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In my message to you of September 14 I promised to write again when I had read the written response from the District that was due back to you on September 14.

I have read the District's letter. As I feared, it is a weak and self-serving attempt to persuade you that the District has really tried to meet your three requests. My attachment explains in detail why they have failed.

(1) The District has not revealed an "analysis" of their early and relentless "conclusion" to demolish the on-site transportation buildings. In their letter to you they attempt to re-write the sad history of this problem, and last week pretended to make a new study of all the options. They did not provide costs or discussion for implementing my option, the one you cited back to them with your letter of August 21. On August 24 I provided them additional information on the particular vertical grading design that will make my proposal work. In the "analysis" of site options, OMR ignored my inexpensive option and studied five elaborate options of their own. For this misdirected exercise they have been offered \$50,000 in additional payment. The District has remained deaf to the overwhelming votes in the Special Town Meeting of April 24, demanding a fair consideration of keeping the transportation facility.

(2) The District's actions related to approval of changes to the original building layout have remained inadequate. They told the community on April 22 what they are going to do to meet budget, and many members of the community are not satisfied. The Building Committee attempted to match the negative comments from the community with prepared positive statements from several town officials, from both Concord and Carlisle, and from the professionals involved in the process. Further design changes may still be needed to reduce costs. Remediation of the old landfill east of the existing high school will be expensive, possibly from \$1.5 to \$5 million dollars. The Building Committee was aware of this problem in May 2011, as it is recorded in the Preferred Schematic Report of June 17, 2011, (Section 3, notably in the 1950 map on page 73), but attempted to conceal it from MSBA by delaying most of the necessary core drilling until after the Project Funding Agreement was signed. This whole property belongs to the Concord-Carlisle Regional School District, not the Town of Concord, so both Concord and Carlisle will have to find a way to pay for all of the remediation. If the respective Town Meetings have had enough by now, the District will have to pay for remediation by making further cuts in the building

design. Town Meeting votes are not "binding" on the District, but they cannot complete the new school without asking for a lot more of our property taxes.

(3) The Residents' concerns about "transparency and communication regarding information about the high school building project" have never been met, and we see from recent District behavior that they are not attempting to meet them. I have provided extensive details in the attachment, but did not mention the Building Committee's practice (in their two most recent meetings) of having one member read out a prepared statement for the public, to the effect that the Committee members are volunteers who have worked very hard for the past three years to bring us a wonderful school. The District's past and current behavior do not meet even minimal standards for transparency and communication.

In the attachment I have only just touched on the landfill remediation problem and its impending expense. Perhaps I will present more background and estimated costs for you as they becomes available. Most of the present mess can be corrected if we drop the OMR school design, then change the site from 14C back to 12R1, and try to qualify for a Model School design. The numbers appear to show that we can then build an uncompromised high school similar to the beautiful new ones in Natick and Norwood, almost as quickly, but still have money left in our voted budget for landfill remediation and covering the misdirected sunk design costs. Remediation may even cost less because site 12R1 is a lot farther from the old landfill.

The Concord-Carlisle Region needs a new high school, and the need is urgent. Both towns have voted overwhelmingly to support it with more than \$60 million out of our pockets. We expect this new school to be excellent, and to last for 50 or more years. That goal is within reach, but not if we continue along the short-sighted path the District has been following, contrary to the expressed needs of the community.

With best regards,

William T. Plummer
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September 18, 2012

A Citizen's Appraisal of the September 14 District letter to MSBA

I. Analysis and documentation to demolish the on-site transportation buildings:

The CCRHS District response letter to the MSBA dated September 14, 2012, references two documents, A and B:

A – The first document is a letter from Deputy Superintendent John Flaherty to Superintendent Diana Rigby dated August 30, 2012. This letter provides information regarding the use and cost of the transportation depot buildings, as well as information supporting the District's decision to move ahead with the current design, which entails demolition of the transportation depot.

B – The second document was presented in its entirety at the September 12, 2012 joint meeting of the High School Building Committee and Regional School Committee. Citizens had continually sought consideration for some seven months, from February of this year. Only after receiving the MSBA letter of August 21, 2012, did the High School Building Committee direct the Designer, OPM and CM, to determine whether the on-site transportation facility could co-exist with the current high school design. This study occurred between August 24, 2012 and September 12, 2012.

Document A, about the transportation buildings:

In Deputy Superintendent John Flaherty's letter, he offers this new remark:

“As the project's direction evolved towards a non-phased new stand-alone building in the Feasibility Study/Schematic phases other siting options were developed, and eventually option 14C was approved by the building committee and the MSBA. Option 14C, presented to the building committee on June 8, 2011 does dislocate the transportation depot.”

Minutes of the June 8, 2011 Building Committee meeting record that Site 14C and two others were shown by OMR at that meeting, but reveal no discussion about the transportation depot or its necessary destruction. In fact, there are no minutes, meetings, or any communications that indicate in any way that transportation facilities were jeopardized by the High School project. It is beyond explanation to think that the District chose to discontinue its \$2,000,000 per year transportation services, a Town asset for more than thirty years, and impacting some 35 employees, without any dialogue or notice to the community. It is clear that the District knew it was facing a firestorm of protest. From June 8, 2011 on they deceived the community and evaded questions about transportation, assuring us, “all options are being considered.”

As I demonstrated to MSBA in my letter of July 25, selection of Site 14C did not and does not require dislocation or destruction of the transportation depot. Further, Deputy Superintendent Flaherty's remark attempts to change history, and ignores his own repeated statements throughout many public meetings that the decision to destroy the buildings had not been made, and that he would explore other options. When I went to the MSBA offices in August, I saw an OMR design dated August 19, 2011, that showed the transportation buildings as removed and destroyed well before the District statements at Town Meeting and Deputy Superintendent John Flaherty's statements to the Finance Committee and others. For instance, when the Concord Finance Committee asked him directly about the future of these buildings in September 2011, Deputy Superintendent Flaherty replied that the “present facility is adequate”. The District did not just deceive the public at large; they also misled town officials about their plans, which directly relate to the allocation of town finances and taxes.

In this same letter we find his further remarks:

“The bus/vehicle repair building was funded as a \$43,200 (based on the building department permit value) component within the Town of Concord’s, \$350,000, Article 40 of the 1999 Town Meeting.”

“The modular transportation administration building was constructed in 2008 at an actual cost of \$199,794, and a building permit cost of \$200,000. This 1,848 square foot facility was constructed with two adjoined 14’ X 66’ modular units set on pilings with its own septic capabilities. In January of 2012, the original builder, Mod Space, estimated the cost of disassembling, reassembling and associated site setup cost within 5 miles at \$102,500. Mod Space also estimated a replica replacement building cost at \$217,776.”

By citing these older cost numbers, Deputy Superintendent Flaherty is attempting to minimize the cost to the Town of the District’s destruction of these assets, and minimize to you the depth of his conduct. These numbers do not represent the real cost of the buildings today, nor their cost to us then. In public meetings all spring, Deputy Superintendent Flaherty has repeatedly cited his calculated replacement cost for the facility as \$1.2 million, plus land, when attempting to justify his plan for bus outsourcing! It is clear why Concord has lost all confidence in cost numbers provided by the District.

Deputy Superintendent Flaherty’s current plan is to house the two transportation managers in the Ripley School basement, “two and one half miles from the present site at the high school”. He fails to mention that he has leased a repair facility in Billerica, 10.3 miles to the north of Concord, and plans a parking lot with inadequate facilities in Acton, 7.85 miles to the northwest of Concord. This difficult plan will immediately cost an extra \$400,000 per year for operation, mostly because of the extra fuel and driver time needed to transport the buses back and forth from Acton to Concord twice a day.

We expect that the District will come back to Concord Town Meeting to request this extra money, despite its direct relation to the building project and its absence from the PFA budget or mention at the Special Town Meeting that approved the budget. When the question of the transportation facility was actually raised during discussions *before the vote* at that meeting, Jerry Wedge, then co-chair of the Building Committee, denied that there had been a decision to destroy it. But we have now seen those date-stamped drawings from August 2011 that prove he was deceiving the voters. A video recording of this meeting, showing exactly what we were shown, what we were told, and what we voted on, is available at CCTV.org. Mr. Wedge made his remark soon after the 46th minute in the video timeline. You can also see that we were never told about more than \$7 million of “value engineering” that had already been cut from the plan but was not presented in the pictures or statements were given.

Deputy Superintendent Flaherty’s new scheme does not “replicate” the functions of the existing on-site facility, and is not operationally sound because of the distances and costs. I believe that he is setting the transportation service up for failure so that he can at last contract for the outsourcing he has been determined to arrange.

Deputy Superintendent Flaherty also noted:

The conclusion to move ahead with an option affecting the transportation depot area buildings was based on a well_developed understanding of the site challenges for a new stand_alone

building and a widely held perspective that many other transportation depot alternatives sites existed, as well as outsourced student busing services similar to those used in an estimated 90% of cities and towns in Massachusetts.

Deputy Superintendent Flaherty's concealed plan to outsource busing, made at the same time the District was telling the community it was studying all options, and his attempt to execute a contract with First Student for this purpose, received tremendous community opposition when it was disclosed. The Office of the Inspector General was called in with the result that those bids were set aside due to defects in the bidding process. Then, an overwhelming Concord vote passed Article 3 in the Special Town Meeting of April 24 to reject his plan. Article 4 set up a Citizens' Transportation Committee to evaluate more acceptable options. Mr. Flaherty has not waited for a report from that Committee, nor discussed the issue with them, before making his current plans. Special Town Meeting Article 5 has set a requirement for full budget detail from the District which might help prevent moving money freely between school accounts as it is now done, seemingly to hide operating and financial problems. If it is true that many other alternative transportation depot sites exist, why hasn't the District been able to lease or buy them, to preserve the service we now have?

The MSBA Regulations, 963 CMR, that Deputy Superintendent Flaherty points to as supporting his decisions in his attached letter, page 2, shows that the District has also violated its requirements for Transportation and for hazardous waste:

Page 9, (m) "All Eligible Applicants shall submit documentation supporting the anticipated impact on operating costs of implementing the project in such detail and format as required by the Authority, including but not limited to, an estimate of the costs of additional maintenance spending required of the Eligible Applicant, the costs of additional instructional or support staff spending, additional utility costs, **the costs of additional transportation**, if any and the estimated revenue, if any, from the sale or lease of any school facility decommissioned as a result of implementing the project."

Page 13, (2) "The site selected shall be chosen on the basis that it will meet the educational need, maximize the use of any available community resources, and **minimize any possible adverse educational, environmental, social, or economic impact upon the community. Such adverse impact shall include, but not necessarily be limited to: the need to provide new sewers, roads, transportation facilities, water supply, water connections, and other public infrastructure to the site;** existence of soil conditions or hazardous materials that may cause site development costs to be greatly increased; or curtailment of the approved educational program."

Document B, about the feasibility for preserving the on-site transportation facility:

I explained with full details in my September 14 letter to the MSBA why the so-called "feasibility study" performed by OMR to "determine whether the on-site transportation facility could co-exist with the current high school design" was not real. The OMR examined only five options, all created by themselves, incurring in the process an additional cost of about \$50,000. But they failed to consider the actual option I had provided earlier, on August 23 and 24, to the Building Committee, and had explained in my prior letter to the MSBA on July 25. The OMR Option 5, the one closest to mine, included an inappropriate parking lot in a poor location and introduced grade separation and a retaining wall with a guard rail where it is not needed.

Design work on this school has already brought budget overruns severe enough to trigger suspension of MSBA funding; now it seems that there is an even worse failure to address the real suggested option.

A fair review of my proposed plan, by a designer not determined nor instructed to dismiss it, will reveal that it can be implemented for an additive cost of no more than \$200,000, far less than OMR numbers. If we build our new high school ring road in that way, the transportation buildings and the new school can co-exist with no change to the school itself.

II. Transparency and Communication Regarding Information About the High School Building Project:

You have received a lot of information that shows there has been no Transparency yet, and the Communication has been inadequate and misleading. I attended the FAS meeting on August 29 and heard what was said. The next day Superintendent Rigby quickly reported out the favorable parts of what you and your Subcommittee had said, but never mentioned to the community that you also had “serious concerns about the professionals” hired by the District. She told everyone, “We’re getting closer to a shovel in the ground.”

In another example, a petition was posted on line to support the project. Its remarks, mostly from Carlisle, suggested that it was a small minority of unnamed “vocal citizens” who had caused the MSBA to suspend funding. The petition was originated by Paul Caliandro, business partner of Charles Sample, a member of the Building Committee. Louis Salemy, also a member of the Building Committee and a member of the School Committee, endorsed that false petition in a message he posted on line. Karla Johnson, yet another member of the Building Committee, actually signed that petition, and included additional comments she knew to be false. None of these individuals has yet been called out for misleading the community.

Next, Superintendent Rigby brought in a uniformed police officer for the first time to stand at the Building Committee meeting on September 4. His visible and unexplained presence, coupled with harsh warnings from Mr. Durlacher, the Chair, about strict new rules for speaking, caused most public attendees to be intimidated and reluctant to make comments. The meeting adjourned more than an hour earlier than usual, apparently as a result. A uniformed policeman was brought in at the next meeting on September 12, but was stationed out in the hallway. This behavior is new and completely unaccustomed, for Concord Building Committee meetings.

Also revealing their lack of transparency, the School Committee, the Building Committee, and their numerous subcommittees have violated the Open Meeting Law in many documented instances that have now been reported to the Attorney General’s Office.

This past week, in a rush to report back to the MSBA, the Building Committee finally spoke in public about their mistakes. One admission was that they knew the budget was \$7.5 million off when they made their presentation for the Special Town Meeting vote in November, a fact well hidden until recently. But they did not correct the wrong impression that the on-line petition has created, especially in Carlisle. And only this past week did they tell the truth to the community about why the MSBA funding was stopped.

We have found no information in any feasibility study, or in the minutes recorded for any meeting, that explains why the Concord-Carlisle District failed to discuss or build an MSBA model design school, and thereby save the community many millions of dollars, possibly another 5%. What *has* happened is that citizens who asked to read the PSD book were charged \$73 by the District, because neither it nor the Feasibility Study was posted on line.

Your August 21 letter asked the District to address residents' concerns about lack of transparency and communication regarding information about the high school building project. The process has pointedly failed to be transparent, and the Building Committee continues to filter and spin the information it provides to the community.

In a more recent example, on page 13 of the letter you have just received from the District, in **Public Question & Answer** from the Building Committee minutes of August 14, there appears this question from a member of the community:

Ms. K. wanted to know if the ring road that faces the south side of the building has to be that shape, as opposed to the road in the front that goes straight across. She stated that if that ring road did not come out that wide you could actually avoid physically impacting the transportation depot.

Her question was not answered at the meeting. Nor was it answered later by the \$50,000 study commissioned to OMR, as reported at the September 12 Building Committee meeting. OMR only analyzed their own five mistaken new designs. The accurate and honest answer for her would have been, "Yes, the road can be reshaped for this purpose, but we don't want to make that inexpensive change just to satisfy the majority of the community." Even at this most recent Building Committee meeting, the District failed to meet the simplest standard for Transparency and Communication.

On page 15, under **CCRHS Building Committee Forward Looking Communications**, we find the promise:

"In each meeting since the change, the Building Committee has taken questions and comments into consideration from the BC members and from the public attendees prior to voting on motions in circumstances that have concerted public interest and impact outside of the normal Building Committee workings."

Yet, at the September 12 meeting of the Building Committee, I commented that the five designs presented and analyzed by OMR did not include the *one I had provided for them*. Without regard for this new key fact, the Building Committee rushed a vote, and understandably rejected the five expensive OMR options. They did not ask me for more information about how the problem could be solved much more cheaply. They just quickly called for the vote they did not have to take. Also, a large part of the inflated costs, which OMR detailed for its five options, was attributed to project delay expense and for re-permitting. Those would not exist if the District had made a proper study last fall when they promised to do so.

Clearly the District knew when they pretended to conduct this feasibility study that they had to explain themselves to you, but they had no real analysis to show you. They thought that their ongoing behavior might appear more acceptable with such a study, albeit after they had made up their minds. The District still has no intention of trying to save the transportation

buildings. They met with the Concord Planning Board on September 11 and with the Zoning Board of Appeals on September 13 for project approval; in both cases the transportation facility was entirely missing from the documents they filed.

At the ZBA meeting, a Zoning Board member asked the District why the permit requests made no mention of accommodating transportation on the site, and let them know that they would have to come back and resubmit if that were to happen.

Superintendent Diana Rigby and Deputy Superintendent John Flaherty stated, “The property belongs to the District and it is our power to control” and there is “no plan to ever put transportation on the property” and “it didn’t matter what the town voted because ‘we’ control it.”

This entire section of the District response to your letter of August 21 is just not responsive to the MSBA request. As a citizen and taxpayer, I am deeply concerned about the millions of unnecessary dollars more that will be needed to see this project through. I hope the MSBA realizes how badly the community has been harmed by the District’s actions, and will hold the District clearly responsible. The citizens will appreciate relief from these circumstances. I hope you will allow the District the opportunity to get it right and guide them to that by requiring an analysis about Model Schools, being sure the community knows what the District intentionally gave up in cost without a model school.

As Ms. Kwan noted at the your FAS meeting on August 29, the District has been failed by its design professionals. Their recent study of alternate designs has been much like a wolf guarding the sheep. I am investigating just how and why the Building Committee selected OMR.

The Concord-Carlisle community needs a new high school, and we hope we can get a cost effective and excellent one with your help soon. The savings possible by abandoning the OMR design will cover the expensive landfill cleanup, tennis courts, JV fields, transportation, landscaping, paving, and other costs that have been ignored, and to recover from the mess made by the “design professionals” and the District.

You mentioned at the FAS meeting that there was a desire to learn from the mess in Concord so that other communities might be saved this stress and expense. You asked for suggestions from your staff, but I would suggest that you offer Concord a mentoring program with your guidance or oversight. We can build a terrific school that is cost efficient and meets all our **community** needs and goals, not just the ones quietly substituted by the District, but only with your help. Thank you for your consideration!

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September 18, 2012