

**TRI TOWN BOARD
Of Water Commissioners
Braintree, Holbrook, Randolph
DPW Administration Building, Pond Street**

MINUTES

January 30, 2009

PRESENT: Chairman, Joseph Sullivan, Mayor of the Town of Braintree; Clerk, Joseph A. McElroy, P.E., FACI, FSAME, Randolph Public Works Commissioner;

IN ATTENDANCE: Tom Cummings, Holbrook Superintendent of Public Works/Holbrook-Randolph Joint Superintendent; Mike Attardo, Interim Water/Sewer Director; Lou Dutton, Director, Water Treatment Plant

ALSO PRESENT: Deborah Carlino, Recording Secretary; Peter Lynch and Michael Walsh of Camp Dresser & McKee, Inc.; Teno West, Esquire, Holland &* Knight; Paul Eisenhardt, Eisenhardt Group; members of the press and public

ABSENT: Paul S. Currie, Vice Chairman of the Holbrook Board of Selectmen; David Zecchini, Superintendent of Randolph Public Works Dept.;

Chairman Sullivan opened the meeting at 1:17 p.m.

APPROVAL OF MINUTES:

MOTION: by Mr. McElroy to accept the minutes of January 9, 2009

SECOND: by Mr. Sullivan
UNANIMOUSLY VOTED

UNFINISHED BUSINESS: Design/Build Updates

- CDM/Holland & Knight
- Legal Services contract with Atty. Teno West
- Owner's Representative, Mike Walsh, P.E.

Mr. Walsh provided the Board with a letter dated January 30, 2009, re: "New Water Treatment Plant Design/Build Project CDM Agreement for Owner's Representative Services". Mr. Walsh explained that since the last Board's meeting on January 9, 2009, CDM has initiated discussions with Atty. Teno West re: CDM's responsibilities as Owner's Representative. Based on their discussions, Atty. West will be responsible for obtaining the necessary approvals required to proceed with design/build implementation of this project, whether this approval is in the form of Special Legislation or issuance of a Design/Build Notice to Proceed from the State Inspector General. Also, Atty. West will be the lead party on specific procurement tasks, including Phase I, Task 5 (prepare draft DB

contract) and Phase 2, Task 3 (negotiate the DB contract); CDM will provide limited input to these tasks in response to requests by legal counsel. Further, Atty. West will provide input as required into all other parts of the procurement process, including Task 3 and Task 4 of Phase I and Task 1 and Task 2 of Phase 2. It is anticipated that as part of these tasks, Atty. West will provide input into the RFQ and RFP developed for the project and actively participate in the review of responses to the RFQ and RFP, including attendance at meetings of the Evaluation Committee established by the Board.

Mr. McElroy stated that when the bids are submitted that they need to submit all the details to show comparison and complete back up data so that the Evaluation Committee can review technology and finances of each submittal.

Mr. Walsh stated that CDM would want to have legal, business and technology people truth testing the submittals then make recommendations to the Board thereafter. They would review the cost savings, new technology so that the submittals would be as good if not better then the RFP's put out there.

Attorney Teno West of Holland & Knight advised that they would set up an Evaluation Committee however the Board so wished to do so. The Board needs to keep in mind the open meeting law requirements; the Committee needs to be separate from the TriTown Board. They need to keep confidentiality so when negotiations begin, the TriTown Board will not lose any leverage.

Chairman Sullivan asked that the Board review the January 30, 2009, letter with contract attached and plan to discuss and sign same at the next meeting.

Atty. West provided a "Draft dated January 30, 2009, An Act Authorizing the TriTown Regulation Water District Legislation". This legislation is requesting permission to construct a new plant utilizing the Design/Build concept. It was noted that the legislation has been drafted very broadly so that the TriTown Board is not locked into specifics; want to have some flexibility.

It was recommended by Chairman Sullivan that the Board review the draft legislation and plan to discuss and sign same at the next meeting so that this can be filed by the end of February.

NEW BUSINESS:

RE: Dissolved Air Flootation (DAF) pilot study discussion.

RE: Department of Environmental Protection Staff

Mr. Dutton advised that DEP could not attend today's meeting. They were going to try to attend the next meeting.

Mr. Lynch advised that he has spoken with DEP and they are working on providing documentation and an update at the next meeting and they he is working with them on this.

RE: Upper Pond Dredge Permitting

Mr. Lynch provided the Board with a draft Notice of Intent entitled, "TriTown Board of Water Commissioners, Upper Reservoir Maintenance Project, February, 2009, submitted to: Randolph Conservation Commission". The existing permits have expired and new one is needed if the Board wants to proceed with any kind of dredging. There needs to be more storage so that when the water does come there is a place to store it and thereby use it. As the Board is aware the timing issue has been the biggest hindrance.

OTHER BUSINESS:

RE: Great Pond Dam Inspection

Mr. Lynch advised that Robert Cutone will provide an update at the next meeting.

NEXT MEETING ACTION ITEMS:

-Invite DEP

DATE OF NEXT MEETING: Friday, February 13, 2009, at 1:00 p.m.

It was unanimously voted to adjourn the meeting at 2:30 p.m.

Respectfully submitted,
Deborah Carlino
Recording Secretary

Joseph McElroy, Clerk
P.E., FACI, FSAME