

ARTICLE 9

**MOTION OFFERED BY NEIL WISHINSKY, DAVID POLLAK
AND FRED LEVITAN**

VOTED: To amend Section 13 item 67 so that it read as follows:

VOTED: To raise and appropriate \$1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, with the condition that no funds with the exception of \$100,000 for additional design services for the preferred Scheme D to be expended prior to the publishing of the decision of the Massachusetts Supreme Judicial Court in the matter of Smith v Westfield and until the Board of Selectmen, the School Committee and an Ad Hoc Subcommittee of the Advisory Committee receive the opinion of Town Counsel and/or outside counsel hired to review land use limitations and protections on both Baldwin and Soule and until a successive Town Meeting affirmatively releases the funds.

PETITIONER EXPLANATION

There has been much discussion and debate on the decision to move forward with schematic design services for the Baldwin School project. This motion attempts to allow for funding to move forward with \$100,000 dedicated to additional feasibility work for Scheme D at the Baldwin School and the remaining balance of \$1,400,000 set aside for a future Town Meeting to affirm support of the project's schematic design. The additional feasibility work would allow the Town to respond to design suggestions and concerns raised by the Park and Recreation Commission, will allow for adjustments to Scheme D necessitated by the analysis presented after the outcome of the Westfield case and in response to further analysis of other land use issues. The analysis should include the questions posed in the proposed Advisory Committee motion voted on 5/16/2017. But the ultimate check on the completeness of the analysis will be the requirement to return to Town Meeting to authorize spending money beyond the initial \$100,000. It is the petitioner's expectation that an ad hoc subcommittee of the Advisory Committee would participate in executive sessions where analysis of Town Counsel and/or outside counsel would be presented and discussed.

A complete package for the next phase of the project will be presented at a new Special Town Meeting, either in the fall or earlier, if necessary. The petitioners expect the Selectmen to convene a Special Town Meeting for this purpose as soon as they believe we are at a point a decision can be made probably prior to the normal November Special Town Meeting.