

EXHIBIT 5.

**6/15/12 – SOFTBALL FIELD EVALUATION AND
MASTER PLANNING REPORT –
LINCOLN SUDBURY REGIONAL HIGH SCHOOL
(ISSUED BY GALE ASSOCIATES)**



Softball Field Evaluation and Master Planning Report Lincoln Sudbury Regional High School Sudbury, MA

June 15, 2012

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Gale JN 715530

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Lincoln Sudbury Regional High School Softball Field Evaluation and Master Planning Report

Section 1.0 - Introduction, Background and Purpose

In April 2012, Gale Associates, Inc. (Gale) was engaged by the Friends of Lincoln Sudbury Softball (FOLSS) to assist the organization with the evaluation and master planning for the renovation of the existing softball field at Lincoln Sudbury Regional High School (LSRHS). The field is located at LSRHS, just east of the main parking lot and north of the school's entrance (see Aerial Photo at Enclosure 1).

The current softball facility is generally in poor condition and presents a number of significant safety concerns. The outfield's prevailing grades are unacceptable and are a safety hazard, particularly along the right field line. Lack of irrigation and a poorly constructed root zone have resulted in inadequate root growth, which has led to areas devoid of turf. The poor condition of the softball field is inconsistent with the high standards maintained at other LSRHS facilities.

Gale completed an on-site field evaluation of the softball field (see Field Evaluation Data Sheet at Enclosure 2). This report documents the findings of this evaluation and provides recommendations to improve the current field condition.

Section 2.0 - Field Assessments- Methodology

Gale staff visited the softball field, on May 7, 2012, and completed a standard field evaluation form (see Enclosure 2). As part of the evaluation, Gale reviewed each specific area of the softball field, took photographs and determined measurements, as required to assess geometric compliance with applicable standards.

The assessment was performed using accepted industry standards and guidelines. The National Federation State High School Associations (NFHS) and Massachusetts Interscholastic Athletic Association (MIAA) guidelines were followed in the evaluation of the softball field layout and equipment. Similarly, the Architectural Access Board Guidelines were used to assess ADA compliance.

The field was also evaluated for serviceability (i.e. are systems and equipment in good repair, meeting the intended purpose, etc.) and safety. The findings within each functional area are categorized as they relate to the safety, serviceability and accessibility of the field components.

Section 3.0 - Field Assessment Results

The Field Evaluation Data Sheet documents the general condition of the field. Additionally, Gale has compiled a listing of the more noticeable areas of concern throughout the softball field. They are summarized as follows:

➤ Geometry

- The current geometry is acceptable and meets MIAA and NFHS regulations (see Enclosure 6 for the applicable standards). The existing dimensions are as follows:

- Right Field = 200'
- Center Field = 200'
- Left Field = 200'
- To Backstop = 25'

➤ Planarity

- The prevailing grades throughout the outfield do not meet MIAA and NFHS regulations, which typically slope away from the infield at 1.25% - 1.5%.
- The drop off in grade along the right field line is approximately 3-4 feet and is an extreme safety hazard.

➤ Playing Surfaces

- The outfield turf is in poor condition, with weak growth density and areas devoid of turf. It is unsafe for use.
- There are large areas of insect infestation.
- The infield clay is overly compacted.
- There is no irrigation system.
- There is a noticeable lip between the infield skinned surface and the outfield grass surface.

➤ Accessibility

- The current facility does not have ADA access.
- Facility parking is located to the south and west of the field.
- Handicap parking is located to the south of the field and it meets spatial, grade, marking and signage standards. However, it is without an accessible route to the following:
 - Players Benches
 - Spectator Seating
 - Playing Field

➤ Safety

- The current slope of the outfield provides a major safety concern.
- There is no fencing along the foul pole lines.
- The field lip is unacceptable.
- The turf condition results in tripping hazards and lack of shock attenuation.

➤ Amenities

- The scoreboard located in center field is in fair condition.
- The only power located on site is to the scoreboard.
- Spectator seating is portable and located on adjacent sidewalk. They accommodate approximately 50 spectators.
- There is no formal landscape entrance statement.
- Facility storage is located in lockable boxes behind the backstop.
- There is no public address system.
- There is no athletic lighting.
- There are no formal dugouts.
- The players' benches are aluminum and are located on concrete pads behind a 6' chain link fence.
- The foul poles are in good condition.
- The rubbers/bases are in fair condition.

Overall, the field is in poor condition and presents safety hazards in some areas. There is a lack of turf growth throughout the outfield and the current grade issues pose a major safety concern. As described below, a complete reconstruction will provide solutions to all of the current issues.

Section 4.0 - Redevelopment Strategy

Master Plan Strategy. The goal of this master plan is to provide the FOLSS with recommendations to improve the softball facility and provide details as to how the improvements can become a reality.

General. At Enclosures 3 and 4, respectively, please find a Proposed Layout Plan and a Schematic Grading Plan for the proposed softball facility improvements. A complete renovation of the facility is proposed and will result in safer playing conditions, a field more consistent with other LSRHS fields, as well as a field that better meets the needs of the LSRHS softball program.

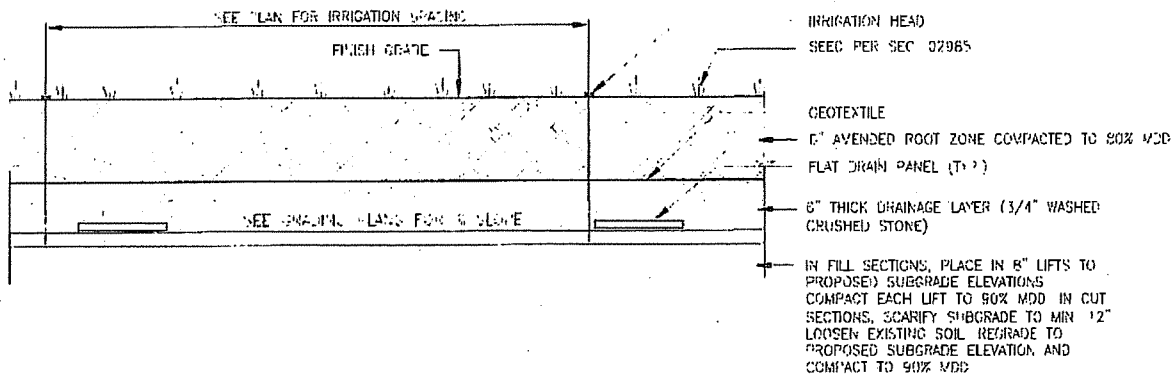
Improving Planarity. The most outstanding safety concern/shortfall of the softball facility consists of the prevailing grades throughout the outfield. A typical softball field slopes away from the pitcher's mound in all directions, at approximately 1.25%-1.5%. This allows for stormwater runoff to escape the playing area, while it does not affect the play of the game. At LSRHS, the current grades throughout the outfield are approximately 2%-4%.

The solution is to remove the topsoil and re-grade the sub-grade in order to achieve the recommended planarity. The first step will be the construction of two retaining walls, one along the southern foul line and one in the northwest corner of the field. The field will then be re-graded at roughly 1.25%, as shown on the Schematic Grading Plan. This will require removal and replacement of the outfield fencing at the final grades.

Playing Surfaces. The current quality of the outfield turf is poor, with a poorly constructed root zone, large areas of weeds and insect infestation. This results in areas devoid of turf and an inconsistent playing surface. The infield clay appears to be over compacted which results in poor drainage and poor ball response.

Given that the softball field root zone will be completely removed due to the re-grading that must take place, Gale recommends reconstructing the entire field. The first step of this reconstruction is to install the drainage layer. A sub-surface drainage system, which consists of flat panel drains and a stone base layer, collects storm water runoff and directs it away from the field. Constructed on top of the drainage layer is a 6"-8" (on average) sand-based, amended root zone. Refer to Fig. 1 for a natural turf athletic field base construction cross section.

Figure 1: Natural Turf Athletic Field Base Construction



NATURAL TURF ATHLETIC FIELD BASE CONSTRUCTION

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The sand based root zone, with proper growing time and maintenance, will provide the players with a consistent and safe playing surface. The amended root zone should be double slice, seeded with a select athletic field seed mix for cool weather grasses of the latest Kentucky blue grass mix. The contractor should be responsible for full grow-in through the second cutting. At Enclosure 5, you will find an example of a natural turf specification which specifies seeding, fertilizing and growing time.

A new infield mix consisting of 60% sand, 20% silt, and 20% clay is proposed. This mixture allows for proper drainage, which prevents over compaction and works well in a New England environment.

Irrigation. The existing facility lacks irrigation. The reconstruction of the field with a new, engineered root zone should include the installation of full irrigation. The proposed system should use heads and controllers of the same type used elsewhere on campus (e.g. Toro, Hunter, etc.). The water supply should be from the existing well located to the south of the existing two synthetic turf fields. The approximate length of the run to tie into the existing well is 1600' and this routing will likely require design and wetlands permitting. The new irrigation system will require a power supply and a cabinet to house the controller and a typical eight-zone Schematic Irrigation Plan is provided in Enclosure 3.

Meeting ADA Accessibility. The existing layout of the field does not meet current ADA accessibility regulations, which require ADA access to spectator seating and the playing field.

The proposed retaining wall along the southern foul line will not only provide a solution for the prevailing grades, but will also bring ADA access to the field and spectator seating. As shown on the Proposed Layout Plan, an accessible route is proposed from the existing handicap parking, located to the south of the field, to the visitor's dugout. This also brings ADA access to the proposed bleacher system. The seating itself must be ADA accessible, with chair parking bays or seats at a transfer elevation. Other site amenities must also be accessible (e.g. drinking fountains).

Athletic Lighting. The current field is not lit and play is limited. The provision of athletic lighting extends the hours of play, effectively doubling the capacity of the field. This potentially allows for use by other community groups.

The athletic lighting proposed consists of a four (4) pole system, incorporating MUSCO Light Structure Green. This is the industry standard for the limiting of site glare and light impacts. The schematic design at Enclosure 8 provides for four (4), maximum 70-foot poles, each with three to five (3-5) fixtures. This provides, on average, illumination of 30-50 foot candles, which is adequate for softball play. The approximate cost of the system is \$180,000, including required upgrades to the electrical service.

Site Amenities. Incorporated into the reconstruction of the softball field and represented under Future Site Improvements, beyond the base project cost estimate, are a number of site amenities, to include the following (*see Enclosure 8 for selected catalog cuts for typical amenities):

- Typical High School Level Daktronics Scoreboard*
- 4' High, 9 Gauge, Black Vinyl Perimeter Fencing With Safety Cap
- Visitors / Home Bullpens Constructed Behind Center Field
- 16' High, 9 Gauge, Black Vinyl Backstop*
- Sportsfield Specialties Covered Dugouts*
- Landscape Entrance & Signage
- 10' x 10' Storage Shed On Concrete Pad
- 100 Person Aluminum Bleachers*
- Electrical Services
- One (1) 40' x 40' restrooms/concessions building (on-site waste treatment is available and can be utilized as part of this improvement)

Permitting Requirements. The improvements, as proposed above for the LSRHS softball field, will likely involve minor permitting due to the routing of the new irrigation line. This line will most likely be within the 100' buffer of existing wetlands and require the filing of a permit application with the local conservation commission.

Pre-Design Cost Estimates. At Enclosure 7, you will find a detailed cost estimate. As reflected therein, we concluded that a complete reconstruction of the field, excluding lighting and a number of site amenities, is estimated to cost \$278,833. This cost includes soft costs, which represent engineering, surveying, geotechnical services, etc. Along with a number of site amenities represented as Future Site Improvements, is an alternate line item for athletic lighting for an estimated cost of \$180,000. These estimates are approximations and more detailed construction cost estimates will be prepared with the detailed design of the facility.

Phasing Plan. The first phase, Phase One, should include the full reconstruction of the field itself. With the full reconstruction of the field to resolve grade and turf issues, there are several master plan elements that should logically be included, such as irrigation, conduit for future lighting and side line fencing. The cost of the initial project is approximately \$278,833.

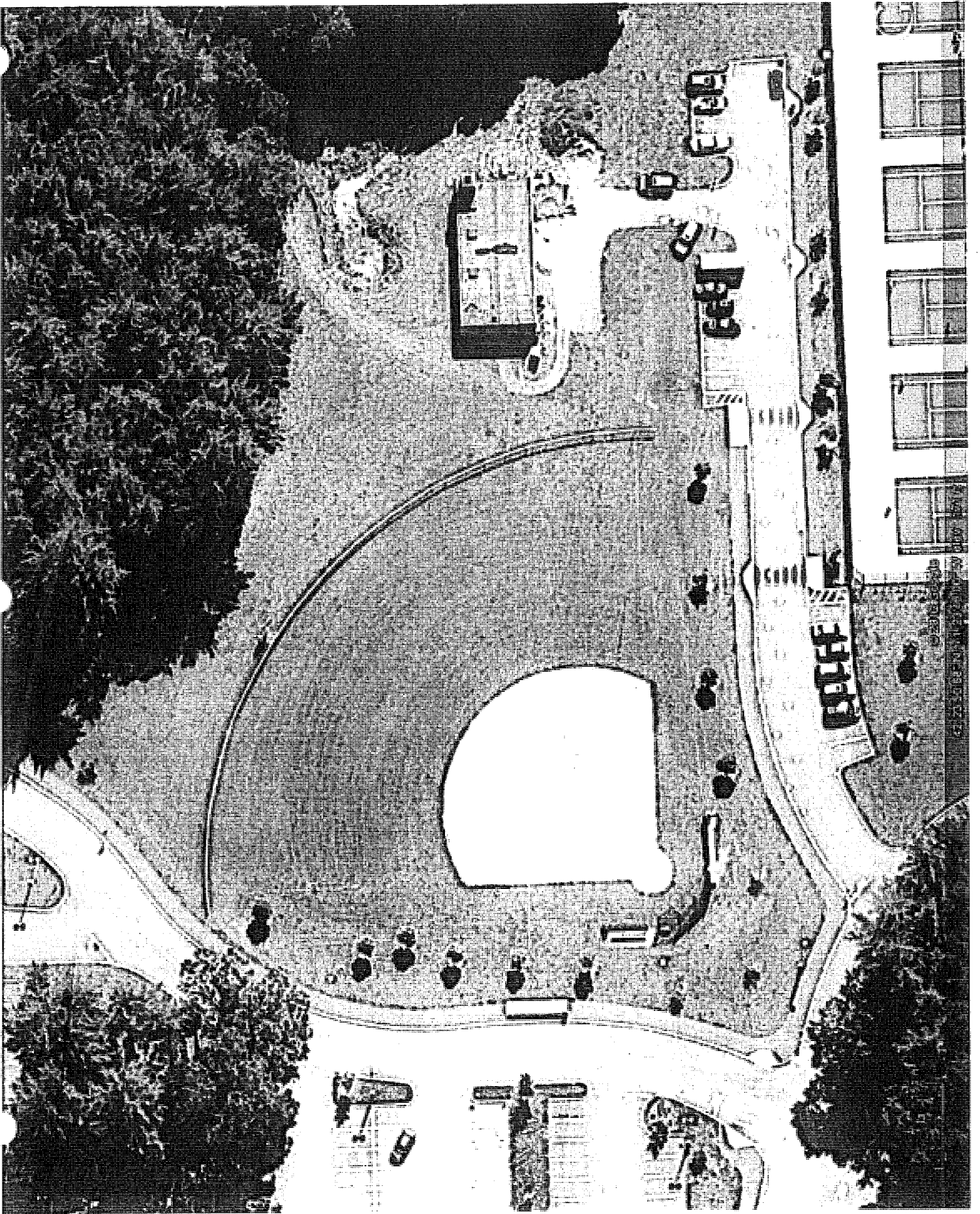
Phase Two should include various amenities, such as formal dugouts, scoreboard, seating, public address system, water fountains, bullpens, batting tunnel and ADA access improvements. The cost of each of these amenities is represented under Future Site Improvements in the cost estimate provided at Enclosure 7.

The proposed athletic lighting could be treated as a stand alone phase, as funding becomes available. As noted previously, the cost of the proposed athletic lighting is approximately \$180,000.

Section 5.0 - Summary

Gale's findings are that the LSRHS Softball Field is in poor condition, with areas devoid of turf and inadequate grades throughout the outfield. This results in a venue which is unsafe for student athletes and in desperate need of repair. If properly designed, procured and reconstructed, the softball field has the potential to be a desired venue throughout the region and will not recede to the current condition it is in today.

As a result of this study, the Friends of Lincoln Sudbury Softball have a Master Plan for the softball field redevelopment that will, when implemented, result in a state-of-the-art softball field that conforms to current rules and regulations and provides a safe venue for student athletes.





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**FIELD EVALUATION
DATA SHEET**

Date: 5/7/12

Facility Name: Lincoln Sudbury High School

Field: Softball Field

Type: **Softball**

Facilities Manager/Director:

Kevin Rossley

Address:

390 Lincoln Road

City: Sudbury State: Massachusetts Zip: 01776

Phone: 978-443-9961 x2371 Fax: 978-443-8824

Email:

Kevin rossley@lsrhs.net

A. Record Information (Copy and attach as available):

	<u>Yes</u>	<u>No</u>	<u>Attached</u>
1. Design Plans and Specifications			
2. As-Built Drawings			
3. Site Plan Sketches	x		
4. Assessors Maps/Plot Plans			
5. Aerial Photography	x		
6. Flood Insurance Maps/USGS Maps	x		
7. Town Utility Maps			
8. Other: _____			



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9. Describe the proximity of any wetlands, surface waters, or other environmental sensitive areas that impact field redevelopment or maintenance. Is there an Integrated Turf Management Plan (ITMP) for this field (attach)?

No environmental sensitive areas are present.

10. Describe proximity of abutters to this field. Comment on viewsapes, noise buffers, and other potential impacts.

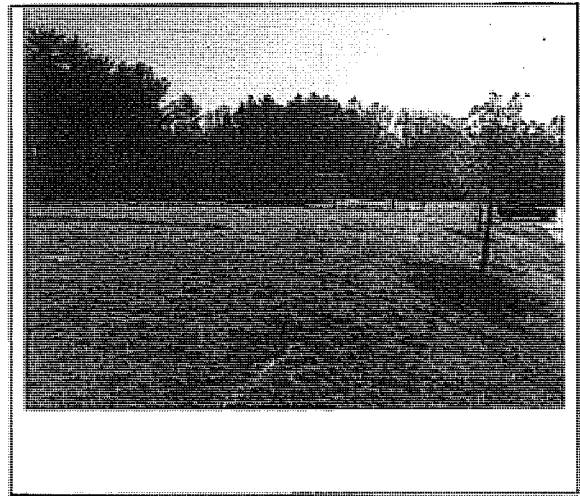
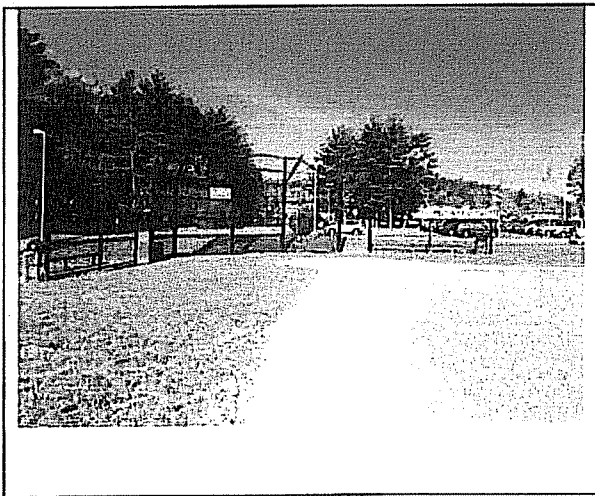
North – Woodlands / School Parking Lot

South – Tennis Courts / Lincoln Street / Residential Homes

West – School Parking lot / School Buildings

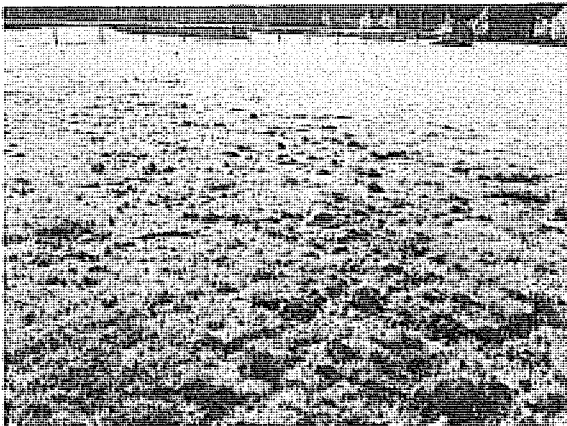
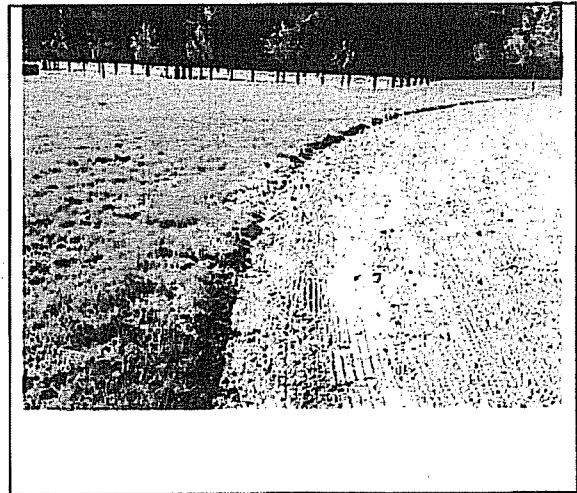
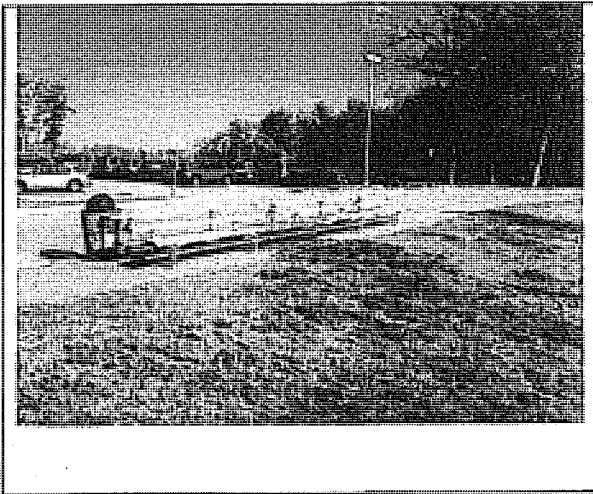
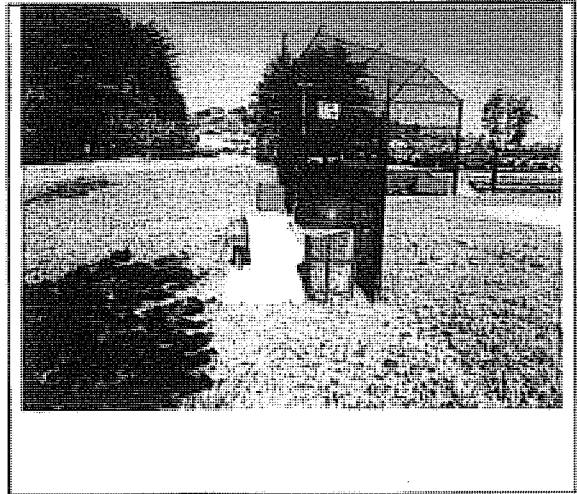
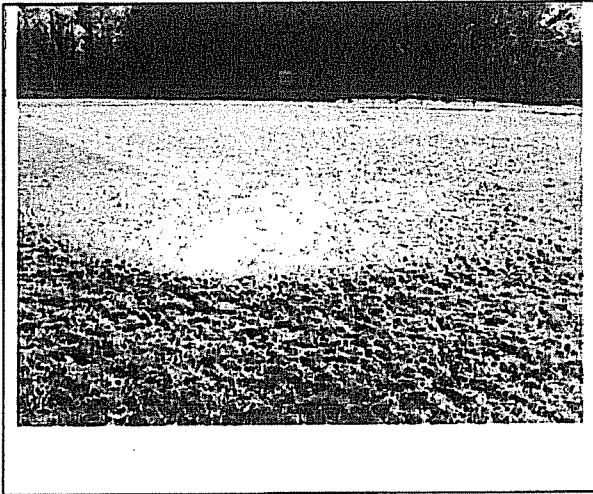
East – Existing Boiler Building / Woodlands / Residential Homes

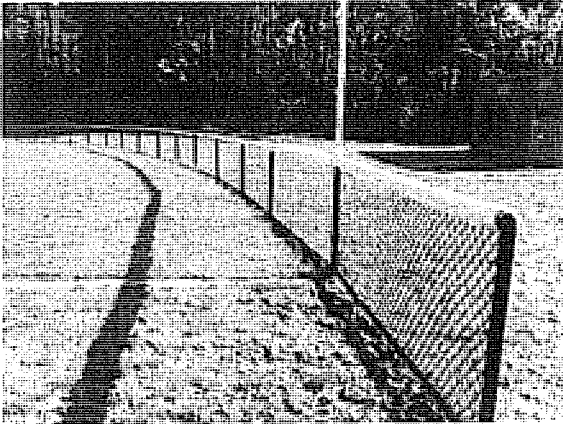
- B. Photo Documents (Insert pertinent photos here):





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C. Geometry Evaluation:

1. List all intended user organizations for each sport. Specify the level of play for each (i.e., youth soccer vs. MIAA soccer vs. NCAA soccer).

High School Level Softball

2. Narrative results of Geometry Evaluation (List Significant Deficiencies and Recommendations).

Outfield Fence Distance = 200'

Distance to Backstop from Home Plate = 25'

D. Evaluation of Field Sub Systems and Equipment:

1. Irrigation: No
2. Does the field have existing drainage? No Formal Drainage
3. Sports Lighting No
4. Fencing
 - a. 4' Black Vinyl Fencing with yellow plastic cap for the outfield fence is in good condition.
 - b. Black Vinyl Fencing for the backstop and dugouts protection in good condition.
5. Ancillary Equipment (describe general conditions):
 - a. pitchers mound and rubber - Yes in Fair Condition



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- b. bases and home plate - Yes in Fair Condition
- c. Score boards – All American Scoreboard located in center field in Fair Condition. Foundation appears to be concrete footings supporting a wooden frame.
- d. back stop - Black Vinyl Fencing in good condition
- e. dug out(s) - Concrete Pads behind Black Vinyl Fencing
- f. P.A. system – Not Present
- g. spectator seating - Portable Seating located in on adjacent sidewalk
- h. flag pole – not Present
- i. player benches – aluminum benches in fair condition
- j. goals/goal posts – N/A
- k. field marking/stripping – Softball
- l. parking facilities - School Parking facilities surround site on 2 sides
- m. site accessibility - No ADA Access to field
- n. site safety - Prevailing grades are a major safety concern
- o. Site buildings (list type and general assessment only) - Softball Field Does not have its on supporting facility. The site uses school buildings.

E. Turf Condition (based on Inspection and Interview of Turf Manager):

1. Soil Sample: (Take three (3-5) samples of root zone soil and send to UMASS agronomy lab. Attach results. Summarize below).

Summary of Testing Results and Recommendations:

Awaiting Results

2. General Turf Conditions (Describe turf quality. Note obvious weed or pest infestations, damage by over use, water deficiency, or drainage deficiencies).

Outfield turf is in poor condition with weak growth and areas devoid of turf due to insect manifestation. Clay infield is over compacted.



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3. Identify prominent cultivars if possible (attach original or over-seed mix specifications as available).

4. Describe the overall appearance of the field:

Overall facility needs maintenance and repairs to playing surfaces. Outfield grades need to be addressed and resolved.

5. Were root zone samples taken with Geoprobe? Yes 2 Samples Taken

If yes were samples sent for testing Yes (see attached)
(If yes, attach results and recommendations)

F. Field Use History/Demand

1. Who are the primary uses of this field, when is their season, and how many games and practices does each requires?

<u>User</u>	<u>Dates</u>	<u>#games/# practices</u>
<u>Softball</u>	<u>Spring Season</u>	

2. Who schedules events on this facility? (include phone number) _____

3. Is there any type of a break between seasons? **Yes**

4. Are there polices set forth to protect the fields when conditions warrant? **Yes or No**

4a. If yes, please list the policy below or attach _____

4b. Who enforces the policies? _____

5. Is the field used for other non-game activities? **No**

6. Is the field used for another sport activity? **No**



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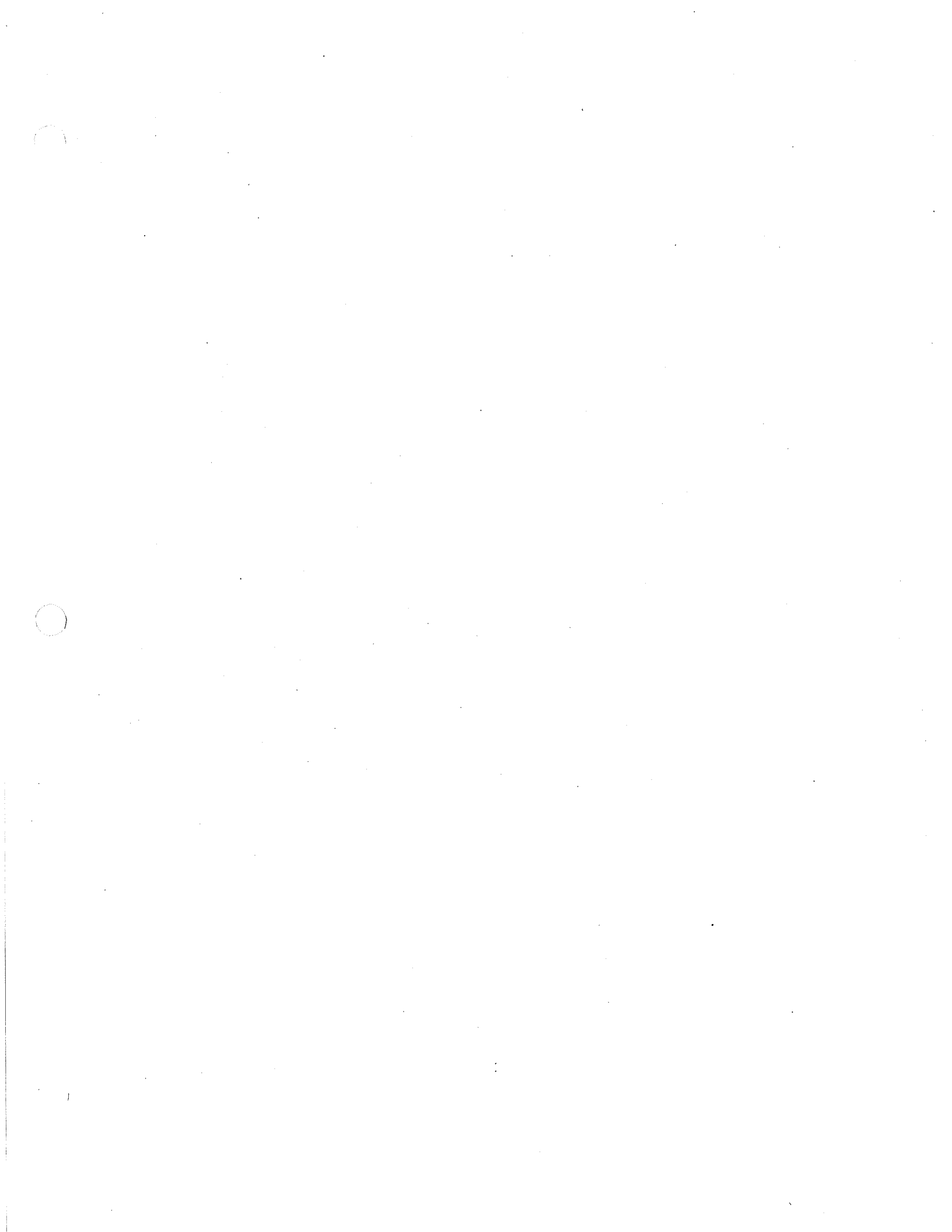
7. Is there an open line of communication between the scheduler and the field manager? Yes or No

G. Evaluation Summary Table:

	Failing Unacceptable	Marginally meets intended purpose	Good field Minor deficiencies	Excellent Field Meets/exceeds all requirement
Geometry Compliance			x	
Turf Condition	x			
Safety	x			
Support facilities/equipment		x		
ADA Compliance	x			
Overall:		x		

Additional Comments:

- Outfield needs to be re-graded
- Field need to have ADA access
- Outfield Turf condition needs to be addressed
- Clay infield is over compacted





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PROJECT
 FRIENDS OF LINCOLN SUBURBY SOFTBALL
 390 LINCOLN ROAD
 LINCOLN SUBURBY, MA

OWNER
 LINCOLN SUBURBY HIGH SCHOOL
 390 LINCOLN ROAD
 LINCOLN SUBURBY, MA

DESIGNED BY
 DRAWN BY
 CHECKED BY
 DATE
 DRAWING SCALE
 SHEET TITLE

NO. DATE DESCRIPTION

RECORDS

NO. DATE DESCRIPTION

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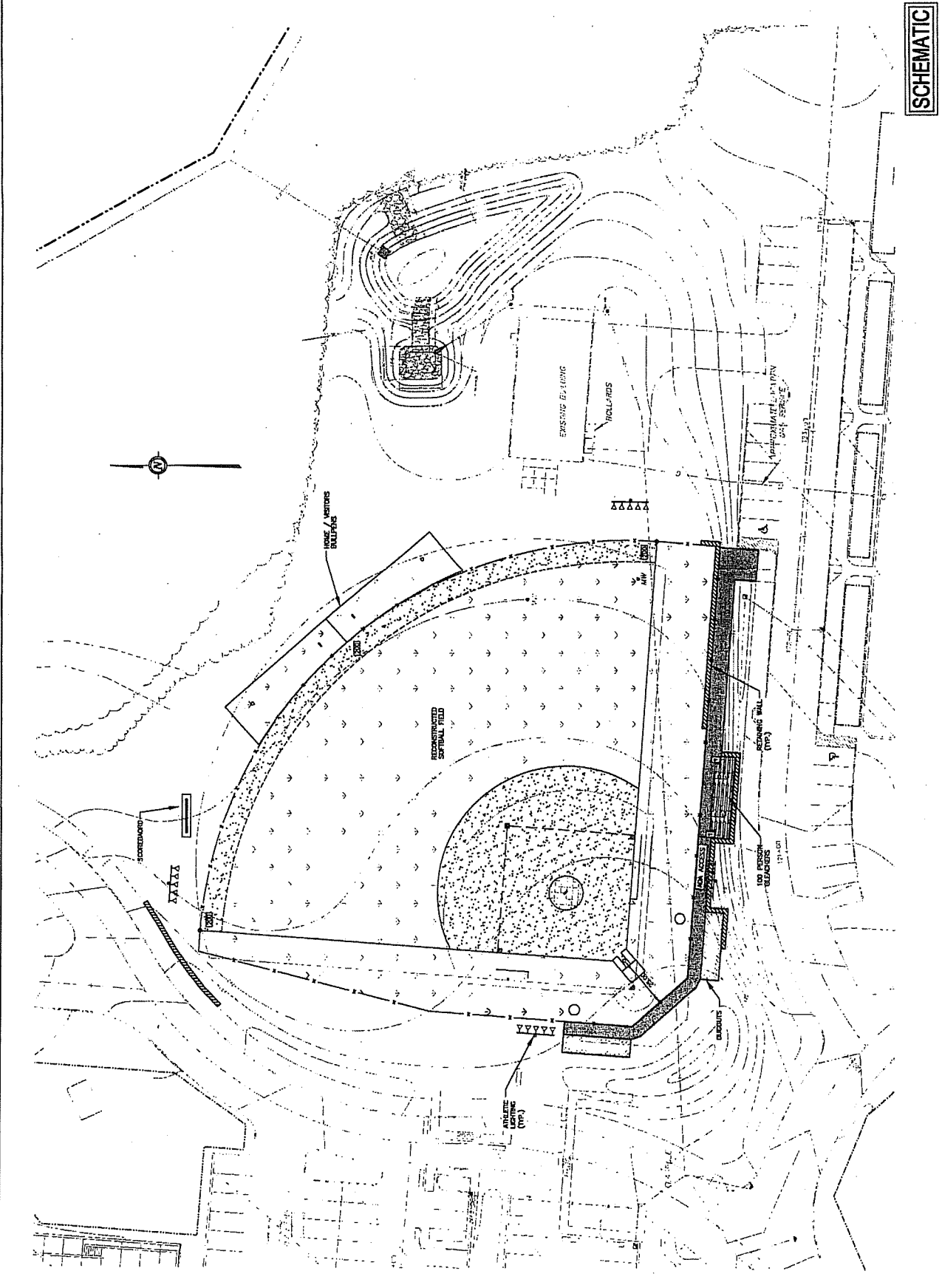
NO. DATE DESCRIPTION

PROPOSED LAYOUT PLAN

SK-1

DRAWING NO.

PROJECT NO.



SCHEMATIC



TURF SEEDING, SODDING, FERTILIZING, AND MULCHING

SECTION 02985

PART 1 - GENERAL

1.01 GENERAL PROVISIONS

- A. Attention is directed to the CONTRACT AND GENERAL CONDITIONS and all Sections within DIVISION 01 - GENERAL REQUIREMENTS, which are hereby made a part of this Section of the Specifications.

1.02 DESCRIPTION

The work of this section consists of the following:

- A. Seeding, fertilizing, and mulching the following:
1. Athletic field areas.
 2. Low maintenance, non-athletic field areas and sloped areas.

1.03 REFERENCES

- A. The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by basic designation only.
1. AGRICULTURAL MARKETING SERVICE (AMS)
AMS-01 (Amended thru: August 1988) Federal Seed Act
Regulations (Part 201-202)
 2. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)
ASTM D 977 (1991) Emulsified Asphalt
ASTM D 2028 (1976; R 1992) Cutback Asphalt (Rapid-Curing Type)
ASTM D 2607 (1969) Peats, Mosses, Humus, and Related Products
 3. COMMERCIAL ITEM DESCRIPTIONS (CID)
CID A-A-1909 (Basic; Notice 1) Fertilizer

1.04 SUBMITTALS

- A. The following shall be submitted in accordance with Section 01300 - SUBMITTALS.
1. **Manufacturer's Literature:** Manufacturer's literature discussing physical characteristics, application and installation instructions for erosion control material, and for chemical treatment material.
 2. **Equipment List:** A list of proposed seeding and mulching equipment to be used in performance of turfing operation, including descriptive data and calibration test.
 3. **Certificates:** Certificates of compliance certifying that materials meet the requirements specified, prior to the delivery of materials. Certified copies of the reports for the following materials shall be included:
 - a. **Seed:** For each mixture, percent pure live seed, minimum percent germination and hard seed, maximum percent weed seed content, date tested and state certification. For species mixture percentage, percent purity, field location.

For cultivar genetic purity, field location.
 - b. **Fertilizer:** For chemical analysis, composition percent.
 - c. **Agricultural Limestone:** For calcium carbonate equivalent and sieve analysis.
 - d. **Peat:** For compliance with ASTM D 2607.
 - e. **Asphalt Adhesive:** For compliance with ASTM D 977 and ASTM D 2028.
 - f. **Topsoil:** For pH, particle size, chemical analysis and mechanical analysis.

1.05 DELIVERY, INSPECTION, STORAGE, AND HANDLING

- A. **Delivery**
1. **Topsoil:** Refer to Specification Section 02920 – Topsoil.
 2. **Soil Amendments:** Soil amendments shall be delivered to the site in the original, unopened containers bearing the manufacturer's chemical analysis. In lieu of containers, soil amendments may be furnished in bulk. A chemical analysis shall be provided for bulk deliveries.

- B. **Inspection:** Seed, fertilizer, and mulch shall be inspected upon arrival at the job site by the Owner's representative for conformity to type and quality in accordance with paragraph MATERIALS. Other materials shall be inspected for meeting specified requirements and unacceptable materials shall be removed from the job site. Turf areas found to be deficient shall be replanted with same material as originally specified.
- C. **Storage:** Materials shall be stored in areas designated by the Contracting Officer. Seed, lime and fertilizer shall be stored in cool, dry locations way from contaminants. Chemical treatment materials shall not be stored with other landscape materials.
- D. **Handling**

- 1. **Materials**

Except for bulk deliveries, materials shall not be dropped or dumped from vehicles. Deliveries shall be received in original, unopened containers with any pertinent information attached.

PART 2 - PRODUCTS

2.01 MATERIALS

- A. **Seed**

- 1. **Seed Classification:** State-certified seed of the latest season's crop shall be provided in original sealed packages bearing the producer's guaranteed analysis for percentages of mixture, purity, germination, hard seed, weed seed content, and inert material. Labels shall be in conformance with AMS-01 and applicable state seed laws.
- 2. **Seed Mixtures:** Seed mixture: Standard grade seed of the most recent season's crop. Seed shall be dry and free of mold. Seed shall be inoculated with endophytes. Seed mixture shall be as follows:

Seed Mix No. 1:

In Athletic field areas, shall be Premium Athletic Field Mix:

Name of Seed	% by weight in Mixture	Minimum % Purity	Minimum % Germination
Kentucky Bluegrass Blend (3-D Sod Blend by Summit Seed, Inc., Midnight, Blacksburg, Challenger, Cobalt, and America)	65	95	85

Perennial Ryegrass Blend
 (Country Club Seed Blend by
 Lebanon Turf, Secretariat,
 Affirmed, and Affinity)

35 95 85

This seed blend will assure the athletic field areas be turfed to a grass that is capable of behaving as a true long lived perennial, thereby minimizing use of water and non renewable resources. Blending the grasses allows a wider range of adaptive potential and greater resistance to dollar spot, the most common turf grass disease in the Northeast.

Seed Mix No. 2:

In low maintenance, non-athletic field turf areas shall be Proscapes Superior Sun and Shade Mix:

Name of Seed	% by weight in Mixture	Minimum % Purity	Minimum % Germination
Secretariat Perennial Ryegrass	35	95	85
Exacta Perennial Ryegrass	30	95	85
Pathfinder Creeping Red Fescue	25	95	85
Champagne Kentucky Bluegrass	10	95	85

This seed mix will give a wide range of adaptation on areas to be mowed at one and a half to two inches. The quick germinating ryegrass will act as a nurse grass while the Kentucky bluegrasses will dominate sunny areas and offer great resistance to traffic. The creeping red fescues do well in shade and under conditions of moderate moisture stress.

Seed Mix No. 3, Slope Mix:

Steep slopes, as shown on the plans, shall be New England Erosion Control/Restoration Mix for Dry Sites, as manufactured by New England Wetland Plants Inc., Amherst MA, or approved Equal.

This seed mix will provide an appropriate selection of native and non-native grasses to ensure that dry, recently disturbed areas will be quickly revegetated and the soil surface stabilized.

- Quality: Weed seed shall not exceed one (1) percent by weight of the total mixture. Wet, moldy, or otherwise damaged seed shall be rejected.

4. **Seed Mixing:** The field mixing of seed shall be performed on-site in the presence of the Owner's Representative.
- B. Soil Amendments:** Soil amendments shall consist of lime, fertilizer, organic soil amendments and soil conditioners meeting the following requirements and shall be applied in accordance with the topsoil testing analysis.
1. **Lime:** Lime shall be agricultural limestone and shall have a minimum calcium carbonate equivalent of 90 percent and shall be ground to such a fineness that at least 90 percent will pass a 10-mesh sieve and at least 50 percent will pass a 60-mesh sieve.
 2. **Fertilizer:** Fertilizer shall be commercial grade, free flowing, uniform in composition and conforming to CID A-A-1909. **Granular Fertilizer:** As recommended by the soil test. Fertilizer shall contain a minimum of 35% water insoluble Nitrogen or "slow release" Nitrogen and shall be manufactured specifically for use on lawn and turf areas.
 3. **Organic Soil Amendments**
 - a. **Topsoil:** Off-site topsoil, if required, shall conform to topsoil requirements specified in Section 02920, and shall be amended as recommended by soil test.
 - b. **Peat:** Peat moss derived from a bog, swampland or marsh shall conform to ASTM D 2607.
 - c. **Sand:** Clean, free of toxic materials; 95 percent by weight shall pass a No. 10 sieve and 10 or less percent by weight shall pass a No. 16 sieve.
 - d. **Rotted Manure:** Well rotted, horse or cattle manure containing a maximum 25 percent by volume of straw, sawdust, or other bedding materials, free of stones, sticks, soil and containing no chemicals or ingredients harmful to plants.
- C. Soil Conditioner:** Soil conditioner shall be for single use or in combination to meet requirements for topsoil. Gypsum shall be commercially packaged, free flowing, minimum 95 percent calcium sulfate by volume.
1. **Mulch:** Mulch shall be free from weeds, mold, and other deleterious materials.
 2. **Straw:** Straw shall be stalks from oats, wheat, rye, barley or rice furnished in air-dry condition and with a consistency for placing with commercial mulch-blowing equipment.

3. Hay: Hay shall be native hay, sudan-grass hay, broomsege hay, or other herbaceous mowing furnished in an air-dry condition suitable for placing with commercial mulch-plowing equipment.
4. Wood Cellulose Fiber: Wood cellulose fiber shall not contain any growth or germination-inhibiting factors and shall be dyed an appropriate color to facilitate visual metering during application. Composition on air-dry weight basis: 9 to 15 percent moisture, pH range from 4.5 to 6.0.
5. Paper Fiber Mulch: Paper fiber mulch shall be recycled newsprint that is shredded for the purpose of mulching seed.

D. Asphalt Adhesive

Asphalt adhesive shall conform to the following:

1. Emulsified Asphalt: Conforming to ATM D 977, Grade SS-1.
2. Cutback Asphalt: Conforming to ASTM D 2028, designation RC-70.

E. Water: Water shall not contain elements toxic to plant life.

PART 3 - EXECUTION

3.01 SEEDING TIMES AND CONDITIONS

- A. Seeding Time: Seed shall be sown from 4/15 to 6/15 for Spring planting and 8/15 to 10/15 for Fall planting.
- B. Turfing Conditions: Turf operations shall be performed only during periods when beneficial results can be obtained. When drought, excessive moisture or other unsatisfactory conditions prevail, the work shall be stopped when directed. When special conditions warrant, a variance to the turf operations, proposed times shall be submitted to and approved by the Owner's Representative.

3.02 SITE PREPARATION

- A. Grading: The Contractor shall verify that finished grades are as indicated on drawings, and the placing of topsoil and the smooth grading has been completed in accordance with Section 02920.
- B. Application of Soil Amendments
 1. Soil Test: Soil testing for all imported topsoil shall be performed in accordance with specification section 02920 – Topsoil.

2. Lime: Lime shall be applied at the rate recommended by the soil test. Lime shall be incorporated into the soil to a minimum depth of four (4) inches or may be incorporated as part of the tillage operation.
3. Fertilizer: Fertilizer shall be applied at the rate recommended by the soil test. Fertilizer shall be incorporated into the soil to a minimum depth of four (4) inches and may be incorporated as part of the tillage operation.

C. Tillage

1. Minimum Depth: Soil on slopes gentler than 3 horizontal to 1 vertical shall be tilled to a minimum depth of 4 inches. On slopes between 3 horizontal to 1 vertical and 1 horizontal to 1 vertical, the soil shall be tilled to a minimum depth of two (2) inches by scarifying with heavy rakes, or other method. Rototillers shall be used where soil conditions and length of slope permit. On slopes 1 horizontal to 1 vertical and steeper, no tillage is required.

D. Finished Grading

1. Preparation

Turf areas shall be filled as needed or have surplus soil removed to attain the finished grade. Drainage patterns shall be maintained as indicated on drawings. Turf areas compacted by construction operations shall be completely pulverized by tillage. Soil used for repair of erosion or grade deficiencies shall conform to topsoil-to-topsoil requirements specified below. New surfaces shall be blended to existing areas.

2. Topsoil: Topsoil shall meet the requirements of Section 02920.
3. Lawn Area Debris: Lawn areas shall have debris and stones larger than one half (1/2) inch in any dimension removed from the surface.
4. Field Area Debris: Field areas shall have debris and stones larger than one half (1/2) inch in any dimension removed from the surface.
5. Protection: Finished graded areas shall be protected from damage by vehicular or pedestrian traffic and erosion.

3.03 SEEDING

- A. General: Prior to seeding, any previously prepared seedbed areas compacted or damaged by interim rain, traffic or other cause, shall be reworked to restore the ground condition previously specified. Seeding operations shall not take place when the wind velocity will prevent uniform seed distribution.
- B. Equipment Calibration: The equipment to be used and the methods of turfing shall be subject to the inspection and approval of the Owner's representative

prior to commencement of turfing operations. Immediately prior to the commencement of turfing operations, the Contractor shall conduct turfing equipment calibration tests in the presence of the Owner's representative.

C. Applying Seed

1. Mechanical seeding of athletic field areas with Seed Mix No. 1:

- a. Seed shall not be placed until soils have stabilized and further settlement is not apparent. Utilize irrigation system for consolidation of top mix.
- b. Apply seed with a mechanical seeding machine such as Brillon drill.
- c. Seed at a minimum rate of 10 pounds per 1000 square feet. Sow one half of the seed in two separate applications in a 90-degree crossing pattern.
- d. Irrigation during germination: Import to keep soil moist not wet through out the germination period.

2. Broadcast Seeding in non-athletic fields with Seed Mix No. 2:

Seed shall be uniformly broadcast at the rate of 5.0 lbs/1000 square feet using broadcast seeders. Half of seed shall be broadcast in one direction, and the remainder at right angles to the first direction. Seed shall be covered to an average depth of 1/4 inch by disk harrow, steel mat drag, cultipacker, or other approved device.

3. Rolling: Immediately after seeding all areas, except for slopes 3 horizontal to 1 vertical and greater, the entire area shall be firmed with a roller not exceeding 90 pounds for each foot of roller width.

D. Mulch

1. Straw or Hay Mulch

Straw or hay mulch shall be spread uniformly at the rate of two (2) tons per acre. Mulch shall be spread by hand, blower-type mulch spreader or other approved method. Mulching shall be started on the windward side of relatively flat areas or on the upper part of a steep slope and continued uniformly until the area is covered. The mulch shall not be bunched. All seeded areas shall be mulched on the same day as the seeding.

2. Asphalt Adhesive Tackifier

When asphalt adhesive is applied to the in-place mulch, spraying shall be at the rate of between 10 to 13 gallons per 1000 square feet.

3. Non-Asphaltic Tackifier

Hydrophilic colloid shall be applied at rate recommended by manufacturer. Apply with hydraulic equipment suitable for mixing and applying uniform mixture of tackifier.

4. Spreading Asphalt Adhesive Coated Mulch

Straw or hay mulch shall be spread simultaneously with asphalt adhesive at the rate of two (2) tons per acre by using power mulch equipment, which shall be equipped with suitable asphalt pump and nozzle. The adhesive-coated mulch shall be applied evenly over the surface. Sunlight shall not be completely excluded from penetration to the ground surface.

- E. Water: Watering shall be started within thirty (30) minutes after completing the seeded area. Water shall be applied at a rate sufficient to ensure moist soil conditions to a minimum depth of four (4) to six (6) inches. Run-off and puddling shall be prevented.

3.04 MOWING

- A. When the grass reaches a height of 2-½ inches, mow with reel-type mower to a height of 2-inches (1.5-inches minimum) and remove clippings.
- B. The frequency of mowing will depend upon the rate of growth of the grass.
- C. The mowing frequency should be spaced so that no more than 1/3 of the leaf area is removed at any one mowing.
- D. Change the direction of mowing each time to help reduce soil compaction from the tractor wheels running in the same place each time, and the corrugation (washboard effect) when operated repeatedly and at high speeds on saturated soils.

3.05 RESTORATION AND CLEAN UP

- A. Restoration: Existing turf areas, pavements and facilities that have been damaged from the turfing operation shall be restored to original condition at Contractor's expense.
- B. Clean Up: Upon completion of work, remove debris and leave area in a clean, acceptable condition. Excess and waste material shall be removed from the planting operation and shall be disposed of off the site. Adjacent paved areas shall be cleaned.

3.06 PROTECTION OF TURFED AREAS

- A. Immediately after turfing, the area shall be protected against traffic or other use by erecting barricades and providing signage as required, or as directed by the Owner and/or the Engineer.

3.07 TURF ESTABLISHMENT PERIOD

- A. **Commencement:** The Turf Establishment Period for establishing a healthy stand of turf shall begin on the first day of work under this contract and shall end three (3) months after the last day of turfing operations required by this contract. Written calendar time period shall be furnished to the Owner and/or the Engineer for the Turf Establishment Period. When there is more than one turf establishment period, describe the boundaries of the turfed area covered for each period.
- B. **Satisfactory Stand of Turf**
1. **Seeded Area:** A satisfactory stand of turf from the seeding operation for a lawn area is defined as a minimum of 15 grass plants per square foot. Bare spots shall be no larger than six (6) inches square. The total bare spots shall not exceed two (2) percent of the total seeded area.
- C. **Maintenance During Establishment Period (Grow-in)**
1. **General:** Maintenance of the turfed areas shall include eradicating weeds, eradicating insects and diseases, protecting embankments and ditches from erosion, maintaining erosion control materials and mulch, protecting turfed areas from traffic, mowing, watering, and fertilization as defined below.
 2. **Mowing:** Lawn areas shall be mowed to a minimum height of 1-1/2 inches when the average height of the turf becomes 2-1/2 inches. Clippings shall be removed when the amount of cut turf is heavy enough to damage the turfed areas.
 3. **Watering:** Watering shall be at intervals to obtain a moist soil condition to a minimum depth of one (1) inch. Frequency of watering and quantity of water shall be adjusted in accordance with the growth of the turf. Run-off, puddling and wilting shall be prevented.
 4. **Fertilization:** Nitrogen carrier fertilizer shall be applied at the rate of 5 pounds per 1,000 square feet after the first month and again prior to the final acceptance. The application shall be timed prior to the advent of winter dormancy and shall avoid excessively high nitrogen levels.
 5. **Repair:** The Contractor shall re-establish as specified herein, eroded, damaged or barren areas. Mulch shall also be repaired or replaced as required.

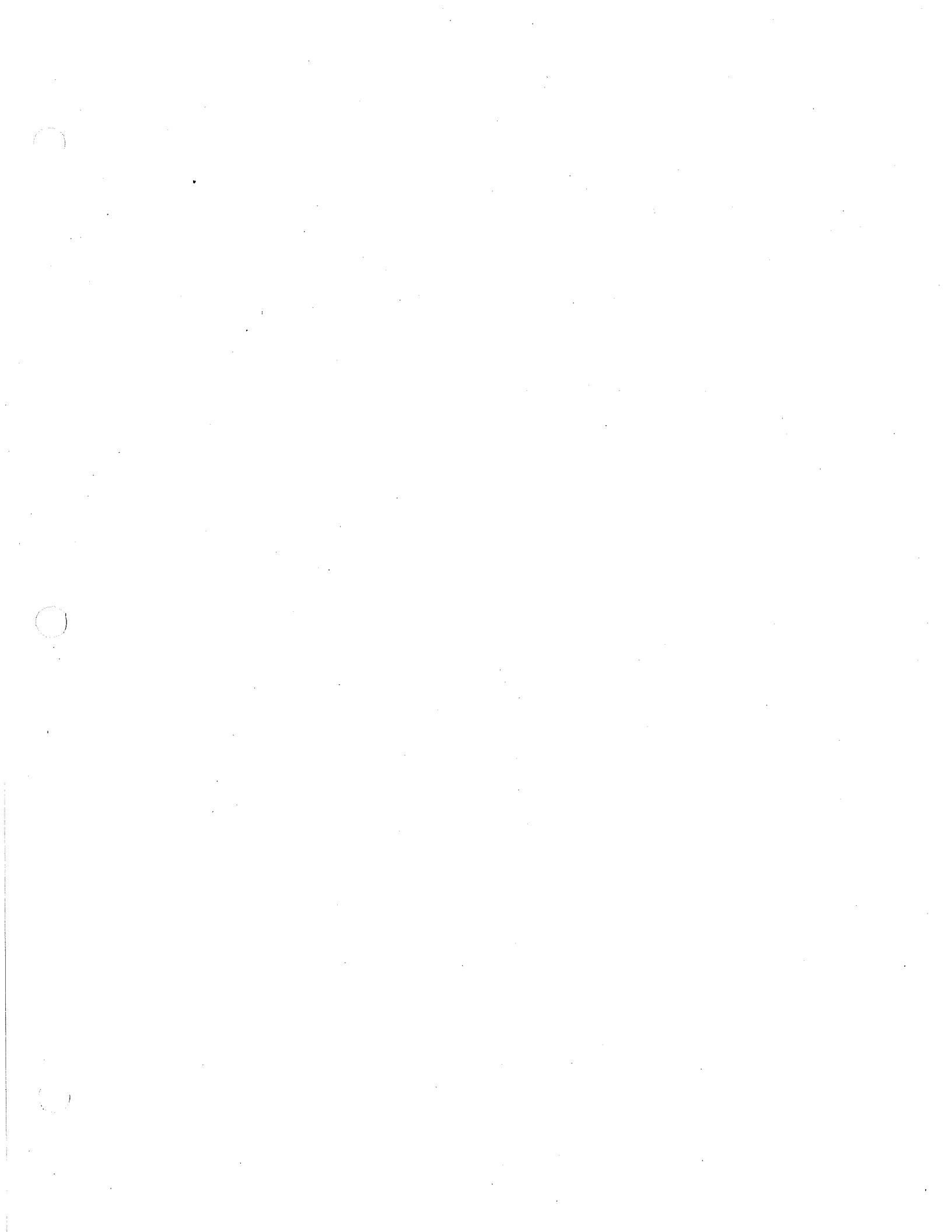
6. Maintenance Report: A written record shall be furnished to the Owner's Representative of the maintenance work performed.

3.08 FINAL ACCEPTANCE

- A. Preliminary Inspection: Prior to the completion of the Turf Establishment Period, a preliminary inspection shall be held by the Owner's Representative. Time for the inspection shall be established in writing. The acceptability of the turf in accordance with the Turf Establishment Period shall be determined. An unacceptable stand of turf shall be repaired as soon as turfing conditions permit.
- B. Final Inspection: A final inspection shall be held by the Owner's Representative to determine that deficiencies noted in the preliminary inspection have been corrected. Time for the inspection shall be established in writing.

END OF SECTION

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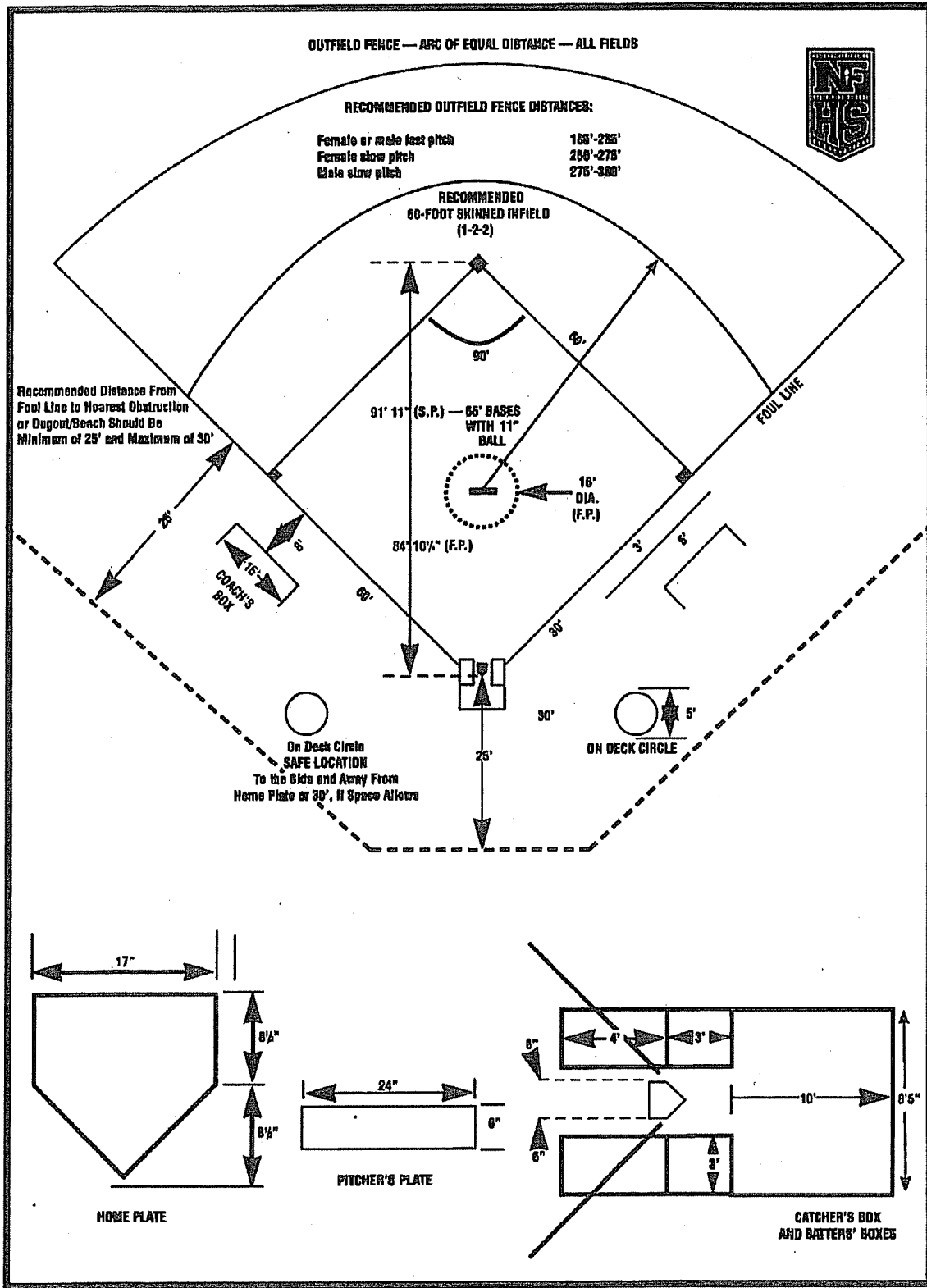
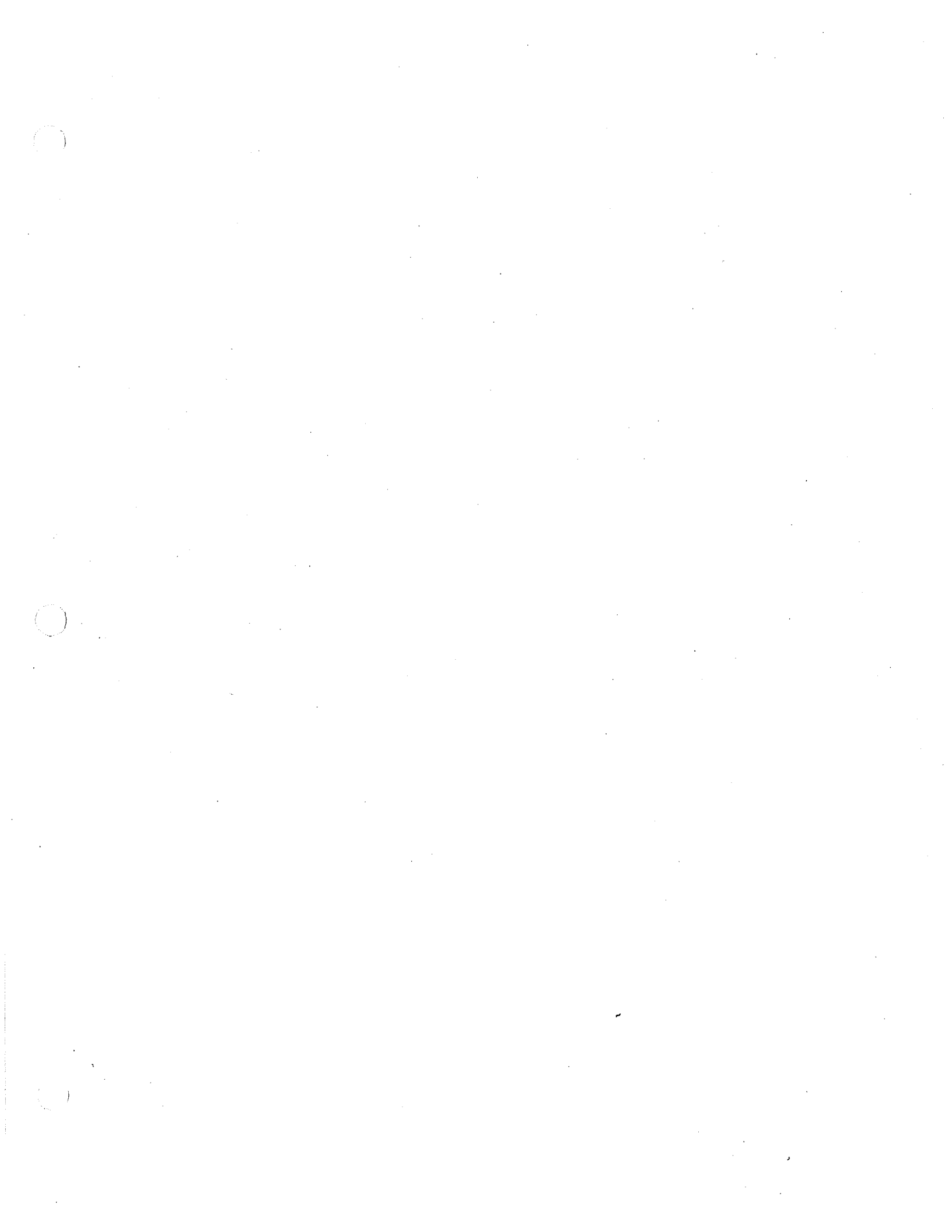


Diagram 1

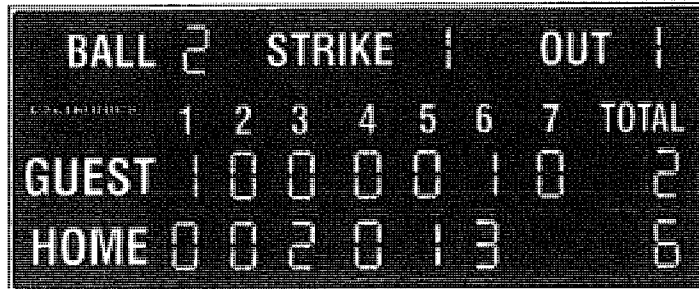


SCHEMATIC COST ESTIMATE - LINCOLN SUDBURY HIGH SCHOOL SOFTBALL FIELD

MASTER PLAN

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST	TOTAL COST	REMARKS
1	General Conditions					\$ 24,163.94	
1a	Bonds and Insurance (2%)	LS	1	\$ 4,163.94	\$ 4,163.94		
1b	Mobilization/Demobilization	LS	1	\$ 20,000.00	\$ 20,000.00		
2	Erosion Control					\$ 5,000.00	
2a	Erosion Control	Ls	1	\$ 5,000.00	\$ 5,000.00		
3	Demolition					\$ 5,000.00	
3a	Misc. Demolition	LS	1	\$ 5,000.00	\$ 5,000.00		
4	Softball (Infield Only)					\$ 8,268.41	
4a	Strip and dispose of existing clay (assume 4")	CY	87	\$ 10.00	\$ 865.80		
4b	Prepare sub-base, shape and compact	SY	779	\$ 2.00	\$ 1,558.44		
4c	Clay Infield Mix	Ton	130	\$ 45.00	\$ 5,844.17		
5	Reconstruct Outfield					\$ 49,611.11	
5a	Strip and screen and stockpile topsoil (assume 8")	CY	864	\$ 9.00	\$ 7,777.78		
5b	Place and amend root zone materials, 8"	CY	864	\$ 27.00	\$ 23,333.33		
5c	Seed athletic field mix and fine grade	SF	35,000	\$ 0.30	\$ 10,500.00		
5d	Turf establishment requirements	LS	1	\$ 8,000.00	\$ 8,000.00		
6	Irrigation					\$ 36,000.00	
6a	Install irrigation system and controller	Zone	8	\$ 2,500.00	\$ 20,000.00		
6b	Connect to Existing Well	LF	1600	\$ 10.00	\$ 16,000.00		
7	Fencing					\$ 21,410.00	
7a	4' High Perimeter Fence	LF	730	\$ 20.00	\$ 14,600.00		Re-Use Existing Fence
7b	12' Wide Gate	EA	2	\$ 1,725.00	\$ 3,450.00		
7c	Pedestrian Gate	EA	6	\$ 560.00	\$ 3,360.00		
8	Site Drainage					\$ 40,000.00	
8a	Site Drainage	LS	1	\$ 40,000.00	\$ 40,000.00		
9	Retaining Walls					\$ 36,000.00	
9a	South Wall	SF	600	\$ 45.00	\$ 27,000.00		
9b	Northwest Wall	SF	200	\$ 45.00	\$ 9,000.00		
10	Walkways / Ramp					\$ 6,907.41	
10a	Strip and screen and stockpile topsoil (assume 6")	CY	37	\$ 5.00	\$ 185.19		
10b	Gravel base (6" thick)	CY	37	\$ 30.00	\$ 1,111.11		
10c	Prepare sub-base, shape, compact and fine grade	SY	222	\$ 2.25	\$ 500.00		
10d	Bituminous walkways, 3" thick	SY	222	\$ 23.00	\$ 5,111.11		
					Subtotal	\$ 232,360.87	
					Contingency (10%)	\$ 23,236.09	
					Soft Cost (10%)	\$ 23,236.09	
					Total	\$ 278,833.04	
Future Site Improvements							
1	Bleachers					\$25,000.00	
1a	100 person bleachers including concrete pad	SE	100	\$ 250.00	\$25,000.00		
2	Site Amenities					\$ 75,000.00	
2a	Landscaping	LS	1	\$ 10,000.00	\$ 10,000.00		
2b	Storage shed on concrete pad	LS	1	\$ 10,000.00	\$ 10,000.00		
2c	Sports Field Specialties Dugouts	EA	2	\$ 10,000.00	\$ 20,000.00		
2d	Bulbans	LS	1	\$ 15,000.00	\$ 15,000.00		
2e	New Backstop	LS	1	\$ 20,000.00	\$ 20,000.00		
3	Equipment					\$ 15,000.00	
3a	Scoreboard	LS	1	\$ 15,000.00	\$ 15,000.00		
4	Athletic Field Lighting					\$180,000.00	
4a	Site Electrical (connection of system)	LS	1	\$40,000.00	\$40,000.00		
4b	MUSCO Athletic Field Lighting System	Pole	4	\$35,000.00	\$140,000.00		
5	Amenities / Concessions Building					\$280,000.00	
5a	40' x 40' Building	SF	1600	\$175.00	\$280,000.00		

DAKTRONICS

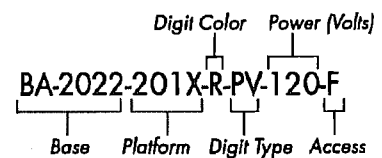


BA-2022 BASEBALL/SOFTBALL SCOREBOARD SPECIFICATIONS

This outdoor LED baseball/softball scoreboard displays HOME and GUEST team scores for up to 7 innings, TOTAL team score to 99, BALL to three, STRIKE to two and OUT to two. Digits can be dimmed for night viewing. Scoreboard shown with optional striping.

Digit Size(s)	Digit Color ¹	Digit Type	Power (120 VAC) ²
15" (381 mm)	R (Red) or A (Amber)	PV (PanaView®)	5 Amps, 600 Watts
# of Sections	Dimensions		Uncrated Weight
One (1) Total	6'-6" H, 16'-0" W, 8" D (1981 mm, 4877 mm, 203 mm)		525 lb (238 kg)

Model Number Guide



- 1) Mixed LED digit colors are also available (R/A = primarily red & A/R = primarily amber).
 2) Models with 240 VAC power are also available at half the indicated amperage (International Use Only).

PRODUCT SAFETY APPROVAL:

ETL listed to UL Standards 48 and 1433. Tested to CSA standards and CE labeled for outdoor use.

CONSTRUCTION:

Alcoa aluminum alloy 5052 for excellent corrosion resistance.

CAPTIONS:

HOME and GUEST captions are 10" (254 mm) high. BALL, STRIKE and OUT captions are 9" (229 mm) high. All other captions are 8" (203 mm) high. Captions are white vinyl, applied directly to the display face.

CABINET COLOR:

More than 150 colors (from Martin Senour® paint book) are available at no additional cost.

OPERATING TEMPERATURES:

Display: -22 to 122 degrees Fahrenheit (-30 to 50 degrees Celsius)
 Console: 32 to 130 degrees Fahrenheit (0 to 54 degrees Celsius)

BA-2022 PRODUCT SPECIFICATIONS (CONTINUED)

ALL SPORT® 5010 CONTROL CONSOLE:

Control console electronics are housed in a rugged aluminum case. Console has a large 32-character backlit liquid crystal prompting display to verify entries and recall information currently displayed. Case and sealed membrane keyboard make console face water-resistant. Console is capable of controlling other sports through the use of keyboard inserts. A 20' (6096 mm) control cable and a 6' (1829 mm) power cord are supplied. The power cord plugs into a standard grounded 120 VAC outlet. Maximum power demand is 6 watts. All 230 VAC scoreboards use All Sport 5020 control consoles.

CONTROL CABLE:

One-pair shielded cable of 22 AWG minimum is required.

JUNCTION BOX:

A cover plate with mounted connector and standard 2" x 4" x 2" (51 mm x 102 mm x 51 mm) outlet box is provided. Connector mates with connector from control console.

SERVICE ACCESS:

Digit panels and electronics can be serviced from the front of the scoreboard.

MOUNTING:

The scoreboard is typically mounted on two vertical beams. Maximum beam width is 12" (305 mm). Maximum beam depth is 22" (559 mm). Standard mounting uses I-beam clamps; optional mounting method using angle brackets is also available (refer to attached drawings).

GENERAL INFORMATION:

Scoreboard provides scoring capability for two teams. 100 percent solid state electronics housed in an all aluminum cabinet. This scoreboard is built and shipped in one section and includes hardware for mounting on two poles. Hardware for additional poles is available at additional cost. Heavy-duty 6 amp solid-state switching device is located on the driver to reduce display failure rate. Specifications and pricing are subject to change without notice.

OPTIONS:

- Scoreboard border striping
- Multiple caption and striping colors available (see SL-06409)
- Team name in place of HOME
- Team names on changeable panels
- Mixed digit colors (see DD1965467)
- 2.4 GHz spread spectrum radio control (see SL-04370)
- Logo/sponsor panels
- Individual digit protective screens (see SL-04939)
- Protective netting
- Electronic message centers and video displays in multiple sizes
- Durable carrying case for control console
- Optional angle bracket mounting method

OPTIONAL LOGO/SPONSOR PANELS:

Non-Backlit:		Backlit:	
Height	Width	Height	Width
2'-0" (588 mm)	16'-0" (4877 mm)	1'-6" (457 mm)	16'-0" (4877 mm)
3'-0" (914 mm)	16'-0" (4877 mm)	2'-0" (588 mm)	16'-0" (4877 mm)
4'-0" (1219 mm)	16'-0" (4877 mm)	2'-6" (762 mm)	16'-0" (4877 mm)
4'-6" (1372 mm)	16'-0" (4877 mm)	3'-0" (914 mm)	16'-0" (4877 mm)
		4'-0" (1219 mm)	16'-0" (4877 mm)
		4'-6" (1372 mm)	16'-0" (4877 mm)

*For additional information on ordering logo/sponsor panels, see SL-04014.

BA-2022 PRODUCT SPECIFICATIONS (CONTINUED)

FOR ADDITIONAL INFORMATION REFER TO:

- Installation Specifications: DWG-298975 (included)
- Standard Scoreboard Mounting (I-beam): DWG-1052565 (included)
- Optional Scoreboard Mounting (Pole): DWG-1048184 (included)
- Component Locations: DWG-1066358 (included)
- System Layout: DWG-54952 and DWG-124690
- Architectural Specifications: [SL-08405](#) (online)
- Installation Manual: [DD2118213](#) (online)
- Service Manual: [DD2124597](#) (online)

For more information on Daktronics scoring/timing products, call **1-800-DAKTRONICS** (1-800-325-8766) or visit www.daktronics.com

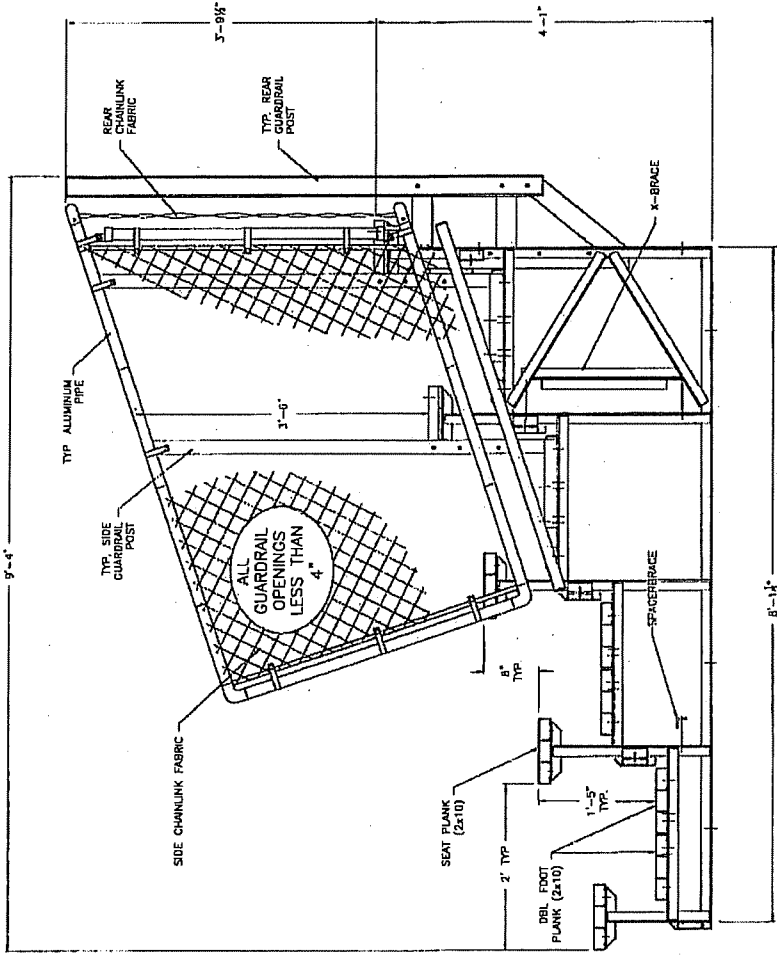
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National Recreation Systems, Inc.
 P.O. BOX 11487 FORT WAYNE, IN 46833-1487

DATE: N.J.S. APPROVED BY: JLB
 2/13/06
 TITLE: FOR 5 ROW NON-ELEVATED BLEACHER SUBMITTAL
 CUSTOMER: SUP-NDS-0000

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NOTE: ILLUSTRATION SHOWN WITH DOUBLE FOOT PLANK, 1x6 RISER (ROWS 1-4), 2x10 TOP ROW RISER, & CHAINLINK GUARDRAIL. PLEASE REFER TO ATTACHED SPECIFICATIONS FOR FEATURES INCLUDED WITH YOUR SPECIFIC BLEACHER.

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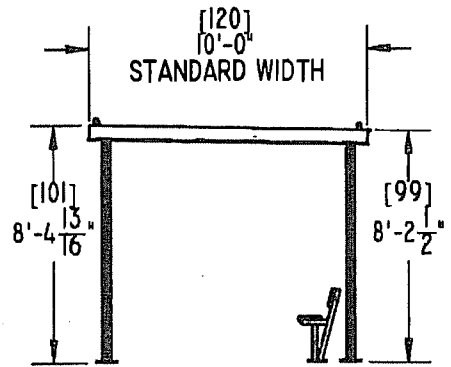
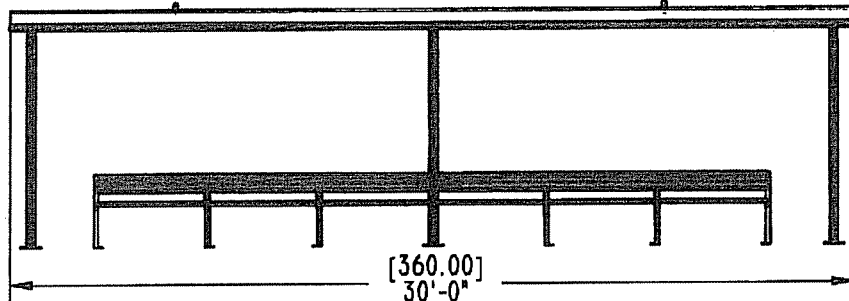
DETAIL A

BASE PLATES

STEEL FRAME STRUCTURE:
 POWDER COATED TUBULAR STEEL DESIGN
 MEETS 130 MPH WIND SPEED & 50 PSF
 GROUND SNOW LOAD REQUIREMENTS

OPTIONAL:
 ALUMINUM BENCH
 WITH BACK REST

METAL FASCIA



STANDARD SIZES:

- 8' X 16'
- 8' X 24'
- 8' X 32'
- 8' X 40'
- 8' X 48'

CUSTOM LENGTH AVAILABLE

CUSTOM WIDTH UP TO 10' AVAILABLE

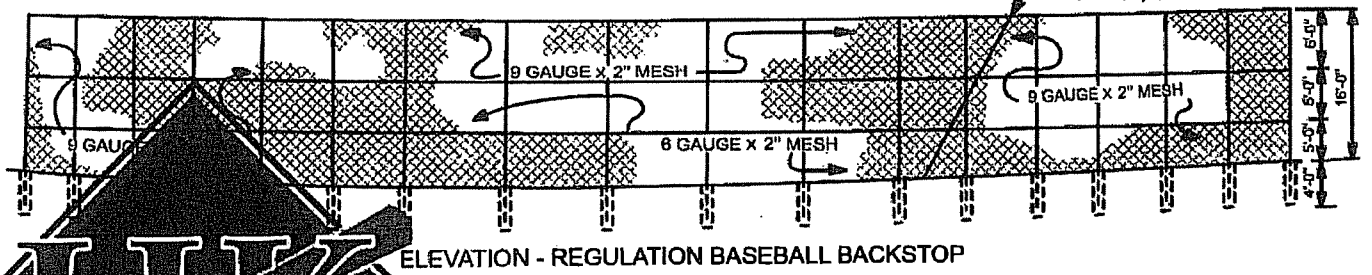
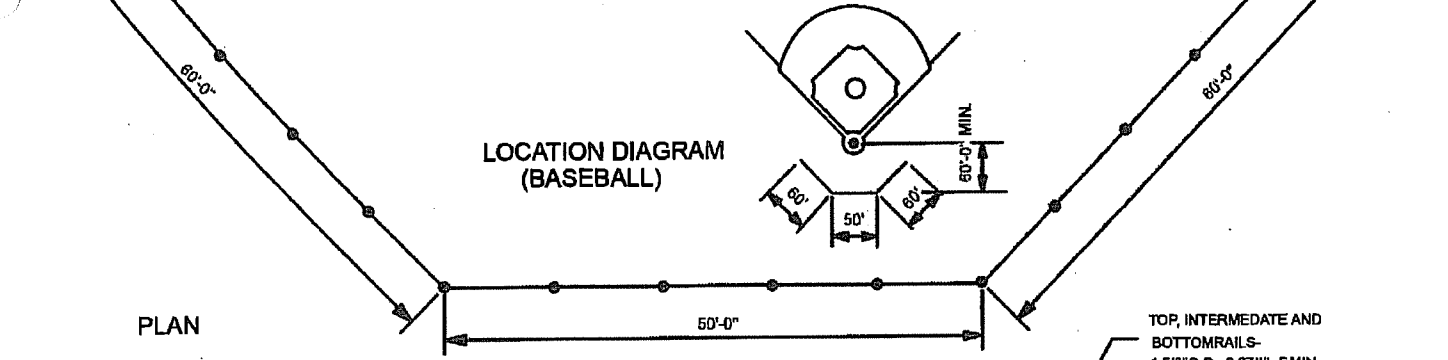
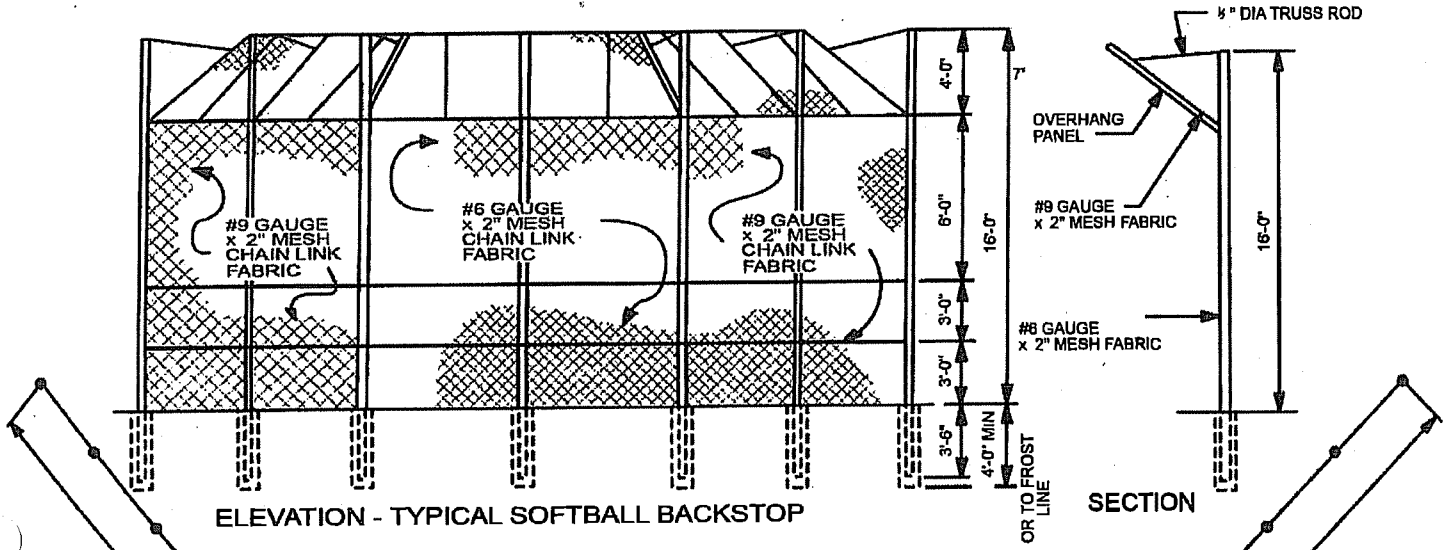
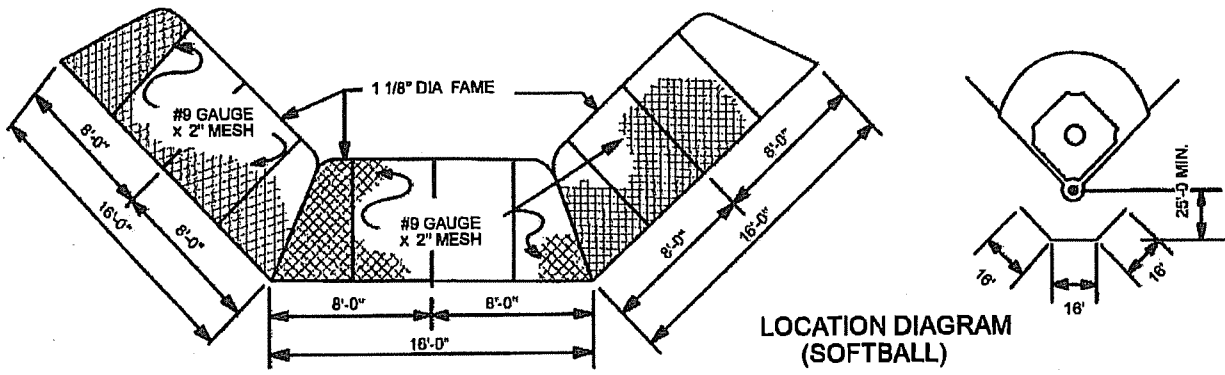
FOUNDATION DESIGN BY OTHERS
 BASED ON LOCAL CODES
 AND SOIL CONDITIONS

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- Includes system monitoring and remote on/off control
- Provides guaranteed Constant Light™

5 Easy Pieces™

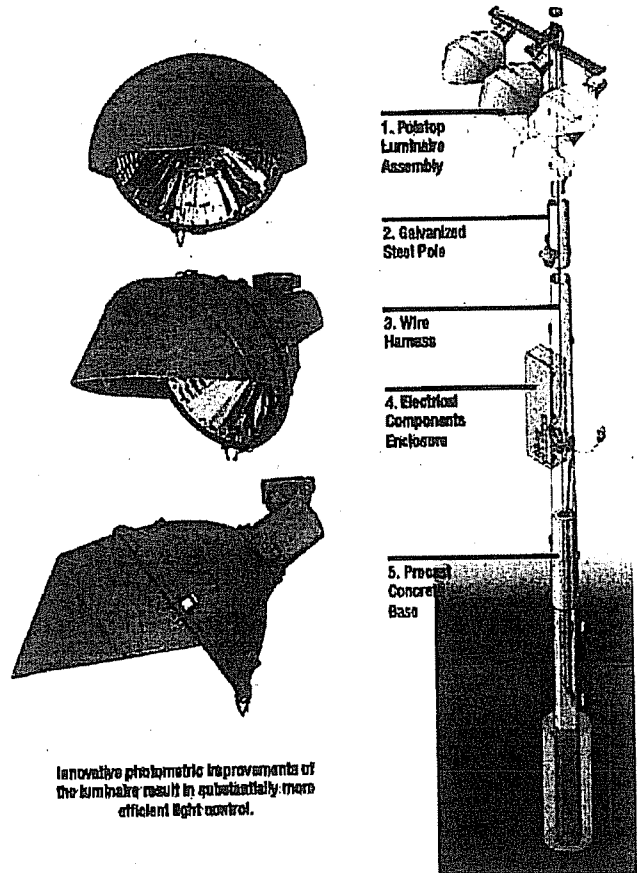
- Complete system from foundation-to-poletop
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- Comprehensive corrosion package

Warranty

Musco's Constant 25™ — 25-year product assurance and warranty program.

Provides 25 years of trouble-free lighting equipment operation, including parts, labor, and group lamp replacement

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EXHIBIT 6.

TITLE IX OVERVIEW

**EXHIBIT 6
TITLE IX OVERVIEW
BACKGROUND AND EXAMPLES OF RELEVANT TITLE IX CASES
(CASES FOCUSED LARGELY ON INEQUITIES OF FACILITIES)**

At this time there is no known litigation or pending litigation pertaining to the Safety and/or Title IX issues associated with the LSRHS field. Nonetheless, both the town and LSRHS face the risk that a suit could be filed.

Clarification to Title IX legislature was adopted under the Javits Amendment published in 1975.

The following incorporates excerpts from **"Marquette Sports Law Review Title IX at Forty: an introduction and Historical Review of Forty Legal Developments that Shaped Gender Equity Law"** by Paul M. Anderson – Marquette University Law School – Volume 22, Issue 2 Spring (2012).

"The first part of the Regulations covers athletics and begins with a prohibition against discrimination that is virtually identical to the prohibition found in Title IX: No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis....."

After an initial provision dealing with separate teams for each sex, the Regulations then provide specific provision focusing on "equal opportunity for members of both sexes" in any high school, college, or intramural sport. In order to assess whether a recipient of federal funds (i.e., a school, university, or other program or activity) is providing "equal opportunity," to provide some guidance for schools, and to provide some useful measures for those evaluating schools, the Regulations provide the following ten factors that may be considered:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;*
- (2) The provision of equipment and supplies;*
- (3) Scheduling of games and practice time;*
- (4) Travel and per diem allowance;*
- (5) Opportunity to receive coaching and academic tutoring;*
- (6) Assignment and compensation of coaches and tutors;*
- (7) Provision of locker rooms, practice and competitive facilities;*
- (8) Provision of medical and training facilities and services;*
- (9) Provision of housing and dining facilities and services; and*
- (10) Publicity."*

The following highlight a select group of relevant lawsuits. There are many additional examples that reflect the same theme.

Excerpts from **"TITLE IX AND HIGH SCHOOL OPPORTUNITIES: ISSUES OF EQUITY ON AND IN THE COURT"** by Suzanne E. Eckes

"In the first disparity case, Daniels v. School Board of Brevard County, two members of a girls' varsity softball team and their fathers sued the school board under Title IX and the Florida

Educational Equity Act because of disparities between the high school girls' softball and boys' baseball programs. The girls alleged that the boys were unfairly given a lighted playing field, a scoreboard, a batting cage, bathroom facilities, superior bleachers, a concession stand, and a press box, while the girls' team did not have such amenities.

The court held that the cumulative effect of the inequalities between the two athletic programs was significant enough to give the athletes a substantial likelihood of success on the merits in the Title IX and Florida Act claims. The court subsequently entered a preliminary injunction ordering the school to take steps toward equalizing the facilities at the boys' baseball field and the girls' softball field.

Similarly, in *Ladow v. School Board of Brevard County*, a group of girls who played softball at two high schools in the same school district sued the district, alleging there were disparities between the girls' softball and boys' baseball programs. The school district relegated the girls' softball teams to an off-campus field while the boys' teams remained on campus. Additionally, the girls rarely had access to lights, and they had no scoreboard controls, concession stands, or press boxes, although the boys' teams did. The court found that the disparities between the girls' and boys' resources violated Title IX and subsequently issued a preliminary injunction."

Excerpts from "Sports Law Year-in-Review January 2010 High School Today - Sports Law Year-In-Review: 2009" By Lee E. Green, J.D.

"A continuing source of Title IX complaints against school districts is the inequities that exist at many schools in the quality of softball facilities as compared to baseball facilities. In April, in the case of *Ollier v. Sweetwater Union High School District*, a federal trial court judge issued a summary judgment against Castle Park High School (California) for creating in its sports program a "significant gender-based disparity" against female student-athletes at the school. The case was filed by softball players who alleged that the school's baseball team was provided with state-of-the-art facilities while the softball team was assigned to use what essentially amounted to an unenclosed vacant lot that was dramatically inferior to the school's baseball stadium.

The case is an instructive one for administrators and athletics personnel nationwide. As in so many Title IX cases, the dispute originated with allegations of a relatively narrow, same-sport inequity between a boys' and girls' team that the district might have chosen to immediately remedy so that the complainants would never have felt the need to contact the U.S. Office for Civil Rights or file a federal lawsuit. However, when the initial, small-in-scope issue is not adequately addressed by the district and the involvement of the OCR or federal courts becomes necessary, the Title IX investigation then expands to cover every aspect of the school's athletic program. In the *Sweetwater* case, the suit was eventually granted class-action status on behalf of all present and future Castle Park female student-athletes in all sports and the federal court's decision in the case addressed an extensive list of problems ranging from a lack of substantial proportionality in participation opportunities for girls at the school to multiple inequities and deficiencies across all girls' sports offered at the school."

EXHIBIT 7.

EXAMPLES OF SIMILAR PROJECTS



Gale Associates, Inc.

163 Libbey Parkway | P.O. Box 890189 | Weymouth, MA 02189-0004
P 781.335.6465 F 781.335.6467 www.galeassociates.com

September 28, 2012

Sue Pardus
Friends of Lincoln Sudbury Softball
Sudbury, MA 01776

Re: Softball Example Projects
Gale JN 715530

Dear Ms. Pardus:

Per your request, please find five (5) example project sheets that show similar projects to the needed reconstruction project of the varsity softball field at Lincoln Sudbury Regional High School.

The softball fields shown were all completed as part of a larger project and therefore the project sheets do not show the individual softball cost but rather overall development costs. We have listed the similar projects below and have also noted a rough estimate of the softball field development cost.

- Wolfboro Area Recreation Complex in Wolfboro NH
 - 2 softball fields at \$280,000 ea.
- Pottle Street Municipal Athletic Complex in Kingston MA
 - 2 softball fields at \$275,000 ea.
- Newton South High School in Newton MA
 - 1 softball field at \$310,000 w/o lights
- Memorial Park in Needham MA
 - 1 softball field (synthetic turf) at \$500,000
- Hingham Municipal Athletic Complex in Hingham MA
 - 1 softball field at \$340,000 w/o lights.

If you have any questions or require additional information, please do not hesitate to contact me at 781.335.6465 or stb@gainc.com.

Very truly yours,

GALE ASSOCIATES, INC.

Sean T. Boyd
Sean T. Boyd, E.I.T.
Project Engineer

STB/emt

G:\715530\Letters\2012-9-27 Softball Examples.doc

Boston
Baltimore
Orlando
San Francisco

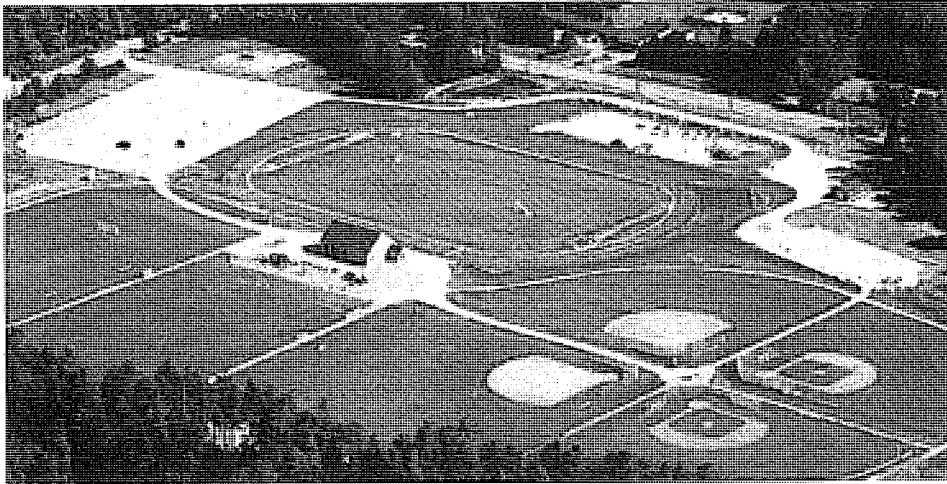


**Engineers
and
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Wolfeboro Area Recreation Complex

New 50-Acre Municipal Park and Athletic Complex
Wolfeboro, NH



PROJECT INFORMATION

Completed: 2003-2007

Cost: \$4,000,000

Client:

Mr. Thomas O'Brien

WARA President

(603) 569-1948

"We have been most impressed with the responsiveness of Gale, and their overall professionalism. They have greatly facilitated the planning process from start to finish...we would recommend their athletic facilities planning and design services to others without reservation."

-Thomas O'Brien
President
Wolfeboro Area Recreation
Association

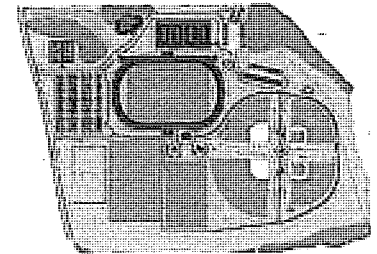


Build it Right 2007 ASBA Distinguished Track and Field Award

Gale provided planning, design, environmental permitting, bidding, and construction period services for a new 50-acre municipal park and athletic field complex within an abandoned gravel pit site. At full build-out the Master Plan includes:

- Comprehensive landscape design services including a network of jogging trails and access drive connected to a parking area for 150 cars
- Premium quality adult baseball stadium, two Little League baseball fields, and a premium softball field
- Two premium soccer fields, one being a sand-based, NCAA compliant layout accommodating two youth soccer fields
- All-weather synthetic "filled-turf" multi-purpose field with a new eight-lane, 400 m urethane surface running track
- Two basketball and four tennis court facilities with fencing and lighting
- Two tot-lot playground areas with concession/public toilet facilities and picnic areas, all fully ADA accessible
- New site lighting and athletic lighting for all venues

The project included comprehensive stormwater management design, the development of a full irrigation system, and site utilities



Pottle Street Municipal Athletic Complex

Master Planning and Construction Monitoring
Kingston, MA

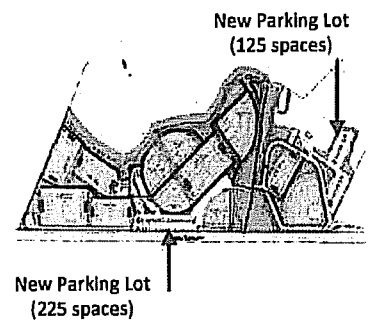
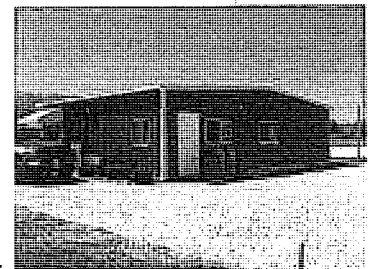


Gale Associates, Inc. (Gale) assisted the Town of Kingston with the planning of a 78-acre municipal athletic field complex. Gale produced permitting documents for both the Conservation Commission and the Planning Board. Gale assisted the Town in obtaining the local permits and then produced bidding and construction documents for the site. Gale was an integral part of construction, assisting the Town with construction monitoring and contract management. The facility was completed from design through construction in only two years.

- ▣ Six new baseball/softball fields
- ▣ Six new soccer fields
- ▣ Roadway, parking and drainage infrastructure throughout the site, to include off-street parking in gravel lots to accommodate up to 350 cars
- ▣ Wetlands replication and flood storage mitigation
- ▣ Wetlands crossing for access to fields
- ▣ Full irrigation of all twelve fields utilizing wells and pressure tanks
- ▣ Fencing and backstops for baseball/softball fields
- ▣ Concessions/bathroom facility and two storage facilities
- ▣ Project completed on-time and \$400,000 under budget

PROJECT INFORMATION

Completed: 2003
Cost: \$1,250,000 (est.)
Client:
Town of Kingston
Mr. Ted Alexiades
(781) 714-1470





Engineers
and
Planners

Gale Associates, Inc.
www.galeassociates.com

Newton South High School Redevelopment of Athletic Campus Newton, MA

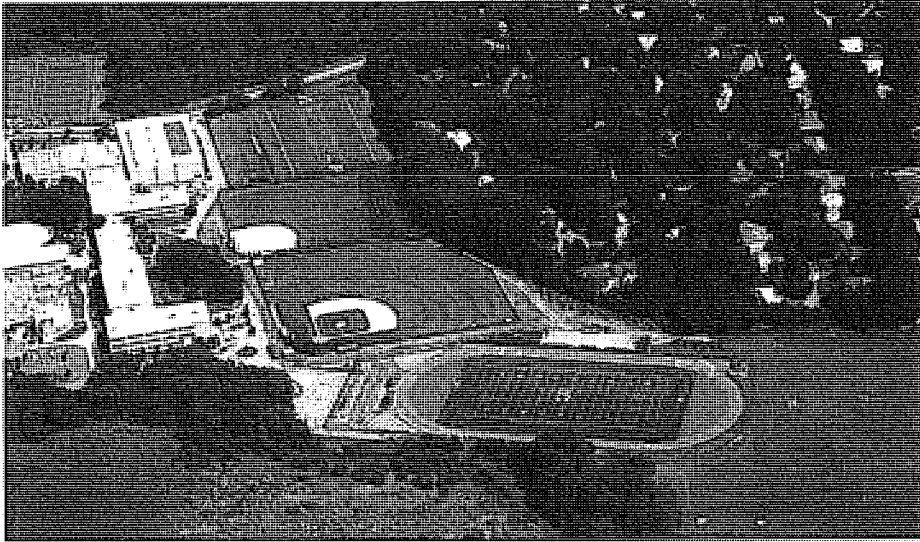
PROJECT INFORMATION

Completed: 2010

Cost: \$5,000,000

Client:

City of Newton
Mr. Louis Taverna, P.E.
City Engineer
(617) 796-1020



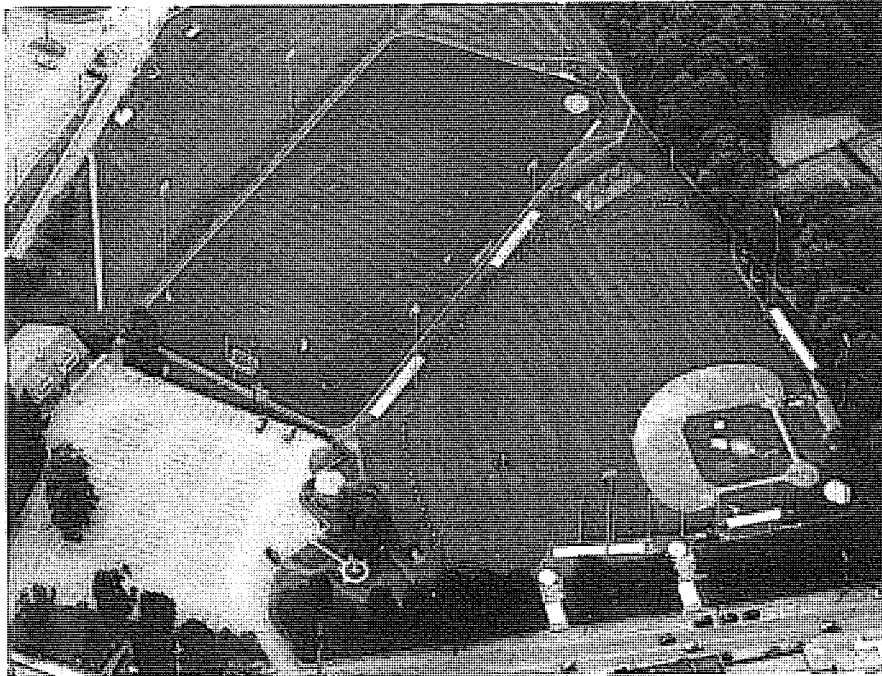
2011 ASBA Distinguished Multi-Field Facility

Gale Associates, Inc. (Gale) was responsible for the redevelopment of the entire athletic campus at Newton South High School. The project included a complete overhaul and re-organization of their athletic program to include the installation of two multi-purpose synthetic turf fields, one 90-ft dedicated natural turf baseball diamond, one 60-ft. softball diamond with multipurpose athletic field and a new track facility for the state's No. 1 track team. The track and field facility included 8-lanes on the straightaway and 6-lanes on the oval of a urethane base-mat structural spray surface. In addition, it included redundant field events for long/triple jump, high jump, shot-put and it also included a new 900-seat grandstand with 30-ft. pressbox and filming platform. Both the natural turf fields included full irrigation and an engineered sand-based rootzone.

The project also included utility renovations to an 84" drainage culvert to mitigate flooding issues associated with the site.

Memorial Park

Master Plan
Needham, MA



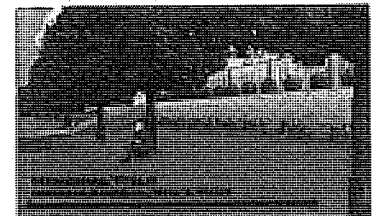
PROJECT INFORMATION

Completed: 2008

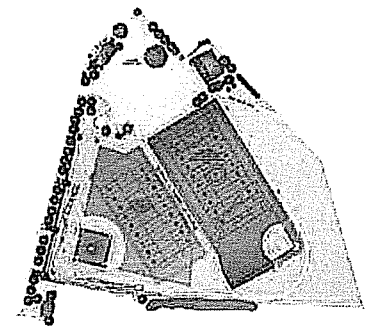
Cost: \$1,930,000 (ECC)

Client:
Needham Parks and
Recreation Commission
Ms. Patricia Carey, Director
(781) 455-7521

Gale Associates, Inc. (Gale) was selected by the Needham Parks and Recreation Commission to provide conceptual design services, design, permitting, and construction administration for the complete reconstruction of the Memorial Park athletic complex located adjacent to the Needham High School. The resultant design afforded a full-sized natural turf adult baseball field, a synthetic turf softball field and a synthetic turf multi-purpose rectangular game field. Other park amenities included spectator seating, athletic lighting, extensive landscape plantings, dugouts and ball safety netting. Gale's use of extensive retaining walls enabled the Town to use the complex more effectively, eliminating field conflicts and improving field orientations.



Proposed Segmental Wall View 1



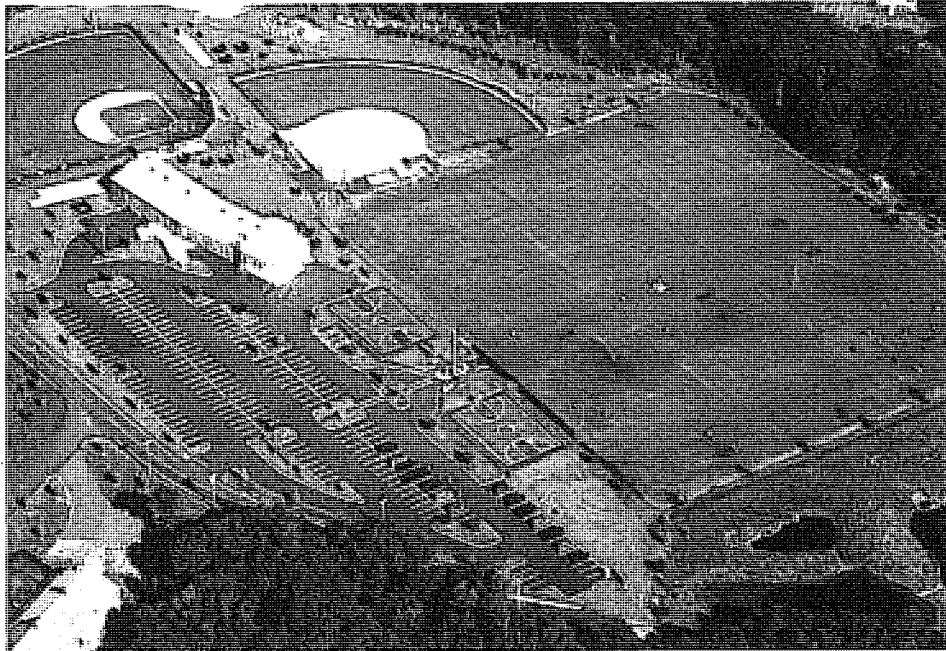


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www.galeassociates.com

Hingham Municipal Athletic Complex

Park and Athletic Complex Design
Hingham, MA



PROJECT INFORMATION

Completed: 2008

Cost: \$2,250,000

Client:

Town of Hingham
Mr. Roger Fernandes
(781) 804-2305

Gale Associates, Inc. (Gale) was engaged for the planning, design, permitting and construction administration of a municipal park and athletic complex at a former naval munitions depot in Hingham, MA. The complex included four natural turf fields with irrigation and under drainage, basketball courts, parking and the adaptive reuse of an existing building. Portions of the project were located in a flood plain, within an area of critical habitat and within wetland buffers. Despite the formidable abutter opposition and numerous environmental constraints, the permitting process led by Gale was successful. The resultant facility is the centerpiece of the Hingham recreation program.

EXHIBIT 8.

**4/5/12 – SUDBURY TOWN CRIER ARTICLE –
“PLAYING ON A FIELD OF NIGHTMARES”**

SPORTS

SOFTBALL



Lincoln-Sudbury softball players (l to r) Erin Deneen, Ann-Marie Billig, Rebecca Ryan, Megan Durning and Gillian Vesely gather in their crabgrass-infested outfield. COURTESY PHOTO

Playing on a field of nightmares

The Lincoln-Sudbury girls' softball program is in need of a new playing field.

Over the years, the field has gotten progressively worse. It wasn't always like this. Before the new high school was built the girls' softball team played on a beautiful field. (That field is now under the new high school.)

Today, the outfield is mostly clumps of crabgrass and dirt, and the right field corner slopes down 40°. The infield is uneven and strewn with rocks and divots. Bad bounces are common and it has become increasingly difficult for the girls to play without injuries.

The girls' field stands in stark contrast to the other athletic fields at L-S. The condition of the field is a safety issue and not at parity with the other athletic fields at L-S - a *Title IX principle*.

We had the opportunity to speak with some of the junior varsity and varsity players last week during tryouts. When asked about their experience playing on the field, here's a sampling of their comments: "It's very easy to trip and we have ankle rolls constantly. The ball dies unexpectedly and it takes weird turns due to the way the outfield slopes down, and because it keeps going, it takes longer to make a play. The ball also jumps up after hitting the bumps from crabgrass in the field, which makes it hard not to get hit in the face. If we play after it rains, the drainage is bad and there are puddles which makes it very easy to slip."

We reached out to Nancy Childress, the school's varsity softball coach. She reiterated what the girls said about the complexities of playing on the field in its current condition. She recalled having to pick up glass from the dirt before a game so the girls didn't get hurt.

They keep a rake handy in the event of rain so they have a way of removing the puddles between first and second base.

One year they had to put kitty litter down to soak up all of the puddles from the rain. The L-S grounds and maintenance have been extremely helpful and have provided a lot of labor to maintain the field as best they can, but even that just isn't enough. Childress closed our conversation with "the girls deserve to have a playing field of which they can be proud."

We also asked for input from Nancy O'Neil, athletic director for Lincoln Sudbury Regional High School. She is well aware of the challenges with the current condition of the softball field. She voiced her frustration over the lack of funds and the priorities competing for the limited funds they receive each year for athletic programs. She said, "What's important now is we all need to be part of the solution."

She praised the Lincoln and Sudbury communities for their ongoing support of the athletic programs. Over the years, O'Neil has seen people of this community rally around a cause.

"It wasn't that long ago this community, in partnership with L-S, brought the first girls' ice hockey team to Lincoln-Sudbury Regional High School."

When asked how she feels about the softball field condition, she replied, "These girls deserve better, it's about safety, equal opportunity and pride."

A group of parents have decided to do something about it and have formed Friends of L-S Softball ("FOLSS"). Their mission is to support the L-S softball program and to specifically develop and implement a comprehensive plan to rebuild the L-S softball field.

The first component of the multi-year restoration project is to literally

"level" the outfield and create a safe playing environment. This outfield plan consists of three phases, 1) electrical upgrades, 2) landscaping/ground leveling work, and 3) irrigation.

FOLSS hopes to complete this project in the August/September 2012 timeframe so the new outfield will be ready for the 2013 softball season.

The longer-term plan will likely include infield improvements, additional fencing, foul poles and potentially dugouts and lighting.

Last month, a number of students from last year's L-S softball program along with FOLSS members presented their case to the school committee.

The school committee approved the plan. However, funds could not be provided for any of the funds needed for the outfield project (\$50K+) or incremental costs for ongoing maintenance of the new field (\$1,500 per year).

FOLSS along with the 2012 girls' softball program have put together a number of fundraising events in hopes of contributing to the funds necessary to start the project this August and have a new outfield for the 2013 softball season.

4/28 - Babysitting Night

5/16 - Sudbury Girls Softball League

Night

5/20 - Car Wash

On Saturday, March 24, FOLSS and the players combined to host an Electronics Recycle Fundraising Event. The support from the community was tremendous and got the initiative off to a good start for the first phase of the restoration, focusing on the outfield. If we can continue to see this kind of commitment to "leveling the playing field,"

FIELDS, PAGE 25

FIELDS

From Page 24

we have no doubt that a new field is on the horizon.

In parallel to fundraising, FOLSS is pursuing other avenues for donations including but not limited to LSRHS Boosters, Sudbury Community Preservation Committee (which substantially funded the LSRHS football field), local businesses and individual donors.

FOLSS is currently working on a donor recognition program. Details will be forthcoming.

Please help the girls *level the playing field*, by participating in upcoming fundraising activities. Donations can also be made to:

Friends of Lincoln-Sudbury Softball

P.O. Box 100

Sudbury, MA 01776

(Checks made payable to FOLSS (501c.3 pending))

FriendsOfLSSoftball@gmail.com