15



Proposed Revisions to 10-20:

§ 10-20

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 (other than any School Project, as hereinafter defined) 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, or the SBC (as hereinafter defined), as applicable, 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, or the SBC, as applicable. The Committee, or the SBC, as applicable, shall meet with the applicant department and if the project is deemed viable by the Committee, or the SBC, as applicable, 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, or the SBC, as applicable, 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.
- O. With respect to each School Project, the requirements of this Section 10-20 shall be overseen by a School Building Committee (hereinafter "SBC")(in lieu of the Committee). The SBC shall be responsible for overseeing the planning, prioritizing, design, approvals, construction, reconstruction, addition or enlargement of any school building owned or to be owned by the Town (each a "School Project"). The SBC shall have supervisory authority and oversight for all School Projects that fall under MGL c. 149, MGL c. 149A, MGL c. 30, § 39M, and MGL c. 7C.
- P. With respect to each School Project, the requirements of Section 10-20(A)-(F) shall be superseded with the following:
1. SBC Composition:
- a. The SBC shall consist of twelve (12) voting members and at least three (3) non-voting members.
- b. Voting Members: All voting members of the SBC (or any subcommittee established thereunder) shall be Medfield residents and shall not be employees of the Town of Medfield. The voting members shall be appointed as follows:

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- i. The School Committee shall appoint four (4) voting members to the SBC. Two appointments will be current School Committee members whose terms are not coterminous. Two additional appointments will be Medfield residents with pertinent experience in education, if possible.
- ii. The Town Moderator shall appoint four (4) voting members to the SBC. One appointment will be a current Warrant Committee member, selected by the Warrant Committee. One appointment will be a Medfield resident over sixty-five (65) years of age. Two appointments will be residents at large.
- iii. The Select Board shall appoint four (4) voting members to the SBC. One appointment will be a Planning Board member, selected by the Planning Board to represent the Planning Board's interests, including, without limitation, the interests of the Town-Wide Master Plan. Three (3) appointments will be residents with expertise in pertinent areas such as architecture, building engineering, commercial or municipal construction, and/or construction law/contracts, at least one (1) of which appointees shall have expertise in energy/sustainability measures (including knowledge of Medfield's energy goals to meet Net Zero). No current member of the Select Board may be appointed to the SBC.
- c. Non-Voting Members: The following individuals will be ex-officio, non-voting members of the SBC:
  - i. The Superintendent of Schools and/or his/her appointed designee.
  - ii. The building Principal(s) directly affected by the School Project.
  - iii. The Town Administrator, in consultation with the appropriate Town departments (other than the School Department) and/or his/her appointed designee.
  - iv. Such additional member(s) to be appointed by the Select Board, if and to the extent the same become required in order to obtain funding under [MGL c. 70B: correct reference to MSBA statute?].
- d. Except as provided in subparagraph [e] below, the term of each member's appointment shall expire upon the completion or earlier termination of the applicable School Project.
- e. If an SBC member's term as an elected or appointed official expires or such member chooses to resign from their appointment, the appointing authority who initially selected such member will be responsible for selecting a member for the balance of the School Project.

## 2. Procedural Requirements:

- a. A minimum of 7 voting members of the SBC shall be present at any meeting to constitute a quorum.
- b. All actions of the SBC shall require a vote of agreement by a minimum of two-thirds (8 of 12) of the voting members of the SBC.
- c. All meetings (including subcommittee meetings) shall be subject to the Open Meeting Law [MGL c. 30A § 18-25]- and minutes shall be taken. With the exclusion of subcommittee meetings (for which the subcommittee shall be responsible for taking minutes), the Town of Medfield shall provide a Clerk (the cost of which shall be funded by the School Department's budget) to take minutes of the meeting and to endeavor to record (audio or video) the meeting. The minutes and recordings shall be available to

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the public on the School Department's webpage throughout the duration of the School Project.

Q. The SBC shall hold periodic public hearings to solicit Town residents' feedback about the School Project, including on the School Project schedule, scope and estimated cost range.

R. The SBC shall report its progress on all School Projects, a minimum of once every (6) months during the duration of such project, to the Select Board and the School Committee.  
~~N.~~

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Brittney Franklin &lt;bfranklin@medfield.net&gt;

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## SBC Bylaw Review Committee

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**Brittney Franklin** <bfranklin@medfield.net>

Tue, Apr 5, 2022 at 5:31 PM

To: "Robert J. Morrill" <RMorrill@grcpc.com>, Tom Marie <tcmmarie@aol.com>, sjtheall@gmail.com, Russ Hallisey <russ.hallisey@gmail.com>, CYNTHIA GREENE <medfielder@msn.com>, carolynpcasey@gmail.com, Scott McDermott <scott@nhpllc.com>

Cc: Kristine Trierweiler <ktrierweiler@medfield.net>

Good afternoon,

In anticipation of tomorrow's meeting, please see Mark's comments on the draft below. Please do not reply to this email.

1. The statutory references are correct.
2. The draftsperson [Sarah] did a fantastic job welding this onto the existing bylaw and no problems jump out at Mark.
3. The one substantive addition he recommends is that our savings clause [Section 1(c)(iv)] should state something to the effect of, "including without limitation, appointing a member of the Select Board if required to obtain such funding". He shared that while there is not a legal mandate in the statute to have a member of the Executive branch of our government, i.e., Select Board, on the Committee at a practical level the State may well require it. This is important because in Section 1(b)(iii) we specifically exclude members of the Select Board from Membership.

The draft bylaw is attached.

Brittney

--

Brittney Franklin  
Assistant to the Town Administrator  
Town of Medfield  
459 Main Street  
Medfield, MA 02052  
o: 508-906-3012  
c: 399-206-9225

**draft SBC Bylaw 4.4.22.docx**

29K





Brittney Franklin &lt;bfranklin@medfield.net&gt;

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## For SBC Bylaw Review Committee

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**Christine McCue** <christine.mccue@verizon.net>

Wed, Apr 6, 2022 at 10:27 AM

To: Brittney Franklin &lt;bfranklin@medfield.net&gt;

Hi Brittney – If you could share with the committee, I'd be most appreciative! Thank you. Chris

Dear SBC Bylaw Review Committee,

Once again, much appreciation for all the work that has gone into drafting an SBC-related bylaw. I only had feedback in four sections -- L, P, Q & R -- and those are highlighted in yellow on your latest version (attached). One initial comment was inserted for clarity, as well.

I had a chance to talk briefly with Mark Cerel last night to clarify my own confusion regard to deletion of the former section D that went into detail about the project process. He reiterated the point that School Committee typically owns a school building process (per MGL Chapter 71, Sec. 68), so my feedback/suggested edits on the attached are with that in mind. With the last school project, there was much confusion about who had the authority to do what with regard to committee formation, and my only hope is to provide some simple clarity on the initial steps related to triggering the project. I found it especially confusing in section L to have SBC included since that step belongs to school committee, and until the SBC is formed, it really can't do anything.

Also, at the last meeting when my comments were relayed about key points in a school project, please know they were not my personal random suggestions – those points came directly from Arrowstreet's presentation to the SBC and Board of Selectmen (see attached slide).

Site selection and narrowing down potential designs, i.e., "preferred option" (which should encompass addition/renovation and new construction options) are the two most important votes that an SBC will take and should require public hearings before being cast. If public hearings are required before someone can construct a porch or install a pool, shouldn't they be required before a committee votes to choose a school site and a potential design? Cost projections don't necessarily need to be a separate public hearing because one would hope that costs would be shared as part of site and design options. (As an aside, grade configuration is a school committee vote vs. SBC, so it would not need to be captured in this bylaw.)

Lastly, I would hope that Board of Selectmen would entertain quarterly updates vs. six months during the feasibility study phase of a large school project since that is when cost projections begin to surface and all kinds of early, critical decisions are made. Once the project gets off the ground, a minimum of six months seems like a reasonable interval for updates.

Please know that my personal intent with any of my suggestions is to try and set a course forward that will provide more clarity about who does what, and the most important points of community engagement. After attending all of the SBC and communications subcommittee meetings for two years, in addition to school committee meetings for eight years, it was easy to see how some relatively straightforward bylaw changes could provide clarity for future projects. For your work on all of this, please know I'm so very grateful!

Thanks in advance for consideration of what's here.

Best,

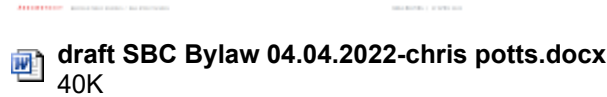
Chris

P.S. My sincere apologies for the lateness of getting you the last suggestions. My brain had only processed tonight's meeting (I'm a creature of habit), and not Monday's off-schedule meeting, so when I sent the feedback I was thinking it was for tonight.

2 attachments



Arrowstreet-Major Dale Decisions-Slide.png  
100K



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- P. With respect to each School Project, the requirements of Section 10-20(A)-(F) shall be superseded with the following:
1. Commencement of project need determination and the committee formation process begins with School Committee in accordance with MGL c.71 section 68.
  2. SBC Composition:
    - a. The SBC shall consist of twelve (12) voting members and at least three (3) non-voting members.
    - b. Voting Members: All voting members of the SBC (or any subcommittee established thereunder) shall be Medfield residents and shall not be employees of the Town of Medfield. The voting members shall be appointed as follows:

**Commented [CMP1]:** This is confusing since the SBC needs to be formed first for any school project before an application can be referred to it. It would seem more logical to take out the reference to SBC here and clarify process in section P. Also, it is School Committee, not Selectmen, that have jurisdiction over school projects so this wording could be problematic in this regard.

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- ii. The building Principal(s) directly affected by the School Project.
- iii. The Town Administrator, in consultation with the appropriate Town departments (other than the School Department) and/or his/her appointed designee.
- iv. Such additional member(s) to be appointed by the Select Board, if and to the extent the same become required in order to obtain funding under [MGL c. 708B: correct reference to MSBA statute?].
- d. Except as provided in subparagraph [e] below, the term of each member's appointment shall expire upon the completion or earlier termination of the applicable School Project.
- e. If an SBC member's term as an elected or appointed official expires or such member chooses to resign from their appointment, the appointing authority who initially selected such member will be responsible for selecting a member for the balance of the School Project.
3. Procedural Requirements:
- a. A minimum of 7 voting members of the SBC shall be present at any meeting to constitute a quorum.
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the public on the School Department’s webpage throughout the duration of the School Project.

6. The SBC shall hold periodic public hearings, with two-week advance notification, at pivotal decision points in the School Project to solicit Town residents’ feedback prior to voting. Points include, but are not limited to, site selection and final schematic design options.

8. The SBC shall report its progress on all School Projects, a minimum of once every quarter (2) months during the feasibility stage (if applicable) and a minimum of once every six months during the final design/construction phase, to the Select Board and the School Committee.

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## PSR NEXT STEPS

### MAJOR MILESTONES TO ACHIEVE SCHEMATIC DESIGN

#### MAJOR DECISIONS

- Site Selection
- Grade Configuration
- New Construction versus Addition/  
Renovation (if relevant after site  
selection)
- Selection of the Preferred Option

#### OTHER DECISIONS

- Sustainability Goals
- Financing

#### MAJOR DELIVERABLES

- Phase 1 Environmental Report(s)
- Geotechnical Report(s)
- Hazardous Materials Report
- Traffic Studies
- Cost Estimates of narrowed schemes  
(prior to selection of preferred option)
- Survey of Preferred Site
- Development of the Preferred Option
- Tax Impact of project
- Preferred Schematic Report submission  
to MSBA