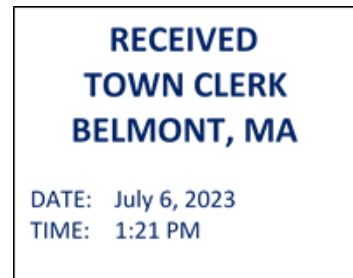


**BELMONT MIDDLE and HIGH SCHOOL BUILDING COMMITTEE**  
**Final Meeting Minutes**  
**Friday, April 28, 2023**  
**Virtual Zoom Meeting**  
**8:00 AM**



**Meeting #159**

*Committee Members Virtually Attending:*

Chair Lovallo; Members Emma Thurston, Patrice Garvin, John Phalen, Pat Bruschi, Dave Blazon, Tom Caputo, Joel Mooney, Kate Bowen, Bob McLaughlin, Chris Messer, Joe DeStefano, Mike McAllister

*Absent Members:* Jamie Shea, Diane Miller

(Committee member who left the meeting early: Joe DeStefano)

*From CHA:* Don White, Tony DelGreco, Justin Ferdenzi

*From Perkins+Will:* Vital Albuquerque, Brian Spangler, Christina Mulligan, Brooke Trivas

*From Skanska:* Jim Craft

*Others in attendance:* Karla Koza, School Department Director of Reconfiguration Transition

**I. Call to Order**

The meeting was called to order at 8:00 a.m. by Chair Lovallo. He thanked Jeff and the Belmont Media Center for their technical support. He explained the remote meeting protocol, e.g., votes will be taken via roll call, state your name before speaking, mute computers, etc. Meeting materials were sent out this week and those materials will be posted on the BMHSBC website, shortly after the meeting. He also advised residents that they can click into the meeting during resident comment time by pressing #9 or by “raising” the hand icon.

Chair Lovallo took attendance via roll call. He noted that Kate Bowen is remaining a Committee member. Although no longer on the School Committee, she will continue to be the Committee’s School Committee liaison. Chair Lovallo reviewed the agenda and noted that an Executive Session may be likely and will be entered into via a roll call vote. If this happens, the Committee will not return to Open Session.

**II. Next Building Committee Meetings**

Thursday	May 18, 2023	at 8:00 AM	Virtual	[160]
Thursday	June 22, 2023	at 8:00 AM	Virtual	[161]
Thursday	July 20, 2023	at 8:00 AM	Virtual	[162]

**III. Open Meeting Law (OML) Complaint**

Chair Lovallo asked Mr. McLaughlin to outline the issues pertaining to the OML complaint that require action by the Committee. Mr. McLaughlin discussed the statute of deliberations, reading from

an OML document. He noted what was forbidden in the OML statute. Town Counsel (George Hall) has been brought in to consult on this matter. Chair Lovallo summarized the complaint which states that, in the view of the complainant, the Committee is not following OML in the sending out of meeting materials to the Committee ahead of time, and not sending those materials out to the public ahead of time. In the opinion of Town Counsel and Mr. McLaughlin, it does not appear that the Committee is in violation of OML, in distributing the meeting materials in this way. The meeting materials are posted to the website by a town employee, usually within a week's time. The Committee voiced no objection when Chair Lovallo noted that he would have Town Counsel file a response to the complaint.

#### **IV. Review of Overall Project Milestones**

Chair Lovallo informed the Committee that Mr. Albuquerque will provide a summary of the project milestones (i.e., Project of Schedule Events). Mr. Albuquerque began with 2017 and the Feasibility Study. The design schedule has been aggressive, he noted, as there was a desire to get the building open for education. Chair Lovallo addressed the community vote for approval and the standard schedule, which was adjusted and compressed in places.

Mr. Albuquerque discussed the time period when Skanska came on board and design development for Phase 1 began. Chair Lovallo distinguished between design development documents and construction documents. You can't build from design development documents, only from construction documents. Mr. Craft provided an example concerning planning for steel bid packages. Mr. Albuquerque discussed the VE process and the ensuing design changes and their impacts on the overall schedule. Chair Lovallo added some clarifying details on the GMP process, cost escalation, inflation, Covid and scope that impacted the project and led to VE. Although most of the bids were in hand, he said, prior to Covid.

Mr. Albuquerque discussed the GMP and Chair Lovallo clarified that some changes fall outside the GMP. Chair Lovallo noted that money was taken out of the construction contingency and added to the GMP budget. The GMP Owner allowances allowed for some changes to occur through the internal transfer of funds (owner allowances) that don't get presented as a change order in a public meeting for Committee approval. The Phase 1 building opened on schedule, which was an accomplishment given Covid's impact. Chair Lovallo discussed the cost escalation and Covid impacts – which required a contingency refresh. PV costs rose and fortunately the town provided some ARPA funding to bolster the PV budget. He noted that the middle school will open on time, as well.

#### **V. Review of Comparable MSBA School Project Costs**

Chair Lovallo reviewed a list of comparable MSBA School Project Costs. He noted that both the unpredictable market conditions and the supply chain issues impacted the budget of this project and many other projects across the state. The document noted the construction budgets and the percentages that went over budget. Belmont should be proud at having stayed within budget, given all that was happening, i.e., volatile market conditions and supply chain issues – both of which resulted in cost escalations.

#### **VI. Review of Summary Document of GMP Project Change Orders**

Chair Lovallo reviewed the GMP Project Change Orders document (e.g., construction and building

costs per square foot, procurement, dates of starting/completion, schedule variance, physical progress, etc.). Mr. Albuquerque discussed some of the driving factors that impacted the change orders and budget numbers.

Committee members asked clarifying questions.

Mr. Ferdenzi reviewed the MSBA change order log, which is submitted quarterly. He described the four categories of changes:

1. design issues
2. new scope directed by owner
3. differing conditions (unforeseen issues)
4. new scope directed by a third party

Chair Lovallo noted that there are many pages of change orders. He stated that change orders have had an impact on both the scope of the project and the budget. Mr. Ferdenzi reviewed the various impact amounts.

Mr. Caputo noted that the “reason for change” breakdown is helpful. Many change orders seemed to fall under design issues (#1). He asked: is that consistent with other projects? Mr. Ferdenzi said that yes, this seems typical. Mr. Craft discussed the \$19.2M increase which was impacted by subcontractor cost escalations.

Chair Lovallo summarized the anticipated GMP budget for changes (the owner’s contingency). He agreed that these are big numbers, but the project is big too, he said.

## **VII. Discussion of Project Team Accountability**

Chair Lovallo noted that the schedule was aggressive, the funding was aggressive, the area West of Harris field has had an impact, and paying for Covid has had an impact. Otherwise, the planning went according to what was stated from the very beginning. Mr. Messer wondered if there was more information for comparisons? Chair Lovallo said yes, there may be, and our team will look and provide an update to Committee. Ms. Trivas noted that the data is very complex and the factors impacting the numbers are also complex; the revealing details are found in the multi-layered back stories. Mr. Craft stated that this project has had a lot of visibility and not all projects do. Mr. Caputo asked about the next steps in the process; will we pursue any additional compensation or other recovery efforts? Chair Lovallo replied that this topic will continue to evolve.

## **VIII. Comments from Belmont Residents**

Mr. Iler, School Street, discussed the OML complaint that he submitted. He stated that while what Mr. McLaughlin read (earlier in the meeting) is accurate, OML has been refined over the years. Town Counsel provided updated OML information in 2018. He read from the updated OML document. He noted that the Town Clerk’s office agrees with him, based on the revised OML document. He asked: why are the documents concealed from the public? Chair Lovallo replied that this Committee is acting consistently with other Boards and Committees throughout town.

Mr. Iler said it’s a shame that the cost overrun conversation is happening years after the fact. He then raised a question about the potential Executive Session that is on the agenda. Is a lawsuit imminent?

Ms. Stephanie asked about the Arlington and Belmont comparison. Change orders in Arlington are much less. She discussed how Arlington managed the project, which kept the change orders low. Chair Lovallo said we ought to drill a little deeper into the comparisons.

Mr. McGaw said that the Bylaw Review Committee voted (last night) to allow the public to have timely access to meeting materials. These documents are public documents - and as such - should be shared with the public; this is the essence of transparency.

Ms. Pargoli said she has followed all of the meetings since the beginning. She ran through a list of concerns. There have been years of misleading information and years of a lack of transparency. The public can't ask questions, without access to the information. There has been no accountability.

Ms. Garvin noted that there are 67 committees across town that need to be handled/managed and there is not enough staff to handle this workload. What is being asked of her office, with regard to meeting materials, is highly demanding and the resources are not available. Chair Lovallo concurred.

## **IX. Entertain a Motion to Proceed to Executive Session**

Chair Lovallo requested a motion to enter into Executive Session. Chair Lovallo added that the Committee will not return to Open Session.

## **X. Roll Call Vote for Executive Session**

*Mr. McLaughlin moved:* To enter into Executive Session at 9:41 AM to discuss strategy with respect to possible litigation, which, if discussed in open meeting, would have a detrimental effect on the possible litigation position and that litigation is likely.

The motion passed unanimously via a roll call vote of 12-0-0. (Yes: Thurston, Garvin, Phelan, Brusch, Blazon, Caputo, Mooney, Bowen, McLaughlin, Messer, McAllister, Lovallo)

[See Separate Document for Executive Session Minutes.]

## **XI. Related Meeting Documents**

1. Comparable Public School Construction Projects
2. OML Complaint
3. MSBA Project Comparison
4. MSBA Change Order Log

## **XII. End**

The Chair ended the Executive Session meeting (and thus the Open Session) at 10:25 a.m., following a motion made by Mr. McLaughlin. (See Executive Session minutes for the motion and roll call vote.)

Respectfully submitted by:

Lisa Gibalerio

Approved: 

July 6, 2023

Chris Messer, Secretary

Date