

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

**MINUTES**

**October 23, 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.

**ALSO PRESENT:** Deborah Carlino, Recording Secretary; Peter Lynch and Tyler Dunn of Camp Dresser & McKee, Inc.; Teno West, Esq. and Robert Knychalski, Esq. of Pannone Lopes Devereaux & West; Mike Attardo; Helen Gordon of Woodard & Curran; members of the press and public

Chairman Sullivan opened the meeting at 9:15 a.m.

**MINUTES:**

**MOTION:** by Mr. McElroy to accept the minutes of October 5, 2009, as amended

**SECOND:** by Mr. Powilatis  
**UNANIMOUSLY VOTED**

**Other Business:**

Mr. Powilatis discussed a draft "procurement policy" that he has drafted for the Board to review and comment on and perhaps vote to enact.

Mayor Sullivan suggested that since the Board just receive this information today that the document be reviewed and further discussed at the next meeting. Further, he stated that he was concerned with Mr. Powilatis' comment "transparent"; the Tri Town Board has met in open session each and every time.

**RE: Continued Business: -Owner's Representatives  
CDM/Teno West, Esq.  
-Status and Discussion of Special Legislation**

Mr. West advised that the RFQ was given to the Board in July and he would suggest a workshop be scheduled to allow the Board to review and comment on the document so that when the legislation is ready that the RFQ can get out

quickly. The project is hinged on the special legislations being adopted and then moving forward. Mr. West stated that the Board needs to work out how it plans to pay for the project (i.e. percentage, usage, etc.) Lastly, all the changes that have been suggested so far by the Board have been made.

Mayor Sullivan suggested that the Board look at paying 1/3, 1/3, 1/3 with Braintree paying for the operating costs. The personnel would be paid for by the three towns, similar to what is done currently.

Mr. Powilatis noted that this does not make sense. There are operation costs and joint employees that work for the Joint Board which are all paid for by the Joint Water Board budget which is split between the two towns. Further, all the employees that would work at the TriTown treatment plant would be personnel of the TriTown Board, not the individual towns. To pay for them, you would take the balance of the personnel costs which would then be divided by the usage.

Mayor Sullivan noted that the operations costs would be paid by Braintree and then the personnel would be assessed thereafter.

Mr. McElroy agreed with Mayor Sullivan that the costs associated with the plant should be 1/3, 1/3, 1/3.

Mayor Sullivan stated that at the beginning of the year the Board hired CDM and Teno West and they voted unanimously to the design/build process for the treatment plant project; and further it was the consensus of the Board to pay for costs associated with the project based on 1/3, 1/3, 1/3. They assembled a team and that team has been moving forward quite nicely up until about June with the process; however, since that time the Board has been at a stalemate.

Mr. Powilatis stated that he wants to be sure that the project is done correctly. He would agree on Holbrook paying 20% on operating; but does not agree with the 1/3, 1/3, 1/3.

Mayor Sullivan again stated that the Board does not need to worry about the operations costs as Braintree will pay for that.

Mr. Powilatis read a letter that he was proposing to mail to the Inspector General's Office based on a letter that was drafted by this Board to be mailed previously. This letter is basically stating that if an amicable agreement cannot be met by this Board that perhaps Holbrook will go its separate way and the TriTown Board will be dissolved.

It was noted that the letter never was mailed to the Inspector General's office.

Mr. McElroy stated that consumption does not mean anything as all three Towns are getting their water from the same source. The building is being constructed

so that all three towns will receive the same adequate supply of quality water. The cost of the building would be divided 1/3, 1/3, 1/3 and thereafter, the three towns would pay based on usage. The three towns are all taking water from the same source, constructing the same building that would help disperse that water and based on how much water each town consumes/used, would be how much each town would pay.

Mr. Powilatis stated that if Holbrook only uses 20% of the water, however, why are they expected to pay 1/3 of the costs of the construction of the building. Another option could be, Braintree could build the plant and Holbrook could buy water from Braintree.

Mayor Sullivan suggested that the TriTown Board may support Mr. Powilatis if he, on behalf of Holbrook, wanted to look at other water supply options such as the MWRA, building their own plant, etc. then that would be their decision to move forward on that option. The Board was making great progress right up until the spring; now because of the constant discussions about payment, etc. the Board has not moved forward since. We need to build a new water treatment plant, the two existing plants are getting so as they are not functional and there is a sense of urgency. This is not an "if we build the plant" situation, but a "when will we build the plant".

Mr. Powilatis stated that he has made constructive suggestions that have been dismissed. He suggested a breakdown of 15, 37, 48.

Mayor Sullivan suggested 20, 35, 45. Further, the Board could apply for stimulus money and there would be no costs to the three towns; but we need to come to a compromise on the billing breakdown.

**RE: Dam Status; upper pond**

Mr. Lynch provided a handout dated October 23, 2009, from CDM re: "Tri-Town Water Projects Status". The Board was advised that the Upper Pond Reservoir Dam has been reviewed by the Superintendent and Directors. CDM requests the Board's approval for submission to DCR Office of Dam Safety. CDM has reviewed DCR's September 18, 2009, Safety Order on the Great Pond Dam and is prepared to discuss the scope of their requirements and recommend scheduled activities and proposed budgets. CDM is exploring funding opportunities for construction thru FEMA. Further, there is a November 2, 2009, deadline to do an inspection of the recent status of the dam at the lower reservoir.

The Board received a memo dated October 22, 2009, from Dwight Dunk of CDM re: the "TriTown Regional Replacement Water Treatment Plant – MEPA and MHC Requirements".

Mr. Dunn provided a brief update on the dam status. The dam is rated poorly based on the inadequate spillway. The Board needs to do the Phase II proposals as this will help determine the cost to repair the dam.

MOTION: by Mr. Powilatis to authorize CDM to respond to DCR by the November 2, 2009 deadline

SECOND: by Mr. McElroy  
UNANIMOUSLY VOTED

**DATE OF NEXT MEETING:** Friday, November , 2009, at 9:00 a.m.

It was unanimously voted to adjourn the meeting at 10:30 a.m.

Respectfully submitted,  
Deborah Carlino  
Recording Secretary

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