

METHUEN CITY COUNCIL SPECIAL MEETING
MONDAY, AUGUST 17, 2009 – 6:00 p.m.
Second Floor Conference, Searles Building

Chair Deborah Quinn called the Special Meeting to order at 6:00 p.m., in the second floor conference room. Councilor Giordano, Councilor Kannan, and Councilor Pappalardo were not in attendance.

(The Chair read memos from Councilor Kannan who was on vacation and Councilor Pappalardo who had a previous commitment and could not attend)

Contract C-10-4 Contract for Designer Services (Design Bid Build Project) for Methuen High School.

MOTION BY: Councilor Leone, seconded by Councilor Willette to adopt

Mayor Manzi distributed to Council the payment schedule (attachment A in the contract). He noted that Exhibit A is part of the feasibility agreement between the City and the MSBA that the City Council had approved two to three months ago essentially giving a project budget for the feasibility phase. The contract before Council for approval tonight came in \$75,000 below the one million three fifty thousand referenced in the feasibility study budget submitted a couple of months ago. The contract itself is standard MSBA boilerplate, a standard contract they have that we have to adopt in order to move forward. In terms of the selection process, it is not a standard municipal procurement but rather the city was part of a design selection panel that the MSBA convenes in Boston. There were three or four of us there to participate but there were nine members of the panel or more from the State. The city was in the minority but did agree with the Commonwealth in terms of the selection, Finegold Alexander (our number one selection at that meeting). The cities and the state did concur with that. It was a unanimous vote out of the MSBA design and selection committee that this contract goes forward.

The Chair announced there is no public participation at Special meetings. Councilor Cronin recognized Mr. McCall so he could speak. Mr. McCall noted that, in accordance with the Charter, the water issue could only be reconsidered and voted at the next regular meeting. Jack Burke said he would like the opportunity to speak on this issue as well.

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Chair Deborah Quinn noted that Council is discussing the high school right now. As she stated previously there is no public participation at Special Meetings. Individuals may speak on agenda items.

Councilor Zanni noted that he has no problem with Mr. Burke speaking but right now there is discussion regarding the motion and second on the floor regarding the contract. He would prefer to wait until this issue is done.

Chair Deborah Quinn noted for the record that Suzanne Lamourex, building committee member is present.

Councilor Zanni asked if the original payment was 1.275 million dollars

Mayor Manzi said the perspective budget filed with Council was \$1,350,000, that would be Exhibit A.

Councilor Zanni said Attachment C is part of the contract, 1.275, and questioned what “other costs” are.

Mayor Manzi said the category “other” at this point is unidentified but it could be any type of contingencies associated with the project.

Suzanne Lamourex said it could be for soil borings or if additional work is needed out there while they are doing the feasibility to determine certain information on the site that is not available.

Councilor Zanni asked if the environmental site testing is an addition to the original study. He asked if the non-reimbursable expenses include food if they decide to have a get together.

Mayor Manzi responded no, we do not pay that because it is not reimbursable by the state.

Councilor Zanni said he wanted to make sure. He questioned the GEO technical consultant and asked if they’re looking at GEO thermal.

Suzanne Lamourex said the GEO tech would be more for foundations, for heating and cooling.

Councilor Leone said the GEO technical consultant is the one that does the environmental study on the site to make sure it is not contaminated.

Councilor Zanni asked how the educational component for the building is going to be designed.

Mayor Manzi said although we are in the process of developing an educational plan, this is the schematic phase only.

Suzanne Lamourex noted that the educational specs would come out of this, the schematic design that we get in six months time, that schematic design will be what’s approved. They would build another 150 page plan set as a schematic

Councilor Zanni asked about plans for the type of room configuration, when that happens, and whom the comments should be submitted to.

Mayor Manzi said they would develop it first at the Building Committee level with the educational consultant that would be attached to this contract. Once they have some consensus at the Building Committee level and ideas come forward, in terms of what Councilor Zanni is referring to with our public; because its not possible to doing this without vetting A) through City Council and School Committee but B) maybe more importantly through our public so that they have an idea of what it is that’s contemplated in terms of that type of design and let them give input as well.

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Councilor Zanni said his thought was we could go with a design, the configuration might be a little bit different, but if they come in with the design that doesn't have some of the nuances that exist, it would be an additional cost for a change.

Suzanne Lamourex said if it's in our schematic design and MSBA approved the schematic design, then that would be reimbursable. After the schematic design is approved then you can't dramatically change after that. She further explained that right now they're in the process of finalizing the educational program. Its like a skeleton and it is the directions on where we want to go. Right now the school is looking at a two-house system, a freshman/sophomore and a junior/senior setup, with one a little more structure than the other. That's included in the educational program, along with what each department discussed and what they want to see, things that they see for the future, the science labs, etc. Its not so definitive that it's the design but it gives the architect the bare bones skeleton that they need to go forward with some ideas that we're thinking about that might work in the building.

Councilor Cronin asked if there is point where the city councilors or the building committee itself has some input on what they'd like to see. He's been approached by a couple of people that are interested in the tennis courts and would like to see some improvements as far as the tennis program goes. At what point in time should he make a proposal on their behalf sort to speak to have something incorporated for them?

Suzanne Lamourex noted that once the Architectural contract is signed, the building committee will start meeting every two weeks and as part of those meeting there will be different focus areas. Individuals are free to bring that up at any time with the OCAM or with the Architect, to tell them the things you are hearing from the community because they need to hear that too. If it's feasible or not feasible, depending on if we can get reimbursed for it or if its considered part of the educational program. Once the schematic design is approved, if there are any changes after that, MSBA will not reimburse us.

Councilor Lahey asked if there is ballpark figure of what this is going to cost. He heard 90 million dollars quoted.

Mayor Manzi said 90 million was the amount MSBA authorized us to float in the initial documents. When we went out for a budget manager, we floated that number. Ultimately the process that we are engage in here, and as we go through the schematic design and approval, we would have fully flushed out the cost. They really won't be able to answer that until this process is settled and done.

Councilor Lahey noted out share is going to be approximately one third of whatever the cost is going to be.

Mayor Manzi said they are paying 61.26 percent.

Councilor Lahey comment that is closer to 40%.

Suzanne Lamourex indicated it would be a little higher, with green credits.

Councilor Leone commented that the 61% could go up but we need certain criteria.

Councilor Lahey said Methuen would be paying at least one third. If for some reason after these designs are all worked out and we're not under the levy enough to cover it, he doesn't like our chances if we have to go out for an override.

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Mayor Manzi said after we get done with schematic design and have an agreement with the state, we would know what the costs are. It would then require what he calls “Round II” of financing, that would have to come back to City Council for additional bonding authority. City Council would have to have a financial plan presented to them. Council has only given bonding authority that would cover this phase of the project. Phase II part of the project would include additional bonding authority, additional contractual authority for construction for round II of the architectural services, round II of the owners’ project manager’s services, everything that would follow after schematic would be part of that, subject to City Council approval or disapproval. This contract only gets us to the point where we would either be able to go forward or not go forward.

Councilor Lahey expressed concern with losing the two million dollars on this architectural design if this project does not move forward.

Suzanne Lamoureux said Methuen would be reimbursed for the schematic design phase, even if the citizens decide against the school.

Mayor Manzi said the new system that we’re operating under has some advantages, has some disadvantages, *visa vi* the old system. The bookkeeping is substantially better for the city. Years ago, you would literally float a bond, pay all the up front costs yourself, including design and further architectural and later on you would apply for the reimbursement and they would give it to you at the lump sum. Here for some of the expenses incurred already under the bond authorization, they’ve already filed for reimbursement and in doing so under their computer system, we sent people for training. Reimbursements have already been received for the some of the expenses incurred and we are getting that money back in almost immediately.

Councilor Lahey said he misunderstood and was under the impression that if it fell through; we’d have to go out to the ballot for an override.

Councilor Zanni noted that we’re looking at a fourteen, sixteen-week time frame. Suzanne Lamourex agreed.

Councilor Zanni said some of the individuals involved are working on other projects. Some can give 20% of their time, some 30%, because some are working out of state. He asked if that is going to be a problem.

Suzanne Lamourex said they should be done in those time frames provided to us and they are well aware of our timing on these matters because of all things in this project, we are pushing forward and staying to our time frames as much as we possibly can.

Councilor Zanni asked if an extension is granted if they don’t meet the time frames.

Mayor Manzi said it wouldn’t be allowed. If their performance were so substandard, we would think nothing of going to the MSBA and asking that they be relieved. There were a number of architectural firms, one in particular that we thought was at least equal to Finegold’s in terms of their presentation to us, but their time commitment was they were overextended a little bit. One of the reasons the state wanted Finegold to have it beside the quality of the presentation was they felt that the timing issue you’re raising was best addressed by Finegold.

Councilor Zanni asked if they’re looking at the beginning of December.

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Suzanne Lamourex noted Council should see the feasibility for approval by December, then in March you should have the schematic but at the same time, we're going to be having public meetings and school committee is going to be involved in presenting educational programming because that's really their piece, their component. We're providing the building. They're providing the instruction and what's going on. That part is going to be handled by the Mayor, along with the Superintendent, while the feasibility study is going forward.

UPON VOTE: UNANIMOUS.

TR-09-54 Resolution Establishing Fiscal Year 2010 Water Charges as proposed by the Department of Public Works (reconsideration)

Mayor Manzi said he asked that this be placed as an agenda item, without the reconsideration, because under the rules he could alter the proposal slightly but if the Council would prefer to deal with it at a later time he'd withdraw it. It is creating a problem for us with the bills. There are only six Councilors present and he doesn't know what the pleasure of the Council is but in order to meet the parliamentary procedures, avoid reconsideration, he could alter the proposal slightly and then ask that it be amended back to the original. They proposed a reasonable water rate that slightly increases the access fee. He asked that the Council consider we need a water rate.

(Councilor Willette requested a two-minute recess. Chair Deborah Quinn called the meeting back to order.)

Mayor Manzi said it appears that we are not going to proceed and he withdrew the resolution.

ADJOURN

MOTION BY: Councilor Leone, seconded by Councilor Willette to adjourn. UPON VOTE: UNANIMOUS.

The meeting adjourned at 6:20 p.m.

I do hereby certify that at a meeting of which a quorum was present, the foregoing minutes were approved by the Methuen City Council by a unanimous vote on September 8, 2009.

COUNCIL CLERK