

**EXECUTIVE COMMITTEE MEETING  
JUNE 9, 2000**

**MINUTES APPROVED AT THE SEPTEMBER 15, 2000 MEETING**

Present: Guy Carbone, BELMONT; Timothy MacDonald, CAMBRIDGE; Ed Sullivan, CANTON; William Hadley, LEXINGTON; Peter Hersey, MELROSE; Stanley Stanzin, NEEDHAM; Jay Fink, NEWTON; Bernard Cooper, NORWOOD; Walter Woods, WELLESLEY.

Also in attendance: John Carroll, Norman Jacques and Andrew Pappastergion, MWRA BOARD OF DIRECTORS; Joseph Favaloro, Cornelia Potter, Ryan Ferrara, Nathalie Grady and Mary Ann McClellan, MWRA ADVISORY BOARD.

**I. CALL TO ORDER**

The meeting, held at the Advisory Board office, was called to order by Acting Chairman Ed Sullivan at 8:40 a.m. Chairman Sullivan offered a moment of silence in memory of Chairman Joseph Foti's father.

**II. ACTION ITEM: UNDER MWRA POLICY #OP.09 – WATER CONNECTIONS SERVING PROPERTY PARTIALLY LOCATED IN A NON-MWRA COMMUNITY – BY STOUGHTON ASSISTED LIVING, LLC TO CONNECT TO THE MWRA SYSTEM IN CANTON FOR A PROJECT PARTIALLY LOCATED IN STOUGHTON**

Mr. Favaloro noted that the consultant/engineer team would make a full presentation for Stoughton Assisted Living, LLC at the Operations Committee meeting in Chelsea. Any vote taken at the Executive Committee meeting would be contingent upon approval from the Operations Committee.

Ed Sullivan stated that this facility is located on the Stoughton/Canton line on Route 138. On the Canton side, the developer petitioned to build 88 to 100 units/condominiums. Environmental and water/sewer tie-in issues have been raised within the Town of Canton. The Zoning Board denied the permit. The developer appealed to the Housing Appeals Committee (HAC) and a compromise was reached to limit the Canton portion of this package to 56 units. There are still issues relating to conservation. The development's access is from Canton into Stoughton. The HAC decision directs the developer to extend the sewer extension line in Canton from Route 138 up Tracey Wood Road.

Canton has been halted from extending a sewer line in a major subdivision in town and received objections from WSCAC, Audubon, etc. Because of the new Wastewater Management Act, Canton is required to do a comprehensive study to prove why a sewer treatment plant can't be built in the town.

Canton was required to hire consultants to go through a siting process. If there is no open space or town land, and there is a piece of private property that meets the criteria, the town may be requested to buy it. The consultants are proposing a five-phase program, which will take two years. In today's dollars, the cost is approximately \$400,000 to establish whether building a treatment plant is feasible.

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The report will likely indicate that a plant should not be built, but the community will still be required to pay for the study. Additionally, Mr. Sullivan noted that the Town of Canton has paid millions of dollars to join the MWRA. If a treatment plant were required, Canton would have to go to the Legislature to discontinue payments to the MWRA.

Mr. Favalaro noted that Wilmington is facing the same situation. Their ability to extend the sewer system is being questioned because of the Interbasin Transfer Act. Mr. Favalaro predicted that there is going to be a huge battle in the foreseeable future, with partially sewered communities suing the MWRA to have their assessments reimbursed because, though they have paid to be fully sewered, they are going to be denied that right. To ask Canton to build a treatment plant, when 70% of the community is sewered already, is ludicrous.

Mr. Favalaro stated that the entrance fee for Stoughton Assisted Living, LLC would be between \$37,000 and \$45,000.

Peter Hersey noted that the developer is proposing an 8" water main. Unless the community has an inspector on the site, contractor could put in bigger pipe because they know they are going to develop further down the road.

Mr. Sullivan inquired whether the projected flow was based on patients only, or patients and staff. Ryan Ferrara replied that flow was projected by bed. Mr. Favalaro stated that conditions and calculations could be placed as part of the terms of any agreement.

A Motion was made **TO CONDITIONALLY APPROVE A NEW WATER CONNECTION FROM THE TOWN OF CANTON TO SERVICE AN ASSISTED LIVING COMMUNITY LOCATED PRIMARILY WITHIN THE TOWN OF STOUGHTON, CONSISTENT WITH THE RECOMMENDED CONDITIONS ESTABLISHED BY THE MWRA ADVISORY BOARD OPERATIONS COMMITTEE.** It was seconded and passed by unanimous vote.

Mr. Sullivan requested time on the Advisory Board agenda in the fall to discuss issues such as the Interbasin Transfer Act and Title 5.

**III. UPDATE: CIP/CEB BUDGETS**

Cornelia Potter stated that the Authority not only agreed to a ten-year budget, but also put a limit on the three-year budget, in part because some Board members were concerned that the Authority would continue the slide-over pattern of previous years.

It is fair to say that the cap is a reasonable one; while it sets limits, it gives the Authority enough flexibility to accomplish their environmental and engineering goals, but within a new framework.

Ms. Potter noted that the Authority found other direct expense reductions to keep the rate increase at 3.5%, including holding more positions vacant while they relook their overall staffing levels.

With the creation of the MWRA's Operations Committee (OPCOM) and the appointment of Mike Hornbrook as Chief Operating Officer, staff is exhibiting very different attitudes and patterns and is thinking more imaginatively about efficiency moves. The Authority will also draw down more on rate stabilization funds.

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Walter Woods suggested that the Advisory Board prepare a letter to the communities and the Board of Directors thanking them for their support for the Advisory Board's 3.5% recommendation.

Mr. Favaloro commended Advisory Board staff and MWRA Board members for working together to keep the Advisory Board approaches alive.

**IV. LEGISLATIVE UPDATE**

Mr. Favaloro stated that staff was successful in getting surplus property language submitted as part of the House budget and incorporated into the body of the Senate budget. Additionally, staff was successful in amending the Senate budget with stronger language. This initiative relates most directly and imminently to Chestnut Hill Pump Station (Chestnut Hill). Within the next two years, many other buildings will be surplus with the opening of the new North Maintenance Facility. The language forces DCAM to do its job and will get to the Governor's desk. The preservationists have been working closely with the MWRA and the City of Boston in relation to Chestnut Hill.

The Authority has set aside upwards of \$2.5 million for repairs to Chestnut Hill in order to turn the property over to DCAM. The funds will be released when there is an exit strategy and the agent has been developed. There is going to be intense pressure from the preservationists, EOE and the City of Boston to release the money because they want the work completed during this construction season. The Authority has yet to acquiesce.

Mr. Favaloro suggested asking the Attorney General to interpret the Enabling Act and the responsibilities of the Commonwealth and the MWRA on the property.

**A Motion Was Made THAT THE EXECUTIVE COMMITTEE ENDORSE A MEMO TO THE ATTORNEY GENERAL REQUESTING AN OPINION AS TO WHAT LEGAL ENTITY OWNS THE PARCELS OF PROPERTY.**

Mr. Carbone stated that in the past, the Attorney General had town council render an opinion for their review and suggested that MWRA legal staff render an opinion in writing on who owns the property.

John Carroll noted that Mary Jeka, General Counsel for MWRA, said it is clear that the Commonwealth owns the property. MWRA has jurisdiction over it. David Farini, head of DCAM, says the property can't be declared surplus because MWRA is not a state agency.

Nathalie Grady of the Advisory Board staff stated that everyone agrees that the Commonwealth owns this property; DCAM is literally refusing to take it.

An amended Motion was made **THAT THE EXECUTIVE COMMITTEE ENDORSE A MEMO TO THE ATTORNEY GENERAL REQUESTING AN OPINION AS TO WHAT LEGAL ENTITY OWNS THE PARCELS OF PROPERTY AND INCLUDE A WRITTEN DECISION FROM MWRA GENERAL COUNSEL AS TO WHO HAS LEGAL TITLE TO THESE PIECES OF PROPERTY.** It was seconded and passed by unanimous vote.

**V. INTERVIEW AND NOMINATION OF CANDIDATE(S) FOR THE BOARD OF DIRECTORS**

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❖ **ANDREW PAPPASTERGION**

Andrew Pappastergion stated that he sent a letter offering his intention to run for a second three-year term on the MWRA Board of Directors. Mr. Pappastergion has been involved with the MWRA and the Advisory Board since the beginning, including a Chairmanship at the Advisory Board for five years.

Mr. Carroll and Mr. Jacques offered that, “Andy has been a terrific person to work with and we work well together. Since Andy came on the Board, we have been able to influence more Board members so that we have that magic six votes.”

Mr. Favaloro added that the true mark of the Advisory Board representatives occurred last June with the message that they sent to the MWRA when the three Advisory Board representatives voted against the budget that was presented. That was a significant action because it hadn’t occurred in the past, which set the foundation for what has occurred since then.

A Motion was made **TO NOMINATE ANDREW PAPPASTERGION AS THE ADVISORY BOARD’S REPRESENTATIVE TO THE MWRA BOARD OF DIRECTORS FOR A THREE-YEAR TERM.** It was seconded and passed by unanimous vote.

**VI. APPROVAL OF THE ADVISORY BOARD AGENDA FOR JUNE 15, 2000**

A Motion was made **TO APPROVE THE ADVISORY BOARD AGENDA FOR THE JUNE 15, 2000 MEETING, WITH THE CHANGE OF DISCUSSION FROM TUNNELS TO NEW OPCOM COMMITTEE AND INTRODUCTION OF CHIEF OPERATING OFFICER.** It was seconded and passed by unanimous vote.

**VII. ADJOURNMENT**

A Motion was made **TO ADJOURN THE MEETING AT 10:38 A.M.** It was seconded and passed by unanimous vote.

Respectfully submitted,

Edward Sullivan, Secretary