

**Minutes
Town of Lexington Appropriation Committee
August 23, 2010**

Place and time: Town Office Building, Room G-15, 7:30 p.m.

Members present: Glenn Parker (Chair), John Bartenstein (Vice Chair and Secretary), Joe Pato (Vice Chair), Mollie Garberg, Alan Levine, Susan McLeish, Eric Michelson

Also present: Carl Valente, Town Manager; Paul Ash, Superintendent of Schools; Pat Goddard, Director of Facilities; Hank Manz and George Burnell, Board of Selectmen; Mary Ann Stewart and Rod Cole, School Committee; Jim Courtemanche, Town Meeting Member, Precinct 7; Scott Kanofsky

The meeting was called to order at 7:30 p.m.

1. Reserve Fund Transfer for Estabrook Caulk Remediation. This meeting was convened on an emergency basis at the request of the Town Manager and Pat Goddard, Director of Facilities. The purpose was to consider a proposed draw on the Reserve Fund in the amount of \$150,000 to perform immediate remediation work at the Estabrook School of caulking containing PCBs. Mr. Goddard advised that the remediation work would have to commence the next day if it was to be completed in time for the school to reopen early next week, as scheduled.

Mr. Goddard made a detailed presentation to the Committee on the history of the matter, including: the issuance by the United States Environmental Protection Agency of an alert in September 2009 specifying steps “that building owners and school administrators should take to reduce exposure to PCBs that may be found in caulk in many buildings constructed or renovated between 1950 and 1978”; actions taken by the Facilities Department, working in conjunction with the Board of Health, to test all potentially affected municipal and school buildings in the Town of Lexington; the discovery of caulk samples with PCB levels exceeding EPA thresholds in three facilities, the Town Office Building, the Clarke Middle School, and the Estabrook School; and steps taken, with building envelope funds appropriated in the FY2010 budget, to address the conditions at those facilities.

Preliminary air sampling showed air quality levels at all three facilities under OSHA levels for adult workers. However, to determine whether the PCB concentrations in the air met the EPA-recommended levels for school facilities occupied by young children, which are lower than those for adults, the Town engaged an environmental consulting firm, Environmental Health and Engineering (EH&E), to conduct additional air sampling tests. In early August, EH&E reported that several air samples taken at the Estabrook School exceeded the EPA-recommended level for school buildings (100 nanograms per cubic meter for kindergartners, 300 nanograms per cubic meter for older elementary school children). This, in turn, led to the development of an immediate plan to remove and replace and/or contain the affected caulking at Estabrook before the commencement of classes this year.

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After soliciting and receiving several bids (the state's Division of Capital Asset Management (DCAM) granted the Town a waiver of the public bidding laws to allow the solicitation of bids on short notice), the Facilities Department selected a company called LVI Services, Inc. to do the necessary remediation work. LVI is considered well qualified to do this work and its bid was reasonable and competitive. Mr. Goddard said that if work commenced immediately, LVI should be able to complete the project, by working double shifts but without overtime, in time for the start of school the following week. The Town would continue to engage EH&E to supervise the work and to conduct follow-up testing.

Mr. Goddard circulated a spreadsheet showing that amounts previously appropriated in FY2010 for building envelope work would cover some of the cost, but would not be sufficient to fund the complete project. The additional estimated amount required is \$138,305. To allow for contingencies, Mr. Goddard and the Town Manager sought a draw on the Reserve Fund of \$150,000. This draw would reduce the originally appropriated balance of \$550,000 in the Reserve Fund to \$400,000.

Committee members posed a number of follow-up questions about the history and nature of the problem, remediation alternatives, the proposed expenditure, and further steps that might be taken if the LVI remediation work does not solve the problem. Mr. Goddard noted that this type of remediation work had previously been done successfully in other buildings. After discussion, the Committee voted unanimously (7-0) "to approve the transfer of \$150,000 from the FY2011 Reserve Fund to the Public Facilities operating budget to fund the extraordinary and unforeseen expenses necessary to remediate school building contamination with PCB-containing materials."

2. **Miscellaneous.** There was a very brief discussion of scheduling. The Committee will hold its next regular meeting on Thursday, August 26, 2010 at 7:30 p.m. The Chair will prepare and post an agenda.

The meeting was adjourned at 8:17 p.m.

A list of documents and other exhibits used at the meeting is attached.

Respectfully submitted,

John Bartenstein

Approved September 22, 2010

**Exhibits
Appropriation Committee Meeting
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1. Agenda circulated by Glenn Parker, Chair, on August 23, 2010
2. EPA News Release on “Guidance to Communities on PCBs in Caulk of Buildings Constructed or Renovated Between 1950 and 1978,” dated 9/25/2009
3. FAQ’s on “PCB’s in Caulk”
4. Town of Lexington, Office of Community Development, Health Division news release on PCB’s in caulking, dated 5/10/2010
5. Chart showing November 2009 test results, “PPM PCB in Caulk,” at 19 town buildings
6. Chart showing December 2009 test results for air sampling, “OSHA PEL 1000 µg/M3” at Town Office Building, Estabrook Elementary School and Clarke Middle School
7. Map showing air sampling results at Estabrook Elementary School, August 2010
8. Spreadsheet summarizing FY2010 building envelope funds previously expended for caulk investigation and remediation work and additional amounts required for Estabrook caulk remediation
9. Town of Lexington, Reserve Fund Transfer Form, approved 8/23/2010