

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

MINUTES

June 12, 2009

PRESENT: Chairman, Joseph Sullivan, Mayor of the Town of Braintree; Joseph A. McElroy, P.E., F.A.C.I., F.S.A.M.E., Randolph Public Works Chairman; Robert Powilatis, Chairman of the Holbrook Board of Selectmen

IN ATTENDANCE: Tom Cummings, Holbrook Superintendent of Public Works/Holbrook-Randolph Joint Superintendent; David Zecchini, Superintendent of Randolph Public Works Dept.; Lou Dutton, Director, Water Treatment Plant

ALSO PRESENT: Deborah Carlino, Recording Secretary; Robert Cutone, Peter Lynch of Camp Dresser & McKee, Inc.; Robert Knychalski, Esq. of Pannone Lopes Devereaux & West; William Repoff; David Murphy, Randolph Executives Secretary; Christine Stickney, Braintree Planning; Mike Attardo; Representatives from Sen. Morrissey, Rep. Driscoll, Sen. Joyce's offices; members of the press and public

Chairman Sullivan opened the meeting at 1:00 p.m.

Mr. Sullivan and Mr. Powilatis had a lengthy discussion re: Mr. Currie's past involvement with the TriTown Board.

Mr. Powilatis noted that according to the legislation, only the Chairman of the local Water Boards and the Board of Selectmen and/or their successors, not designees can serve on the TriTown Board. He noted that he told Mr. Currie to continue to attend. However, Mr. Powilatis noted that Mr. Currie had no voting authority as he was not the Chairman of the Selectmen.

Mr. Sullivan stated that it was his understanding that Mr. Currie was authorized to vote and act on behalf of the Town of Holbrook.

Mr. McElroy stated that the Randolph DPW Board is the authority for Randolph, not the Selectmen.

Mr. Sullivan stated that he hoped that Mr. Powilatis will help to continue to move the project forward; as this Board has accomplished a lot in the last year. It is imperative that we work together as a Board and keep the momentum moving forward.

**RE: Design/Build Updates
-Owner's Representatives
CDM/Teno West, Esq.**

Mr. Knychalski advised that Mr. West could not attend today; however he provided an update on the legislation and municipal agreements; as well as the letter to the Office of the Inspector General re: the filing of the "Town of Braintree – Special Legislation".

Mr. Powilatis noted that the language in the documents could be construed as cleverly drafted and/or well drafted.

Mr. Sullivan stated that it was his understanding that the previously Holbrook representative was sufficient and all documents were reviewed and voted by him in accordance to the many discussions of this Board.

Mr. Knychalski provided a brief overview of the original drafting and the revisions of the legislation for Mr. Powilatis.

Mr. Cutone provided a copy of a memo dated June 12, 2009, re: the TriTown Water Treatment Plant Project Status for the Board's review and comments. Also, provided was a handout entitled, "CDM New Regional Water Treatment Plant Design/Build Project, TriTown Board of Water Commissioners Representing Braintree – Randolph – Holbrook, June 12, 2009".

The Board was advised that they have received over 20 letters of interest re: the project. It was noted that CDM and Mr. West are continuing to meet to review and finalize the documents for the Board's review at a future meeting.

Mr. Powilatis stated that he would like to request a Supreme Judicial Court ruling re: the sharing of the cost by the three towns of this project and future expenses re: same.

There was a lengthy discussion re: the legislation, how it was drafted, how the town's breakdown of payment is described within the legislation and Mr. Powilatis' request to seek a finding from the Supreme Judicial Court. There was discussion re: the cost being broken into 50 to Braintree; and 25/25 for Randolph and Holbrook. It was noted that all expenses and payments need to be equitable to all three towns. The payments made to the TriTown projects need to be based on the usage by each town.

Mr. Dutton noted that each town was metered and only pays what it receives.

Mr. Lynch provided an update re; the handout entitled, "CDM New Regional Water Treatment Plant Design/Build Project, TriTown Board of Water Commissioners Representing Braintree – Randolph – Holbrook, June 12, 2009".

RE: Infilco Degremont, Inc.; Status of Review on Project

Mr. Dutton advised that they were still waiting for payment from Holbrook and Randolph and as soon as they receive that payment, they will release the reports.

RE: Inspection of Dams Status

Dick Levine of CDM provided a handout entitled, "Great Pond Dam, Phase I, Inspection/Elevation Report"; date of Inspection: April 24, 2009.

The Board was informed that the condition of the dam is poor. Great Pond Dam is classified as a large size, high hazard potential dam. It was noted that CDM will also conduct an inspection of the lower dam as well. The last review of the dams was back in 2000 by Metcalf & Eddy who made recommendations for maintenance of both dams. Theoretically, the dam is in a dangerous situation.

There was discussion by the Board to do some short term fixes within the local depts. CDM was asked to draft a short term maintenance plan for review by the Board at the next meeting.

Mr. Zecchini advised that there was maintenance done about 8-9 years ago, but nothing since.

MOTION: by Mr. Powilatis to take immediate short term directive action to level the dam and add fill where needed to help eliminate any weak spots to help with maintenance of the dam and when filing the dam safety report with the State advising them of said immediate actions of the Board; further to also advise the State that the Board is being proactive re: the lower dam as well

SECOND: by Mr. McElroy
UNANIMOUSLY VOTED

MINUTES:

MOTION: by Mr. McElroy to approve the minutes of May 19, 2009

SECOND: by Mr. Sullivan

VOTE: 2:0:1 (abstaining: Mr. Powilatis)

RE: Point of Contact TriTown; William Repoff

Mr. Powilatis asked if this position was advertised, posted, were there other applications, how the pay amount was reached, why it is so much and why this position is necessary now.

Mr. Sullivan advised that he has been in contact with Randolph Executive Secretary, David Murphy re: hiring Mr. Repoff as the point of contact for TriTown. He would be hired as a Randolph employee, with benefits coming from Randolph; at a compensation of \$55,000 (\$25,000 from Braintree and the remainder to be split between Randolph/Holbrook). He would be the point of contact for the project until its completion. He would report to the TriTown Board.

It was noted that this position was appointed and not union and therefore, did not need to be posted. Further, over the past year, the Board has been moving forward quickly and it was time to have a point of contact for the project so that the Board would not miss any deadlines.

Mr. Powilatis stated that he was not in favor of this new position and would not be funding same at this time.

There was another lengthy discussion re: Mr. Currie's past involvement with the TriTown Board and whether or not the Holbrook Board of Selectmen knew that he did not have the authority to act on their behalf.

Mr. Powilatis noted that he was only an observer and did not have authority to vote.

Mr. Sullivan stated that he never knew that he was not an equal voter on this Board.

It was noted that Mr. Cummings told the Board of Selectmen on several occasions that according to the statue the only Holbrook representative to the TriTown Board could be the Chairman of the Board of Selectmen.

DATE OF NEXT MEETING: to be determined

It was unanimously voted to adjourn the meeting at 3:30 p.m.

Respectfully submitted,
Deborah Carlino
Recording Secretary

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