

**MINUTES OF  
THE GOLF COURSE  
REVIEW COMMITTEE**

## Minutes of the Golf Course Review Committee

June 11, 2003

The committee met at 4PM at Town Hall.

Present were Town Administrator Phil Lemnios and members of the Committee: John Ciccariello, Barbara Chinetti, Gail Kaprielian. The committee organized as follows: Chairman, Mr. Ciccariello Chair; Secretary, Ms. Kaprielian.

Mr. Lemnios distributed a notebook containing documents and information pertinent to the Golf Course Project. Mr. Lemnios also provided an outline that might serve as the basis of the committees' investigation and research. (Attachment A).

Included in with the documents was a copy of the Charge to the Review Committee that Mr. Lemnios presented to the Board of Selectman at their meeting of May 5, 2003. (Attachment B).

The committee and Mr. Lemnios discussed this charge. It was proposed that the committee review the history of the Golf Course from its inception. That it should review and investigate construction history, operational history, construction cost projections, operational revenue and expenditure and cost accounting for the life of project. Additionally, the committee should discuss and prepare an opinion regarding future considerations i.e. what course of action should be considered when the current management contract expires on 12/31/03 and the likely financial performance in the near term – next 1-5 years.

The meeting adjourned at 4:45PM.

June 19, 2003

The committee met at 4PM at Town Hall.

Present were Committee members John Ciccariello, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios, Town Finance Director Bob Palmer.

The committee met with the Karen Roberts and Joseph O'Connor, auditors from Melanson Heath and Company who would be conducting the audit and evaluation of the landfill closing, golf course construction and operation.

Mr. O'Connor and Ms. Roberts explained the nature of their review and audit. Mr. O'Connor will be the lead contact person. M.H.C. will require access to all documents relative to each project including contracts with Contractors & Consultants. Phil L. will

schedule contacts with Bob Palmer and Ruth Cashman. John C. noted it appeared the Book Phil issued at Meeting #1 was missing numerous contract info. Phil will pursue securing more documents with Bob, Ruth and DPW.

The meeting adjourned at 4:45PM.

June 26, 2003

The committee met at 4PM at Town Hall.

Present were Committee members John Ciccairelo, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios and Bob Palmer, Finance Director.

The Committee had available to them the sections of contracts, correspondence and ledgers pertaining to the Landfill and Golf course. The Committee gave them a cursory review and determined the following outline of contract events:

1/29/99	Contract awarded to Foster and Wheeler for the Landfill
\$3,413,986	base bid to close the landfill
75,000	Change order #1 Remediation of Jennings Pond additional excavation
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3,488,986	
73,987.26	Change order #2 – Purpose unknown.
<hr/>	
3,562,973.26	
367,207.07	Change order #3 – Gas Flare Station (golf course)
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\$3,930,180.27	Total cost for final closure of landfill, based on documents reviewed and available to date.

3/8/200	Contract awarded to Supreme Industries for the Golf Course
\$2,383,509	Base bid
	Change order #1 – unknown
	Change order #2 – unknown
37,870	Change order #3 – Hole #8: add catch basin with pipe and 3 bunkers @ 1000 cubic yards

10,014      Change order #4 – Holes # 3 & 5: drainage enhancement

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\$2,452,798      Total after 4 change orders, based on documents reviewed and available to date.

Also reviewed were two other contracts which appear to be related to the Landfill Closure.

Cali Corporation Contract 94-1 in the amount of \$48,960.00 for Jennings Pond. How this relates to the Landfill is unknown at this time.

E.T.L. Construction Contract 2A 1997 in the amount of \$397,250.00 for Landfill preliminary grading.

Town Meeting appropriation was \$2,975,000 for the golf course. If the final Construction Contract was \$2,452,798, a balance of \$552,201 would remain. This balance would have had to cover architectural, engineering costs, construction administration and any other project costs.

This review raised more questions than it answered and the Committee feels more in depth research will have to be conducted. It appears both the Landfill and Golf Course projects need to be reviewed concurrently.

The meeting adjourned at 5:30

July 10, 2003
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The committee met at 4PM at Town Hall.

Present were Committee members John Ciccairello, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios, Jeffrey Phillips, John Culkin.

The committee invited Mr. Phillips to attend for the purpose of discussing his concerns relative to the Golf Course, the contracts awarded and the general oversight of the project. Mr. Phillips reminded the committee that he had made a presentation to the Board of Selectmen on April 7, 2003 relative to these issues and concerns.

Mr. Ciccairello acknowledged that presentation and added that he wanted to afford the other committee members the opportunity for discussion as well.

Mr. Phillips stated several questions and concerns about the Golf Course project:

### Bidding Process – Golf Course Management

- Were elements of the RFP appropriate
- Was the RFP in the best interest of the Town
- Was the RFP crafted to limit bidders.

### Funding

- Where are the monies used for the project coming from
- Are funds being taken from the correct accounts
- What money is left
- Revenue collection is by the Treasurer/Collector  
Sterling turns over a weekly check. Yet initially the check went to the Comptroller. The explanation given for that at the time was there was a person in the Comptroller's office that was really assigned to the Treasurer/Collector and the check was going to that individual, not the office. Now the check goes to Maureen in the "central office" and then to Bob Palmer.
- There is not reconciliation between what is given to the town and what the golf course takes in and this needs to be changed.

### Water Bill

- Why wasn't it paid
- Who made the decision to hold up payment
- Which project should it go to – Golf Course Construction or Golf Course Operation

Mr. Lemnios noted that he had requested and received responses from the Comm. Of Mass. Office of Inspector General concerning the Management RFP Process and Environmental Monitoring Contract.

The Inspector General Office findings were summarized as follows:

1. Management RFP Process was found to be a valid contract.
2. Environmental Monitoring Contract with Griffin Engineering was not valid and in violation of MGL c.30B and should be rebid.

Mr. Lemnios indicated the Monitoring Services had already been rebid and a new contract awarded.

General discussions took place concerning issues raised by Mr. Phillips. The Committee's intent is to respond to these issues in the final report.

The meeting adjourned at 5:30PM.

July 31, 2003

The committee met at 4PM at Town Hall.

Present were Committee members John Ciccairello, Barbara Chinetti, Gail Kaprielian. Also present was Town Finance Director Bob Palmer.

The committee had expected to receive a draft of the review by Melanson Heath. It was not ready. Neither Mr. Lemnios nor representatives of Melanson Heath were present.

The committee identified a list of individuals to talk to including but not limited to:

- Charlie Sisitsky, Director of Public Works
- John Craig, Business Manager, Department of Public Works
- Ruth Cashman, Comptroller
- Bob Palmer, Finance Director
- Paul Cohen, former Acting Town Administrator

The committee defined the report it would write and made the following assignments:

Gail Kaprielian:

1) History of the project

For Golf Course, Landfill and Jennings Pond

- What was presented to the Board of Selectmen
- What was presented to Town Meeting
- Appropriations
  - When were they made
  - How much were they

John Ciccariello:

2) A review of the contracts

For Golf Course, Landfill and Jennings Pond

- What contracts were awarded.
- The initial award and the final cost of the project for each contract awarded.
- When were they awarded.
- The purpose of the contracts.
- Change orders associated with the contracts.

Barbara Chinetti:

3) The Golf Course feasibility study and Golf Advisory Committee

- When was the golf course first mentioned as a possibility.
- Who had input to the original idea.
- What is the role of the Golf Advisory Committee.
- What are the revenues reported to the Golf Advisory Committee to date.
- NOTE: Barbara gave John the copy of the Golf Clubhouse Design Drawings and Estimates she had received from Weaver Architects during the design phase.

The meeting adjourned at 5:30PM.

August 6, 2003

The Golf Course Review Committee was invited to meet with Golf Advisory Committee. Their meeting began at 7PM with a discussion with Sterling Management about matters of the golf course including advertising, projected revenues and general operating issues.

Sterling noted that demographics had changed. At one time golfers played no matter what. Now, people have other activities, such as their children's sports and other family obligations that make golf a scheduled activity for them. Golf playing is down 9% in New England and 3% across the country.

Much depends upon the weather. The course could be open into December which usually means heavy play on Saturday and Sunday – if the weather holds.

Continuing, Sterling staff stated that conditions are key, that the greens and tees must be excellent. They are doing all the right things but people aren't coming. There's not much else they can do besides advertise for more people – what is needed is more people. Amenities will get more people to the course. Many corporate clients choose not to use Sassamon Trace because of lack of amenities; a trailer is not very inviting.

Dr. Salamoff, member of the Golf Advisory Committee said Holliston has a great clubhouse, but the greens aren't good and they are losing people. They are putting too much emphasis into the clubhouse and not enough attention to the greens. He stated that amenities are needed and it brings in revenues. He illustrated the point by stating that the St. Linus league goes to Holliston even though they are all Natick residents because they like the clubhouse to meet in after play.

The Golf Advisory Committee and Sterling discussed marketing options such as coupons and radio comps.

In reviewing S.G.M. Inc. Year To Date Summary, Mr. Ciccariello noted that Year 2001 should be included and all of Year 2002 for each month. Sterling will do so.

At 8 PM the Golf Review Committee was invited to join the Golf Advisory Committee in Executive session to discuss business models for the Golf Course. Also present were Bob Palmer, Finance Director, Phil Lemnios, Town Administrator and Dick Cugini, Director of Parks and Recreation.

The meeting adjourned at 9:45PM.

August 7, 2003

The committee met at 4PM at Town Hall.

Present were Committee members John Ciccairello, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios, Town Finance Director Bob Palmer.

The committee had previously requested that Charlie Sisitsky, Director of Public Works and John Craig, Business Manager, Department of Public Works be present to answer questions. Both had to cancel due to other commitments. The Committee asked Mr. Lemnios to invite both Mr. Sisitsky and Mr. Craig the Committee's next meeting on August 14.

Earlier that day Mr. Ciccairello secured documents from Ruth Cashman and reviewed contracts, plans, specs etc. relating to the Golf Course, Landfill and Jennings Pond.

He reported the following based upon an initial review:

Golf Course Project

Course Architect: Cornish, Silva and Mungeam Inc.  
207 North Main St.  
Uxbridge, MA 01569

Engineer: Tata & Howard  
125 Turnpike Rd.  
Westborough, MA 01581

General Contractor: Supreme Industries

Bid Date: February 24, 2000, 2:00 P.M.  
Contract No. 1

Bids Received: Five Bids received.

1.	Argos Construction	\$2,229,100.00
2.	Supreme Industries	\$2,383,504.70
3.	J.P. McCabe Inc.	\$2,489,000.00
4.	C.J. Marbady Inc.	\$3,142,242.00
5.	LIM	\$3,284,514.00

It appears the apparent low bidder Argos Construction was disqualified. Two Addenda #1 & #2 were issued during the bid phase.

Notice to Award: Issued by Fred Conley, Town Administrator on March 8, 2000.

Notice to Proceed: Issued by Fred Conley. No Start Date or Completion Date was stipulated (left blank).

Contract Date: March 31, 2000 Contract No. 1

Contract Signed By: Paul Cohen, Acting Town Administrator

Amount: \$2,383,509.70

Project Time: 540 Days

Liquidated Damages: \$750.00/Day

Payment/Performance Bonds: Issued

Insurance Certificates: Issued

Change Orders: Eight Issued During Construction

<u>Number</u>	<u>Amount</u>	<u>Town Authorization</u>
CO 1	\$16,150.00	6/13/00 Paul Cohen
CO 2	\$4,690.00 & \$556.00	Never Signed, Verbal OK
CO 3	\$37,870.00	9/8/00 Paul Cohen
CO 4	\$10,014.21	10/13/00 Paul Cohen
CO 5	Missing	
CO 6	\$19,088.15	6/5/01 Paul Cohen
CO 7	\$3,227.50	Never Signed
CO 8	\$840.00	Never Signed

Final Contract Amount: \$2,486,015.76

Based upon change orders reviewed and the final contract amount, it appears CO #5 should be \$10,061.70

West St. Sanitary Landfill Closure Project

Engineer: Tata & Howard

General Contractor: Foster Wheeler Environmental Corp.

Bid Date: December 4, 1998, 2:00 P.M.  
Contract No. 2

Bids Received: Five Bids Received

<u>Firm</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Deduct Passive Gas Vent</u>
1. Foster Wheeler	\$3,802,184.00	\$536,553.00	\$53,544.00
2. R. Bates & Sons	\$3,799,295.00	\$524,125.00	\$62,560.00
3. ET & L Corp.	\$3,997,940.00	\$463,820.00	\$ 920.00
4. DR Corp.	\$4,375,230.00	\$575,850.00	\$18,400.00
5. WES Const. Corp.	\$4,202,595.00	\$609,500.00	\$46,000.00

Based upon a review of available documents, the Town of Natick did not accept Alternate #1 and the deduct for the passive gas venting. As such, Foster Wheeler was the low bidder in the amount of \$3,319,175.00.

Three addenda 1, 2 & 3 were issued during the Bid Phase.

Notice to Award: Issued by Fred Conley on 12/21/98 in the amount of \$3,413,986.00. No document is available addressing \$94,811.00 difference.

Notice to Proceed: Issued 1/29/99, no Start Date stipulated, Completion Date 9/30/00.

Contract Date: 1/29/01 Contract No. 2

Contract Signed: Fred Conley, Town Administrator

Amount: \$3,413,986.00

Project Time: Unknown

Liquidated Damages:	1 <sup>st</sup> – 30 <sup>th</sup> Day	\$1,000.00
	31 <sup>st</sup> – 90 <sup>th</sup> Day	\$1,750.00
	91 <sup>st</sup> – thereafter	\$2,500.00

Payment/Performance Bonds: Issued

Insurance Certificates: Issued

Change Orders: Three issued during Construction.

<u>Number</u>	<u>Amount</u>	<u>Description</u>	<u>Town Authorization</u>
CO 1	\$75,000.00	Excavate Jennings Pond	5/6/99 Fred Conley
CO 2	\$73,987.20	Unknown	
CO 3	\$367,207.70	Gas Flare Golf Course	

Final Contract Amount: \$3,930,180.27

Jennings Pond Project – Construction of Outlet Modification Contract 94-1  
Natick Conservation Commission

At the time of this review, it was not known how this contract may have impacted the Landfill Project.

Engineer: Consolidated Design Group Inc.  
Framingham, MA

General Contractor: Cali Corporation

Bid Date: October 13, 1994, 2:00 P.M.

Bids Received: Unknown

Notice to Award: October 26, 1994 George Wallace

Notice to Proceed: December 1, 1994 issued by George Wallace, Start Date 12/15/94,  
Completion Date 2/13/95

Contract Date: 12/1/94 Natick Con. Com. George Wallace

West St. Sanitary Landfill Closure Project

Contract for Emissions Testing and Gas Monitoring

Consultant Hired: Dufresne Henry Inc.  
5 Lan Drive  
Westford, MA  
\*\*It should be pointed out that only one engineering proposal was sought for these services.

Contract Amount: \$49,945.00

Contract: DHI proposal to Charles Sisitsky dated 8/28/01 was approved and signed by Fred Conley on 11/9/01.

Start Time: November 7, 2001

Completion Date: February 28, 2002

DHI carried ENSR as a Consultant to perform emissions testing in the amount of \$19,600.00, which was included in the Contract Amount.

The Committee discussed what to do with their findings once the review was complete. It was decided to :

Provide a written report to the Finance Committee, Board of Selectmen, and the Golf Advisory Committee.

Distribute the audit by Melanson and Heath and exec summary of the Committees report to town meeting.

Post the report on web and make copies available at Town Hall and the Library.

Barbara Chinetti noted she is not available August 14<sup>th</sup> or 28<sup>th</sup>.  
Phil Lemnios not available August 28<sup>th</sup>.

The meeting adjourned at 6PM.

August 14, 2003
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The committee met at 4PM at Town Hall.

Present were Committee members John Ciccairello and Gail Kaprielian. Also present was Town Administrator Phil Lemnios.

Phil Lemnios indicated audit is incomplete. He spoke with Mr. O'Connor, Melanson & Heath on Thursday. Expects draft on 8/18/03.

The committee and Mr. Lemnios discussed the appropriations made by Town Meeting for capping the landfill and construction of the golf course.

April 17, 1990

For purposes of constructing a permanent cap on that section of the Town landfill which is to be used for composting activities, and for undertaking necessary engineering tests and improvements at the landfill

\$305,600 appropriated from the following sources:

Transfer from Stabilization Fund	\$ 275,900
Solid Waste Tipping Fee Account Balance	<u>29,700</u>
	\$ 305,600

April 2, 1991

To continue the implementation of the "Order to Perform" at the Landfill site.

Transfer from the unobligated balance  
in the FY91 Waste Tipping Fee Expense  
Appropriation. \$35,000

April 13, 1993

To continue the implementation of the "Order to Perform" at the Landfill.

Transfer from Stabilization Fund \$44,500

April 12, 1994

For closing out and capping the existing landfill and for related work.

Borrowing under MG L c.44 Section 8(24) \$3,000,000

October 1, 1996

ARTICLE 12

Closing out and capping and for constructing a Flaring System for collection of  
Methane Gas at the existing landfill

Borrowing under MG L c.44 Section 8(24) \$2, 127,086

ARTICLE 13

For planning and constructing a municipal golf course and other recreational  
facilities, located on the former landfill and in connection therewith which shall  
be partially located in the Town of Sherborn including the acquisition, in fee or by  
a lease not exceeding one hundred years, of any interest and necessary therefor,  
the construction of a building, and the cost of original equipment furnishings in  
connection therewith.

COUNTED VOTE, 93 YES, 29 NO  
Borrowing under MG L c.44 8(16) \$2,200,000

December 15, 1998

ARTICLE 5

For closing out and capping the existing landfill and for related work.

Borrowing under MG L c.44 Section 8(24) \$900,000

April 15, 1999

ARTICLE 12

For the purpose of closing out and capping the existing landfill by completing the methane collection and flaring system

Borrowing under MG L c.44 Section 8(24) \$388,000

ARTICLE 13

For the planning and constructing a municipal golf course and other recreational facilities which shall be partially in the Town of Sherborn, including the acquisition of any interest in land necessary therefor, the construction of a building, and the cost of original equipment and furnishings in connection therewith.

VOTED BY 2/3 MAJORITY  
Borrowing under MG L c.44 8(16) \$775,000

John Ciccariello gave an update of additional contracts he reviewed.

West St. Sanitary Landfill Closure Project  
Contract 2A - Sanitary Landfill Preliminary Grading Plans

Engineer: Tata & Howard  
General Contractor: ETL Construction Corp.  
Bid Date: September 10, 1997, 2:00 P.M.  
Bids Received: Unknown  
Notice to Award: Unknown  
Notice to Proceed: Issued by Fred Conley, not dated, not signed by ETL  
Amount: \$397,250.00  
Project Time: 60 Days to Complete  
Contract Date: Signed by Fred Conley and ETL Corp. No date is on the agreement.

Liquidated Damages: Unknown

Payment/Performance Bonds: Issued

Insurance Certificates: Issued

Change Orders: Unknown, no documents found to date

Final Contract Amount: \$397,250.00

Golf Course Operation  
Cart Leasing Agreement

Leasing Vendor: Citi Capital Commercial Corp.

Bid Date: Unknown

Bids Received: Club Car \$123.00/cart per month  
E-Z Go \$115.00/cart per month  
Yamaha \$121.50/cart per month

Lease Awarded: Natick Board of Selectman 6/18/01

Lease awarded to Club Car for 30 carts. Club Car was the only bidder to meet specification requirements according to presentation made by Ed Salamoff Chairman of Golf Advisory Comm.

Lease Duration: August – October 2001  
May – October 2002 – 2005

Lease Signed: September 26, 2001 Fred Conley. Addendum #1 issued 9/26/01 refers to a lease agreement of 9/4/01, which was not found.

Golf Course Project  
Design Consultant Contract

Consultant Hired: Cornish, Silva & Mungean, Inc.  
207 North Main St.  
Uxbridge, MA 01569

It should be pointed out that only one proposal was sought for these services.

Contract Amount: \$63,000.00 as follows:

1. Planning/Permitting \$25,000.00
2. Construction Documents \$20,000.00
3. Construction Administration \$18,000.00

Contract Date: No Architect/Owner Agreement  
CS & M Inc. proposal dated 2/11/97 was signed by Fred Conley,  
Town Administrator.

Contract Amended: Letter from Fred Conley dated 11/25/98 approving \$7,500.00 for  
extra services.

1. Develop Revised Concepts 3, 4, 5 & 6<sup>th</sup> Holes
2. Added Detail Plans
3. Public Hearings (5)
4. Revise Construction Document

Final Contract Amount: \$70,500.00

The meeting adjourned at 4:45PM.

August 21, 2003
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The committee met at 4:15 PM at Town Hall.

Present were Committee members John Ciccariello, Barbara Chinetti, Gail Kaprielian.  
Also present were Town Administrator Phil Lemnios, Director of DPW Charlie Sisitsky,  
and DPW Business manager John Craig.

Mr. Lemnios told the committee that Melanson Heath was still working on the golf  
review and audit. Once the draft was reviewed by the Selectmen and this committee and  
any questions raised to Melanson Heath are answered the report can become public.

John Ciccariello said that this committee is trying determine and understand the events  
and decisions surrounding the landfill and golf course projects; and to that end this  
committee is interviewing those involved. Mr. Ciccariello then invited Mr. Craig and  
Mr. Sisitsky to recount the decisions and steps involved in the two projects.

Mr. Sisitsky recalled that in 1990 the dump was closed and the permitting process to cap  
began. Originally the permits were just to close the landfill. He thinks the original intent  
was not to build a golf course but to get the landfill capped. Tata and Howard were the  
engineers from the beginning of the project to the closing of the landfill. He continued,  
once the town had approval to close the landfill, DEP set conditions. One of the first  
steps was to relocate the buried trash from the wetlands to the dump and fill in the

wetlands. A contract dated 9/20/94 was awarded to GR Cairns & Sons for \$192,450 to do this.

When asked about fill from the Big Dig, he replied that the town did get fill from the Big Dig and that we got paid to take it. A contractor was hired to move it. Although the landfill was bid two ways – with and without the Big Dig fill, since the clay was not appropriate for use, the alternative, which was cheaper, was to use an artificial liner and clay. A second contractor, ETL Const. Corp. was hired to spread the fill. The contract award for that was \$397,250. It may have also included the cut in for the new entrance to the landfill access of South Main Street.

Mr. Ciccariello asked about change orders and who would have handled them.

Mr. Sisitsky said he did not know about any change orders and said the Town Administrator and the consultant, Tata and Howard would have handled them.

When asked if Jennings Pond was a separate contract, Mr. Sisitsky responded that they were issued at the same time as the landfill. The Jennings Pond material could only be used as capping material. An amendment was made to the DEP closure plan allowing trucking material to the landfill which was done by Foster Wheeler as part of their contract.

Mr. Sisitsky said that the slide gate and drainage had nothing to do with the landfill contract. Dufresne and Henry designed the flaring station for Tata and Howard; that was not a separate contraction with the Town.

Mr. Ciccariello asked if Dufresne and Henry stayed on and Mr. Craig said that they did. They got the permits and did the testing. They are still now finishing up the contract and testing. They are responsible for gas flaring monitoring and testing while Griffin is responsible for environmental issues, water quality, runoff, monitoring wells, etc.

Mr. Sisitsky did not know how Griffin got hired but speculated it might have been Tata and Howard. They had done work for the Conservation Commission and were recommended for additional work.

Mr. Ciccariello asked if DPW was involved in oversight of the project to which Mr. Sisitsky responded, no there was never a supervisor assigned. Tata and Howard had someone acting in a capacity like a clerk of the works. They did most of the construction management and had someone there all the time. The same was true of the Golf Course project. Tata and Howard were the engineers and acted as the clerk of the works and had someone there all the time. Mr. Craig went to construction meetings with Paul Cohen. Cornish and Silva also came and reviewed the work.

Mr. Ciccariello asked when the decision was made to do the active flaring as opposed to passive. Mr. Lemnios said it was the recommendation of Tata and Howard because if you ever want to use the area for recreation purposes you need to install the flaring station now.

Mr. Ciccariello asked if Jennings Pond was supposed to be a separate project and Mr. Sistsky said yes, but we realized using the material at the landfill was the best use for it.

According to Mr. Sitisky, DPW did not have engineering involvement in the landfill and some in the golf course.

Mr. Ciccariello said there was discussion regarding the gas flaring and using it to generate heat but nothing was done. Mr. Sisitsky said it was dirty methane and couldn't be burned. Also, there wasn't enough of it and we were on the downside of that output. But Tata and Howard was so sure it would be a viable idea.

The committee next discussed additional interviews.

Ruth Cashman, Comptroller and Bob Palmer, Finance Director were scheduled to be interviewed next followed by Paul Cohen the week after.

Mr. Lemnios handed out to the Committee a copy of the State Procurement Manual.

The meeting adjourned at 5:30 PM.

September 3, 2003
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The committee met at 4:10 PM at Town Hall.

Present were Committee members John Ciccariello, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios, Comptroller Ruth Cashman, Finance Director Bob Palmer.

Mr. Ciccariello handed out to the Committee copies of the Golf Facility Study dated 8/31/2001 and March 1996. He reported additional research on contracts awarded.

Tata and Howard

Hired 3/8/95 in a contract agreement to do landfill inspections and water quality monitoring. There were three additional amendments. In each case the scope of services changes. The cost started at \$44,500 and total fees non-inclusive of reimbursable expenses grew to approximately \$138,000.

Dowse Lease

Initial lease began 10/1/98 and was terminated 12/31/1998 with an option to extend it from 1/99 to 12/2045. The cost was \$40,000 the first 3 years. The 4<sup>th</sup> year it can increase a minimum of 3% to a maximum of 7%. The cost of the initial lease was \$10,000

Griffin Engineering

10/2002 – 12/2003 an agreement that amends the one of 11/15/01. The initial contract was \$13,000. It was revised to \$28,000 to include the landfill and water quality. Five additional changes for the golf course raised the fees to \$163,000.

Mr. Ciccariello asked Ms. Cashman to explain her role and responsibilities in projects like these. She said once the contracts are entered into, she signs off on the availability of sufficient funds. Then Public Works oversaw the day to day operations. She did not sign contracts, only as to the availability of funds based on the money appropriated and authorized by Town Meeting. Once the project starts, Public Works processes the invoices and verifies that work was done. They place the invoice on the warrants and submit them to her office. She said DPW reviewed all invoices and the Department head or Business manager would sign off that the work was done. Once she gets the invoices, she cuts the checks within the terms of the allotted contract.

Mr. Ciccariello asked if she ever did an account of what was spent on each project.

Ms.Cashman : That was also done at DPW, they also review the budget as well.

Ms. Chinetti: Did Ms. Cashman had the responsibility of writing the checks to which

Ms.Cashman: Yes.

Ms. Chinetti: Asked about the nature of the audit.

Ms Cashman: They review the individual bills to be sure they are in the scope of the project they are being charged against.

Ms. Kaprielian: How it is determined what the invoice is for

Ms Cashman: I know in advance based on the contractor, what is being purchased etc.

Mr. Ciccariello: Once the contract is signed, does Ms. Cashman have the ability to review any amendments or change orders?

Ms Cashman: No.

Mr. Ciccariello: How did you know there was enough money to cover the amendment or change order?

Ms. Cashman: No one ever asked her if there were funds available to cover the amendments.

Mr. Palmer was asked to give an overview of his role in the projects.

In the landfill project he did the projections on borrowing costs and prepared the schedules of borrowing. He also prepared financial feasibility documents for the golf course. He prepared the statements of the towns official statements of borrowings and did some drafting of legislation with bond council. Mr. Palmer said he signs off on bonds

but only signed off on the golf course as Mr. Webb signed the landfill bond. Mr. Palmer's role in the golf facility studies was to use the information to generate projection studies of debt vs. income. The March 1996 study was the one used, with John LaPointe speaking about the study in April.

Mr. Ciccariello: Who did the construction cost estimates.

Mr. Palmer: Tata and Howard did the landfill. Cornish and Silva contributed to the Golf Course but ultimately Tata and Howard did all the construction cost projections.

Mr. Ciccariello: What about change orders and amendments once the contracts were signed.

Mr. Palmer: Change orders were handled through the Town Administrator and only at the very end, after Paul Cohen left did Mr. Palmer handle them. By then the project was focused on the maintenance building.

Mr. Ciccariello: Were you allowed to participate in the studies

Mr. Palmer: No only to ask questions.

Mr. Ciccariello: Did the Town Administrator ask for projections on what was remaining.

Mr. Palmer: No. No one asked until after Mr. Cohen left and the Selectmen started asking about what was left.

Mr. Ciccariello: When Town Meeting was asked for the second appropriation was it always the intent to purchase golf carts?

Mr. Palmer: The decision to lease was made just before opening, probably by Mr. Cohen and the Golf Advisory Committee.

Ms. Chinetti added that at that time they did not know how many carts would be needed. They chose to lease in order to have flexibility in the number of carts and to avoid having to be responsible for maintenance of the carts.

Mr. Lemnios: Was always envisioned that the town would pay for utilities.

Mr. Palmer: Yes.

Mr. Lemnios: And fuel?

Mr. Palmer: Not the town

Mr. Lemnios: Monitoring?

Mr. Palmer: As required by the Conservation Commissions, the town. For pest management, the golf course management.

Mr. Ciccariello: Whose decision was it to hold off on the water bill?

Mr. Palmer: Fred made the decision. It would have been paid out construction money since the enterprise fund did not yet exist. Fred told him to hold on to the

bill and if construction money was left it would come out of that, otherwise it would come out of the enterprise fund. The water bill is approximately \$43,000.00.

The meeting adjourned at 5:10 PM.

September 4, 2003

The committee met at 4:10 PM at Town Hall.

Present were Committee members John Ciccariello, Barbara Chinetti, Gail Kaprielian. Also present were Town Administrator Phil Lemnios and Paul Cohen, former Deputy Town Administrator

Mr. Ciccariello asked Mr. Cohen to explain his role as Acting and Assistant Town Administrator.

Mr. Cohen arrived in 1998 after the landfill funding was approved but he was here for the construction part of the golf course and attended weekly golf course meetings. He arrived at the time of the discussion of venting the gas passively or with a flaring station. He was not here for the original golf studies but was for the subsequent studies, that is the 2001 study but not the 1996 study. There may have been informal discussions and meetings between those studies. He attended weekly construction meetings which Charlie Sisitsky, John Craig, Tata and Howard and Cornish Silva and periodically with the environmental consultant representing the golf course architects. The low bidder was over budget so they went back to Town meeting for the additional \$775,000. It was needed for Supreme's contract and to move forward in good faith.

Mr. Ciccariello: Who was responsible for monitoring costs.

Mr. Cohen: Ultimately it was the Town Administrator. Mr. Palmer did the numbers but Mr. Conley reviewed everything. All expenditures would go through Ms. Cashman who would give them to Mr. Palmer who brought them to the Administrators.

Mr. Ciccariello: Who reviewed Supreme's requests for payment.

Mr. Cohen: He doesn't remember who signed off on them. That was the purpose of the construction meetings.

Mr. Ciccariello: Who reviewed and approved the change orders.

Mr. Cohen: They would report to Mr. Conley

Mr. Ciccariello: How did Tata and Howard's contract keep getting amended for the golf course or landfill closure.

Mr. Cohen: Didn't recall any golf course amendments. There were some concerns with Tata and Howard's performance but that didn't result in additional fees that he

was aware of. Tata and Howard felt they were doing more work than was expected which raised issues of supervision of the landfill capping which they were responsible for.

Mr. Ciccariello: At these meetings was someone keeping track of how much money was left.

Mr. Cohen: Oh, yes; we knew we had to build buildings. We monitored those budgets. Mr. Cohen got summaries from Mr. Palmer and Mr. Conley.

Mr. Ciccariello: Based on monthly reviews you knew what was left.

Mr. Cohen: Sure.

Mr. Ciccariello: Was anybody checking to ensure invoices were applied to the correct accounts.

Mr. Cohen said he didn't know; he didn't recall. It might have been John Craig or Bob Palmer.

Mr. Ciccariello: Was DPW responsible for looking at the golf course?

Mr. Cohen: The landfill certainly, but he doesn't remember their involvement in the golf course.

Mr. Lemnios: Where did the golf course invoices go?

Mr. Cohen: They went John Craig as the Business Manager. He was the key person involved in the construction meetings.

Mr. Ciccariello: Was it was Mr. Cohen's recollection that the reason for the methane gas collection was to allow active use of the landfill.

Mr. Cohen: Yes, it was necessary to use it for recreational purposes.

Mr. Ciccariello: Was an RFP issued for the contract that was awarded to Sterling?

Mr. Cohen: Yes, they had the best range of experience.

Mr. Ciccariello: Did he know the fee proposal.

Mr. Cohen: That would be a separate process and would not be known. All proposals were sealed. Sterling was interviewed by the Golf Advisory Committee and by Mr. Cohen. Based on performance criteria Sterling was selected and once selected the fee proposal would be opened and reviewed. Their fee proposal was in the town's acceptable range. There was no discussion or negotiation of fees. They were looking for someone to come in and get the course up and running.

Mr. Ciccariello: There were references made to audits, performance guarantees in the Sterling Contract to assure compliance with the Conservation Commission regulations. Was it Mr. Cohen's understanding that they (Sterling) were also responsible for all environmental monitoring?

Mr. Cohen: The golf course is on the landfill but its not on the entire landfill. They (Sterling) were responsible for the golf course proper, but outside the bounds of

the golf course remained the responsibility of the town of Natick and Griffin. It's Natick's responsibility to conform with the order of conditions.

Mr. Ciccariello: Was it Sterling's responsibility or the Town's to secure the lease for golf carts.

Mr. Cohen: It was the Town's responsibility to get the carts and make them available to Sterling. But Sterling is responsible for their maintenance.

Mr. Ciccariello: Where should the water bill go, in your opinion.

Mr. Cohen: It was part of construction. The course was not yet open and generating revenue so it should be charged to construction.

Mr. Ciccariello: He recalled Griffin was asked to do additional monitoring – were they hired or was there an RFP?

Mr. Cohen: Griffin was hired through DPW with Mr. Conley ultimately responsible.

Mr. Ciccariello: When they started looking at building construction at a Selectmen's meeting an RFP was issued to Weaver who was selected as the architect. The fee of \$70,000 was based on an estimated \$700,000 . Was \$700,000 what was thought to be left or what was believed necessary to build the club house?

Mr. Cohen: It was both what was left and what was required.

Mr. Ciccariello: Did anyone review the budget at that time.

Mr. Cohen: Yes, but there may have been some claims outstanding that would affect the amount available.

Mr. Ciccariello: Did the appropriation for the golf course include all the engineering fees and monitoring costs?

Mr. Cohen: Ongoing monitoring is an ongoing cost and not part of the \$2,975,000 bond.

Ms. Chinetti: When the RFP went out did we believe we had \$700,000?

Mr. Cohen: Yes.

The meeting adjourned at 5:05 PM.

September 18, 2003
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The committee met at 4:05 PM at Town Hall.

Present were Committee members John Ciccariello, Barbara Chinetti and Gail Kaprielian. Also present were Town Administrator Phil Lemnios, Charlie Sisitsky, Director of Public Works, John Craig, Business Manager, Department of Public Works, Ruth Cashman, Comptroller and Bob Palmer, Finance Director

Mr. Ciccariello thanked everyone for coming back to speak with the Committee. He said that in the course of the interviews the Committee had done with everyone here and with Paul Cohen that there were several issues that needed clarification. Specifically, it was not clear at this point who was doing what in regards to the landfill project and the golf course projects and who was responsible for what.

Directing this first to DPW Mr. Sisitsky said that DPW's participation in the Golf Course project was limited but it was brought to their attention and that John Craig in particular reviewed every invoice and attended weekly meetings.

Mr. Ciccariello: What was your role?

Mr. Sisitsky: Very limited. We were never formally designated to be responsible but because of our proximity we started going to the monthly meetings. Paul Cohen ran the whole show and as far as we were concerned Tata and Howard were the Town's eyes and ears.

Mr. Craig: Processed the invoices from day one and also Foster Wheeler, Supremes, and Tata and Howard's bills. He flagged which project the bill was for. He used the warrant number and if there were questions would check with Tata and Howard.

Mr. Sisitsky: Griffin started initially with the landfill project but later an additional \$25,000 was awarded to do the golf course environmental monitoring to be certain Supreme was done the correct things, i.e. barriers etc.

Mr. Craig: Monitoring of the Golf Course was paid out of the enterprise fund after it opened.

Mr. Ciccariello: What about the change orders?

Mr. Craig: DPW had no role in the change orders. They came up during the regular meetings but Paul Cohen was approving them.

Mr. Ciccariello: Who handled the change orders for the landfill?

Mr. Sisitsky: Not us. We don't know who did.

Ms. Cashman: I reviewed the dollar amount and signed off on the warrant. I checked the account numbers.

Mr. Ciccariello: Who was doing monthly updates?

Ms. Cashman / Mr. Palmer: Neither Ruth Cashman nor Bob Palmer. Mr. Palmer didn't look at the numbers until about the time the maintenance buildings were being discussed. The estimates and project costs were laid out by Tata and Howard.

Mr. Ciccariello: The town allocates \$2.97 million dollar for a project and no one checked to see if we went over the allotment. Who would check?

Ms. Cashman: I would check. The landfill and golf course started out as a combined account and we just checked the bottom line.

Mr. Ciccariello: Why were they combined?

Ms. Cashman: Fred saw the projects that way. Both bonds went into the same fund

Mr. Ciccariello: My understanding is that two different appropriations can't be intermixed. Is that correct?

Ms. Cashman: Yes.

Ms. Kaprielian: But isn't that what we just did?

Mr. Palmer: Yes.

Mr. Lemnios: Looking at the two streams of money, was the bottom line ever violated?

Ms. Cashman: No.

Mr. Lemnios: Bob, what can you do with excess money in a project.

Mr. Palmer: It can be used for any legal purpose that could be bonded for an equal to or greater length of time. The excess would be declared surplus. The landfill was bonded for 20 years and the golf course for 30. Town Meeting would need to authorize that. If Town Meeting rejected that, the money would just sit as surplus.

Mr. Sisitsky: To the point regarding how the closing linked the two projects were, much of the landfill design was done to accommodate a golf course.

Mr. Lemnios: Ruth, how often did someone ask for a project update as to how much money was left.

Ms. Cashman: Once. Fred asked in 1998 or 1999. Tata and Howard always came and asked.

Mr. Lemnios: Ruth, were you ever concerned about this lack of attention?

Ms. Cashman: Yes.

The Committee decided they did not need to conduct any additional interviews. Our next step is to draft our report.

The tasks were reiterated:

Gail Kaprielian:

The history of the projects, what was presented to the Board of Selectmen, what was presented to Town Meeting, appropriations -- when were they made and how much

John Ciccariello:

Review of the contracts for both projects, what contracts were awarded, when they were awarded and for what purpose, the initial award and the final cost of the project for each contract awarded, and change orders associated with the contracts. Address the questions raised in the Citizens report.

Barbara Chinetti:

When was the golf course first mentioned as a possibility, who had input to the original idea, the role of the Golf Advisory Committee, what are the revenues reported to the Golf Advisory Committee to date.

The auditors have returned and are working on their report based on additional found documentation. Their report is expected by the Committee's next meeting.

The meeting adjourned at 5PM.

BOS

September 2, 2003

September 15, 2003

September 29, 2003

Fall Town Meeting

October 21, 2003

## Minutes of the Golf Course Review Committee

September 25, 2003

The committee met at 4:20 PM at Town Hall.

Present were Committee members John Ciccariello , Barbara Chinetti and Gail Kaprielian. Also present was Town Administrator Phil Lemnios

Mr. Ciccariello presented a copy of the minutes of the committee's meetings to date. Ms. Kaprielian made a motion to accept the minutes which was seconded by Ms. Chinetti. The minutes were approved 3-0-0.

Mr. Ciccariello reviewed additional information. The original appropriation was for \$2,975,000. The contract was for \$2,486,015 leaving less than \$500,000 for engineering change orders, golf carts etc. He spoke earlier with Ms. Cashman who believes the town paid approximately \$400,000 in fees for the golf course to Tata and Howard. Tata and Howard also received \$500,000 for work on the land fill. The town has clearly spend over the golf course budget.

Mr. Lemnios said it was clear that there was a relationship between the land fill and the golf course but there were two separate bond authorizations. It is allowable to request money be moved from one project to the other but that can not be done before the money is spent. Money can not be co-mingled.

Mr. Ciccariello said that no one knows what was left for the golf course because money for the two projects was mingled and no one checked the balance for the separate projects.

Jeffrey Phillips questioned Mr. Ciccariello asking if it was accurate to say that know one spelled out the specifics of what the Town was getting in the project and no one knows why we don't have a maintenance shed.

Mr. Ciccariello said the town hired engineers to design the golf course with a preliminary idea as to where to site the buildings and that is what they did. No one asked them to design the buildings. They waited until the course was built before addressing the maintenance and clubhouse buildings. The building committee thought they had \$700,000 of which \$70,000 was allowed for the design fees. The initial maintenance building design bids were in excess of \$500,000.

The next step is to meet with the Board of Selectmen at their October 14 meeting at which time we will have the audit to include with our report.

The meeting adjourned at 5:30PM.

October 2, 2003

The committee met at 4:00 PM at Town Hall.

Present were Committee members John Ciccariello , Barbara Chinetti and Gail Kaprielian.

Mr. Ciccariello distributed a document compiled by Ms. Cashman which contained all the invoices and the projects they were charged to. It shows the total appropriation of \$9,490,000.00 authorized thru Town Meeting and \$253,550.00 of other financing sources available for both projects.

The total expenditure to date is \$9,466,873.24 leaving a balance of \$276,676.76, of which \$100,000.00 has not been borrowed to date.

This leaves \$176,762.76 available in the account if combined as one project.

The Committee will confirm if the water bill \$43,784.00 has been paid.

The committee adjourned at 4:20PM.

## Minutes of the Golf Course Review Committee

October 2, 2003

The committee met at 4:00 PM at Town Hall.

Present were Committee members John Ciccariello , Barbara Chinetti and Gail Kaprielian. Also present was Town Administrator Phil Lemnios

The purpose of this meeting was to begin putting together our report for the Selectmen's meeting on October 14. The focus of this committee was to be the golf course. But the landfill as well as Jennings's Pond projects had a monetary impact on the golf course project as well.

Mr. Ciccariello distributed sections of the report accumulated to date. Still to be written is the Executive Summary, findings of the committee and conclusions drawn from the information collected.

Not included is the first LaPointe Golf study of 1996 but the last one of 2001 is included.

The Committee voted to approve the minutes of September 25, 2003 and October 2, 2003. Moved by Gail Kaprielian, seconded by Barbara Chinetti. Approved 3-0-0.

- The committee discussed how the Executive Summary should be structured:
- Factual history of events
- Expectations of the Board of Selectmen, Town Meeting and the public.
- The actual facts and realities of the project from conception of the golf course to it's completion.

Mr. Ciccariello will complete the document over the weekend. The committee will meet at Town Hall on October 14, 2003 at 5PM to approve the final document.

The committee adjourned at 5:00PM.