



School Construction Aid Task Force
November 29, 2023, 12:00p.m.– 3:00 p.m.

Per [Act 78 of 2023, section E131.1](#) (see page 196), a School Construction Aid Task Force is created to examine, evaluate, and report on issues relating to school construction aid.

Approved Meeting Minutes

Task Force Members Present:

Heather Bouchey, Secretary of Education
Mike Pieciak, State Treasurer
Bruce MacIntire, Vermont School Custodians and Maintenance Association
David Epstein, Gubernatorial Appointee
Chris Young, Vermont Principals' Association Designee
Peter Conlon, Representative
Jon Wilkinson, Gubernatorial Appointee
Jeff Francis, Vermont Superintendent's Association
Sue Ceglowski, Vermont School Boards Association
Martine Gulick, Senator
Chris Taylor, Representative
Michael Gaughan, Vermont Bond Bank
Eric Lafayette, EEI Services
Jeff Fannon, VT NEA

Also Attending:

Ashlynn Doyon, Treasurer's Office
Jill Briggs Campbell, Agency of Education
Scott Baker, Treasurer's Office
Jeremiah Breer, Treasurer's Office
Bob Donohue, Agency of Education
Steve Wisloski, PRAG
Tom Huestis, PRAG
Julia Richter, Joint Fiscal Office
Erica Loomis, Member of Public
Jay Nichols, Vermont Principals' Association
Trish Coppelino, Department of Environmental Conservation
Lauren Fierman, Superintendent, TRSU
Mark Tucker, Superintendent, CCSU
Sarah Owen, Department of Health
Julie Moore, Secretary, Agency of Natural Resources
Lori Cragin, Department of Health
Alison Novak, Seven Days
Elaine Collins, Superintendent, NCSU
Andy Haas, Superintendent, WNESU
Mark Levine, Commissioner, Department of Health

Call to Order and Opening Remarks:

Secretary Bouchey called the meeting to order at 12:03 p.m. There were no proposed additions or changes to the agenda.

Approval of October 23, 2023 Meeting Minutes:

Mr. Wilkinson moved to approve the meeting minutes from October 23, 2023. Mr. MacIntire seconded the motion. The Task Force approved the minutes unanimously with no additions or changes.

Public to Be Heard (Public Comment):

Jay Nichols offered public comment in his capacity as the Executive Director of the Vermont Principals Association. He commented that on the “folly of the State’s approach” to the PCB issue. He shared the perspective of two principals who feel that student lives are being adversely affected by Vermont’s PCB remediation policies.

There were no other public comments entered.

PCB Overview Presentation:

Trish Coppolino from the Department of Environmental Conservation and Sarah Owen from the Department of Health, gave an overview of the State’s current PCB program and the health impacts of PCB exposure. (See slide deck in presentation materials.)

Treasurer Pieciak asked a question about the \$16M allocated for Burlington and whether or not that went to new construction or remediation. Ms. Coppolino answered that the \$16M was for the remediation of the PCBs.

Treasurer Pieciak also asked if all of the sampling data was publicly available. The database of samples is publicly available on DEC’s website.

Mr. Wilkinson asked if the 24 hour samples are representative of exposure. Ms. Coppolino replied that the 24 hour samples have been compared to six week passive samples of indoor air and they do not have much variation. Mr. Wilkinson also asked about the time of year and technical measures around the sampling. He noted that there are many other types of Mr. Lafayette also asked how quickly test results come back. Ms. Coppolino replied that it can take up to 8 weeks because of the volume demand on the labs.

There was not enough time to discuss the occupancy options in this portion of the agenda, but Dr. Owen said that she would furnish additional materials for the group to review.

Superintendents Roundtable Discussion:

Superintendent Collins noted that her SU has twelve different site with five buildings that have varying levels of PCB exposure. They had to shut down the preschool at Brighton Elementary and have been working with DOH and AOE to get a modular building ever since. They also added activated air filtration systems. Mitigation efforts at North Country High School have been more complicated. Superintendent Collins noted that shutting down schools and continuous interruptions in education is detrimental to the mental and social emotional health of students.

Mr. Young (Principal at North Country) added that the testing and remediation efforts are a large strain on custodial resources. He noted that when Monsanto comes to sample, they are dressed in full respiratory gear.

Mr. Gaughan asked about the political and community barriers to the acceptance of a school construction or repair bond vote. Superintendent Collins noted that some of her districts have much higher poverty levels than others and that for some communities, having any State support would help a vote to go through, but that in others it would have to be a significant amount for communities to even consider it.

Superintendent Tucker noted that the Danville School went through a detailed and expensive study and that the state aid for these school construction projects needs to be a number greater than zero, especially in income sensitive communities.

Superintendent Fierman shared that a \$20M bond vote for the high school in her SU failed because community members anticipated that at some point soon the State would start putting money into these projects and so they were not willing to vote “yes” at this time. She also noted that the two processes of mitigating PCBs when they are discovered and planning for larger school construction projects are incompatible.

Mr. Lafayette asked about the extent of the spaces that are shut down at North Country and how big of a project they are looking at. Superintendent Collins noted that they are waiting on further testing due to some inconsistent samples to determine the required action levels. Mr. Young noted that there is no small renovation in a school that serves over 700 students. He also asserted that a lack of statewide coordination of school construction projects leads to huge discrepancies the level of education that is provided to students across the state.

Superintendent Haas echoed the sentiments of the other superintendents. He noted that he does not think his community will ever be able to pass a bond vote and that the air filter units that have been installed are so loud that it makes teaching and learning difficult.

Mr. Wilkinson noted that he does not think that it is unreasonable for there to be variation in testing results because they only represent a snapshot in time in buildings where doors are opening, there is heating and cooling, etc. He does not think this variation is caused by lab errors.

Superintendent Tucker expressed disappointment at the “opaque” and frequently delayed testing process. He stated that the State’s PCB program was rolled out too quickly, that there are resource constraints for the statewide testing protocol and the number of qualified engineers available, and that schools have to sit and wait for the process to unfold. He also detailed the current options available for the Cabot School gymnasium.

Superintendent Fierman also expressed that the current system is unworkable. She suggested that it would be more successful if we know the scope of the problem and the work required to remediate before we started.

Mr. Lafayette noted that some of these remediation projects “open up a can of worms” in terms of other things that also need to be replaced at the same time which can balloon original costs.

Mr. MacIntire suggested that the group needs to retain focus on the larger problem of school construction overall and a path forward.

Superintendent Tucker stated that the school districts are forced to deal with the PCB remediation under short time frames. They must find ways to come up with the money and they do not necessarily have time for the Task Force to come up with a way to pay for it.

Ms. Coppolino replied that the time frames are a combination of EPA guidance and rules set in place by DEC, that there are extensions available and that the department is trying to offer as much leniency as

possible given the circumstances. She also noted some of the immediate mitigation measures that can be taken such as vapor barrier paints, sealants, and metal tapes.

Task Force Member Discussion with Secretary Moore and Commissioner Levine:

In this section of the agenda, Task Force members were given an opportunity to ask questions of both Secretary Moore and Commissioner Levine.

Mr. Lafayette asked a question about the health risk level for occupants in the spaces at the testing levels that have been identified.

Mr. Wilkinson asserted that we have to a better job of explaining the risks of PCBs in a factual way to the public to increase levels of understanding.

Mr. Young asked a question about the carrots/sticks/levers that are available to the regulatory agencies in this space to ensure that schools are doing these projects correctly.

Mr. Lafayette stated that when we are quantifying risk to students we should consider everything across the board from the food that we are serving to the quality of education that we're providing, as well as the indoor air quality.

Rep. Conlon suggested that the PCB program needs to stop for a while until we can come up with a better, integrated way of dealing with this. He asked whether the legislature can expect leadership from the administration about how to pay for this.

Ms. Briggs Campbell reminding the Task Force that the school facilities assessment came up with a number of roughly \$300M for immediate needs.

Secretary Moore noted that we have similar challenges related to PFAs, another contaminant of emerging concern, and that her agency is very much thinking about how to pay for this work going forward. She also stated that this is complex work and that at the same time these are public health concerns and so trying to figure out a way to minimize the public health concern that is fiscally responsible and ultimately fits with the facilities needs of our aging school buildings is really important and equally challenging work.

Mr. Gaughan noted that the Bond Bank recently assisted South Burlington with the financing of some modular classrooms. Mr. Lafayette stated that in his experience the price per square ft. of the modules is comparable to a regular addition and that the construction style does not always match that of the existing building.

Discussion of Task Force Work and January 15th Report:

Ms. Briggs Campbell and Ms. Doyon posed questions to the Task Force about the timing and scope of the recommendations that they wish to put forward by the legislative deadline of January 15th, 2024.

Rep. Conlon stated that he would like the Task Force to produce something that is actionable for the second half of the biennium and that he would also like to nail down what the State's bonding capacity is.

Mr. Francis echoed Rep. Conlon's comments and also suggested the Task Force grapple with the idea of pausing the PCB program.

Senator Gulick suggested looking at the PCB program in a non-binary way, rather than just a yes, do it, or not, but address the most critical buildings at this time.

Mr. Epstein suggested the Task Force focus on a framework of recommendations and also that a smaller working group might be beneficial over the next several weeks.

Mr. Gaughan asked if it would be helpful if the Bond Bank drafted a memo to the Task Force about what they think are the most important things to consider.

Rep. Taylor suggested that there should be measures in place to ensure the upkeep and maintenance of buildings if there is funding from the State. Mr. Fannon emphasized this point.

Mr. Lafayette suggested that it would be helpful to have a sense of the budget available in order to craft the list of priorities.

Rep. Conlon indicated that there may be a legislative appetite for additional revenue to support this work.

Secretary Bouchey suggested that it might be helpful to have a few numbers in mind, such as an upper and lower quartile approach in terms of available funding.

Mr. Fannon suggested that the Task Force should perhaps ask for a short time extension in light of the flooding in July.

Ms. Ceglowski suggested that the group needs to consider what the optimum school looks like from an efficiency and educational standpoint as well.

Mr. Lafayette brought the group's attention to the 5% increase cap that will affect district spending and add another complication to long-term capital planning.

Mr. Wilkinson suggested that the group should calculate the amount that the State has NOT spent on school construction since the moratorium as a matter of deferred maintenance.

Treasurer Pieciak suggested focusing on how to jump start a new program, understanding the UAL for the VSTRS pension will be paid off in 13 budgets from now.

Adjournment:

Senator Gulick made a motion to adjourn. Mr. Lafayette seconded the motion. The Task Force adjourned at 3:12 p.m.