

Meeting Minutes – April 29, 2021

Call to Order:

Dr. Karen Salmon called the video-conference meeting of the Interagency Commission on School Construction to order at 9:01 a.m.

Members in Attendance:

Dr. Karen Salmon, State Superintendent of Schools, Chair
Denise Avara, Appointee of the Governor
Linda Eberhart, Appointee of the Speaker of the House
Clarence Felder, Designee for Secretary Ellington Churchill, Department of General Services
Brian Gibbons, Appointee of the Speaker of the House
Edward Kasemeyer, Appointee of the President of the Senate
Gloria Lawlah, Appointee of the President of the Senate
Secretary Robert S. McCord, Maryland Department of Planning

Members Not in Attendance:

Dick Lombardo, Appointee of the Governor

Public Comment:

There was no public comment.

IAC Correspondence:

Director Gorrell noted that the IAC had recently received a letter from Carroll County, but that the submission was received too late to be included in the April Agenda. The correspondence will be included in the May IAC meeting agenda.

1. Consent Agenda – [Motion Carried]

Upon a motion from Mr. Gibbons and a second by Ms. Eberhart, the IAC voted unanimously to approve the consent agenda. Director Gorrell reminded the members that due to the long agenda at today's IAC Meeting, Informational Reports with no presentation have been included as reading materials for the Members in the consent agenda.

A. Approval of the March 11, 2021 Minutes

To approve the minutes of the March 11, 2021 Interagency Commission on School Construction Meeting.

B. Summary of Contract Awards

To approve contract procurement as presented.

C. Approval of Revisions to Previously Approved Contracts

To approve the revisions to previously approved contract awards to accurately reflect the adjusted reversion amounts as presented.

D. Completed Project Allocations Reversions

To approve, the reversion of the amounts identified below to the appropriate statewide appropriation account.

E. State Projects to Close

To approve the final State project costs as presented and to remove the projects from the active project detailed financial report.

Informational Items

F. Report on Contract Deadline Extensions under the Governor's Executive Order

G. Aging Schools Program Report

H. Quarterly Project Status Report

I. Baltimore City Public Schools – E15M HVAC Project Status Report.

2. Facility Status Change Items

Michael Bayer, Manager of Infrastructure and Development for the Maryland Department of Planning, presented 7 facility status change items to the IAC.

A. Baltimore City Public Schools - Approval of Eight Property Transfers – [Motion Carried]

Michael presented a March 15, 2021 letter from Baltimore City Public Schools requesting approval of the transfer of eight properties from the Baltimore City Board of School Commissioners to the Mayor and City Council of Baltimore. Upon IAC approval, City Schools will transfer ownership of the eight buildings to the Mayor and City Council of Baltimore. The Mayor and City Council would be required to reimburse the state for the total outstanding bond debt service on the buildings, and to seek IAC approval before subsequent transfers.

Upon a motion from Ms. Avara and a second by Ms. Lawlah, the members voted unanimously to approve the transfer of the dedicated use of eight (8) Baltimore City Public Schools buildings as listed, from the Baltimore City Board of School Commissioners to the Mayor and City Council of Baltimore, in accordance with the Annual Review of Schools: 2020-2021 Recommendations, approved by the Baltimore City Board of School Commissioners on January 12, 2021 and in accordance with the Memorandum of Understanding for the Construction and Revitalization of Baltimore City Public Schools dated December, 2016; with the agreement that the Mayor and City Council of Baltimore shall reimburse the state the total outstanding bond debt service in the amount of \$1,037,232.45 by the scheduled

dates provided by the State Treasurer's Office. The Mayor and City Council of Baltimore shall obtain approval of the Interagency Commission on School Construction before transferring any right, title, or interest to any portion of the property.

B. Montgomery County - Crown High School Site Approval – [Motion Carried]

Michael presented background information on the Montgomery County Board of Education request for site approval of the Crown High School site, located at 9400 Fields Road in Gaithersburg. The property is currently owned by the City of Gaithersburg and will be dedicated, at no cost, to the Montgomery County Board of Education for the use of a public high school, per an annexation agreement between the developer and the City of Gaithersburg, recorded at the Land Records of Montgomery County, dated December 7, 2010. On June 26, 2019, VII Crown Farm Owner, LLC conveyed the approximately 30.68 acre future school site parcel to the City of Gaithersburg. When the state approval process is complete, a deed from the City of Gaithersburg will be recorded at the Land Records of Montgomery County. The new school project has been identified in the approved Fiscal Year (FY) 2021 Capital Budget and the FY 2021–2026 Capital Improvements Program for completion by August 2026.

The site was one of three evaluated. The estimated cost of construction is \$136.2 million. The school has a proposed capacity of 2,700 students in grades 9-12 and will serve the mid county region of Montgomery County. The Montgomery County Board of Education approved the site on July 18, 2006. State Clearinghouse review was completed in March 2021.

Upon a motion from Mr. Gibbons and a second from Ms. Eberhart, the IAC voted unanimously to approve the use by the Montgomery County Board of Education (MCBOE) of 30.68 acres at 9400 Fields Road, Gaithersburg, MD, 20878, on the tract known as Lot 1, Block GG, Crown Farm, for the construction of a Crown High School, with a scheduled opening in August 2026; adhering to the actions identified in the state clearinghouse review, state identifier MD20210128-0051.

C. Anne Arundel County - Reece Road Disposal – [Motion Carried]

Michael presented a request from the Anne Arundel County Board of Education, seeking approval from the Interagency Commission for School Construction to transfer 10.6 acres of land to the Anne Arundel County government for the development of the Severn Intergenerational Center. The 27,000-square foot center would include a 13,500-square foot senior center. Under the terms of an agreement between the AACBOE and the county government dated October 30, 2020, the Board of Education would transfer the unimproved parcel, which the Board of Education acquired in 1972, and retain 28.9 acres that contains Van Bokkelen Elementary School, just to the east, and a future school site directly behind the proposed center and existing school.

Upon a motion from Ms. Avara and a second from Mr. Gibbons, the IAC voted unanimously to approve the transfer of 10.6 acres of land, at 1140 Reece Road, Severn, Maryland, 21144, an unimproved property adjacent to Van Bokkelen Elementary School, from the Anne Arundel County Board of Education to Anne Arundel County government for use as the future Severn Intergenerational Center, with associated access and pedestrian easements to allow for future Board of Education access to the property; and to allow the use by the Anne Arundel County Board of Education of the 15.67-acre adjacent Meade Village Park site, at 1760 Meade Village Circle, Severn, MD, 21144, for future athletic, recreational and park activities at Van Bokkelen Elementary School and an associated future school site, under a future shared use agreement for the Meade Village Park site.

D. Dorchester County Transfers – [Motion Carried]

Michael presented a request from the Dorchester County Board of Education to make a minor modification of parcel boundaries in coordination with the Dorchester County Government, so that all of the recreational uses behind Hurlock Elementary School, at 301 Charles Street in Hurlock, are on county-owned property. Under the revision, the school would occupy Tax Parcel 440, controlled by the Board of Education, thus reducing its size from 5.267 to 3.963 acres, and the ballfield and concession stand would occupy Tax Parcel 1452, owned by Dorchester County, which would increase in size from 13.356 to 14.64 acres. The change is being made to clarify the liabilities assumed by the Board of Education, for the school facilities, and the Parks and Recreation for the recreational facilities.

Upon a motion from Secretary McCord and a second from Mr. Gibbons, the IAC voted unanimously to approve a minor modification of parcel boundaries and transfer of property from the Board of Education of Dorchester County to the Dorchester County Government of Tax Parcel 440, occupied by Hurlock Elementary School, 301 Charles Street, Hurlock, MD, 21643, and Tax Parcel 1452, directly behind the school, which is owned by the Dorchester County Government and occupied by a ballfield and concession stand, so that all existing recreational uses are on county-owned property.

E. Harford County - Havre de Grace High School – [Motion Carried]

Michael presented a request from the Harford County Board of Education requesting approval from Harford County Government for ultimate disposal to the City of Havre de Grace for a community use that will “create opportunities that will strengthen the Havre de Grace community and enhance economic vitality.” With the construction of the new Havre de Grace Middle/High Replacement School, the Harford County Public Schools have no use for the existing building and declared it surplus. Officials from Harford County, the City of Havre de Grace and HCPS all endorsed the action in 2019.

Secretary McCord noted that the city of Havre de Grace has a requirement that acquisition and disposition of property must be placed on referendum and voted on in municipal elections– This means that IAC approval is just a first step in the process of transferring property to the city..

Upon a motion from Secretary McCord and a second from Ms. Avara, the IAC voted unanimously to approve the transfer and disposal as surplus property by the Harford County Board of Education of the former Havre de Grace High School Auditorium/Gymnasium Building, at 700 Congress Avenue, Havre de Grace, MD, 21078, to the Harford County Government, for disposition to the City of Havre de Grace as future community use space.

F. Property Easements – [Motion Carried]

Michael presented a table of 6 property easements for IAC approval.

Upon a motion from Mr. Gibbons and a second from Ms. Eberhart, the IAC voted unanimously to approve the conveyance by the following Board of Education of the easements specified in the table below.

G. Property Name Change – [Informational Only]

Michael presented a property name change to the IAC from Montgomery County. The Col. E. Brooke Lee Middle School has changed its property name to Odessa Shannon Middle School. This item is informational only and does not require IAC action.

3. FY23 Cost per Square Foot for School Construction – [Motion Carried]

Wanda Ascencio, Manager of Fiscal Services for the IAC, presented an update on the requirement for the IAC to establish the average Statewide per-square-foot school building cost that will apply to the capital improvement program by July of the calendar year in which applications are submitted. The calculation was based upon recent school construction bids, including new and renewed construction projects within the last 6 - 12 months. This includes 1 high school, 1 middle school, and 4 elementary schools, with an average cost of \$348 per square foot. The IAC recommends that the IAC increase the cost per sf figure to be used for the FY 2023 CIP to \$353 per sf for building only. This is a 3.5% increase over the FY22 cost per square foot figure of \$341 for building only.

Upon a motion from Mr. Gibbons and a second from Ms. Avara, the IAC voted unanimously to adopt the FY 2023 Statewide per-square-foot school building costs of \$353 per sf for building only.

4. Carroll County - Westminster East Middle School Replacement - Gross Area Baseline Variance – [Motion Carried]

Jamie Bridges, Regional Facilities Manager for Carroll County, presented a request from Carroll County Public Schools that the IAC support a Gross Area Baseline (GAB) variance for the Westminster East Middle School replacement project to support two countywide special-education programs to be co-located in this replacement school project.

Jamie reminded the members that at the May 9, 2019 meeting of the IAC, the Commission adopted revised Gross Area Baselines (GABs) for the determination of the gross square footage eligible for state support in capital school construction projects. In contrast to the Maximum Gross Area Allowances, the GABs “enable an IAC variance process by which the IAC may grant additional square footage allowances on a case-by-case basis upon an LEA’s request and presentation of sufficient data supporting the need for additional square footage.” This is in recognition of the fact that right-sizing for school facilities is not “one size fits all.”

Upon a thorough review of the floorplans and additional spatial information, IAC Staff recommend that a GAB variance of an additional 54.8 GSF per special education student – or 2,740 total GSF – to provide the space needed for the self-contained special-education suite. The resulting GAB eligible for State participation would be adjusted up to an estimated 102,018 GSF, from the current estimated 99,278.

In response to questions from the Commission, Director Gorrell noted that this variance, if approved, would be the second GAB variance granted by the Commission since adoption of the new GABs in May 2019. Ms. Eberhart asked whether Carroll County is satisfied with this compromise, and Mr. Bridges informed the members that he has spoken with Carroll County prior to this meeting and they are in agreement with the recommendation.

Upon a motion from Mr. Gibbons and a second from Mr. Kasemeyer, the IAC voted unanimously to approve a gross area baseline (GAB) variance that will support an additional 2,740 gross square feet (GSF) for the Westminster East Middle School (PSC 06.004) replacement project, increasing the gross area eligible for state support from 99,278 GSF to 102,018 GSF (inclusive of cooperative use space) for a justifiable planning enrollment of 671 students, consistent with the provisions of COMAR 14.39.02.06E.

5. Baltimore City Public Schools - Cancellation of Two FY 2020 Capital Improvements Program (CIP) Projects at Eutaw-Marshburn Elementary #011 – [Motion Carried]

Jamie Bridges, Regional Facilities Manager for Baltimore City, presented a letter dated April 9th, 2021, requesting the cancellation of the VPU installation project and the window and door replacement project at Eutaw-Marshburn Elementary #011. According to the LEA, the design process revealed the need for additional, extensive structural repairs that must be completed in order to support the VPU installation project and the windows and doors replacement project. The scope and cost estimate for improvements at Eutaw-Marshburn Elementary #011 will be revised to incorporate the needed structural repairs, and the project will be submitted as a future CIP project.

Members of the Commission expressed concern over the cancellation of the HVAC projects for the Eutaw project and asked if the City has a specific timeline for completion of the new scope. Mr. Bridges noted that IAC staff are currently working with Baltimore City to understand the new project timeline.

Upon a motion from Ms. Lawlah and a second from Mr. Gibbons, the IAC voted unanimously to approve the cancellation of two (2) FY 2020 Capital Improvement Program (CIP) projects at Eutaw-Marshburn Elementary #011; in accordance with Education Article §5-303(j)(3)(i), and the transfer of the combined allocation of \$2,466,360 to the Statewide Reserved Appropriation Account for Baltimore City Public Schools.

6. Baltimore City Public Schools - 21st Century School Buildings Program Annual Report – [Motion Carried]

Jamie Bridges, Regional Facilities Manager for Baltimore City, presented the 21st Century School Buildings Program Annual Report. The Maryland Stadium Authority has assumed the lead in producing the report, which is adopted by the Maryland Stadium Authority, Baltimore City Public Schools (City Schools), the City of Baltimore (City), and the Interagency Commission on School Construction (IAC).

Mr. Bridges highlighted that of the 12 year-one projects, 11 are currently occupied with 1 to be occupied in the fall. Of the 17 year-two projects, 7 are occupied, 6 are under construction, and 4 are under design. The majority of these projects are expected to be completed by the end of 2021, while a few are expected to slip into FY 2023 due to swing space conflicts. The main responsibilities of the IAC and the annual report include a review of Baltimore City Schools projected district-wide utilization, found on page 280, and a review of Baltimore City Schools maintenance plans, found on page 301.

Upon a motion from Ms. Eberhart and a second from Ms. Avara, the IAC voted unanimously to approve the annual report, dated January 2021, by the parties in compliance with the Memorandum of Understanding for the Construction and Revitalization of Baltimore City Public School to the Governor, the Board of Public Works, and the fiscal committees of the general assembly on the progress of replacements, renovations, and maintenance of Baltimore City public schools.

7. FY19 Nonpublic Aging Schools & FY19 Nonpublic School Safety Improvements – Deadline Extension Requests – [Informational Only]

Fred Mason, School Facilities Branch Chief, presented a table identifying extension requests for the Nonpublic Aging Schools Program and the Nonpublic School Safety Improvements Program.

At their June 25, 2020 meeting, the IAC voted unanimously to delegate authority for the next 12 months to approve project extensions to the Executive Director for projects funded through the Aging Schools Program, the Healthy School Facility Fund, or the School Safety Grant Program, so long as the extensions

do not violate any legal requirement. The Nonpublic Aging Schools Program (NASP) and the Nonpublic Schools Safety Improvements (NPSI) function in similar fashion to the Aging Schools Program. The deadline to request reimbursement from the Fiscal Year 2019 allocations was March 31, 2019. Numerous schools contacted the IAC through the Maryland State Department of Education School Facilities Branch (SFB) to request extensions to this deadline due delays to project starts or project completion due the COVID-19 pandemic.

The School Facilities Branch has reviewed the extension requests found in the IAC Agenda and finds them reasonable. The Executive Director has approved extension of the deadline to request reimbursement for these Fiscal Year 2019 projects from March 31, 2021 to December 31, 2021.

8. Supplemental Information Report – [Informational Only]

Fred Mason presented a report on supplemental information to the FY21 Capital Improvement program. The IAC and partnering agencies surveyed four categories in which the IAC could differentiate among school systems for project reviews: air conditioning availability in classrooms; design and planning professionals on staff; open space instructional areas; and number of relocatable classrooms per LEA. A summary of each of these categories can be found in the IAC Agenda. Where data had been collected over multiple years, School Facilities Branch have included the results from the last 3 - 5 years of data.

9. Legislative Update – [Informational Only]

Cassandra Viscarra, Chief of Staff to the IAC, presented the IAC's 2021 legislative tracker, updated as of April 14th, 2021. The tracker now includes only the bills that have passed both chambers of the General Assembly. However, Cassandra noted that while they have passed through both chambers, none of these bills have been signed by the Governor. By June 1st, all legislative activity will be finalized.

Dr. Salmon complimented the Executive Director and his staff by how they have streamlined and improved the processes for the IAC and continue to make improvements year over year.

Adjournment:

Upon a motion from Mr. Gibbons and a second from Mr. Kasemeyer, the IAC members voted unanimously to conclude the meeting at 10:07 a.m.