



Kevin J. Murphy  
City Manager  
Michael McGovern  
Assistant City Manager

## School Building Committee MSBA Meeting

### *Meeting Minutes*

Date: February 12, 2018  
Time: 6:30 PM  
Location: Mayor's Conference Room

#### **1. - Attendance**

Attendees: Kevin Murphy, Edward Kennedy, Rodney Elliott, Rady Mom, Connie Martin, Conor Baldwin, Maryann Ballotta, Nicolas Bosonetto, Marianne Busteed, James Cook, Gary Frisch, Robert Healy, Jay Mason, Maria Sheehy, Richard Underwood and Mike Vaughn.

Also in attendance: Mike McGovern, Elliott Veloso and Heather Varney.

From Skanska: Jim Dowd, Mary Ann Williams, and Dale Caldwell.

From Perkins Eastman: Joe Drown, and Robert Bell.

#### **2. - Introduction New Members**

K. Murphy welcomed the new members to the committee, introducing each of them to the group. C. Martin, M. Busteed, M. Sheehy and N. Bosonetto were present, while B. Barry and D. Cunningham were unable to attend. K. Murphy requested a motion to approve the new members, motioned by E. Kennedy and seconded by M. Vaughn. J. Cook noted B. Barry's opposition to the downtown site in the past, mentioning his email to the SBC asking if South Common could be looked into again. J. Cook stated that the SBC met over a year ago and eliminated the option, it doesn't make sense to reopen the option once it has been taken off the table.

#### **3. - Review of the MSBA Meeting**

K. Murphy noted that in the packet given to the SBC was a response to Councilor Leahy's motion on an update to the February 2, 2018. The document was published on the City Council agenda as well on the LHS Project website. K. Murphy noted that much is summarized in the document would be discussed later in this meeting by the engineers. On February 2, 2018 the city put forth the latest downtown options which were requested by MSBA. The Deputy Chief Executive Officer from the MSBA J. McCarthy noted that the downtown options will not be considered with a new pool unless the district builds a separate building or renovate the existing pool. K. Murphy noted that Perkins Eastman will discuss the difference between a gym and a fieldhouse. The MSBA requested at least one Add/Reno and the New School downtown option. Regarding eminent domain, the City would need full use and ownership of the property by

January 2019. After discussions, it has become apparent that the eminent domain issue should be addressed as early as July 2018 due to geotechnical testing on the expanded site.

E. Kenney motioned that the SBC should focus the review and eliminates options 4, 5, 6 and 7; seconded by J. Cook. Add/Reno Option 2 and Add/Reno Option 3 may not need as much effort in design as the new school on the expanded site. E. Kennedy noted that the new school on the expanded site would require a large number of modular classrooms. K. Murphy recommended that the SCB delete Options 4 and 5 that include renovation of the Lord building, as these options are most disruptive to students. He agrees with the engineers that options 6 and 7 would be a difficult endeavor. K. Murphy requested a motion to delete options 4, 5, 6 and 7 and move forward with options 2, 3 and the new school on the expanded site. All in favor, so voted.

#### **Option 2A**

R. Bell reviewed the three options for the SBC members. Option 2A is the existing site bringing the Freshman Academy on the campus. It is the same option as previously presented except it has the pool removed. This option would require a modular gym space and would keep the existing windowless labs in the Lord Building. The new gym building would provide flexibility and efficiency. The design plan would separate the students from contractors. There is limited greenspace in the layout with restricted loading and service docks. The phasing of this option would take 4 years and a summer.

#### **Option 3A Expanded Site**

R. Bell noted that option 3A is the expanded site on the adjacent property with the pool being removed. This option would allow construction off of the new gym facilities odd of the school site without the need for any modular classrooms or gym facility. There would be approximately 40 rooms available for swing space within the existing building(s) and just over 60 new rooms made available in the new Freshman Academy, totaling 100 rooms for swing space. The expanded site allows for breathing room, more natural lighting, greenspace and receiving areas. The phasing for this option would last for 4 ½ years and a summer; only 3 years of which would be on the actual school site(s).

The issue of a fieldhouse versus a gymnasium depending on MSBA specifications was addressed. R. Bell noted that a fieldhouse would include an area for track and field events such as javelin tournaments. He mentioned that based on student population the gym would require 9 physical education stations. R. Bell stated that it is possible for the design to be constructed so that a dividing wall can be put up between the gymnasium and some of the stations. He noted that the function of the facility warrants further conversations with the MSBA. The design team noted that Mayor Samaras told the MSBA that stacking the gym would be a management nightmare for the school administration and would be better suited as a continuous space.

#### **New School Revised**



Kevin J. Murphy  
*City Manager*  
Michael McGovern  
*Assistant City Manager*

The option to build a new school on the existing site was revised to eliminate the pool from the programming. The building would be five stories in addition to the basement for a condensed footprint. The third, fourth and fifth floors would have wings that fan out for daylight. This option would leave the 1922 building unused. The new school option would require extensive modular classrooms, a temporary gym and provide no additional greenspace. The phasing for this option would last 3 ½ years plus one summer.

R. Elliott inquired to the physical education square footage allotment and if the MSBA would limit funding. R. Bell noted that the MSBA standards do not scale to the size of some communities, especially a municipality the size of Lowell that values having a single high school. He continued that this is part of what makes the City's culture and school great. The default gym square footage for any high school is 12,000 square feet. The calculation for Lowell's enrollment, even with gym class sizes at 26 students, is 9 gym stations with a standard size of 3,000 sf (half of a basketball court). The city would require 27,000 square feet of space for physical education. This is more complicated with the additional 9,000 square feet of space needed for ROTC marching and Special Education adaptive physical education. Of the 27,000 square feet of physical education needs, 9,000 square feet would be on the floor below for gymnastics, fitness and weight room stations. The 27,000 square foot size is created by having an 18,000 square foot Gymnasium (the MSBA's maximum allowed) with the 9,000 square feet of ROTC and SPED PE added. The MSBA and the City will need to discuss multipurpose areas that provide the most flexibility possible.

R. Elliott asked about reimbursement for space for the gymnasium. R. Bell replied that it would depend on the MSBA accepting a continuous space or if there would need to be storage between to break up the space. E. Kennedy noted that the design team is requesting 27,000 square feet which is 1,400 square feet less than the current fieldhouse. R. Bell responded noting that the function of the space will be more effective than the current hexagon shape. He continued, stating that the MSBA normally approves 3,000 square feet for each station and should recognize the justification of the 27,000 square footage totals. R. Bell stated that the team would make a case to justify that the MSBA standards do not meet the scale of the city and will open an ongoing dialogue with the Authority. E. Kennedy stated that the pool was no longer on the table for the project. He mentioned the distinction between a fieldhouse and a gymnasium and if it fits into the current options. He wanted to clarify that Option 3 requires no modular classrooms or gymnasium, the New School would require extensive modular classrooms and Option 2 would need no modular classrooms but would require temporary gym space. K. Murphy stated that the project would proceed without a new pool, but the design team will look into identifying a possible location for a pool in the future.

K. Murphy inquired if there were any other break out areas aside from the weight and wrestling rooms. R. Bell commented that there is less square footage, but more functionality in

the new because of the shape of the existing fieldhouse. C. Martin noted that the existing building includes multiple floors including the pool and locker space; it seems that there is a real reduction in athletic space. She continued that the pool counts as one station and removing it from the plan would reduce the stations by 2,800 square feet. R. Bell noted that at the need for gym stations was calculated without the pool, because it was not to be listed under the MSBA's physical education category.

J. Cook asked to confirm the modular classrooms and temporary gymnasiums required for each option. He specifically inquired to the number of modular classrooms for the new school. R. Bell responded that the team did not fully flush out the new construction option yet (it was removed much earlier in the process), and did not wish to give an incorrect estimate until further research was conducted. R. Bell confirmed that Option 2A would require a temporary gym, Option 3 would require no modular classrooms or temporary gyms and the New School option would require extensive modular classrooms and a temporary gym. K. Murphy requested a motion to proceed with options 2A, 3A and New School; motioned by C. Martin and seconded by M. Ballotta.

### **3. - Eminent Domain**

K. Murphy discussed the administrations understanding of the eminent domain schedule based on the February 2, 2018 MSBA meeting. The MSBA noted that the city would need to have full use and ownership of the property by January 2019. The consultants advise that it would be beneficial to begin the process prior to this in order to gain access to the parcel for testing. J. Drown stated that there was hazardous material and geotechnical testing done on the current downtown site, the same testing would need to be performed on the expanded parcel. K. Murphy stated there was discussion about commercial tenants being able to stay on the property for a minimum of 4 months after the taking; the city would not be able to evict the tenants prior to that. E. Veloso noted that research shows that upon recording of a taking, the City Council would take ownership removing the prior owner's right to damages. The Council would vote on an issue of order taking and would need to be recorded within thirty days to the Registry of Deeds. Under MGL c. 79, § 8B, upon recording of the Order of Taking, tenants are not required to vacate the property until at least four months after notice of the taking is provided to him. J. Cook inquired to how long tenants have to leave. E. Veloso noted that it would be a minimum of four months after receiving notice. If tenants still refuse to leave after that time, the City can provide a notice for refusal of possession. After thirty days of this notice, the Sheriff or Deputy of the county could then be brought in to take possession. Under MGL Ch. 79 § 6A, the city would be required to provide moving costs and expenses, which would include business equipment. Under MGL Ch. 79 § 7A, the Department of Housing and Community Development would also require the city to develop and submit a relocation plan for displaced tenants if there



Kevin J. Murphy  
*City Manager*  
Michael McGovern  
*Assistant City Manager*

are more than five business units. J. Cook noted that there has been misinformation provided by the media projecting the project to be delayed by years. E. Veloso commented that this is not likely unless the city has taken the land in bad faith and not for public use, or it was taken in an improper way. M. Vaughn inquired to of the tenants would be able to claim damages if the City tests on the property after possession. E. Veloso noted that the Law Department has not found any case law or statutes that suggest that the tenant could hinder the City's testing after the property has been properly taken and the Order of Taking recorded in the registry of deeds. E. Kennedy asked how many tenants are currently on the property. E. Veloso stated that he was not positive about the number of tenants at the time but stated that he believed it was four and that the number would dictate what relocation assistance the City would have to provide. E. Kennedy inquired to when testing is scheduled in relation to the taking and when the design team would submit to the MSBA. The taking would take place during the summer, assuming that the group targets moving forward from the PDP to the PSR. R. Elliott asked about the cost in general of acquiring the property and relocating the current tenants. E. Veloso commented on the reasonable cost as it includes certain limitations on a case by case basis depending on the nature of the business and the equipment used. E. Veloso stated that he believed that specialized equipment at a doctor's office, such as an x-ray machine, would be included in an estimate for the cost of moving and storage until tenants find an alternative site. R. Elliott asked who is responsible for the eminent domain process. E. Veloso responded that the taking authority, the City Council, would be responsible. He noted that the city could not take the eminent domain without two prior appraisals of the property. The appraisal would include the land value and the nature of the property (commercial / residential) as well as the fair market value of the equipment. J. Mason inquired if the property and damages would be appraised by the same appraiser. E. Veloso stated that he believed the approach would be holistic and value of the property would be based on fair market value. E. Veloso stated that it would be better to start the process sooner rather than later. N. Bosonetto asked if the door was closed on making an offer for the property. K. Murphy replied that no doors have been closed on the matter. E. Kennedy inquired to extending the 4 month period that tenants are allowed to stay on the property. E. Veloso noted that the four months is a minimum, and that theoretically the City could allow tenants to stay for an extended period.

#### **4. - Schedule**

E. Kennedy inquired to the current plan on submitting to the MSBA at the August meeting as the consultants completed the analysis of the three. J. Drown replied that the MSBA scheduled Board meetings take place every two months. To get onto the June meeting agenda, everything would need to be submitted by May 2018. He continued, that the information presented in June would need to have estimates in place, conversations and meetings to discuss the decision would

need to be held in advance of the meeting. The cost estimates would need to be in place by late February, early March if the city was to meet the deadline for the June meeting. J. Drown also mentioned that MSBA asked the City to take another look at the new school option, not just to dust off the original plan. J. Drown commented that Options 2 and 3 were taken as far as the Cawley new school site. The team needs to do the most work on bringing the new school at the down town site up to the same level as Options 2 and 3 because it was ruled out earlier in the process. R. Bell noted that the team would do their best to meet the June meeting. He also mentioned that extracting the pool would not be an excessive amount of work but they would need to update the market price changes and educational programming. J. Drown stated that the Educational Leadership Team and the School Committee would need to approve the educational program. The city would also host community meetings to address the citizens' concerns. J. Drown also mentioned that the MSBA needs the cost estimate analyzed closely, the design cannot just be dusted off.

E. Kennedy inquired if the reason that the August meeting is targeted is primarily due to the MSBA requirement to include the new school design. Many meetings were set up last year which will need to be set up again. The SBC as a group urged the design team to open an additional dialogue with the MSBA to ensure that the process is expedited as quickly as possible. E. Kennedy mentioned that the MSBA indicated an excess space that is not used for academic purposes which could be the equivalent of \$17 million in construction cost (when using the cost per square foot from the Somerville project \$625). R. Bell replied that the space stem from the education plan that was created with involvement from the school and community. The amount of square footage listed as other is important to the school and community but not supported by the MSBA. The educational plan conflicts with the MSBA guidelines, as is true for many school districts. For example, a network room for 1,000 students would need to be 200 square feet. The needs of LHS triple that, and the design team has included those specifications in the plans, as is true for the gym space, offices and teacher space. C. Martin asked about the educational plan in terms of the fieldhouse, other space and administrative space. R. Bell replied that many of the MSBA requirements do not reach the scale that Lowell needs, but this is something that will be addressed in future discussions. M. Vaughn inquired to what the impact of the schedule change from the August to June MSBA meeting would have on the eminent domain schedule. R. Bell noted that this would be a point of discussion with the MSBA. R. Underwood asked if the SBC could proceed with just options 2 and 3 as the new school site is bound to have little support in the community. R. Bell replied that the team will touch base with the MSBA on this as well. R. Underwood noted that it is a waste of time and money, in his opinion, for the design team to spend additional resources looking into something that is not going to be picked as a preferred option. E. Kennedy noted that the MSBA is providing the funding for most of the project so if they are asking us to do something, we should do it. He continued, stating that the expense of the



Kevin J. Murphy  
City Manager  
Michael McGovern  
Assistant City Manager


modular classrooms and gym space is part of the issue though. The MSBA needs to acknowledge that the city is much larger than others.

#### 5. - Next Steps

K. Murphy stated that the future SBC meetings will take place in the City Council chambers and will be covered by LTC. He confirmed that the SBC will continue to meet at night as it is easier for all the members to attend. The next meeting date will be determined in within a week and will advise the committee and public of the time and date. E. Kennedy asked if the city would provide information prior to the March date as the information is received from the consultants. K. Murphy noted that the Law Department will propose a schedule for eminent domain with both the June and August MSBA meeting dates. K. Murphy also stated that the team will find out the answer regarding the gym and fieldhouse. R. Healy motioned to adjourn at 7:50PM, seconded by M. Vaughn.

Notes taken and certified by:



  
HEATHER VARNEY  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Oct. 2, 2020