

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

MINUTES

December 11, 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

ABSENT: 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 Mike Walsh of Camp Dresser & McKee, Inc.; Teno West, Esq. and Robert Knychalski, Esq. of Pannone Lopes Devereaux & West; Mike Attardo; Tom Whalen, DPW Director; Lou Dutton; Helen Gordon of Woodard & Curran; Richard Brewer, Randolph DPW/Town Council Member; members of the press and public

Chairman Sullivan opened the meeting at 9:11 a.m.

MINUTES:

It was noted that the minutes were held to this meeting so that they could be voted on by a full Board. As Mr. Powilatis was not present, it was decided to accept the minutes rather than hold them to another meeting.

MOTION: by Mr. McElroy to accept the minutes of October 23, 2009, as amended

SECOND: by Mayor Sullivan
UNANIMOUSLY VOTED

MOTION: by Mr. McElroy to accept the minutes of November 20, 2009

SECOND: by Mayor Sullivan
UNANIMOUSLY VOTED

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

Mr. West noted that he had a meeting at 11:00 a.m. this morning with Mr. Powilatis to discuss payment of bills.

Mr. West further provided a draft handout dated November 6, 2009, of the most updated legislation.

-Status Phase 2 Dam Project, CDM

Mr. Lynch provided a memo dated December 10, 2009, entitled, "Great Pond Dam MA 00828 Phase II Inspection and Investigation" for the Board's review.

It was noted that the archeologists did start the investigation at the site this week. They have found some insignificant items. This project should be in good shape once the investigation has been completed.

Mr. McElroy asked what kind of criteria the archeologists followed.

Mr. Lynch noted that DEP likes to have their input.

Mr. Walsh advised that the draft RFQ was reviewed and discussed by the Board a few months ago and should be further discussed so that it can be ready to be put out once the legislation and investigation has been completed. He suggested that there be a few workshops set up to have exclusive discussions on the draft RFQ so that it will be ready.

There were a few other suggestions as to workshops that should be scheduled by the Board: procurement issues and emergency issues.

-Status and Discussion of payment of TriTown bills

Mr. West again stated that he was meeting with Mr. Powilatis today at 11 a.m. to discuss this item.

There was discussion that it has been discussed and decided prior that the bills would be paid 1/3, 1/3, 1/3. It was noted that Randolph and Braintree have paid their portions of the bills.

The Board discussed an email from Mr. Powilatis as stated:

We certainly apologize for any and all inconvenience. As you may be aware, the dredging and dam work are shared at the rates of 48%, 37% and 15%. So, if you could breakdown those costs, I am sure there would be no problem arranging payment.

However, the design build work comes under the category of the new water

treatment plant, the sharing of which has yet to be settled and agreed upon. Therefore, we are reluctant to pay until an agreement is reached so that it does not appear that there is some apparent agreement as to the sharing. Another question, which I have raised several times at our meetings, is why should work continue when this major issue is not resolved.

Tyler Dunn and Mr. Lynch discussed the Phase II Inspections. At the November 20th meeting, CDM suggested that they submit a proposal for the Phase II Inspection and the costs associated with same. The proposed schedule is aggressive, but it needs to be done in order to meet the Office of Dam Safety requirements. This is a potential safety issue as well; there is concern of loss of property and life. The proposed cost of CDM's services for this project would be \$169,100.

Mayor Sullivan asked when the last time that the dams were inspected was. What kind of data can be used from the previous analysis? This is a huge financial issue; how can we be sure that \$170,000 is a fair price for this work. This is putting the TriTown Board in a bind as there are members of the Board that do not want to pay bills.

Mr. McElroy asked what would happen if the March deadline was not met.

Mr. Dunn noted that the Office of Dam Safety has agreed to the proposed schedule, they are pleased that there is a consultant on board that is overseeing that this investigation is done and completed.

Mike Walsh of CDM noted that the schedule has some flexibility in it; the ODS just requires that there be a schedule outlined and that there is good faith work being done.

There was discussion as what was outlined in the December 10th letter, which had to be done:

- a. Review of existing information
- b. Perform an updated detailed Phase I inspection to document any changes that may have occurred since the original Phase I inspection.
- c. Perform a surface investigation to provide data for stability and seepage analysis. Perform up to six borings along two cross sections with piezometers installed in each boring. Laboratory tests will be performed on selected soil samples from the borings. CDM staff will layout borings, monitor the drilling, collect samples, prepare logs, review laboratory tests, and conduct 2 slug tests on wells.
- d. Perform a topographic survey and wetland flagging/delineation in order to check dam slopes and provide data for conceptual designs of alternative rehabilitation options. A topographic survey will be performed for the entire dam form the serviouir surface to

approximately 100' downstream of the downstream toe of the dam. Wetlands within 100' of the downstream toe will be flagged.

It was noted that once those items were completed that Items e and f from the December 10th letter would commence.

Mr. Walsh stated that the ODS has asked that there be a consultant and/or someone under contract by this date to oversee this project.

Mayor Sullivan noted that the majority of the Board could vote on this up to a certain amount; to show good faith that we are moving forward. Then at the January meeting, when there is a full Board, as this will be after Mr. Powilatis and Mr. West discuss bill paying; that the final numbers could be voted on by the full Board.

MOTION: by Mr. McElroy to authorize expending and not exceeding \$84,500 for this study to demonstrate that the Board is moving forward. The Board is not signing off on the final figure at this time

SECOND: by Mayor Sullivan
UNANIMOUSLY VOTED

CDM offered to provide a breakdown of the full amount of \$169,100 and the \$84,500 which is what the Board just voted on at the next meeting.

Items for Next Meeting:

- procurement policy
- payment of TriTown bills

DATE OF NEXT MEETINGS:

- Friday, January 8, 2010, at 9:00 a.m.
- Friday, January 29, 2010, at 9:00 a.m.
- Friday, February 5, 2010, at 9:00 a.m.
- Friday, February 26, 2010, at 9:00 a.m.

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

Respectfully submitted,
Deborah Carlino
Recording Secretary

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