

City of Newton



PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

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52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren

Mayor

March 1, 2012

Ms. Kathryn DeCristofaro
Senior Field Coordinator
Massachusetts School Building Authority
40 Broad Street
Suite 500
Boston, Massachusetts 02109

Subject: Angier Elementary School, MSBA Project No. 201202070005

RE: Eligibility Period Submittals

Dear Ms. DeCristofaro:

The City of Newton is pleased to submit the enclosed materials in support of its application for the Angier Elementary School Project:

Initial Compliance Certification
School Building Committee Form
Local Vote Authorization and related information

If you have any questions or require additional information please contact me directly.

Thank You

Alex M. Valcarce, AIA LEED AP BD+C
Project Manager
Newton Public Buildings Department
617.796.1609
avalcarce@newtonma.gov

CC: Stephanie Gilman, Commissioner of Public Buildings
Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Dr. David Fleishman, School Superintendent
Claire Sokoloff, School Committee Chair
Sandy Guryan, Deputy Superintendent/Chief Administrative Officer

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

INITIAL COMPLIANCE CERTIFICATION CITY OF NEWTON A. E. ANGIER ELEMENTARY SCHOOL MSBA Project No. 201202070005

This Initial Compliance Certification ("ICC") must be completed by all Eligible Applicants who have submitted a Statement of Interest to the Massachusetts School Building Authority (the "Authority") and have been invited to collaborate with the Authority on a Feasibility Study or a Project Scope and Budget Conference. The Authority will not consider a District to be eligible for a school building repair, renovation or construction grant until after the District has properly submitted an ICC in the form and manner prescribed by the Authority. Each District shall exercise due diligence in ascertaining and certifying the truth, completeness and accuracy of each of following statements, acknowledgements, certifications, agreements and representations. The Eligible Applicant shall also have a continuing duty throughout a Proposed Project or Approved Project to inform the Authority in writing when it becomes aware of information that impairs the truth, completeness or accuracy of any of the following statements, acknowledgements, agreements or representations. The Authority's reference to certain of its regulations, policies, procedures, guidelines and standards in this ICC shall not be construed in any way as a waiver of any of its other regulations, policies, procedures, guidelines, or standards and the Authority's reference to a portion of a regulation, policy, procedure, guideline, or standard, or paraphrasing thereof, shall not be construed as a waiver of the remainder.

Unless otherwise specified, all capitalized terms shall have the meanings ascribed to such terms in M.G.L. c. 70B or 963 CMR 2.00 et seq.

1. The CITY OF NEWTON ("District") hereby certifies that it shall remain in compliance with, the provisions of M.G.L. c. 70B, Chapter 208 of the Acts of 2004, 963 CMR 2.00 et seq., and all other applicable statutes, rules, policies, procedures, guidelines and standards of the Authority.
2. The District hereby certifies and represents that all meetings of all public bodies in the District that relate in any way to the Proposed Project including, but not limited to, the meetings of the District's school building committee, have been conducted, and shall be conducted, in compliance with the provisions of G.L. c. 30A, §§ 18 – 25, 940 CMR 29.00 et seq., and all other applicable law.
3. The District hereby acknowledges and agrees that the school building renovation and construction grant program established by M.G.L. c. 70B is a discretionary program

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based on need, as determined by the Authority. The District hereby further acknowledges and agrees that it shall have no entitlement to receive approval or funding for a Proposed Project or for any other purpose except at the sole discretion of the Authority.

4. The District hereby agrees to work in collaboration with the Authority in all phases of the process, including at least: (a) identifying perceived deficiencies with school buildings, (b) validating those deficiencies, (c) identifying educationally and financially sound solutions to validated deficiencies, (d) agreeing on a project scope and budget, (e) implementing a solution as agreed upon, and (f) the final project audit and close-out. The District hereby further acknowledges and agrees that, to remain eligible for project approval and potential funding from the Authority, the District must work collaboratively and in cooperation with the Authority through all phases of the Authority's process including, at a minimum, the phases described above, to the satisfaction of the Authority.
5. The District hereby acknowledges and agrees that in order to qualify for any funding from the Authority, the District must comply with M.G.L. c. 70B and 963 CMR 2.00 *et seq.* which require the Authority's collaboration and approval at each step of the school facility grant approval process and further acknowledges and agrees that any actions taken, costs incurred or agreements entered into for the repair, renovation or construction of school facilities without the explicit prior written approval of the Authority shall not be eligible for grant funding.
6. The District hereby certifies, and can demonstrate, that it has expended at least the minimum amount of the District's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses and extraordinary maintenance allotment as defined in M.G.L. c. 70, and as required by the provisions of M.G.L. c. 70B, § 8, 963 CMR 2.10(2)(c) & 2.17, and hereby further acknowledges and agrees that the Authority may not approve any project for any school district that fails to meet such minimum maintenance expenditure requirements.
7. The District hereby certifies that the perceived deficiencies, as set forth in the Statement of Interest submitted to the Authority for this Proposed Project, are not a result of negligence by the District; are not under warranty with material suppliers or installers; are not the subject of, nor could be the subject of, ongoing litigation by the District; are not a result of inadequate routine or capital maintenance by the District; and are not covered by available insurance proceeds.
8. The District hereby certifies that it will study and consider all available options for remedying the deficiencies asserted in the Statement of Interest, including, to the

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- extent applicable, regionalization or tuition agreements with adjacent school districts, district assignment policies within the school district, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use.
9. The District hereby acknowledges and agrees that, before the Authority can grant final approval of a Project, the District must vote to authorize and appropriate the full amount of funding for the Proposed Project that is necessary to meet the total project budget as agreed to by the Authority and as described in 963 CMR 2.10 (10)(c) and shall use any standard formats and language established or developed by the Authority to draft warrant articles, motions, orders, votes, and ballot questions related to the funding for the Proposed or Approved Project. The District shall submit its draft language for warrant articles, motions, orders, votes, and ballot questions to Authority for its review prior to its publication or use.
 10. The District hereby acknowledges and agrees that, in connection with a Proposed Project or an Approved Project, it shall use any standard forms; standard formats for local votes and approvals; standard contract documents; and any standard contract language and clauses that may be established or developed by the Authority, and as may be amended by the Authority from time to time.
 11. The District hereby acknowledges and agrees that it shall submit to the Authority, and shall comply with the terms of, any certifications, statements, forms, affidavits, and agreements that the Authority may require for a Proposed or Approved Project and that any such certifications, statements, forms, affidavits, and agreements shall be completed, duly executed and submitted in a form and manner prescribed by or otherwise acceptable to the Authority.
 12. The District hereby acknowledges and agrees that, to the extent required by law, it shall take all steps necessary to comply with the federal Davis-Bacon Act labor standards and prevailing wage rates and/or the labor standards and prevailing wage requirements of the Commonwealth of Massachusetts.
 13. The District hereby acknowledges and agrees that no Total Facilities Grant, or any portion thereof, shall be disbursed by the Authority for a Proposed Project or an Approved Project until after a Feasibility Study Agreement, where required by the Authority, and a Project Funding Agreement, have been executed by duly authorized representatives of both the District and the Authority.
 14. The District hereby certifies that it has provided or will provide the Authority with all Audit Materials requested by the Authority in connection with any Assisted Facility

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including, but not limited to, Prior Grant Projects, Waiting List Projects, and any other school building projects for which the District has received or will receive funding from the Authority or the Commonwealth. The District hereby further acknowledges and agrees that it shall continue to cooperate with the Authority and provide any additional documentation or information that may be requested by the Authority in connection with any Assisted Facility.

15. The District hereby certifies that the school building for which it has submitted a Statement of Interest is not a school building that has been the site of an approved school project pursuant to G.L. c. 70B or chapter 645 of the Acts of 1948 within the ten (10) years prior to the Proposed Project's application date, or, in the alternative, that the Proposed Project would be unrelated to such previously approved project in the same school building. The District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed Project is to be deemed unrelated to a previously approved project in the same school building. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
16. The District hereby certifies that prior to submitting any part of its Application to the Authority, it has not sold, leased, or otherwise removed from service any schoolhouse operated by the District, or portion thereof, within the last ten (10) years, or that, if it has done so, the Authority has determined in writing, pursuant to M.G.L. c. 70B, § 15(c): (1) that the grant sought by the District is not for the purpose of replacing such schoolhouse, or (2) that the need for the Proposed Project could not have been reasonably anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service. Further, the District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed or Approved Project replaces a schoolhouse that was sold, leased or otherwise removed from service and whether the need for the Proposed Project could not have been reasonably anticipated at that time. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
17. The District hereby acknowledges and agrees that, if it sells, leases, or otherwise removes from service an Assisted Facility, or portion thereof, that the Authority may stop making grant payments associated with the Assisted Facility, may recapture the financial assistance that the Assisted Facility has received from the Authority or the Commonwealth, and may decline to approve any future grants for the District.
18. The District hereby acknowledges and agrees that, as part of a feasibility study where a new school option is among the options that may be studied, the District shall study potential sites for the Proposed Project and hereby acknowledges and agrees that it

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shall base its site selection for a Proposed or Approved Project on, among other things, cost and environmental factors, including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities. The District further acknowledges and agrees that if the Authority were to approve a project for the District, (a) the Authority will not pay for any costs associated with acquiring the site or remediating the site, and (b) the District shall comply with the Authority's specifications and requirements for the site, including, but not limited to, any applicable site cost regulations, policies, guidelines and standards, and any cap on site costs that the Authority may establish from time to time.

19. The District hereby acknowledges and agrees that throughout the planning and construction of an Approved Project, if such final approval is received from the Authority, the District shall follow procedures and practices satisfactory to the Authority such as will assure maximum attention to the operating and capital cost effects of program and design decisions, materials and systems selections.
20. The District hereby certifies that it is current on any payments that it may owe to the Authority and does not have any outstanding amounts past due to the Authority.
21. The District hereby certifies that it is unaware of any lawsuit filed in a court of law against the Authority to which the District is a party and further certifies that it is unaware of any other lawsuit filed in a court of law against either the Authority or the District in relation to the District's Statement of Interest, Proposed Project, or Approved Project.
22. The District hereby certifies that it has specifically read the provisions of 963 CMR 2:03 (2)(a)-(q) and certifies that it has met or will meet each of the requirements described therein and further acknowledges and agrees that the District's failure to comply with each requirement, as determined by the Authority, may be grounds for, among other things, denial of a Total Facilities Grant, rescission of a Total Facilities Grant already issued, or the suspension, termination, or recoupment of reimbursement payments made by the Authority to the District.
23. The District hereby acknowledges and agrees that if the District and the Authority execute a Feasibility Study Agreement or Project Funding Agreement, the District shall promptly develop, implement and actively pursue a fraud, waste and abuse detection and prevention program in connection with any Proposed Project or Approved Project and develop written procedures to detect and prevent fraud, waste and abuse.

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24. The District hereby certifies that the Eligible Applicant or its designee who will be in charge of the procurement for the Proposed or Approved Project is, or will be prior to the procurement of any services for the Proposed Project, duly certified as a Massachusetts Certified Public Purchasing Official ("MCPPO") for design and construction contracting in the MCPPO Program administered by the Inspector General of the Commonwealth of Massachusetts.
25. The District hereby acknowledges and agrees that any Approved Project for the construction of a new facility, or for the addition to or renovation of an existing school facility, for which the District is seeking partial funding from the Authority shall have an anticipated useful life of fifty (50) years as a public school in the District as required by 963 CMR 2.03 (2)(b).
26. The District hereby certifies that it has read and understands the provisions of 963 CMR 2.19 and acknowledges and agrees that if the Authority determines that any false or intentionally misleading information or documentation has been provided to the Authority by or on behalf of the District, either in relation to this Initial Compliance Certification or in support of any effort to influence any action by the Authority, or if the District or its agents do any other act affecting the integrity of the Authority's Program, the Authority may suspend or revoke any and all grant payments approved for the District; may recover any previous payments made to the District; and may prohibit the District from receiving a Total Facilities Grant for a period of time to be determined by the Authority.
27. The District hereby acknowledges and agrees that the Authority shall have free access to, and open communication with, any Owner's Project Manager hired by and/or assigned to the Project by the District and that the Authority shall have full and complete access to all information and documentation relating to the Project to the same extent that the District has such access. The District agrees that it shall require any such Owner's Project Manager to fully cooperate with the Authority in all matters related to the Project; to promptly communicate, transmit, and/or make available for inspection and copying any and all information and documentation requested by the Authority; to fully, accurately and promptly complete all forms and writings requested by the Authority; and to give complete, accurate, and prompt responses to any and all questions, inquiries and requests for information posed by the Authority. The District agrees that it shall not in any way, directly or indirectly, limit, obstruct, censor, hinder or otherwise interfere with the free flow of communication and information between the Owner's Project Manager and the Authority in all matters related to the Project and as provided herein; that it shall not suffer the same to occur by the act or omission of any other person or entity; and that it shall not retaliate against the Owner's Project Manager for communicating information to the Authority as provided herein. The

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District agrees to execute, deliver and/or communicate to the Owner's Project Manager any and all authorizations, approvals, waivers, agreements, directives, and actions that are necessary to fulfill its obligations under this paragraph. The District further agrees that the Authority shall bear no liability whatsoever arising out of the Authority's knowledge or receipt of information communicated to the Authority by the Owner's Project Manager and that the District shall remain responsible for the management and completion of the Project.

28. The District hereby acknowledges and agrees that, if the District wishes to utilize an existing District employee as its Owner's Project Manager pursuant to M.G.L. c. 149, § 44A½, the employee shall meet the minimum requirements established by law and any additional requirements that may be established by the Authority. The District further acknowledges and agrees that it shall complete the application form and certification developed by the Authority before the Authority will consider or approve the use of an existing District employee as an Owner's Project Manager.
29. The District acknowledges and agrees that it shall be solely responsible for the timely and effective communication and distribution of all public information about the Proposed Project to the local community including, but not limited to, elected and appointed officials, boards, committees, commissions, agencies, departments, voters, community and neighborhood organizations, advocacy groups, the media, and the general public. The District shall be solely responsible for the timely identification of, and outreach to, all individuals and entities that may have an interest in the Project or that may be affected by the Project and shall be solely responsible for responding to inquiries about local procedures, financing, budgets, site selection, educational programs, historic preservation issues, voter information, and other project-related information to which the District has access in a timely and effective manner. The District further acknowledges and agrees that the Authority shall not bear any responsibility for developing or maintaining community support for the Proposed Project which shall be the sole responsibility of the District.
30. The District acknowledges and agrees that it shall duly appropriate and authorize the full amount of the funding for a feasibility study within one year after the date on which the Authority's Board voted to invite the District to conduct a feasibility study.
31. The District acknowledges and agrees that it shall complete, to the Authority's satisfaction, all prerequisites established by the Authority before the Authority will execute a Feasibility Study Agreement, Project Scope and Budget Agreement, or Project Funding Agreement with the District, including but not limited to, the execution by the District of a Design Enrollment Certification, Reimbursement Rate

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- Certification, and Legal Counsel Certifications, in the form and manner required by the Authority.
32. The District acknowledges and agrees that, if the Authority and the District execute a Feasibility Study Agreement, the District shall complete the feasibility study to the Authority's satisfaction within one year after the date that the Feasibility Study Agreement is executed.
 33. The District acknowledges and agrees that where the Authority requires a feasibility study, the District shall duly execute a Reimbursement Rate Certification in a form established by the Authority which shall be attached to the Feasibility Study Agreement ("FSA") before the FSA will be executed by the Authority. The Reimbursement Rate Certification executed by the District and attached to the FSA shall not include any incentive reimbursement points.
 34. The District acknowledges and agrees that it shall duly execute a Reimbursement Rate Certification which shall be attached to the Project Scope and Budget Agreement ("PSBA") and Project Funding Agreement ("PFA") before either of them, if any, is executed by the Authority. The District further acknowledges and agrees that the Reimbursement Rate Certification attached to the PSBA and PFA, if any, includes any incentive reimbursement points that may be approved by the Authority's Board for an Approved Project and that such incentive reimbursement points are awarded provisionally and must be earned by the District in accordance with the Authority's requirements. In the event that a District fails to meet the Authority's requirements for earning incentive points that have been provisionally awarded by the Authority's Board, the District acknowledges and agrees that the Authority shall adjust the reimbursement rate and Total Facilities Grant accordingly.
 35. The District specifically agrees to the provisions of M.G.L. c. 70B, § 9(a)
 36. The District acknowledges and agrees that it shall be subject to the Authority's regulations, policies, procedures, standards and guidelines throughout the Proposed or Approved Project, as they may be amended from time to time.
 37. The District certifies that it has exercised due diligence in ascertaining and certifying the truth, completeness, and accuracy of each of the statements, acknowledgements, certifications, agreements and representations contained in this Initial Compliance Certification

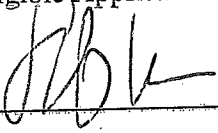
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38. The District hereby acknowledges and agrees that the Authority reserves the right to modify and supplement the Initial Compliance Certification form at any time and may require the District to complete a revised Initial Compliance Certification.

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



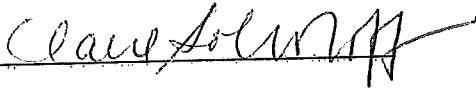
By:
Title: Chief Executive Officer
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



By:
Title: Superintendent of Schools
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



By:
Title: Chair of the School Committee
Date:



**City of Newton, Massachusetts
Office of the Mayor**

SETTI D. WARREN
MAYOR

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(617) 796-1100

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E-mail
swarren@newtonma.gov

March 1, 2012

Ms. Kathryn DeCristofaro
Senior Field Coordinator
Massachusetts School Building Authority
40 Broad Street
Suite 500
Boston, Massachusetts 02109

Dear Ms. DeCristofaro:

In accordance with 963 CMR 2.00, attached for your review and approval is the membership of the School Building Committee for the A.E. Angier Elementary School located in the City of Newton. The Committee was formed in accordance with the provisions of all applicable statutes, local charters, by-laws and agreements of the City of Newton. Committee Members include the following:

(Please provide name, title, address and phone number of each member. Also, please indicate whether the member has voting power. Some categories may have more than one name. All members must be included)

Designation	Name and Title	Address	Phone Number	Voting Member
SBC member who is MCPPO certified*	Jennifer Hill**	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Local Chief Executive Officer	Setti Warren Mayor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Administrator or Manager ^{i*}	Robert Rooney COO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
School Committee Member (minimum of one)	Jonathan Yeo	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
Superintendent of Schools	David Fleishman	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local Official responsible for Building Maintenance	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	X
Representative of Office authorized by law to construct school buildings	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

School Principal	Loreta Lamberti	Angier Elementary School 1697 Beacon Street Waban, MA 02468	617.559.9320	X
Member knowledgeable in educational mission and function of facility	Joseph Russo Assist. Super. for Elementary Ed.	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local budget official or member of local finance Committee	Maureen Lemieux CFO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
Members of community with architecture, engineering and/or construction experience	Arthur Cohen, AIA Design Review Committee - Chair	79 Warren Street Newton, MA 02459	617.547.2200	
School Committee Chair	Claire Sokoloff School Committee Chair	Education Center 100 Walnut Street Newton, MA	617.559.6100	
School Committee Member Structural Engineer	Steven Siegel School Committee Member	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
School District Official Finance & Operations Oversight	Sandra Guryan Dept. Super. / CAO, School Dep.	Education Center 100 Walnut Street Newton, MA	617.599.9027	X
Finance Committee Vice Chair Financial Management	Ruthanne Fuller Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.738.5311	X
Programs & Services Committee member, Angier District Alderman	John Rice Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.201.7088	X
Public Facilities Committee Member, Finance Committee Chair	Leonard J. Gentile Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.527.5446	X
President of the Waban Improvement Society (Angier District)	Theresa Fitzpatrick Local Resident Appoint by Mayor	1935 Beacon Street Waban, MA 02468	617.332.1654	X
Angier School PTO Co-President	Emily Prenner Local Resident Appoint by SC	189 Carlton Road Waban, MA 02468	617.969.0897	X
SBC Staff Associate City Solicitor	Ouida C. M. Young Associate City Solicitor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1240	
SBC Staff Mechanical Engineering Facilities Management	Joshua Morse Dir. of Operations Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	
SBC Staff Mechanical Engineer	Michael Cronin Chief of Operations School Department	Education Center 100 Walnut Street Newton, MA	617.599.9001	
SBC Staff City Planning Expertise	Carol Chafetz Dir. of Env. Affairs School Department	Education Center 100 Walnut Street Newton, MA	617.599.9010	
SBC Staff Architecture, Project Management	Alex Valcarce, AIA Project Manager Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

Listed below is the past performance of the school building committee, the building committee (temporary or permanent), or any other committee responsible for oversight, management, or administration of the construction of public buildings and its individual members:

The City of Newton has consistently followed the City project review process outlined below. Past state supported school building projects that have followed this process include the new Newton North High School, Renovation and Addition to Newton South High School and renovations and additions to three elementary schools.

In the City of Newton all public building projects and funding appropriations must be approved by the Board of Aldermen and its Public Facilities Committee, Programs and Services Committee (school projects only), and Finance Committee. In addition to the members required by the MSBA, the proposed SBC for the Angier project includes key individuals from these committees as identified in the table above. These individuals possess the knowledge and experience with the funding and construction of public school projects.

Public buildings in the City of Newton are constructed in accordance with the City's Ordinances, specifically Chapter 5. The Commissioner of Public Buildings is responsible for the construction, alteration, repair and maintenance of all public buildings except as otherwise provided for by the Charter of the City.

The Designer Selection Committee makes recommendations to the Mayor whenever an architect is engaged by the City. The designer selection committee makes at least three recommendations to the Mayor from the responses to the request for proposals advertised by the City. The committee is composed of six residents of the City, three of whom are appointed by the Mayor, and three of whom are selected by the Board of Aldermen. For school projects three additional members are selected by the School Committee.

A Design Review Committee (DRC) coordinates the design review process for any public building within the City. The DRC is composed of twelve permanent voting members, four appointed by the Mayor, four appointed by the Board of Aldermen, four selected by the School Committee, and two voting members from within the community of each facility under review. The proposed SBC includes the Chair of the DRC.

The DRC reviews project programs, scopes, plans, specifications and other such documentation to ascertain that proposed design solutions comply with facility program requirements. In doing such reviews the committee considers alternate solutions as it deems appropriate, and makes recommendations with respect to site planning, building design or construction that contribute to the efficient use and conservation of natural resources and energy.

The DRC provides site plan approval and files a formal petition with the clerk of the Board of Aldermen for site plan approval at a public hearing before the Public Facilities Committee in accordance with the City's Ordinances. The DRC also provides certifications to the Public Buildings Commissioner when final plans and specifications meet a project's intended program requirements prior to advertising for public construction bids.

Proposed building and site plans for municipal buildings and facilities are also reviewed by the Department of Planning and Development for consistency and compatibility with the City's Comprehensive Plan and pertinent planning studies.

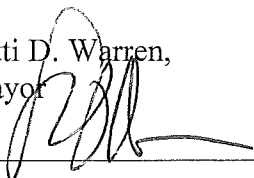
After approval of this committee by the Authority, the City of Newton will notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee.

Sincerely,

Approved by MSBA

Date

Setti D. Warren,
Mayor



ⁱ Please attach the certification from the Office of the Inspector General demonstrating completion of the MCPPO Program.

**Coursework completed and certification paperwork in process.

ⁱⁱ "Administrator or Manager" refers to a Town Administrator, Town Manager, or to an equivalent position.

Newton School Committee
Minutes of Regular Meeting
Education Center, Frazier Room
February 13, 2012, 7:30 p.m.

Present: Chairperson Claire Sokoloff, Vice-Chairperson Matt Hills, Geoff Epstein, Diana Fisher Gomberg, Angela Pitter-Wright, Margie Ross Decter, Steven Siegel, Jonathan Yeo, Mayor Setti Warren

Open Session

The Committee convened in open session at 6:48 p.m. and, by roll call vote, moved to convene in executive session for the purpose of discussing strategy with respect to collective bargaining. The Committee reconvened in open session at 7:30 pm., at which time the Chairperson called the meeting to order.

Facilities Update/Vote to Approve Angier Feasibility Study

Sandy Guryan, Deputy Superintendent/Chief Administrative Officer, reviewed the requirements of the Massachusetts School Building Authority (MSBA) regarding the feasibility study.

Maureen Lemieux, Chief Financial Officer, addressed the \$750,000 funding for this study, which will come from savings in the health insurance budget due to favorable health costs. This was followed by a Q & A with Committee members. Their questions and suggestions will be raised at their next weekly conference call with the MSBA.

The Committee voted and unanimously approved the following motion:

That the School Committee of the City of Newton, hereby votes to spend the amount of Seven Hundred and Fifty Thousand and no/100ths (\$750,000.00) Dollars from unexpended, unobligated appropriation balances in the FY2012 School Budget for the purpose of paying the costs of a Feasibility Study of A.E. Angier Elementary School, 1697 Beacon Street, Waban, MA 02468, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended by the City under the direction of the Commissioner of Public Buildings. The School Committee acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City.

Sandy, Stephanie Gilman, Building Commissioner, and Alex Valcarse, Project Manager, updated the Committee on the Day Middle School project. The schematic design phase and engineering work for site plan approval, along with additional surveys, environmental testing and subsurface investigations have been completed. Based on this updated information and design work, project costs have increased by approximately \$680,000. A Powerpoint was presented to provide a visual of the plans.

Global Citizenship Initiative

Ann Koufman, Deputy Superintendent for Teaching & Learning, Nancy Marrinucci, Newton North High School World Language Dept. Head, and Suzanne DeRobert, Newton South High School World Language Dept. Head, presented the Global Citizenship Initiatives, which is one of the goals of Newton's Strategic Plan. They provided an overview of the international learning opportunities for students including exchanges, service learning and other educational programs, as well as North's Senior Year Projects, South's Global Communities program, and the Global Education Leadership Fund (GELF), which has funded 43 students to participate in one of the various international programs. They concluded with quotes from students and parents indicating the transformative impact of their experiences and thanked the dedicated staff, who go beyond their teaching responsibilities to make these opportunities possible.

English Language Learners (ELL) Trend Report & Program Initiatives

Jody Klein, Director of Language Acquisition, provided an overview of the program, demographics, initiatives and trend data. There are over 800 ELL students K-12. While the overall number has remained relatively stable, there has been an increase in students arriving with limited or no English proficiency. The most common languages continue to be Chinese, Spanish and Russian. Last year's entering kindergarten class was 14% ELL; a 1% increase from the previous year. Most students attend their neighborhood schools with the exception of those with limited formal schooling, who attend the program housed at Newton North. More specifics are included in the report. She talked about the Resource Fair, which was held for the first time this year and was a great success. In addition to providing information about the program, families received a wide range of community information, including summer camp scholarships, fuel assistance, and help with college applications, to name just a few. She reviewed the standards for English proficiency, current initiatives and future plans, which include additional social and emotional support systems and structures, extended learning time before and after school, and expanded and improved summer programming.

Superintendent's Report

Security Camera Update

Cynthia Bergan, Assistant Superintendent for Secondary Education, Mike Cronin, Chief of Operations, Jen Price, Principal of Newton North, and Joel Stenbridge, Principal of Newton South, were present for the update on the security cameras and to answer questions. A brief review of the policy and history was provided. There are currently 161 cameras in place at North and 45 at South. The Operations Dept. will be providing additional funding to increase South's equipment. Data was included with regard to the type and number of incidences. The principals noted that just having the cameras in place seems to have resulted in deterrence and anecdotal information indicates students and staff feel safer. They will be reviewing their information in conjunction with the police reports at the end of the year in an attempt to produce more hard data.

Buffer Zone Update

Superintendent Fleishman mentioned the capacity challenges facing the elementary schools. It is too early to be specific because they do not yet know the kindergarten registration numbers. They hope to have more concrete information by the end of March.

Joseph Russo, Assistant Superintendent for Elementary Education, noted that an analysis of the existing buffer zones is in progress. He reviewed the options in the report noting that they are preliminary and not specific at this point. Committee members raised questions and offered suggestions, which will be taken into consideration in the process.

Committee to Review Policies/Procedures for Employee Hiring/Background Checks

The Superintendent announced the formation of a task force to review policies and procedures for employee hiring and background checks. The task force is expected to report back in June.

He then congratulated Deb Holman, Vice-Principal of Newton North, who was just selected as Headmaster of Brookline High School. She will be sorely missed, but it will be Brookline's good fortune.

Finally, he mentioned the Special Education PAC meeting/discussion with consultant Dorsey Yearly scheduled for this Thursday, 2/16, 7:30 p.m.,

Education Center and the next CIP/facilities community meeting scheduled for March 3rd Oak Hill Middle School, 7:00 p.m.

Fiscal & Operational Report

Sandy Guryan noted that as of February 1st they have spent \$89.5 million (52% of the annual budget). The projected year-end balance of \$183,000 is \$81,000 more than last month, with growing savings in utilities and out-of-district tuition and benefits off-setting the increase in the projection for annual maintenance costs. The projected annual deficit for Student Services is -\$42,000, which is an improvement of \$174,000 since last month. The Operations Dept. is projecting an annual deficit of -\$121,000 vs. a surplus last month of \$20,000 and they continue to closely monitor and prioritize the project and maintenance needs. Favorable heating oil rates and mild temperatures show a positive variance to budget of \$160,000 (\$87,000 more than last month). Electricity usage has been more favorable than budgeted as a result of the ESCO projects at four middle schools and the Education Center along with the work of the new Building Systems Coordinator.

Vote to Approve Newton Education Secretaries (NESA) Contract

The Committee voted unanimously to ratify the Memorandum of Agreements between the Newton School Committee and NESA, for a one year contract effective September 1, 2010 through August 31, 2011 and a three year contract effective September 1, 2011 through August 31, 2014.

Vote to Approve Head Injury Policy

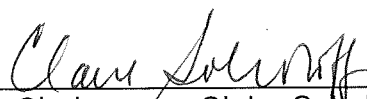
The Committee discussed this item at the last meeting and voted unanimously to approve the Sports-Related Head Injury and Concussion Prevention and Management Policy.

Vote to Approve Minutes

The Committee voted unanimously to approve the minutes of the regular meeting of 1/23/12 and special facilities meeting of 2/6/12.

Adjournment

The meeting was adjourned at 10:00 p.m.



Chairperson Claire Sokoloff

February 17, 2012

CITY OF NEWTON
IN BOARD OF ALDERMEN

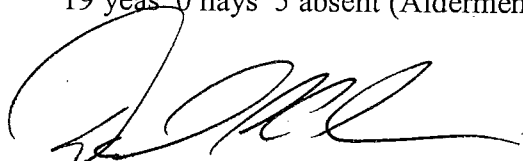
February 21, 2012

RESOLVED:

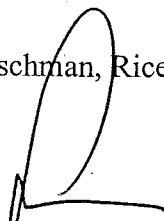
That the City support the vote of the Newton School Committee to spend the amount of Seven Hundred and Fifty Thousand and no/100ths (\$750,000.00) Dollars from unexpended, unobligated appropriation balances in the FY2012 School Budget for the purpose of paying the costs of a Feasibility Study of A.E. Angier Elementary School, 1697 Beacon Street, Waban, Massachusetts 02468, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended by the City under the direction of the Commissioner of Public Buildings. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City.

Under Suspension of Rules
Readings Waived and Adopted

19 yeas 0 nays 5 absent (Aldermen Albright, Danberg, Fischman, Rice, and Schwartz)

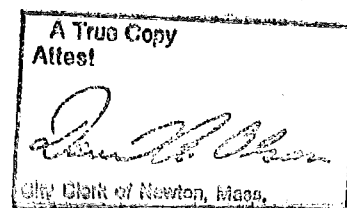


(SGD) DAVID A. OLSON
City Clerk



(SGD) SETTI D. WARREN
Mayor

Date: 2-27-12



Capital Budget

<u>Capital Budget History</u>							
The following is a list of all tax overrides, capital exclusions, and debt exclusions sought by the district and any of its associated municipalities and schools as provided by the Massachusetts Department of Revenue.							
Vote Date	Municipality	Category	Description	Amount	Yes Votes	No Votes	Win / Loss
04/30/2002	NEWTON	Debt Exclusion	General Government and School Expenditures		14251	13542	Win
04/30/2002	NEWTON	Override	General Government and School Expenditures	11,500,000	14251	13542	Win
1.	Please provide any comments, corrections, or additions to the information listed above.		The 4/30/2002 Override was a Levy Limit Override not a Debt Exclusion Override.				
2.	Please describe any capital projects that were deferred due to funding constraints.		In the past decade funding constraints have resulted in a capital program which funds some priority items but must always defer others. Deferred projects have included boilers and other HVAC system components, window and door replacements, emergency generators and masonry for building envelope.				
<u>Capital Improvement Plan and Budget</u>							
1.	<p>Please upload a document or documents that list, by year and by item, your anticipated district, municipal, and school capital spending for the next five years. Your attachment(s) can be in any format, but must include the following information:</p> <ul style="list-style-type: none"> • Fiscal year of expected implementation for each item • Whether each item is for the entire district, an individual municipality(and which), or a school (and which) • Description of scope or need for work • Estimated Cost • Funding mechanism(override or debt exclusion, if known) • Term of debt (if known) 						
	Attachment(s)		MSBA Newton CIP Document 2_15_12.pdf , Date Uploaded: 2/21/2012				
2.	Please provide any information the district has about the availability of non-public funds for school facility purposes.		The only non public funds which have been available for school purposes are utility rebates for replacing lighting with energy efficient fixtures in years prior to the Energy Services project (ESCO) and also in conjunction with the ESCO project.				
3.	Please provide information from the Treasurer, Finance Committee, and/or Capital Planning Committee regarding the current outstanding debt and future bonding capacity inside the debt limit for the municipality/municipalities.		As of January 31, 2012 the City of Newton Total Long Term Issued Bonded Debt amounted to \$214,821,055, inclusive of Water/Sanitary Sewer/Stormwater Enterprise Funds and Community Preservation Funds. Additionally, as of February 17, 2012 the City of Newton Total Authorized and Unissued Debt amounted to \$33,431,357, with \$11,492,629 of that authorized for Governmental General Fund projects. Further, as of June 30, 2011 the City of Newton Legal Debt Limit amounted to \$1,125,310,655. Total Net Debt applicable to the Normal Debt Limit totalled \$191,994,800, leaving a Legal Debt Margin of \$933,315,855.				



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100

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TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

March 1, 2012

Ms. Kathryn DeCristofaro
Senior Field Coordinator
Massachusetts School Building Authority
40 Broad Street
Suite 500
Boston, Massachusetts 02109

Dear Ms. DeCristofaro:

In accordance with 963 CMR 2.00, attached for your review and approval is the membership of the School Building Committee for the A.E. Angier Elementary School located in the City of Newton. The Committee was formed in accordance with the provisions of all applicable statutes, local charters, by-laws and agreements of the City of Newton. Committee Members include the following:

(Please provide name, title, address and phone number of each member. Also, please indicate whether the member has voting power. Some categories may have more than one name. All members must be included)

Designation	Name and Title	Address	Phone Number	Voting Member
SBC member who is MCPPO certified*	Jennifer Hill**	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Local Chief Executive Officer	Setti Warren Mayor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Administrator or Manager ⁱ *	Robert Rooney COO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
School Committee Member (minimum of one)	Jonathan Yeo	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
Superintendent of Schools	David Fleishman	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local Official responsible for Building Maintenance	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	X
Representative of Office authorized by law to construct school buildings	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

School Principal	Loreta Lamberti	Angier Elementary School 1697 Beacon Street Waban, MA 02468	617.559.9320	X
Member knowledgeable in educational mission and function of facility	Joseph Russo Assist. Super. for Elementary Ed.	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local budget official or member of local finance Committee	Maureen Lemieux CFO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
Members of community with architecture, engineering and/or construction experience	Arthur Cohen, AIA Design Review Committee - Chair	79 Warren Street Newton, MA 02459	617.547.2200	
School Committee Chair	Claire Sokoloff School Committee Chair	Education Center 100 Walnut Street Newton, MA	617.559.6100	
School Committee Member Structural Engineer	Steven Siegel School Committee Member	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
School District Official Finance & Operations Oversight	Sandra Guryan Dept. Super. / CAO, School Dep.	Education Center 100 Walnut Street Newton, MA	617.599.9027	X
Finance Committee Vice Chair Financial Management	Ruthanne Fuller Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.738.5311	X
Programs & Services Committee member, Angier District Alderman	John Rice Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.201.7088	X
Public Facilities Committee Member, Finance Committee Chair	Leonard J. Gentile Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.527.5446	X
President of the Waban Improvement Society (Angier District)	Theresa Fitzpatrick Local Resident Appoint by Mayor	1935 Beacon Street Waban, MA 02468	617.332.1654	X
Angier School PTO Co-President	Emily Prenner Local Resident Appoint by SC	189 Carlton Road Waban, MA 02468	617.969.0897	X
SBC Staff Associate City Solicitor	Ouida C. M. Young Associate City Solicitor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1240	
SBC Staff Mechanical Engineering Facilities Management	Joshua Morse Dir. of Operations Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	
SBC Staff Mechanical Engineer	Michael Cronin Chief of Operations School Department	Education Center 100 Walnut Street Newton, MA	617.599.9001	
SBC Staff City Planning Expertise	Carol Chafetz Dir. of Env. Affairs School Department	Education Center 100 Walnut Street Newton, MA	617.599.9010	
SBC Staff Architecture, Project Management	Alex Valcarce, AIA Project Manager Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

Listed below is the past performance of the school building committee, the building committee (temporary or permanent), or any other committee responsible for oversight, management, or administration of the construction of public buildings and its individual members:

The City of Newton has consistently followed the City project review process outlined below. Past state supported school building projects that have followed this process include the new Newton North High School, Renovation and Addition to Newton South High School and renovations and additions to three elementary schools.

In the City of Newton all public building projects and funding appropriations must be approved by the Board of Aldermen and its Public Facilities Committee, Programs and Services Committee (school projects only), and Finance Committee. In addition to the members required by the MSBA, the proposed SBC for the Angier project includes key individuals from these committees as identified in the table above. These individuals possess the knowledge and experience with the funding and construction of public school projects.

Public buildings in the City of Newton are constructed in accordance with the City's Ordinances, specifically Chapter 5. The Commissioner of Public Buildings is responsible for the construction, alteration, repair and maintenance of all public buildings except as otherwise provided for by the Charter of the City.

The Designer Selection Committee makes recommendations to the Mayor whenever an architect is engaged by the City. The designer selection committee makes at least three recommendations to the Mayor from the responses to the request for proposals advertised by the City. The committee is composed of six residents of the City, three of whom are appointed by the Mayor, and three of whom are selected by the Board of Aldermen. For school projects three additional members are selected by the School Committee.

A Design Review Committee (DRC) coordinates the design review process for any public building within the City. The DRC is composed of twelve permanent voting members, four appointed by the Mayor, four appointed by the Board of Aldermen, four selected by the School Committee, and two voting members from within the community of each facility under review. The proposed SBC includes the Chair of the DRC.

The DRC reviews project programs, scopes, plans, specifications and other such documentation to ascertain that proposed design solutions comply with facility program requirements. In doing such reviews the committee considers alternate solutions as it deems appropriate, and makes recommendations with respect to site planning, building design or construction that contribute to the efficient use and conservation of natural resources and energy.

The DRC provides site plan approval and files a formal petition with the clerk of the Board of Aldermen for site plan approval at a public hearing before the Public Facilities Committee in accordance with the City's Ordinances. The DRC also provides certifications to the Public Buildings Commissioner when final plans and specifications meet a project's intended program requirements prior to advertising for public construction bids.

Proposed building and site plans for municipal buildings and facilities are also reviewed by the Department of Planning and Development for consistency and compatibility with the City's Comprehensive Plan and pertinent planning studies.

After approval of this committee by the Authority, the City of Newton will notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee.

Sincerely,

 3/7/12
Approved by MSBA Date

Setti D. Warren,
Mayor

¹ Please attach the certification from the Office of the Inspector General demonstrating completion of the MCPPO Program.

**Coursework completed and certification paperwork in process.

ⁱⁱ "Administrator or Manager" refers to a Town Administrator, Town Manager, or to an equivalent position.

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

INITIAL COMPLIANCE CERTIFICATION CITY OF NEWTON A. E. ANGIER ELEMENTARY SCHOOL MSBA Project No. 201202070005

This Initial Compliance Certification ("ICC") must be completed by all Eligible Applicants who have submitted a Statement of Interest to the Massachusetts School Building Authority (the "Authority") and have been invited to collaborate with the Authority on a Feasibility Study or a Project Scope and Budget Conference. The Authority will not consider a District to be eligible for a school building repair, renovation or construction grant until after the District has properly submitted an ICC in the form and manner prescribed by the Authority. Each District shall exercise due diligence in ascertaining and certifying the truth, completeness and accuracy of each of following statements, acknowledgements, certifications, agreements and representations. The Eligible Applicant shall also have a continuing duty throughout a Proposed Project or Approved Project to inform the Authority in writing when it becomes aware of information that impairs the truth, completeness or accuracy of any of the following statements, acknowledgements, agreements or representations. The Authority's reference to certain of its regulations, policies, procedures, guidelines and standards in this ICC shall not be construed in any way as a waiver of any of its other regulations, policies, procedures, guidelines, or standards and the Authority's reference to a portion of a regulation, policy, procedure, guideline, or standard, or paraphrasing thereof, shall not be construed as a waiver of the remainder.

Unless otherwise specified, all capitalized terms shall have the meanings ascribed to such terms in M.G.L. c. 70B or 963 CMR 2.00 et seq.

1. The CITY OF NEWTON ("District") hereby certifies that it shall remain in compliance with, the provisions of M.G.L. c. 70B, Chapter 208 of the Acts of 2004, 963 CMR 2.00 et seq., and all other applicable statutes, rules, policies, procedures, guidelines and standards of the Authority.
2. The District hereby certifies and represents that all meetings of all public bodies in the District that relate in any way to the Proposed Project including, but not limited to, the meetings of the District's school building committee, have been conducted, and shall be conducted, in compliance with the provisions of G.L. c. 30A, §§ 18 – 25, 940 CMR 29.00 et seq., and all other applicable law.
3. The District hereby acknowledges and agrees that the school building renovation and construction grant program established by M.G.L. c. 70B is a discretionary program

Massachusetts School Building Authority

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John K. McCarthy
Interim Executive Director

based on need, as determined by the Authority. The District hereby further acknowledges and agrees that it shall have no entitlement to receive approval or funding for a Proposed Project or for any other purpose except at the sole discretion of the Authority.

4. The District hereby agrees to work in collaboration with the Authority in all phases of the process, including at least: (a) identifying perceived deficiencies with school buildings, (b) validating those deficiencies, (c) identifying educationally and financially sound solutions to validated deficiencies, (d) agreeing on a project scope and budget, (e) implementing a solution as agreed upon, and (f) the final project audit and close-out. The District hereby further acknowledges and agrees that, to remain eligible for project approval and potential funding from the Authority, the District must work collaboratively and in cooperation with the Authority through all phases of the Authority's process including, at a minimum, the phases described above, to the satisfaction of the Authority.
5. The District hereby acknowledges and agrees that in order to qualify for any funding from the Authority, the District must comply with M.G.L. c. 70B and 963 CMR 2.00 *et seq.* which require the Authority's collaboration and approval at each step of the school facility grant approval process and further acknowledges and agrees that any actions taken, costs incurred or agreements entered into for the repair, renovation or construction of school facilities without the explicit prior written approval of the Authority shall not be eligible for grant funding.
6. The District hereby certifies, and can demonstrate, that it has expended at least the minimum amount of the District's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses and extraordinary maintenance allotment as defined in M.G.L. c. 70, and as required by the provisions of M.G.L. c. 70B, § 8, 963 CMR 2.10(2)(c) & 2.17, and hereby further acknowledges and agrees that the Authority may not approve any project for any school district that fails to meet such minimum maintenance expenditure requirements.
7. The District hereby certifies that the perceived deficiencies, as set forth in the Statement of Interest submitted to the Authority for this Proposed Project, are not a result of negligence by the District; are not under warranty with material suppliers or installers; are not the subject of, nor could be the subject of, ongoing litigation by the District; are not a result of inadequate routine or capital maintenance by the District; and are not covered by available insurance proceeds.
8. The District hereby certifies that it will study and consider all available options for remedying the deficiencies asserted in the Statement of Interest, including, to the

Massachusetts School Building Authority

Steven Grossman
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Interim Executive Director

extent applicable, regionalization or tuition agreements with adjacent school districts, district assignment policies within the school district, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use.

9. The District hereby acknowledges and agrees that, before the Authority can grant final approval of a Project, the District must vote to authorize and appropriate the full amount of funding for the Proposed Project that is necessary to meet the total project budget as agreed to by the Authority and as described in 963 CMR 2.10 (10)(c) and shall use any standard formats and language established or developed by the Authority to draft warrant articles, motions, orders, votes, and ballot questions related to the funding for the Proposed or Approved Project. The District shall submit its draft language for warrant articles, motions, orders, votes, and ballot questions to Authority for its review prior to its publication or use.
10. The District hereby acknowledges and agrees that, in connection with a Proposed Project or an Approved Project, it shall use any standard forms; standard formats for local votes and approvals; standard contract documents; and any standard contract language and clauses that may be established or developed by the Authority, and as may be amended by the Authority from time to time.
11. The District hereby acknowledges and agrees that it shall submit to the Authority, and shall comply with the terms of, any certifications, statements, forms, affidavits, and agreements that the Authority may require for a Proposed or Approved Project and that any such certifications, statements, forms, affidavits, and agreements shall be completed, duly executed and submitted in a form and manner prescribed by or otherwise acceptable to the Authority.
12. The District hereby acknowledges and agrees that, to the extent required by law, it shall take all steps necessary to comply with the federal Davis-Bacon Act labor standards and prevailing wage rates and/or the labor standards and prevailing wage requirements of the Commonwealth of Massachusetts.
13. The District hereby acknowledges and agrees that no Total Facilities Grant, or any portion thereof, shall be disbursed by the Authority for a Proposed Project or an Approved Project until after a Feasibility Study Agreement, where required by the Authority, and a Project Funding Agreement, have been executed by duly authorized representatives of both the District and the Authority.
14. The District hereby certifies that it has provided or will provide the Authority with all Audit Materials requested by the Authority in connection with any Assisted Facility

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

- including, but not limited to, Prior Grant Projects, Waiting List Projects, and any other school building projects for which the District has received or will receive funding from the Authority or the Commonwealth. The District hereby further acknowledges and agrees that it shall continue to cooperate with the Authority and provide any additional documentation or information that may be requested by the Authority in connection with any Assisted Facility.
15. The District hereby certifies that the school building for which it has submitted a Statement of Interest is not a school building that has been the site of an approved school project pursuant to G.L. c. 70B or chapter 645 of the Acts of 1948 within the ten (10) years prior to the Proposed Project's application date, or, in the alternative, that the Proposed Project would be unrelated to such previously approved project in the same school building. The District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed Project is to be deemed unrelated to a previously approved project in the same school building. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
 16. The District hereby certifies that prior to submitting any part of its Application to the Authority, it has not sold, leased, or otherwise removed from service any schoolhouse operated by the District, or portion thereof, within the last ten (10) years, or that, if it has done so, the Authority has determined in writing, pursuant to M.G.L. c. 70B, § 15(c): (1) that the grant sought by the District is not for the purpose of replacing such schoolhouse, or (2) that the need for the Proposed Project could not have been reasonably anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service. Further, the District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed or Approved Project replaces a schoolhouse that was sold, leased or otherwise removed from service and whether the need for the Proposed Project could not have been reasonably anticipated at that time. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
 17. The District hereby acknowledges and agrees that, if it sells, leases, or otherwise removes from service an Assisted Facility, or portion thereof, that the Authority may stop making grant payments associated with the Assisted Facility, may recapture the financial assistance that the Assisted Facility has received from the Authority or the Commonwealth, and may decline to approve any future grants for the District.
 18. The District hereby acknowledges and agrees that, as part of a feasibility study where a new school option is among the options that may be studied, the District shall study potential sites for the Proposed Project and hereby acknowledges and agrees that it

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

shall base its site selection for a Proposed or Approved Project on, among other things, cost and environmental factors, including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities. The District further acknowledges and agrees that if the Authority were to approve a project for the District, (a) the Authority will not pay for any costs associated with acquiring the site or remediating the site, and (b) the District shall comply with the Authority's specifications and requirements for the site, including, but not limited to, any applicable site cost regulations, policies, guidelines and standards, and any cap on site costs that the Authority may establish from time to time.

19. The District hereby acknowledges and agrees that throughout the planning and construction of an Approved Project, if such final approval is received from the Authority, the District shall follow procedures and practices satisfactory to the Authority such as will assure maximum attention to the operating and capital cost effects of program and design decisions, materials and systems selections.
20. The District hereby certifies that it is current on any payments that it may owe to the Authority and does not have any outstanding amounts past due to the Authority.
21. The District hereby certifies that it is unaware of any lawsuit filed in a court of law against the Authority to which the District is a party and further certifies that it is unaware of any other lawsuit filed in a court of law against either the Authority or the District in relation to the District's Statement of Interest, Proposed Project, or Approved Project.
22. The District hereby certifies that it has specifically read the provisions of 963 CMR 2:03 (2)(a)-(q) and certifies that it has met or will meet each of the requirements described therein and further acknowledges and agrees that the District's failure to comply with each requirement, as determined by the Authority, may be grounds for, among other things, denial of a Total Facilities Grant, rescission of a Total Facilities Grant already issued, or the suspension, termination, or recoupment of reimbursement payments made by the Authority to the District.
23. The District hereby acknowledges and agrees that if the District and the Authority execute a Feasibility Study Agreement or Project Funding Agreement, the District shall promptly develop, implement and actively pursue a fraud, waste and abuse detection and prevention program in connection with any Proposed Project or Approved Project and develop written procedures to detect and prevent fraud, waste and abuse.

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

24. The District hereby certifies that the Eligible Applicant or its designee who will be in charge of the procurement for the Proposed or Approved Project is, or will be prior to the procurement of any services for the Proposed Project, duly certified as a Massachusetts Certified Public Purchasing Official ("MCPPO") for design and construction contracting in the MCPPO Program administered by the Inspector General of the Commonwealth of Massachusetts.
25. The District hereby acknowledges and agrees that any Approved Project for the construction of a new facility, or for the addition to or renovation of an existing school facility, for which the District is seeking partial funding from the Authority shall have an anticipated useful life of fifty (50) years as a public school in the District as required by 963 CMR 2.03 (2)(b).
26. The District hereby certifies that it has read and understands the provisions of 963 CMR 2.19 and acknowledges and agrees that if the Authority determines that any false or intentionally misleading information or documentation has been provided to the Authority by or on behalf of the District, either in relation to this Initial Compliance Certification or in support of any effort to influence any action by the Authority, or if the District or its agents do any other act affecting the integrity of the Authority's Program, the Authority may suspend or revoke any and all grant payments approved for the District; may recover any previous payments made to the District; and may prohibit the District from receiving a Total Facilities Grant for a period of time to be determined by the Authority.
27. The District hereby acknowledges and agrees that the Authority shall have free access to, and open communication with, any Owner's Project Manager hired by and/or assigned to the Project by the District and that the Authority shall have full and complete access to all information and documentation relating to the Project to the same extent that the District has such access. The District agrees that it shall require any such Owner's Project Manager to fully cooperate with the Authority in all matters related to the Project; to promptly communicate, transmit, and/or make available for inspection and copying any and all information and documentation requested by the Authority; to fully, accurately and promptly complete all forms and writings requested by the Authority; and to give complete, accurate, and prompt responses to any and all questions, inquiries and requests for information posed by the Authority. The District agrees that it shall not in any way, directly or indirectly, limit, obstruct, censor, hinder or otherwise interfere with the free flow of communication and information between the Owner's Project Manager and the Authority in all matters related to the Project and as provided herein; that it shall not suffer the same to occur by the act or omission of any other person or entity; and that it shall not retaliate against the Owner's Project Manager for communicating information to the Authority as provided herein. The

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Interim Executive Director

District agrees to execute, deliver and/or communicate to the Owner's Project Manager any and all authorizations, approvals, waivers, agreements, directives, and actions that are necessary to fulfill its obligations under this paragraph. The District further agrees that the Authority shall bear no liability whatsoever arising out of the Authority's knowledge or receipt of information communicated to the Authority by the Owner's Project Manager and that the District shall remain responsible for the management and completion of the Project.

28. The District hereby acknowledges and agrees that, if the District wishes to utilize an existing District employee as its Owner's Project Manager pursuant to M.G.L. c. 149, § 44A½, the employee shall meet the minimum requirements established by law and any additional requirements that may be established by the Authority. The District further acknowledges and agrees that it shall complete the application form and certification developed by the Authority before the Authority will consider or approve the use of an existing District employee as an Owner's Project Manager.
29. The District acknowledges and agrees that it shall be solely responsible for the timely and effective communication and distribution of all public information about the Proposed Project to the local community including, but not limited to, elected and appointed officials, boards, committees, commissions, agencies, departments, voters, community and neighborhood organizations, advocacy groups, the media, and the general public. The District shall be solely responsible for the timely identification of, and outreach to, all individuals and entities that may have an interest in the Project or that may be affected by the Project and shall be solely responsible for responding to inquiries about local procedures, financing, budgets, site selection, educational programs, historic preservation issues, voter information, and other project-related information to which the District has access in a timely and effective manner. The District further acknowledges and agrees that the Authority shall not bear any responsibility for developing or maintaining community support for the Proposed Project which shall be the sole responsibility of the District.
30. The District acknowledges and agrees that it shall duly appropriate and authorize the full amount of the funding for a feasibility study within one year after the date on which the Authority's Board voted to invite the District to conduct a feasibility study.
31. The District acknowledges and agrees that it shall complete, to the Authority's satisfaction, all prerequisites established by the Authority before the Authority will execute a Feasibility Study Agreement, Project Scope and Budget Agreement, or Project Funding Agreement with the District, including but not limited to, the execution by the District of a Design Enrollment Certification, Reimbursement Rate

Massachusetts School Building Authority

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Certification, and Legal Counsel Certifications, in the form and manner required by the Authority.

32. The District acknowledges and agrees that, if the Authority and the District execute a Feasibility Study Agreement, the District shall complete the feasibility study to the Authority's satisfaction within one year after the date that the Feasibility Study Agreement is executed.
33. The District acknowledges and agrees that where the Authority requires a feasibility study, the District shall duly execute a Reimbursement Rate Certification in a form established by the Authority which shall be attached to the Feasibility Study Agreement ("FSA") before the FSA will be executed by the Authority. The Reimbursement Rate Certification executed by the District and attached to the FSA shall not include any incentive reimbursement points.
34. The District acknowledges and agrees that it shall duly execute a Reimbursement Rate Certification which shall be attached to the Project Scope and Budget Agreement ("PSBA") and Project Funding Agreement ("PFA") before either of them, if any, is executed by the Authority. The District further acknowledges and agrees that the Reimbursement Rate Certification attached to the PSBA and PFA, if any, includes any incentive reimbursement points that may be approved by the Authority's Board for an Approved Project and that such incentive reimbursement points are awarded provisionally and must be earned by the District in accordance with the Authority's requirements. In the event that a District fails to meet the Authority's requirements for earning incentive points that have been provisionally awarded by the Authority's Board, the District acknowledges and agrees that the Authority shall adjust the reimbursement rate and Total Facilities Grant accordingly.
35. The District specifically agrees to the provisions of M.G.L. c. 70B, § 9(a)
36. The District acknowledges and agrees that it shall be subject to the Authority's regulations, policies, procedures, standards and guidelines throughout the Proposed or Approved Project, as they may be amended from time to time.
37. The District certifies that it has exercised due diligence in ascertaining and certifying the truth, completeness, and accuracy of each of the statements, acknowledgements, certifications, agreements and representations contained in this Initial Compliance Certification

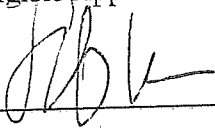
Massachusetts School Building Authority

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38. The District hereby acknowledges and agrees that the Authority reserves the right to modify and supplement the Initial Compliance Certification form at any time and may require the District to complete a revised Initial Compliance Certification.

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



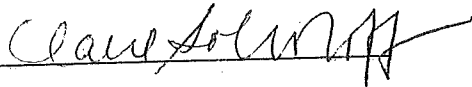
By: _____
Title: Chief Executive Officer
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



By: _____
Title: Superintendent of Schools
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.



By: _____
Title: Chair of the School Committee
Date:



**City of Newton, Massachusetts
Office of the Mayor**

SETTI D. WARREN
MAYOR

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swarren@newtonma.gov

March 1, 2012

Ms. Kathryn DeCristofaro
Senior Field Coordinator
Massachusetts School Building Authority
40 Broad Street
Suite 500
Boston, Massachusetts 02109

Dear Ms. DeCristofaro:

In accordance with 963 CMR 2.00, attached for your review and approval is the membership of the School Building Committee for the A.E. Angier Elementary School located in the City of Newton. The Committee was formed in accordance with the provisions of all applicable statutes, local charters, by-laws and agreements of the City of Newton. Committee Members include the following:

(Please provide name, title, address and phone number of each member. Also, please indicate whether the member has voting power. Some categories may have more than one name. All members must be included)

Designation	Name and Title	Address	Phone Number	Voting Member
SBC member who is MCPPO certified*	Jennifer Hill**	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Local Chief Executive Officer	Setti Warren Mayor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	
Administrator or Manager ^{i*}	Robert Rooney COO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
School Committee Member (minimum of one)	Jonathan Yeo	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
Superintendent of Schools	David Fleishman	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local Official responsible for Building Maintenance	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	X
Representative of Office authorized by law to construct school buildings	Stephanie Gilman Commissioner of Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

School Principal	Loreta Lamberti	Angier Elementary School 1697 Beacon Street Waban, MA 02468	617.559.9320	X
Member knowledgeable in educational mission and function of facility	Joseph Russo Assist. Super. for Elementary Ed.	Education Center 100 Walnut Street Newton, MA	617.559.6100	
Local budget official or member of local finance Committee	Maureen Lemieux CFO	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1100	X
Members of community with architecture, engineering and/or construction experience	Arthur Cohen, AIA Design Review Committee - Chair	79 Warren Street Newton, MA 02459	617.547.2200	
School Committee Chair	Claire Sokoloff School Committee Chair	Education Center 100 Walnut Street Newton, MA	617.559.6100	
School Committee Member Structural Engineer	Steven Siegel School Committee Member	Education Center 100 Walnut Street Newton, MA	617.559.6100	X
School District Official Finance & Operations Oversight	Sandra Guryan Dept. Super. / CAO, School Dep.	Education Center 100 Walnut Street Newton, MA	617.599.9027	X
Finance Committee Vice Chair Financial Management	Ruthanne Fuller Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.738.5311	X
Programs & Services Committee member, Angier District Alderman	John Rice Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.201.7088	X
Public Facilities Committee Member, Finance Committee Chair	Leonard J. Gentile Alderman	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.527.5446	X
President of the Waban Improvement Society (Angier District)	Theresa Fitzpatrick Local Resident Appoint by Mayor	1935 Beacon Street Waban, MA 02468	617.332.1654	X
Angier School PTO Co-President	Emily Prenner Local Resident Appoint by SC	189 Carlton Road Waban, MA 02468	617.969.0897	X
SBC Staff Associate City Solicitor	Ouida C. M. Young Associate City Solicitor	Newton City Hall 1000 Commonwealth Ave. Newton, MA 02459	617.796.1240	
SBC Staff Mechanical Engineering Facilities Management	Joshua Morse Dir. of Operations Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	
SBC Staff Mechanical Engineer	Michael Cronin Chief of Operations School Department	Education Center 100 Walnut Street Newton, MA	617.599.9001	
SBC Staff City Planning Expertise	Carol Chafetz Dir. of Env. Affairs School Department	Education Center 100 Walnut Street Newton, MA	617.599.9010	
SBC Staff Architecture, Project Management	Alex Valcarce, AIA Project Manager Public Buildings	52 Elliot Street Newton, MA 02461	617.796.1600	

Listed below is the past performance of the school building committee, the building committee (temporary or permanent), or any other committee responsible for oversight, management, or administration of the construction of public buildings and its individual members:

The City of Newton has consistently followed the City project review process outlined below. Past state supported school building projects that have followed this process include the new Newton North High School, Renovation and Addition to Newton South High School and renovations and additions to three elementary schools.

In the City of Newton all public building projects and funding appropriations must be approved by the Board of Aldermen and its Public Facilities Committee, Programs and Services Committee (school projects only), and Finance Committee. In addition to the members required by the MSBA, the proposed SBC for the Angier project includes key individuals from these committees as identified in the table above. These individuals possess the knowledge and experience with the funding and construction of public school projects.

Public buildings in the City of Newton are constructed in accordance with the City's Ordinances, specifically Chapter 5. The Commissioner of Public Buildings is responsible for the construction, alteration, repair and maintenance of all public buildings except as otherwise provided for by the Charter of the City.

The Designer Selection Committee makes recommendations to the Mayor whenever an architect is engaged by the City. The designer selection committee makes at least three recommendations to the Mayor from the responses to the request for proposals advertised by the City. The committee is composed of six residents of the City, three of whom are appointed by the Mayor, and three of whom are selected by the Board of Aldermen. For school projects three additional members are selected by the School Committee.

A Design Review Committee (DRC) coordinates the design review process for any public building within the City. The DRC is composed of twelve permanent voting members, four appointed by the Mayor, four appointed by the Board of Aldermen, four selected by the School Committee, and two voting members from within the community of each facility under review. The proposed SBC includes the Chair of the DRC.

The DRC reviews project programs, scopes, plans, specifications and other such documentation to ascertain that proposed design solutions comply with facility program requirements. In doing such reviews the committee considers alternate solutions as it deems appropriate, and makes recommendations with respect to site planning, building design or construction that contribute to the efficient use and conservation of natural resources and energy.

The DRC provides site plan approval and files a formal petition with the clerk of the Board of Aldermen for site plan approval at a public hearing before the Public Facilities Committee in accordance with the City's Ordinances. The DRC also provides certifications to the Public Buildings Commissioner when final plans and specifications meet a project's intended program requirements prior to advertising for public construction bids.

Proposed building and site plans for municipal buildings and facilities are also reviewed by the Department of Planning and Development for consistency and compatibility with the City's Comprehensive Plan and pertinent planning studies.

After approval of this committee by the Authority, the City of Newton will notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee.

Sincerely,

Approved by MSBA

Date

Setti D. Warren,
Mayor

ⁱ Please attach the certification from the Office of the Inspector General demonstrating completion of the MCPPO Program.

** Coursework completed and certification paperwork in process.

ⁱⁱ "Administrator or Manager" refers to a Town Administrator, Town Manager, or to an equivalent position.