

**Minutes
Town of Lexington Appropriation Committee
October 27, 2010**

Place and time: Town Office Building, Room 111, 7:30 p.m.

Members present: Glenn Parker (Chair), Joe Pato (Vice Chair), Mollie Garberg, Alan Levine, Eric Michelson, Rob Addelson (ex-officio)

Also present: David Kanter, Capital Expenditures Committee; Carl Valente, Town Manager; Paul Ash, Superintendent of Schools; Pat Goddard, Director of Facilities; Mary Ann Stewart, School Committee; Dawn McKenna, Town Meeting Member

The meeting was called to order at 7:39 p.m.

1. **Proposed Bylaw Changes.** David Kanter gave a brief presentation on his and Eph Weiss's proposed revisions to the Code of Lexington regarding Town Meeting procedures to reconsider or reopen articles. The proposal aims to reorganize reopening and reconsideration motions and provide new options for their use. Under the proposal, the scope of reconsideration would be reduced to encompass only re-votes of the final main motion of the article. "Reopening" would be used to open previously voted articles so as to allow any type of action that would have been within the scope of the article when first brought up, *i.e.*, it would be used in place of the types of actions that have in recent memory been called reconsideration. David distributed a written description of his proposal but did not have a draft of a motion or new bylaw language.

2. **Estabrook PCB remediation.** Paul Ash and Pat Goddard spoke on the present status of remediation work at the Estabrook School and plans for future work, with emphasis on the financial aspects. Dr. Ash spoke first. He stated that their goal is to bring PCB air concentrations below EPA guidelines throughout the building. He stated that the latest test results, some of which were just received earlier in the day, suggest that this can be accomplished within weeks. In parallel, EH&E (the consulting firm working for the Town) has sent a lengthy document on risk assessment to the EPA's Washington office that requests consideration of site-specific concentration guidelines.

Dr. Ash outlined three votes adopted by the School Committee on October 26, 2010, which can be summarized briefly as follows:

- First, to move all Estabrook students back to regular classrooms by November 9. The kindergarten wing is vacant (so it can be used for pilot studies of contamination control), and the gym and library are now being used as classrooms.
- Second, to request testing of the PCB air concentrations in every classroom once in the relatively near future (see below), and to follow up with (less comprehensive) monitoring of levels throughout the year. The cost of this additional testing is expected to be roughly a few times \$10,000.

- Third, to state their position that the school building should be replaced with a new building in the near term.

Dr. Ash and DPF Director Goddard will be submitting on November 5 an emergency statement of interest (SOI) to the State regarding assistance in paying for a new building, and expect to receive a response four to six weeks later. If the State approves the request, there will be a limited time-frame for the Town to appropriate funds for planning and design work. If the emergency SOI is not accepted, the Town may then submit a non-emergency, i.e., a regular, SOI. If no SOI is accepted, the Town will need to consider whether it wants to proceed without State assistance. If Question 3 passes on Nov. 2, the State will not have the funds to provide assistance. The total cost of a new building is estimated to be roughly \$30M. The new Harrington School may serve as a model for a new Estabrook School.

Based on recent test results, the DPF will implement a set of relatively simple remediation actions throughout the building over the next two weeks using DPF and contractor personnel. The test results indicate that there is a reasonable likelihood that the work will bring PCB air concentrations down below EPA guideline thresholds. A measurement of the PCB air concentration will then be conducted in every classroom.

Dr. Ash and Mr. Goddard reviewed current and future spending. To inform this review, Mr. Goddard distributed a sheet summarizing the costs. \$80K of the \$250K transfer from the Reserve Fund voted on October 13 was used to support remediation work after the date of the A.C. transfer vote. The Town just learned that EH&E has billed (or intends to bill) the Town an additional \$179K for work beyond that covered by the \$80K. This work was not envisioned when EH&E was first engaged. This led to a discussion of EH&E's qualifications, capabilities, and role. Members of the Committee urged the Town to ask for itemization of the bill and to discuss this bill and billing practices with EH&E, given that the work has extended far beyond early expectations.

The expenditures related to the PCB problem are expected to reach a total of about \$943K over the next few months. Since \$400,000 has been covered by Reserve Fund transfers, and \$51,910 has been redirected from various capital article budgets, this leaves a shortfall of approximately \$491K. The shortfall has been covered by the DPF budget (\$421,102) and the school system budget (\$70,401). In addition, it is presently anticipated that there will be a request of approximately \$273K at the 2011 annual town meeting for remediation work to be done next summer. This amount is not included in the \$943K figure. The cost summary presently includes \$100K as contingency, but some of this is now expected to cover the testing to be done prior to the annual town meeting. The remainder will be the true contingency amount that will be available, for example, for fixing any high levels of contamination found in the next testing round. In response to a question, Mr. Goddard said that he would look into heating costs at Estabrook given the recent changes in ventilation. There were unresolved questions about this spending proposal; Dr. Ash and Mr. Goddard will review the details and offer a revised budget by Wednesday, Nov. 3.

Glenn Parker asked that the Appropriation Committee receive information on financial figures in advance of the special town meeting. Town Manager Valente and Assistant Manager Addelson will present a funding plan to the Board of Selectmen on November 1. The Committee thus should receive numbers by November 2.

Alan Levine gave a brief report on a presentation made to the School Committee on October 26 by DPF Director Goddard regarding three options for replacement of space in the current Estabrook School building by modular classrooms or use of the old Harrington School building. A brief discussion ensued.

3. **Special Town Meeting planning.** Rob Addelson went through each warrant article in detail. This was sufficient to sketch out the report and assign portions of it to Committee members.

Shell: Eric

Intro: Glenn

Article 2a: Transfer funds from health insurance to salary line items (Joe)

Article 2b: Supplemental appropriations for facilities and school budgets (Alan, Mollie)

Article 2c: Transfer Planning salary line item to Planning expense line item (Susan)

Article 2d: Changes to Water, Sewer and Recreation Salary line items funded by enterprise funds (John)

Article 2e: MWRA assessment (John)

Article 2f: Reserve Fund (Alan, Mollie)

Article 3: Traffic Stabilization Funds (to act on funds received from Cubist Pharmaceuticals) (Eric)

Article 4: Stabilization Fund (appropriate any new growth above what is needed to solve problems; if none, this may be indefinitely postponed) (Dick)

Article 5: Extra CPA funds for Busa and Cotton Farms as legal costs for both acquisitions exceeded the budgeted amounts. The source of funds is anticipated to be the CPA undesignated fund balance. Rob Addelson was advised by the state Department of Revenue that no adjustment to the budget will be required before tax-rate setting to account for the state match being lower at 29% than the budgeted 31%. Rather, any deficit can be closed against fund balance at the end of the fiscal year. (Eric)

Members were asked to e-mail their draft reports to the rest of the committee with the understanding that (1) drafts that are distributed this way become public documents that will be made available at the next meeting, and (2) that the contents would not be

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discussed or debated via e-mail. Members were urged to come to the meeting with their suggestions prepared in advance.

4. **Miscellaneous.** The State has awarded the Town a grant of \$500K to be applied toward the purchase of the Cotton Farm property for conservation use that was approved last spring.

There was a brief discussion of scheduling. The committee will meet on Wednesday, November 3, and Wednesday, November 10 at 7:30 p.m. with a focus of working on a report for the special town meeting. The goal is to have a fairly complete draft before November 10. The Chair will prepare and post agendas.

Eric and Mollie agreed to act as liaisons to a Capital Planning committee that is being set up if the committee meeting times are convenient.

The meeting was adjourned at 9:48 p.m.

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

Respectfully submitted,

Alan M. Levine

Approved November 3, 2010

**Exhibits
Appropriation Committee Meeting
October 27, 2010**

1. Agenda circulated by Glenn Parker, Chair, on October 22, 2010
2. “Talking Paper on Amending the Code of Lexington – Reconsideration & Reopening”, David G. Kanter and Eph Weiss, October 19, 2010
3. Sheet summarizing spending in connection with PCB remediation at Estabrook School, Paul Ash and Pat Goddard, undated
4. “Air Sample Results for Polychlorinated Biphenyls ... October 19, 2010” distributed by Paul Ash/Pat Goddard
5. “Estimate of Additional Costs for Busa and Cotton Farm”, N. Rice (CPC), October 15, 2010, distributed by Rob Addelson