

# Town of Stoughton

10 Pearl Street • Stoughton, MA 02072 • (781) 341-1300 • FAX (781) 344-5048

November 22, 2011

FRANCIS T. CRIMMINS, JR.  
Town Manager

John Stagnone, Chairman  
Stoughton Board of Selectmen  
Town Hall  
Ten Pearl Street  
Stoughton, MA 02072

Re: Proposed Statements of Interest for the Stoughton High School and the  
South Elementary School

Dear Chairman Stagnone:

As you are aware, the Stoughton Board of Selectmen voted on November 1, 2011 to authorize you to sign Statements of Interest indicating support for the proposed Statements of Interest submittals for construction of new Schools at both the Stoughton High School and the South Elementary School to be considered by the Massachusetts School Building Authority (MSBA). The Statements of Interest are required to be signed by the Town Manager as well.

I indicated to both you and the Board at the meeting of November 1, 2011, that as I had only seen the proposal for the first time on that evening, that I would appreciate the opportunity to review the information that I was requested to certify. You may note that among other things, there was a reference to information regarding the Certification on page 13 of the submittal, but the copy that I viewed only went up to page 12.

After the Board of Selectmen meeting of November 1, 2011, I went on the MSBA website to check to see what was on page 13 as well as to review the requirements for a submittal to the MSBA on the Statements of Interest document. I was surprised to see that according to the MSBA website, there appears to be more information required than what was presented to the Board of Selectmen for consideration by the School Committee on the meeting on November 1st. In fact the required forms seem to have changed as well, as the version that is on the website appears to have been revised as recently as October of 2011. The discrepancy in the form is much more significant than the version of the forms changing, as there is a requirement for additional information as well.

Due to the fact that my own research appeared to conflict with what was being proposed to the Board of Selectmen, I consulted with our Town Counsel Brian Riley for his opinion on the matter. Enclosed please find a copy of Attorney Riley's response to me dated November 18, 2011.

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A review of Attorney Riley's letter indicates that there is in fact additional information that is needed to complete a Statement of Interest. Again, my concern is to make sure the Board of Selectmen had a chance to view what is actually being submitted to the MSBA with their approval. I would also note that as to the timeliness of this submittal, the deadline is January 11, 2012. As Attorney Riley also notes, there is no advantage or disadvantage to a submission prior to that deadline.

To assist me with any other questions that I had, you arranged for me to have the opportunity to meet with School Committee member Deborah Sovinee as well as Director of Support Services, Joel Harding to answer any other concerns that I had regarding the submittal. I met with them on Monday, November 21st at the Town Hall at 3:30 p.m.. In attendance for this meeting in addition to Ms. Sovinee and Mr. Harding was Lindsay Pope, our new Procurement Officer.

To summarize, the meeting began with the Statement of Interest for the Stoughton High School. I wanted to know who submitted the information that was on the application and Ms. Sovinee indicated that it was prepared by Superintendent Rizzi with the assistance of Mr. Harding. I asked questions regarding the scope of the repairs and the estimated cost to take care of those same repairs. I was informed that at some point in the summer of 2011 the Schools' Feasibility Study Committee that was formed in late 2010 had recommended to the School Committee that both the Stoughton High School and the South Elementary School should not have further repairs done, but should be candidates for replacement with new Schools. The caveat was, that emergency work would certainly be done to keep each facility in operation.

I asked what the cost of the repairs would be but was not given that information as the estimates were not obtained. With respect to cost of repairs, member Sovinee seemed to rely upon the estimates that were the subject of the Facilities Master Plan Committee Report that was submitted at the conclusion of the Annual Town Meeting of 2010. There is not additional information available. When I inquired about that same Facilities Master Plan report and noted that it recommended repairs as opposed to new construction, I further inquired as to the timing of the change in focus from repair to new construction.

I also noted that the Statement of Interest for the South Elementary School seems to be nearly identical to the Statement of Interest for the Stoughton High School with the exception of compliance with the Americans with Disabilities Act (ADA) requirements. She seemed to indicate that the emphasis was on an expedited filing and suggested that in her opinion the Town benefited from an abbreviated filing in November as opposed to a more substantive filing prior to the filing deadline of January 2012. Her opinion is in conflict with MSBA's own policy on this matter. Please see further information on the website at [www.massschoolbuildings.org](http://www.massschoolbuildings.org). I have enclosed for your review samples of

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what other successful School Districts have submitted and they are tabbed for your convenience.

The take away from the foregoing discussion is as follows:

The School Committee should provide the Board of Selectmen with the entire submission for a Statement of Interest. Upon receipt of the actual documents that will be electronically filed by the Superintendent of Schools the Board would be in a position to see what will be filed on behalf of the Town of Stoughton. The Statement of Interest certainly begins the beginning of a long process and there are several policy implications that I will not get to at this point as they are beyond the scope of this correspondence. The building of a new school will involve not only the input of the Board of Selectmen but the Building Department, the Town Accountant, the Town Treasurer, the Department of Public Works and the Police and Fire Departments among others. Most importantly, a new school will provide a place of learning for our children and the School Committee most certainly will have the greatest input in this process. However, many Town Departments will be affected by this decision and because of that the MSBA needs to gage the level of community support for the proposed project. It is for these reasons that I provide the enclosed information for your consideration.

I am eager to hear the input of the Board of Selectmen on this matter and I will be guided by the wish of the Board.

Very truly yours,

A handwritten signature in black ink, reading "Francis T. Crimmins, Jr." in a cursive script.



Francis T. Crimmins, Jr.  
Town Manager

FTC/reg

cc: Board of Selectmen



Enclosure

From:  **Reggie K**  
"Brian Riley" <BRiley@k-plaw.com>

Tue, Nov 22, 2011 10:31:18 AM  

Subject: Fwd: Comments on School Department's Statements of Interest for MSBA

To:  Selectmen

Attachments:  Attach0.html / Uploaded File  
 Scan001.pdf / Uploaded File

16K  
589K

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----- Original Message -----

Frank: You asked me to review the two Statements of Interest ("SOI") submitted to the Board of Selectmen by the School Committee, which I have attached for reference. One SOI is for Stoughton High School and the other for South Elementary School. The SOI forms themselves are filled out the same whether replacement or rehabilitation is contemplated, but you informed me that the School Committee is considering the replacement of both the High School and South School, based on the listing of deficiencies.

I would first note that the purpose of the SOI is not to present great detail as to the School District's plans (if any) for the projects, and plans or designs are specifically requested not to be filed. The requirement for the Board of Selectmen and Town Manager to sign the Certification is, according to the Massachusetts School Building Authority (MSBA), to demonstrate "community support" for the School Committee's attempt to seek the MSBA's consideration of structural problems in the Town's schools and whether state funding might be available, rather than any approval of a particular design or project that the School Committee may be discussing.

However, the SOI is required to contain more detail than what the School Committee has provided to the Board of Selectmen to approve, and the attached forms are not what the School Committee will be filing. It appears to me that the attached forms are the SOI forms, or portions of them, which were used prior to 2007 (note Page 1 of the form, stating that no funding applications may be filed "until after July 1, 2007"). The Committee may be using the attached as a rough outline of its actual submissions, but the actual SOI is an online form that requires significantly more detail than that provided here, and the Board of Selectmen should view the actual SOI forms before executing the Certification, even if it generally supports the concept of the School Committee's proposals. This is more of a policy issue than a legal one, as the SOI does not bind the Town or the MSBA to take any particular action.

I noted a media report quoting a School Committee member as stating that the Board's failure to sign the

Certification has potentially cost the Town "millions of dollars" for being late. According to the MSBA's own website, however, the deadline to submit a new SOI is January 11, 2012, and "the MSBA's grant program is based on urgency and need, consistent with the eight statutory criteria, and not the time of the SOI submission."

The attached forms, while now preempted by the online SOI application, contain essentially the same descriptions of the eight prioritization factors as the current form. The Committee has listed the building deficiencies essentially as bullet points, however, while the online form calls for more detail in several areas. I further note that when more than one SOI is filed by a district, as is the case here, the district must identify which one is its top priority. I did not see where the Committee designated the High School or South Elementary School as its top priority, but this must be done on the actual form.

For the following comments, I reviewed the MSBA's "User Guide" for SOI forms, located at:  
[http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines\\_Forms/Guidelines\\_Policies/012%20Statement%20of%20Interest%20User%20Guide.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines_Forms/Guidelines_Policies/012%20Statement%20of%20Interest%20User%20Guide.pdf).

For example, the descriptions of the deficiencies are supposed to explain how they "align with the priorities," and any supporting documentation regarding the deficiencies is requested to be submitted. In the SOI Main tab, the applicant must identify if it is the top SOI priority and explain the "goals of any potential project," being specific as to the nature of the problem and the relationship of the problem to the goals of the project.

In the General Description tab, the applicant must detail when the building in question was originally built and list any additions or renovations, as well as the square footage of the building, description of the current site, and a detailed description of the building envelope with existing problems. This tab does not appear to ask whether an alternative location is contemplated for new buildings, so that topic appears to be held for later in the process with the MSBA.

In the Priorities tab, for each of the eight priorities that are listed (for example, the High School proposal lists #1, 3 and 7), the form must include: a detailed description of the problems and how they fit in with the priority; a detailed description of mitigation steps taken; and the impact of perceived problems on educational programs, using specific examples. The attached forms submitted by the Committee to the Selectmen certainly touch on these areas, but it appears that the online form requires more detail, and, of course, it should be the form that is actually being submitted for which the Board of Selectmen and Town Manager are certifying their approval. Finally, there is also a tab where information regarding any school buildings that have been closed in the last 10 years, or which may be targeted for closing, must be provided, and this did not appear to be provided in the attached forms.

As noted above, the Certification is not an approval by any Town official or board of a specific project, but rather a general description of the building deficiencies that the School Committee believes need to be addressed. That being said, the forms attached to this email are obviously not the forms that will actually be filed by the School Committee, and it is reasonable, in my opinion, for the Manager and Selectmen to review the actual forms before certifying as to the information that they contain. The deadline for filing the SOI forms is January 11, 2012 and the MSBA states that the order of receipt prior to the deadline is not a factor in its review of a Statement of Interest.

Very truly yours,

Brian W. Riley, Esq.  
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