

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

**Massachusetts School Building Authority
Board Meeting Minutes of April 24, 2024**

A meeting of the Massachusetts School Building Authority (the “Authority” or “MSBA”) was held on April 24, 2024. The meeting was held remotely via Zoom.

Members Present: Deborah Goldberg, State Treasurer and Chair; Sean Cronin, Designee of the Secretary of Administration and Finance; Matt Deninger, Designee of the Commissioner of Education; Anne Brockelman, appointed member; Sheila Vanderhoef, appointed member; and Cassandra McKenzie, appointed member.

Others Present: James MacDonald, Chief Executive Officer; Mary Pichetti, Executive Director/Deputy Chief Executive Officer; Mike McGurl; Laura Guadagno; Christine Nolan; Matt Donovan; Maria Puopolo; Brian Kelley; Kathleen Andrade; August Knuth; Siobhan Tolman; Annie Hudson; Barbara Hansberry; Karl Brown; John Jumpe; Katie DeCristofaro; Julie Leonard; Miriam Vazquez; Erin Agan; municipal representatives; legislative representatives; local elected officials; and other members of the MSBA and the public.

Call to Order

The Chair called the meeting to order at 10:01 am and asked if anyone is recording the meeting. No one announced that they were recording the meeting.

She then explained that the meeting is being held in accordance with Chapter 30A of the Massachusetts General Laws and 940 CMR 29.03, but subject to Chapter 2 of the Acts of 2023, which permits remote participation by all Board members and allows the MSBA to use adequate alternative means, such as a conference call line, to ensure public access to the deliberations of the Board.

The Chair welcomed the newest appointed Board member, Cassandra McKenzie, to the Board of Directors. Ms. McKenzie is the Associate Vice President of Real Estate and Capital Projects in the Planning, Real Estate, and Facilities Division of Northeastern University. Ms. McKenzie is responsible for the real estate portfolio and \$500M of new construction and renovations in Northeastern’s footprint including the Global sites. She is a “Double NU Husky” and holds a bachelor’s degree in civil engineering and a master’s degree in leadership with a concentration in project management from Northeastern. She currently holds an appointment on the Medway Economic Development Committee; the ULI Advisory Committee; and the Advisory Board for Professional Women in Construction. The Chair commented that she looks forward to working with Ms. McKenzie over the coming years on school construction projects.

Ms. McKenzie thanked the Chair.

Next, the Chair provided a brief overview of the items on the agenda for the meeting. She explained that the Board will be voting to: approve minutes from the February 28th and March 19th Board of Directors meetings; remove one project from the MSBA Capital Pipeline; invite three districts into Feasibility Study; authorize two proposed projects to proceed into Preferred Schematic Design, with an estimated \$411.9 million in total construction costs; invite four districts to enter into a Project Scope and Budget Agreement, with an Estimated Maximum Total Facilities Grant of approximately \$391.7 million and to approve two final audits from two districts with a Final Total Facilities Grant amount of approximately \$1.2 million. The Board will also be voting to approve staff recommendations for Technical Review Services Consultants and to promulgate revisions to the

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MSBA's Regulations. Finally, the Board will receive updates from the Executive Director, Capital Planning, and Finance staff.

Acceptance of the February 28, 2024 Minutes

The Chair asked for a motion to accept the minutes of the February 28, 2024 Board meeting. A motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Approval of the Minutes of the February 28, 2024 Board Meeting

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Minutes of the February 28, 2024 Board meeting.

There being no further Board discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

- Anne Brockelman – Yes
- Cassandra McKenzie - Abstain
- Sheila Vanderhoef – Yes
- Sean Cronin – Yes
- Matt Deninger – Yes
- Deborah Goldberg – Yes

The motion passed – 5 in favor, 0 against, 1 abstaining.

Acceptance of March 19, 2024 Minutes

The Chair asked for a motion to accept the minutes of the March 19, 2024 Board meeting. A motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Approval of the Minutes of the March 19, 2024 Board Meeting

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Minutes of the March 19, 2024 Board meeting.

There being no further Board discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

- Anne Brockelman – Yes
- Cassandra McKenzie - Abstain
- Sheila Vanderhoef – Yes
- Sean Cronin – Yes
- Matt Deninger – Yes
- Deborah Goldberg – Yes

The motion passed – 5 in favor, 0 against, 1 abstaining.

Project Removal from Capital Pipeline

Next, the Director of Capital Planning, Mike McGurl, explained that staff are recommending that the Board vote to remove the Whittier Regional Vocational Technical School District from the MSBA Capital Pipeline. The Whittier Regional Vocational Technical School District submitted a Statement

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of Interest for the Whittier Regional Vocational Technical High School and was invited into Eligibility Period on December 11, 2019. The Board approved the District's proposed Project Scope and Budget at the December 13, 2023 Board meeting to replace the existing School with a new facility serving grades 9-12 on the existing site.

The Regional School District held a district-wide vote on January 23, 2024, and was unable to secure the majority-vote required to authorize the project. In a written communication to the MSBA, following the district-wide vote, the District indicated that the vote had failed and has submitted its Declaration of Removal for the Whittier Regional Vocational Technical High School indicating agreement with removing this SOI from the Capital Pipeline.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Vote on Removing the Whittier Regional Vocational Technical School District's Statement of Interest from the MSBA Capital Pipeline

VOTED: That, whereas, on December 11, 2019, the Board voted to invite the Whittier Regional Vocational Technical School District to collaborate with the MSBA; and whereas, on June 23, 2021, the Board voted to invite the Whittier Regional Vocational Technical School District to conduct a Feasibility Study for the Whittier Regional Vocational Technical High School; and, whereas, on April 19, 2023, the Board voted to approve a Proposed Project to replace the existing Whittier Regional Vocational Technical High School with a new facility serving grades 9-12 on the existing site of the existing Whittier Regional Vocational Technical High School, and authorized the Executive Director to execute a Project Scope and Budget Agreement and Project Funding Agreement with the Whittier Regional Vocational Technical School District for the Proposed Project; and, whereas, as described in the materials attached hereto as Exhibit A, the Whittier Regional Vocational Technical School District has notified the MSBA that it has decided not to further pursue its Statement of Interest, Feasibility Study invitation, or approval of a Proposed Project for the Whittier Regional Vocational Technical High School, the Board hereby removes the Whittier Regional Vocational Technical School District's Statement of Interest for the Whittier Regional Vocational Technical High School from the MSBA's Capital Pipeline and authorizes the Executive Director to do all acts necessary and execute and deliver any and all documents and agreements in connection with such removal.

Mr. Deninger commented that voting to remove projects from the Capital Pipeline is a formality and a result of a vote that failed. He commented that the Board supports all students in the Commonwealth.

The Chair commented that there are significant efforts going into resolving problems at the Whittier Regional Vocational Technical High School. She said that she is hopeful something better emerges from this situation.

The Superintendent of the Whittier Regional Vocational Technical School District, Maureen Lynch, thanked the Chair and Board for the opportunity to speak. She commented that Whittier Tech is withdrawing its SOI because of a failed vote on January 23, 2024. She thanked MSBA staff for their

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time and energy that was put into this project. She commented that the district has learned from this and there are positive discussions with both state and regional leaders for next steps.

The Chair wished the Superintendent good luck on potential new developments.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes

Cassandra McKenzie - Yes

Sheila Vanderhoef – Yes

Sean Cronin – Yes

Matt Deninger – Yes

Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining.

Invitation to Feasibility Study

MSBA Capital Program Manager Katie DeCristofaro explained that staff are recommending that the Board vote to invite three districts into Feasibility Study. The three districts were invited into Eligibility Period on December 21, 2022 and have completed all the necessary prerequisites including: the filing of their educational profile questionnaire; finalizing enrollment; and, securing feasibility study/schematic design funds to proceed.

The first District is the Blackstone-Millville Regional School District. Staff will be working with the District to study the following four options: 365 students in the facility's current configuration of grades 9-12; 470 students in grades 8-12; 580 students in grades 7-12; and 680 students in grades 6-12.

The second District is the Richer Elementary School in the City of Marlborough. Staff will be working with the District to study the following two options: 950 students in the facility's current configuration of grades K-5 and 870 students in grades K-5 at the Richer Elementary School, which includes a district-funded expansion at the Francis J. Kane Elementary School.

The final District is the Charles E. Roderick Elementary School in the Town of Wrentham. Staff will be working with the District to study the following two options: 450 students in the facility's current configuration of grades 4-6 and 595 students in grades 3-6.

Based on the completion of the Eligibility Period requirements, staff are recommending that the Board vote to authorize the three districts to proceed into Feasibility Study.

The Chair asked for a motion, and the following motion was made by Mr. Deninger and seconded by Ms. Vanderhoef:

**Vote on Inviting Communities to Collaborate with the MSBA
to Conduct a Feasibility Study**

VOTED: That the Executive Director is hereby authorized to invite certain communities to collaborate with the MSBA to conduct and/or review a Feasibility Study, as described

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in 963 CMR 2.00 *et seq.*, and subject to any conditions set forth in Exhibit A, for each of the schools listed in Exhibit B attached hereto.

VOTED: That the Executive Director is hereby authorized to do all acts, to execute and deliver any and all documents and agreements, and to expend all funds necessary or desirable in connection with conducting and/or reviewing a Feasibility Study for each of the schools listed in Exhibit B.

State Representative Michael Soter commented that Blackstone-Millville is in desperate need of a new school and being accepted into Feasibility is a great first step. He thanked Superintendent Dr. Defalco for his excellent communication skills with the district. He thanked the Chair and Board for their support.

It was noted that the MSBA also received a letter of support from State Representative Michael Soter.

The Deputy Communications Director for State Senator Ryan Fattman, Kylie Gibbons, spoke on the Senator's behalf and commented that the Senator shares his support for this project.

Blackstone-Millville Regional School District Superintendent, Jason Defalco, thanked the Chair, Board members, MSBA staff, School Committee, and members of the district. He commented that the study is multifaceted and complex, and that he is grateful for MSBA's partnership.

Marlborough Mayor J. Christian Dumais thanked the MSBA for their support and consideration. He commented that Marlborough has been through this process before with a Model School. Lastly, he added that this Feasibility Study is a huge bonus for the Marlborough community to address their needs.

Wrentham Superintendent Dr. Allan Cameron thanked the Chair, Board, and MSBA staff for their support.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Recommendation for Preferred Schematic Design

Next, the Director of Project Data, John Jumpe, explained that the Board is being asked to approve the Preferred Schematic Design for the William H. Galvin Middle School in the Town of Canton. The Town of Canton is proposing to replace the existing William H. Galvin Middle School with a new facility serving students in grade 5-8 on the site of the existing school. The District's preferred schematic results in grade 5 students being relocated from the elementary schools to the proposed middle school.

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The proposed school is designed to serve 1,020 students in grades 5 through grade 8 and includes an estimated total project budget of approximately \$232.8 million dollars, and an estimated total construction budget of approximately \$186.2 million dollars.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Vote on Moving the Town of Canton to Schematic Design

VOTED: That the Board of Directors hereby authorizes the Executive Director to do all acts necessary, execute and deliver any and all documents and agreements, and expend funds as deemed appropriate by the Executive Director to assist the Town of Canton with, in concept, the development of schematic designs to replace the existing William H. Galvin Middle School with a new facility serving grades 5-8 on the site of the existing school, as further described in the materials presented to the Board and attached hereto, in accordance with G.L. c. 70B and 963 CMR 2.00 *et seq.* and all other guidelines and policies of the Authority.

Canton Superintendent Derek Folan thanked the MSBA for their support. He commented that he feels very confident about this project moving forward with all the expertise from the MSBA staff.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

The Director of Project Data explained that the Board is now being asked to approve the Preferred Schematic Design for the South Shore Regional Vocational Technical High School in the South Shore Regional Vocational Technical School District. The proposed project is designed to serve 900 students in 9 through grade 12. The proposed project has an estimated total project budget of approximately \$283.6 million dollars and an estimated total construction budget of approximately \$225.8 million dollars.

The proposed project is subject to the review of the Massachusetts Environmental Policy Act Office ("MEPA Review"). If the District is approved by the Board to proceed into Schematic Design for this proposed project, and then is later considered by the Board for approval of a Project Scope and Budget Agreement and a Project Funding Agreement, the vote to approve a Project Scope and Budget Agreement and a Project Funding Agreement, will be conditioned upon the District fulfilling the applicable MEPA requirements.

The Chair asked for a motion, and the following motion was made by Mr. Deninger and seconded by Ms. Vanderhoef:

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Vote on Moving the South Shore Regional Vocational Technical School District to Schematic Design

VOTED: That the Board of Directors hereby authorizes the Executive Director to do all acts necessary, execute and deliver any and all documents and agreements, and expend funds as deemed appropriate by the Executive Director to assist the South Shore Regional Vocational Technical School District with, in concept, the development of schematic designs to replace the existing South Shore Regional Vocational Technical High School with a new facility to be located on the site of the existing school, as further described in the materials presented to the Board and attached hereto, in accordance with G.L. c. 70B and 963 CMR 2.00 *et seq.* and all other guidelines and policies of the Authority.

It was noted that the MSBA received a letter of support from State Senator John Keenan and a letter of support from State Senator Patrick O'Connor for this project.

State Senator John Keenan thanked the Chair and MSBA staff, as well as the Superintendent for his thoroughness and commitment to the project. He commented that this proposal will have a positive impact on its students, and that he hopes to be there for ground-breaking.

The South Shore Regional Vocational Technical School District Superintendent, Dr. Thomas Hickey, thanked legislation, the Board, MSBA staff, and the Facilities Assessment Subcommittee for their guidance. He commented that this project is much needed for the district and local communities.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Approval of Project Scope and Budget Agreement and Authorization for Project Funding Agreement

Next, the MSBA's Design Director, Karl Brown, explained that the Board is now being asked to approve a Project Scope and Budget Agreement and to authorize the MSBA to enter into a Project Funding Agreement for a project at the Clinton Middle School in the Town of Clinton. The recommendation is to construct a new two-story facility that is 136,000 square feet on the site of the existing Clinton Middle School. The proposed project has a design enrollment of 700 students in grades 4-8.

The District provided a Total Project Budget of approximately \$139.5 million dollars, which includes a total construction budget of approximately \$114.3 million dollars.

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The Chair asked for a motion, and the following motion was made by Mr. Deninger and seconded by Ms. Vanderhoef:

Vote to Authorize the Executive Director to Execute a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Clinton

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Potential Project to replace the existing Clinton Middle School with a new facility serving grades 4-8 on the existing site, as further described in the materials presented to the Board and attached hereto and as such Proposed Project shall be further defined in the Project Scope and Budget Agreement, and authorizes the Executive Director to take all steps necessary to execute and deliver a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Clinton, in such forms as she may determine to be acceptable, for the Clinton Middle School project at a reimbursement rate of seventy-eight and twenty-four hundredths percent (78.24%) of approved, eligible costs, up to an Estimated Maximum Total Facilities Grant of \$75,710,410, which shall not include any funds for owner's or construction contingency expenditures; that the Board of Directors hereby further authorizes the Executive Director to increase the Estimated Maximum Total Facilities Grant up to a Maximum Total Facilities Grant of \$77,051,786, in the event that the MSBA determines, in its sole discretion, that any owner's and/or construction contingency expenditures are eligible for reimbursement pursuant to MSBA regulations, guidelines, or policies; that the Board of Directors hereby further authorizes the Executive Director to expend funds in accordance with such Project Funding Agreement.

Clinton Superintendent Steven Meyer thanked the Board, MSBA staff, and Allison Sullivan of the MSBA for their support. He commented that the town is looking forward to voting in June to continue this project.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Next, the Design Director explained that the Board is now being asked to approve a Project Scope and Budget Agreement and to authorize the MSBA to enter into a Project Funding Agreement for a project at the Revere High School in Revere. The recommendation is to construct a new 4-story facility that includes an underbuilding parking garage and is 588,595 square feet on an alternative site referred to as the Wonderland site. The proposed project has a design enrollment of 2,450 students in grades 9 through 12.

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The District provided a Total Project Budget of approximately \$497.5 million dollars, which includes a total construction budget of approximately \$412 million dollars.

The District's Preferred Schematic is located on the Wonderland site which is subject to the review of the Massachusetts Environmental Policy Act Office (or "MEPA Review"). The MSBA Board's authorization to enter a Project Scope and Budget Agreement and a Project Funding Agreement is noted in the board memo as conditioned upon the District fulfilling the applicable requirements associated with the MEPA Review and approval.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Vote to Authorize the Executive Director to Execute a Project Scope and Budget Agreement and Project Funding Agreement with the City of Revere

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Potential Project to replace the existing Revere High School with a new facility serving grades 9-12 on an alternative site known as the "Wonderland" site, as further described in the materials presented to the Board and attached hereto and as such Proposed Project shall be further defined in the Project Scope and Budget Agreement, and authorizes the Executive Director to take all steps necessary to execute and deliver a Project Scope and Budget Agreement and Project Funding Agreement with the City of Revere, in such forms as she may determine to be acceptable, for the Revere High School project at a reimbursement rate of seventy-nine and ninety-nine hundredths percent (79.99%) of approved, eligible costs, up to an Estimated Maximum Total Facilities Grant of \$233,889,807, which shall not include any funds for owner's or construction contingency expenditures; that the Board of Directors hereby further authorizes the Executive Director to increase the Estimated Maximum Total Facilities Grant up to a Maximum Total Facilities Grant of \$238,833,271, in the event that the MSBA determines, in its sole discretion, that any owner's and/or construction contingency expenditures are eligible for reimbursement pursuant to MSBA regulations, guidelines, or policies; that the Board of Directors hereby further authorizes the Executive Director to expend funds in accordance with such Project Funding Agreement.

Mr. Cronin asked how the City is able to afford this project without a debt exclusion.

Revere Superintendent, Dr. Dianne Kelly, commented that the CFO who sits on the school planning committee has already worked with bond counsel and the City's bonding agencies to map out a plan to pay for this project. There are two major redevelopment projects in Revere that will generate tax income in coming years to support the project.

Mr. Cronin commented that he will follow up with the CFO and thanked the Superintendent for her response.

The Superintendent thanked the Board and MSBA staff. She commented that staff has been very patient and helpful with them as they have been undergoing this process. She also thanked the legislature and the Treasurer's office. She commented the MSBA makes a huge difference to children across the Commonwealth.

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There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Next, the Design Director explained that the Board is now being asked to approve a Project Scope and Budget Agreement and to authorize the MSBA to enter into a Project Funding Agreement for a project at the Hatherly Elementary School in Scituate. The recommendation is to construct a new 2-story 106,084 square foot facility on the site of the existing Hatherly Elementary School. The proposed project has a design enrollment of 460 students in kindergarten through grade 5 plus pre-kindergarten.

The District provided a Total Project Budget of approximately \$119.4 million dollars, which includes a total construction budget of approximately \$94.9 million dollars.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Vote to Authorize the Executive Director to Execute a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Scituate

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Potential Project to replace the existing Hatherly Elementary School and Cushing Elementary School with a new facility serving students in pre-kindergarten through grade 5 on the existing Hatherly Elementary School site, as further described in the materials presented to the Board and attached hereto and as such Proposed Project shall be further defined in the Project Scope and Budget Agreement, and authorizes the Executive Director to take all steps necessary to execute and deliver a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Scituate in such forms as she may determine to be acceptable, for the Hatherly Elementary School project at a reimbursement rate of forty-seven and seventy-two hundredths percent (47.72%) of approved, eligible costs, up to an Estimated Maximum Total Facilities Grant of \$35,134,823, which shall not include any funds for owner's or construction contingency expenditures; that the Board of Directors hereby further authorizes the Executive Director to increase the Estimated Maximum Total Facilities Grant up to a Maximum Total Facilities Grant of \$35,814,280, in the event that the MSBA determines, in its sole discretion, that any owner's and/or construction contingency expenditures are eligible for reimbursement pursuant to MSBA regulations, guidelines, or policies; that the Board of Directors hereby further authorizes the Executive Director to expend funds in accordance with such Project Funding Agreement.

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It was noted that the MSBA received a letter of support from Senator Patrick O'Connor for the Scituate project.

Scituate Superintendent William Burkhead thanked the MSBA for this opportunity. He commented that going through this process has been very unifying for the Scituate community.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Next, the Design Director explained that the Board is now being asked to approve a Project Scope and Budget Agreement and to authorize the MSBA to enter into a Project Funding Agreement for a project at the South Elementary School in Stoughton. The recommendation is to construct a new 3-story, 101,500 square foot facility on the alternative site “Line Lumber Site.” The proposed project has a design enrollment of 515 students in kindergarten through 5.

The District provided a Total Project Budget of approximately \$114.4 million dollars, which includes a total construction budget of approximately \$91.8 million dollars.

The District's Preferred Schematic is subject to the review of the (1) Massachusetts Environmental Policy Act Office (or "MEPA Review"), (2) Notice of Intent (“NOI”) to Stoughton Conservation Commission, and (3) an ecological study to Mass Wildlife’s Natural Heritage & Endangered Species (“NHESP”). The MSBA Board's authorization to enter a Project Scope and Budget Agreement and a Project Funding Agreement is noted in the board memo as conditioned upon the District fulfilling the applicable requirements associated with the MEPA Review and approval and any compliance with Stoughton Conservation Commission and Mass Wildlife’s Natural Heritage & Endangered Species’ reviews.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Vote to Authorize the Executive Director to Execute a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Stoughton

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the Potential Project to consolidate the student population of the existing South Elementary School and the Richard L. Wilkins Elementary School and construct a new facility serving grades K-5 on an alternative site referred to as the “Line Lumber” site, as further described in the materials presented to the Board and attached hereto and as such Proposed Project shall be further defined in the Project Scope and Budget Agreement, and authorizes the Executive Director to take all steps necessary to execute and deliver a Project Scope and Budget Agreement and Project Funding Agreement with the Town of Stoughton in such forms as she may determine

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to be acceptable, for the South Elementary School project at a reimbursement rate of sixty-five and ninety-eight hundredths percent (65.98%) of approved, eligible costs, up to an Estimated Maximum Total Facilities Grant of \$47,021,470, which shall not include any funds for owner's or construction contingency expenditures; that the Board of Directors hereby further authorizes the Executive Director to increase the Estimated Maximum Total Facilities Grant up to a Maximum Total Facilities Grant of \$47,930,405, in the event that the MSBA determines, in its sole discretion, that any owner's and/or construction contingency expenditures are eligible for reimbursement pursuant to MSBA regulations, guidelines, or policies; that the Board of Directors hereby further authorizes the Executive Director to expend funds in accordance with such Project Funding Agreement.

It was noted that the MSBA received two letters of support for the Stoughton project from State Representative Bill Galvin and State Senator Walter Timilty.

The Communications Director for Senator Timilty, Kathy Keyes, spoke on behalf of the Senator to thank the Chair, Board, and MSBA staff members. She commented that this project will bring Stoughton students into the 21st century and provide them with innovative learning.

Stoughton Superintendent Dr. Joseph Baeta thanked the MSBA for this opportunity. He commented that this is the second MSBA project for Stoughton and that the community is very grateful for this support.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Audit

The MSBA's Director of Audit, Miriam Vazquez, began her audit update by explaining that the MSBA has completed final audits for 662 Capital Pipeline Program Projects plus the two projects subject to vote today, altogether representing approximately \$8.4 billion in submitted and audited costs.

She continued, explaining that the MSBA has also audited approximately \$8 billion in submitted costs for the 261 projects currently submitting monthly requests for reimbursements. Based on the Total Project Budget information and submitted costs to date of approved projects, the MSBA estimates that approximately \$4.5 billion in additional costs will be submitted for audit for these projects.

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The Director of Audit then explained that monthly submitted costs have averaged over \$143.5 million over the 12 months preceding this Board meeting, and the total amount submitted and audited in this 12-month period equals approximately \$1.7 billion.

Approval of Audits, Capital Pipeline Program

The Director of Audit explained that the Board is being asked to approve two Capital Pipeline Program audits listed on Exhibit C. She explained that the total combined grant amount for these two projects is \$1,215,824.

The Chair asked for a motion and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Approval of Audit Costs for Several Projects

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the final audited approved grant amounts for the projects listed in the spreadsheet attached hereto as Exhibit C and authorizes the Executive Director to make payments consistent with this vote.

The Chair commented that the Blackstone-Millville Regional School District Superintendent joined the call if anyone had any questions or comments.

There being no more discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

MSBA Updates

Executive Director's Report

Next, the Executive Director shared a lookahead for the next six months. She shared that due diligence is continuing for the SOI period for both the ARP and the Core Program. The Heat Pump Conversion RFR Responses are currently under review and staff will present their recommendation to the Board at the June Board Meeting. The process to provide supplemental grants is ongoing. Today the Board is being asked to approve the draft regulations to be promulgated. The Executive Director also shared that the recommended award of the School Survey Consultant can be anticipated with the FY25 budget.

Next, the Executive Director gave an overview of the procurement schedule for eleven ongoing procurements. She shared that the MSBA has received one RFR response for the initial Office Space Lease procurement. The MSBA has issued a second procurement for leased offices space with responses due by April 29th.

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The Executive Director also shared an update on the SOI submittals. The MSBA has received 72 submittals from 39 districts for Accelerated Repair Program projects and 47 submittals from 36 districts for Core Program projects. Due diligence is underway.

Next, the Executive Director presented a PowerPoint of outreach events that MSBA staff had participated in over the course of the last few weeks. John Jumpe attended and spoke at a conference for the American Council of Engineering Companies of Massachusetts.

The Executive Director shared photos from Topping Off Ceremonies at the William E. Carter School in Boston and the Francis M. Leahy Elementary School in Lawrence. She also shared photos from Groundbreaking Ceremonies at the William R. Peck Middle School in Holyoke, the Lynch Elementary School in Winchester, the Fort River Elementary School in Amherst, and Bartlett High School in Webster. Lastly, the Executive Director shared photos from a Ribbon Cutting Ceremony at the Pine Hill Elementary School in Westwood.

Next, the Executive Director shared staff updates. She welcomed new hire Isabel Doane to the MSBA. She also shared that John Jumpe and Zhanna Pekelis have moved to the Data Team. John is now the Director of Project Data and Zhanna will continue as Project Manager 3. The Executive Director congratulated Chris Alles on his promotion to Director of Project Management, Madeline Esdale on her promotion to Project Manager 1, and Craig Hovey on his promotion to Project Manager 1. She also congratulated Sam Finnigan and her spouse on the birth of their daughter, Jessica Claude and her spouse on the birth of their son, and Rich Hudson and his wife on the birth of their grandson.

At the end of her presentation, the Executive Director thanked the entire MSBA staff for their hard work.

The Chair congratulated the new parents and grandparents. She also thanked the Executive Director for all her hard work.

Project Status

Supplemental Grant Update

Next, the Director of Capital Planning provided an update on the status of projects approved for adjustments to their Maximum Total Facilities Grants at the October 25, 2023 Board of Directors meeting.

On October 25, 2023, the Board approved the increased funding limits for 30 projects that fit the timeline outlined in the legislation approved within the FY24 Commonwealth Budget, as well as nine additional projects approved by the Board for Project Scope and Budget between October 1, 2022 and October 1, 2023.

Calculating the increased project grants; amending existing funding agreements; and paying the supplemental grants has been, and remains, a high priority for the MSBA. Multiple staff are committed to processing these amendments and payments on a priority basis.

For the nine projects approved by the MSBA for additional funding, each district has received an amendment from the MSBA which increases its funding limits. All nine have been fully executed. Each of these districts is still within design development or the early phases of construction and so no retroactive payments are required.

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

For the 30 projects approved for increased funding limits associated with the legislative supplemental grants, MSBA staff have completed the following:

The MSBA has assessed and drafted budget revisions for 25 of the 30 projects. Revised Project Budgets are then agreed upon by the MSBA and the district.

The MSBA has issued 22 amendments to Project Funding Agreements, 18 of which have been fully executed. These 18 amendments represent approximately \$202 million of the total estimated \$270 million in supplemental grants.

As revised Project Budgets are reviewed and amendments processed, staff are simultaneously reviewing reimbursement requests from the districts to understand if the project has incurred and submitted sufficient costs to support a payment associated with the increased funding limits of the supplemental grant.

In February, the MSBA processed its first reimbursement requests. This has required new processing procedures, multiple conversations with the districts, as well as extra tracking steps in addition to our standard payment process. As of today, 17 districts have received an additional \$100 million in reimbursement with approximately \$47 million applied to the \$100 million provided by the Commonwealth and the remaining \$53 million provided by the MSBA.

Since the February Board, the MSBA has confirmed with EOE that remaining amendments and payments can be completed beyond June 30, 2024. The MSBA has received \$75 million of the \$100 million from the state and anticipates receiving the remaining \$25 million in June.

MSBA staff will continue to provide informational updates each Board meeting until all project adjustments have been finalized. In the meantime, staff continue to work with each remaining district to take the steps necessary to process Project Funding Agreement Amendments.

Project Overview Report

Next, the Director of Capital Planning provided an update for substantially completed projects. For projects scheduled for 2024, twelve projects are scheduled to achieve substantial completion. Westwood opened its new Elementary School following the February vacation week. Staff are currently tracking the remaining eleven projects which are scheduled to open by September.

Next, MSBA Project Manager Erin Agan shared the upcoming bid maps. The MSBA is currently tracking 23 projects for filed sub bidding through 2026. This includes all projects that have been approved for Preferred Schematic Design prior to today's meeting. The 23 projects have a total estimated construction budget of approximately \$3.1 billion.

For 2024, the MSBA has had three projects receive filed sub-bids so far and is tracking an additional five for the year. Those five projects have an estimated construction budget of approximately \$832 million. 2024 bidding continues with Greater Fall River and Wakefield upcoming.

2025 has 16 projects with an estimated construction budget of approximately \$2.1 billion. Quincy was added following its Preferred Schematic approval at the February Board meeting.

2026 now has two projects with a combined estimated construction budget of about \$140.6 million. The project county will continue to increase following today's Board Meeting with the addition of Canton and the South Shore Regional Vocational Technical High School.

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Mr. Cronin asked about the current construction costs for projects that have recently bid.

The Director of Capital Planning commented that they are going to debrief that in the upcoming slide.

Next, the Director of Capital Planning provided an update on anticipated sub-bids in May, June, and July and anticipated DBB bids or GMP executions in May, June, and July.

Staff are tracking 17 projects anticipating sub-bids in 2023. In square foot cost, the 2023 results continue to range from \$500/sf for the Fitchburg Crocker Elementary School to \$1032/sf for the Boston Carter School. The average for the 16 projects is \$636/sf.

Since the February Board meeting, Boston's Carter School has reported bid results. In total, twelve of sixteen have exceeded their estimated budgets from PFA.

Since the February Board meeting, Haverhill has reported bid results. Like the first two projects reporting in 2024, Haverhill is within its estimated budget from PFA. The square foot price for Haverhill is \$621/sf. The average for the three projects is \$561/sf.

Mr. Cronin commented that Holyoke and Haverhill were both approximately 10% under their estimate.

The Director of Capital Planning commented that it has been a good start to the year for these projects.

Beginning with the December 2022 Board meeting, MSBA staff have presented Core Program projects that have reported additional local funding increases following Project Scope and Budget approval. The presented projects have not yet executed an amendment to their Project Funding Agreement. For today's meeting, 10 projects are reflected.

Since the February Board, Randolph Elizabeth G. Lyons Elementary School has been removed following the execution of their Bid Amendment. All 10 projects have reported their bid results.

In summary, for those districts bidding in 2022 and 2023, 21 successfully appropriated additional local funds or approved transfers of other funds, with Somerset being the exception.

Next, the Director of Capital Planning presented a summary for the Accelerated Repair Bid. For the 2021 program, 18 of the 21 reported projects bid within the estimated budget. Staff anticipate reporting on the remaining five projects at the June Board of Directors meeting.

Today, for the first time, we are reporting on the projects from the 2022 program. 10 of the 10 reported projects bid within the estimated budget. Additional projects will be reported at the June Board of Directors meeting.

Recommendations for Technical Review Services Consultants

Next, the Design Director provided an update on MSBA's Recommendations for Technical Review Services Consultants. As presented in the recent March 13, 2024 Facilities Assessment Subcommittee meeting, staff have been in the process of procuring Technical Service consultants for FY25 to replace the FY20 Technical Services contracts currently in place with Gienapp Architects and STV Incorporated.

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

Work associated with these services includes review of design submittals, senior study assessments, post occupancy evaluations and a “miscellaneous” special studies task used when needed.

Procurement for these services has been ongoing since August 2023, starting with drafting an updated RFR, and will conclude at this Board of Directors meeting with a recommendation for Board approval. Following that, staff will draft Agreements with the appropriate firms that will take effect starting July 1, 2024, for a term of three years with an option to renew for one year, under the same terms and conditions, at the discretion of the MSBA.

MSBA received five responses in mid-December last year. One firm (Jensen Hughes) chose to withdraw their application to avoid any conflict of interest for potential future work on MSBA-funded projects. The remaining four firms were Gienapp Architects, STV Inc., Jacobs Project Management Co., and LiRo Corp.

The evaluation criteria for this selection are typical for these procurements, and MSBA staff are familiar with the firms that applied for this work.

The MSBA Procurement Management Team calculated the response scores based on the cumulative total of individual scores from each of the MSBA team members. The team has recommended signing all four remaining firms to Master Services Agreements to keep a wide range of options available for expert outside assistance on Tech Services projects. The four recommended firms therefore include Gienapp Architects, STV Inc., Jacobs Project Management Co., and LiRo Corp.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Ms. Brockelman:

Vote Authorizing Executive Director to Enter into Contracts for Technical Review Services

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby authorizes the Executive Director to execute and deliver one or more master services agreements for consultants to provide technical review services, the cost of which may exceed \$250,000.00 per agreement, containing such provisions as she shall deem advisable, the definitive form of such master services agreements to be evidenced conclusively by her execution thereof.

There being no discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

Finance

Sales Tax Collections Update

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

The MSBA's CFO, Laura Guadagno, presenting on behalf of Treasurer, Gianpiero Tirella, presented a PowerPoint and provided an FY2024 SMART Collections update. The FY2024 collections through March were \$15.4 million (1.65%) lower than the same period in FY2023.

The CFO presented a slide with a graphical depiction of FY2020 – FY2024 Monthly SMART collections, and then year-to-date SMART collections by year from FY2020 – FY2024.

Grant Payments Update

Next, the CFO provided an update regarding MSBA grant payments for projects, noting that the MSBA has made \$508,183,907 in grant payments to date in Fiscal Year 2024. This is for 137 projects in 95 districts.

FY24 Budget Update

Next, the MSBA's Director of Budget and Finance Administration, Julie Leonard, provided the Board with an FY24 budget update. She presented a PowerPoint with the FY2024 budget compared to the actuals for the Total Operating and Capital Budget, Administrative Expenses, Capital Pipeline Support Services, Operating Expenses, and the Grant Program.

Legal

The MSBA's General Counsel, Christine Nolan, explained that as reported at the October 25, 2023, Board meeting, and as noted in updates at subsequent Board meetings and at the March 27, 2024, Facilities Assessment Subcommittee meeting, the MSBA is proposing changes to the Regulations. The Regulations have been revised to accurately reflect how the MSBA's grant process has evolved; provide clarity and make the Regulations more user friendly; make the Regulations easier to follow by arranging the sections in chronological order, corresponding to the MSBA modules; and provide a starting point for future MSBA programmatic changes and updates as the landscape of school construction continues to change.

At the October 25, 2023 Board meeting, the revised draft regulations and supporting documents were presented to the Board, and the Board voted to approve the MSBA staff recommendation to issue a draft of the revised regulations for public comment.

The MSBA then held a public comment period from November 1, 2023 through January 31, 2024, during which time the MSBA received one letter with written public comments. The MSBA also held 13 public hearings, four of which were held remotely via Zoom and the others in different geographic locations across the Commonwealth. MSBA staff traveled to Lynn, Springfield, Worcester, Dalton, Lawrence, Yarmouth, Rockland, Gardner, and Fall River.

Overall, there were three members of the public who provided oral testimony at the hearings, two of whom each attended two hearings. A hearing summary, the comment letter, and the hearing notes have been provided to the Board for reference.

During the public comment period and at the hearings, comments were received about a variety of topics which are detailed in the comment summary chart that has been provided to the Board. This document lists 17 items that were reviewed in the context of the changes the MSBA is proposing to our regulations. Comments of substantially the same nature were combined in the document. The summary chart does not include comments that are opinions or requests for changes in our process but not requests for consideration on a regulation change – these comments are detailed in the hearing notes that have been provided to the Board.

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

Based on a review and consideration of the comments, the MSBA recommends the following:

- The MSBA received a comment about the statutory 80% maximum Reimbursement Rate and the ability for districts to receive incentive points that would cause the rate to exceed 80% (on the chart, this is one item representing one comment). The MSBA will take this comment under advisement but recommends no change to the proposed regulations at this time, as this would require a statutory change.
- The MSBA received a comment about the challenges associated with school building construction in Gateway Cities and Environmental Justice Communities (on the chart, this is one item representing one comment). The MSBA will take the comment under advisement but recommends no change to the proposed regulations at this time, as this would also require a statutory change.
- The MSBA received two comments about the Open Meeting Law (on the chart one item representing two comments): These comments are for a technical change removing a reference to M.G.L. c. 30 and 30A, which largely pertain to the Open Meeting Law. The MSBA removed this reference because an agency's regulations are implicitly required to comply with applicable statutes. The MSBA notes that the deletion of the reference was not intended to circumvent the Open Meeting law but in fact to clarify and prevent any confusion. The MSBA will restore these references as there is not a substantive negative consequence for leaving this language.

The General Counsel commented that the MSBA sincerely appreciates the public's interest in the proposed revisions to its Regulations and values the comments that were received. MSBA staff are confident that, if approved and promulgated, the revised Regulations will provide a starting point for future MSBA programmatic changes and updates as the landscape of school construction continues to change.

The General Counsel explained that the Board is being asked to approve the proposed revisions to the Authority's Regulations and to authorize the Executive Director to take all steps necessary to prepare the revised Regulations to be promulgated with the Secretary of the Commonwealth in substantially the same form as described and presented to the Board.

The Chair asked for a motion, and the following motion was made by Ms. Vanderhoef and seconded by Mr. Deninger:

Authorization for Promulgation of the Proposed Amendments to 963 CMR 2.00 *et seq.*

VOTED: That the Board of Directors of the Massachusetts School Building Authority hereby approves the proposed revisions the Authority's regulations, 963 CMR 2.00 *et seq.*, as described in the materials presented to the Board and attached hereto, and, having completed the public comment period for these proposed regulations and considered all comments received, the Executive Director is hereby authorized to take all steps necessary to prepare these proposed regulations to be promulgated with the Secretary of the Commonwealth, in substantially the same form as presented to the Board.

There being no discussion, the Chair asked for a roll call vote of the Board.

Roll Call Vote:

Anne Brockelman – Yes

The April 24, 2024 Board meeting minutes were approved by the MSBA's Board of Directors at the May 29, 2024 meeting.

Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

The Chair asked for a motion to adjourn the meeting. The motion was made by Ms. Vanderhoef and seconded by Mr. Cronin.

Roll Call Vote:

Anne Brockelman – Yes
Cassandra McKenzie - Yes
Sheila Vanderhoef – Yes
Sean Cronin – Yes
Matt Deninger – Yes
Deborah Goldberg – Yes

The motion passed – 6 in favor, 0 against, 0 abstaining

The meeting was adjourned at 11:32 am.

List of documents and exhibits used at the meeting:

- PowerPoint Presentation
- February 28, 2024 Board Meeting Minutes
- March 19, 2024 Board Meeting Minutes
- MSBA Capital Pipeline Program Declaration of Removal of a Statement of Interest
- Invitation to Feasibility Study
- Recommendation for Preferred Schematic Design
- Invitation to Project Scope and Budget
- Audit Status Report
- Recommendation for Approval of Final Audits, Capital Pipeline Program
- Supplemental Grant Update
- Technical Review Services RFR
- Project Overview Report
- Sales Tax Collection Update
- Grant Payments Update
- FY24 Budget Update
- Revisions to the Authority's Regulations