

TRI TOWN BOARD
of Water Commissioners
Braintree, Holbrook, Randolph

MINUTES

Thursday, February 16, 2023
Johnson Chamber - Braintree Town Hall

Present: Mayor Charles C. Kokoros, Chair, Town of Braintree, Bill Alexopoulos, Town of Randolph, Greg Hanley, Town of Holbrook.

In attendance: Crystal Huff, Helen Gordon, Chris Dapson, Lou Dutton, Steve DeFrancesco, Lorraine See, Jim Arsenault, Brian Howard, Chris Pellitieri, Kate Naughton

Mayor Kokoros opened the meeting at 1:05 p.m.

Mayor Kokoros took roll call attendance – all Tri-Town Board of Water Commissioners member present: Mayor Charles Kokoros, William Alexopoulos, Greg Hanley

Tri-Town WTP Project Update:

**a. US Army Corps Temporary Work Stop Briefing/b. Construction
Schedule Update**

Helen Gordon (Environmental Partners) updated that there is a temporary hold based on the Corps of Engineers and the permit. We have a permit with the Corps of Engineers, and they oversee coordination with the tribes. Some additional fine artifacts were found. Nothing different than what we have already seen in the past. As required, the permit was submitted to Mass Historical and there was a first submission done in 2010 by CDM. After the work was done by PAL, the archeologist lab and they are a registered archeologist for the state, and Mass Historical requires a registered archeologist to do the review of the sites. So they did an initial review, and based on that review, they were told that they needed to do some more work. Environmental Partners came on as OPM and Aecom came on as the design engineers. And we went ahead with the second analysis, at which point we sent along. The information PAL was there, the archeologist was there, they did some test bits, they uncovered similar artifacts that they were anticipating, which was some tool, shipping and some site where people might prepare food.

The Mass Historical sign off was obtained. The last permit you submit for was the Army Corps of Engineers permit, that takes the longest, you have to have all your other permits in place. So that was submitted.

Conversations were had with the tribes. One of the tribes, Wampanoag Mashpee, and Wampanoag Aquinnah were comfortable with what had been done previously. The Narragansett Tribe decided that they wanted to have observers on site, which they are allowed to have. The Corps added observation during the construction of the site, during the excavation, which was the taking out the trees, taking off the top soil to the permit. Narragansett tribe was determined that they were going to have four people up there on site, and that the communities were going to have to pay for the observers. In order to facilitate that, we had that put under Walsh's contract. The memo of understanding was quite a difficult discussion. The Corp could have done a better job.

The Narragansett tribe was on site for four weeks. During that time, they did find evidence that there was a fire pit, which was not surprising. The opinion of the Narragansett Tribe is that this a significant site, but all other parties do not agree with that. The court has said let's put the site on hold for four weeks. It has been put on hold until March 14th. The Corps of Engineers is running with this. They are coming to an agreement with the three tribes. The most likely outcome of this will be that PAL will be required to be on site as the certified archeologist which will have a fee associated with it. There will be observers from the tribe there, but it isn't clear if they will be paid for their time or not. That is yet to be determined. They are working towards keeping it to the top soil level.

Ms. Gordon showed Commissioner's a map of the areas where they found during the original first two studies, some tools, etc. The larger footprint of the treatment plant still needs to be cleared and observed. Moving forward, the Corps will have very specific plans on what needs to be done. If any additional items are found they will be moved to an undisclosed spot on site(if possible). Mass Historic and the tribes keep track of where that is.

The contractors are concerned about the stop and the impact for having operators that can't do any work. Ms. Gordon stated that it is too early entertain that conversation. They did have 120 days of float on their schedule. There will be some costs associated with the delay. Negotiations will happen.

The coordination with PAL for the four-week period is estimated at \$ 20,000. And there is a question if the communities will be paying for the tribal oversight. So that could be \$20,000 a piece for each tribal person.

Mr. Alexopoulos questions if it is \$20,000 per person that is there.

Ms. Gordon responds that it could be. Narragansett was charging a hundred dollars an hour.

Mr. Alexopoulos questions if these people specialized in this work.

Ms. Gordon responds that are from the tribe.

Mr. Arsenault stated that not all of them are from the tribe. The other tribe was complaining that they're not actual Native Americans.

Ms. Gordon stated that there have been issues with that particular tribe. But we want to be respectful of this site. The Corps has been very clear and frankly the tribes have indicated that they don't want to stop this project. So that's not the intent. The intent is as your OPM and your representative is to limit exposure financially.

Mr. Alexopoulos questions what it will take to get individuals talking.

Ms. Gordon stated that the Corps need to get moving along. She stated that it might be a good idea to talk to congressional representatives to make sure that it's going in an expedited manner. Ms. Gordon has calls in to the Corps every day. All possible work is being done other than excavation.

Ms. Gordon continues that there are a lot of submittals that Aecom is doing to make sure that there are ready to go. She will keep Commissioner's updated as they find out what the Corps is going to require.

Mr. Hanley stated if contingencies were carried under Walsh's. What did they carry for a number for a contingency? Or is this an error in an omission?

Ms. Gordon: It's not an error in omission because everything was done and cleared by Mass Historical. So, there's no error in omission.

Mr. Hanley: So, you complied with their regulations, and then we go to Federal, we go to Army Corps.

Ms. Gordon confirmed. Ms. Gordon continued that there is one hundred thousand dollars in the budget for permits and for time associated with that. That would cover some of the costs of the observation at least. And then depending on the negotiation with the contractor the terms of the contingency will be looked at.

Mr. Hanley asked if there any kind of Federal relief, ARPA funds, or any kind of funding on this type of thing? They are a nation state - They received ARPA money as well, it could be under Historical Preservation for them that they could be paying themselves.

Ms. Gordon states that she doesn't know the answer, but it is a good question. She will she is there is any grant or a way to get it funded.

Mr. Hanley wishes Ms. Gordon luck.

Mayor Kokoros suggests putting a meeting with the board to facilitate.

Ms. Gordon agrees and thinks it would be a good idea if the towns have some direct input at this point.

b. SRF Coordination

Ms. Gordon reminds all how SRF is being done: the three communities have their own separate loans and loan packages. Every pay Req, every invoice that comes in, Environmental Partners prepares a reimbursement request on behalf of each of the individual communities for the communities' percentage of the cost of that package. It is then signed, EP submits it to the SRF and they reimburse each community separately. The first pay Req is going to probably take the longest in terms of getting reimbursement because this is a little complicated, more complicated than they usually have for projects. Now that you've created Tri-Town water district, 10-15 years from now, goal would be that you have your enterprise funds set up and it's one entity. All communities need to submit a loan questionnaire and a green light letter associated with their agreement with the trust.

Tri-Town Board to vote to authorize the plant debt issued to the individual communities:

Crystal Huff Assistant Town Solicitor for the Town of Braintree stated that the three towns of each respectively hired Locke Lord, LLP, as bond counsel to the towns. They have analyzed all the relevant documents. They've recommended that the board take a vote to authorize the debt that's already been taken on by the towns as a final step in this process.

Mr. Hanley questions if each town has to go back to their respective communities to about the measure?

Ms. Huff answers: No, the bond council said that Tri Town has to vote to authorize this because it's already been put in process by the individual towns and they've already been authorized by individual town level.

MOTION: a motion that the Tri Town Water District, Massachusetts, vote to in accordance with section three, paragraph E of chapter 3 71 of the acts of 2020 in the joint powers agreement governing the establishment operations of Tri-Town Water District, known as the district approved by the towns of Braintree, Holbrook, and Randolph Massachusetts. Collectively the member towns in June, 2022, the board hereby approves of the authorization and issuance of all debt here to four, authorized an issue to be authorized and issued by each member towns for the benefit of the district to meet the respective shares for the cost of designing, constructing, equipping, and furnishing the district's new water treatment plan, including the payment of all costs, incidental and relative related thereto.

MOTION: Mr. Hanley

SECOND: by Mr. Alexopoulos

o *No Discussion*

Mayor Kokoros – Yes

Mr. Alexopoulos – Yes

Mr. Hanley – Yes

Future meeting dates:

Tuesday, March 14, 2023 at 10 a.m.

Motion to adjourn

MOTION: Mr. Hanley

SECOND: Mr. Alexopoulos

o *No Discussion*

Mayor Kokoros – Yes

Mr. Alexopoulos – Yes

Mr. Hanley– Yes

Vote : Unanimous

Respectfully Submitted,

Kate N. Naughton

Recording Secretary