

**EXECUTIVE COMMITTEE MEETING  
FRIDAY, MARCH 9, 2012  
ADVISORY BOARD OFFICE**

MINUTES APPROVED AT THE APRIL 13, 2012 MEETING

Present: John Sanchez, BURLINGTON; Andrew DeSantis, CHELSEA; William Hadley, LEXINGTON; Jay Fink, LYNN; Katherine Dunphy, MILTON; Wiff Peterson, NATICK; Bernie Cooper, NORWOOD; John DeAmicis, STONEHAM; Carol Antonelli, WAKEFIELD; Walter Woods, WELLESLEY; Zig Peret, WILBRAHAM.

Also in attendance, Andrew Pappastergion and Joseph Foti, MWRA BOARD OF DIRECTORS; Kathy Baskin and Stephanie Cooper, EOEEA; Joseph Favaloro, Matthew Romero, Maggie Atanasov, Mary Ann McClellan and Cornelia Potter, MWRA ADVISORY BOARD STAFF.

**I. Approval of the February 10, 2012 Minutes of the Executive Committee**

Chairman Katherine Haynes Dunphy called the meeting to order at 8:36 a.m. A Motion was made **TO APPROVE THE FEBRUARY 10, 2012 MINUTES OF THE EXECUTIVE COMMITTEE**. It was seconded and passed by unanimous vote.

**II. Discussion: Quabbin Forestry Program** – Stephanie Cooper, Assistant Secretary for Land and Forest Conservation and Kathleen Baskin, Director of Water Policy, Executive Office of Energy and Environmental Affairs

Assistant Secretary for Land and Forest Conservation Stephanie Cooper said the review of the forestry program was announced in April 2010 and the schedule has been more elongated than planned. Ms. Cooper noted that she had reviewed a copy of the three-point plan that the Advisory Board had provided to the Secretary as a way to move the process forward and EOEEA agrees with the sentiments that were offered.

Ms. Cooper said she has been in touch with Dr. Barten, the U-Mass Professor that has been leading the Science and Technical Advisory Committee (STAC), and he knows that there are increasing concerns about the timeline. The last time the group met was January 2011; at that meeting, Dr. Barten shared his draft with his colleagues and they gave him substantive feedback with which he was to produce a draft that would then be circulated to the whole committee. That is where things have stalled a bit. Dr. Barten did commit to have the draft circulated to his colleagues by March 14, 2012. [No draft was circulated.]

EOEEA does not know how long it will take the committee to review this draft but has asked for an expedited review and is still committed to a public process.

In the best case scenario, if everyone agrees with the report and there are not a lot of changes to make, originally Dr. Barten requested a three-week turn-around. The plan would be to run the public process through the watershed advisory committees this spring.

Mr. Favaloro asked if Dr. Barten does not deliver the report on March 14, what is the contingency plan? Ms. Cooper said we know that the Advisory Board has recommended that DCR think of another option; however, to start the process all over again will take even longer. In theory, another member of the committee could be asked to take on the chairmanship and complete this process. Even though this process has gone on longer than we would have liked, the other option may be even more challenging.

Chairman Dunphy asked if there is a chance that the Executive Committee or the Trust members could see a copy of that product when it is sent to the members of the committee. The Water Supply Protection Trust, which is meeting this month, will be reviewing the budget for next year. The Trustees need to know what kind of forestry activities may occur and the Advisory Board has to look at the fact that there is a small amount of revenue that will be lacking. Ms. Cooper said the department will not be receiving the report at this stage; the chair is giving it to the rest of the committee members so in terms of the independent process that DCR asked for, we can't really ask for the report now because it is also not complete and the committee is still deliberating. Ms. Cooper said she could request a copy on Chairman Dunphy's behalf to be sent directly to her.

Mr. Favaloro said this process should not have taken two years. What is behind the delays? As an outsider, it seems that one person has decided to hold the entire process captive. At least six dates for transmittal have been missed. If he misses March 14 and then it's June 1, it's July 1 – when does the state say enough? It is not your fault where we are now but it is your fault if you don't have a plan to deal with this. This isn't going to be an expedited process; we will be hard pressed to meet the beginning of the next fiscal year. What is the contingency plan?

Ms. Cooper said, "To be candid the contingency plans are not satisfactory. We could reconstitute a different independent body and ask them to do a report. If Dr. Barten chose to turn over the report that he had done so far and let them start with that, we could do that. Additionally, we could ask the committee as it is now, which would be our true contingency plan, if a member would like to take over as chair; staff has some thoughts about who that could be. We do feel that Dr. Barten has good expertise and we feel like this process, as envisioned, was the right way to go. If we could get it out of the gate, that is the best way to proceed."

Bernie Cooper asked if there is any committee staff. If he gets comments from ten members of the committee, someone has to put them together and that could add to the length of the process unless someone is there to collate it all. Ms. Cooper said Dr. Barten has been doing that; we have offered assistance. The committee divided the work based on their expertise. In regard to lessons learned, certainly next time there will be some type of Memorandum of Agreement that says thanks for agreeing to provide these services and provide a timeline. Ms. Cooper said she spoke to Dr. Barten about that and he agrees too and he might ask for some things on his end, either he or the next person doing this type of process.

Wiff Peterson asked if he is doing this on a volunteer basis; there seems to be no accountability. Ms. Cooper said the committee is doing this work on a volunteer basis. Mr. Peterson said as a manager, it would seem appropriate to have a process in place to put some drive into the whole thing and be ready to go if he doesn't deliver.

Ms. Cooper said Dr. Barten is aware of MWRA's grave concerns and has read correspondence from people like Senator Brewer and certainly there is also his professional reputation, which is

important to him. Mr. Peterson said that is the benefit of letting him know that if he doesn't make that deadline you will have to turn it over to someone else and this is the last deadline.

Chairman Dunphy asked if this committee has a vice-chairman or a small working group that is working with him as opposed to the larger group. If so, one of those people might be able to give him help or, if necessary, take over. He is highly respected in his field and does have a good reputation and it would be advantageous to have his name on the report, but he just has to get the report done. The issues of next year's budget are important. If DCR could provide him with some kind of administrative help, that might be useful. Ms. Cooper said we have offered administrative help. In regard to sub-committees, there is not that type of structure; however, there are certain individuals who have given him more feedback or who he has relied upon. Ms. Cooper said that she agrees that this is the deadline; if the report isn't received on March 14, we are going to have to move in another direction.

Ms. Dunphy said I have heard that members of that committee have not received anything since last January; it is really a process that has failed.

John DeAmicis said he came to the meeting expecting to hear the plan for active forest management in the watershed. Instead he has heard that the study has been under way for a year and one-half and we don't know if it will ever get done. Is this the way we do business? This is unacceptable. Are you upset about this? Ms. Baskin said we are really upset about this. This is something that the Secretary worked on as Commissioner of DCR; he is now the Secretary of EOEEA. The Governor has heard about this from advocates as well, so we really want this problem to be solved.

Ms. Cooper said we committed to a public process around this and we cannot back away from that. We need the report done and if we have to do it in an alternative way, we need to take that step. I agree with Mr. Favaloro, should we have taken that step sooner, we probably should have. Should we have been more pro-active; yes, you are correct. In the long term, it would be worse for the program if we tried to short-circuit it now; we have to have that public process as well.

Mr. Favaloro said DCR has committed to the public process and the professor's report. The second part of that was the moratorium. Can the two be separated? To accept that the forestry program is important, but we can lose two to three years, makes you think it is not important. Revenues are just a small piece of the concern; we are more concerned with the water quality and the health of the forest. The forestry program was never about money; it is an insignificant component. Is there any way to remove the moratorium and do some interim work, pending whatever the 16-member committee's report is going to say and the public process that will change what is already in play? It is two separate things.

Mr. Favaloro said the moratorium was a knee-jerk reaction; at the time it was expected that this panel would come back in three to six months with a report on how to tweak the program. Instead, two years later the moratorium is still in place, there's no report and when we do get the report, there has to be a public process. There has to be some forestry going on. Right now it is zero. Ms. Cooper said there are contracts that are finishing up. Mr. Favaloro said the contracts that are finishing up have a grand total of \$1,400. It doesn't seem that necessary pruning or cutting is being done. DCR may have no control over the report but might have a little more control over what is going on in the interim. Ms. Cooper said it is difficult because DCR committed to an outside look from experts and certainly DCR staff has been doing its own

independent thinking. Part of addressing the public concerns was having the benefit of that independent review. To now say we are just going to start harvesting would be difficult.

Mr. Peterson said if the professor does not come through, then a new person should be assigned to the project. There could also be an interim plan put in place based on the best ideas that have been developed in the two years since the project was started. Ms. Cooper said it would be difficult from a public perspective but we have to look at every option.

Ms. Baskin said there is also a loud conversation around forestry out at the watershed so it could also look bad if we start harvesting again before receiving the report. There could be a backlash from that. Ms. Cooper said that could be worse for the program in the long term.

Mr. Favaloro asked what will happen if the report is jaw dropping. Ms. Cooper said she knows what Dr. Barten is recommending at a high level and she has listened to what his colleagues said a year ago. Over his whole career, Dr. Barten has been reviewing and supporting forestry. He has said that he has some recommendations and concerns around making sure there is more monitoring and will offer organizational and tighter management practices. In terms of a complete 180 degree turn from what the program has been, Ms. Cooper said she does not anticipate that.

Mr. Favaloro said if March 14 passes and there is no report, if you were the Advisory Board or the MWRA Board of Directors, what would you do at that point? Ms. Cooper said she would demand a plan – saying give me a timeline and what is your alternative process? Two years have gone by. What is the process? We are going to hold you to those milestones. Who is your new chair? Can we meet them? They are going to have “X” amount of time to do the report. What is the schedule for the advisory committees in the spring? Here is when the report is going to go out. The public process is 45 days.

Chairman Dunphy said the committee met a year ago in January at a public meeting; she asked if there are minutes available from that meeting that could provide the Trustees and the Advisory Board some information in order to start working on it and get a sense of what they might be proposing. This process could take another year and one-half before anything gets started. If forest management is the way to protect the water supply and water quality, this is a long time to not be doing anything. Ms. Cooper said she did not believe there were minutes and that she can ask for a draft of the report to go directly from Dr. Barten to the Advisory Board rather than have it go through DCR.

Jay Fink said in the short term, has anyone looked at fundamental steps that need to be taken because we are losing ground rapidly on the program as a whole. Perhaps there should be a short-term goal of items that have to be done, whether it is removing a series of dying trees or some other aspect of something that should be done until you get a full program up and publicly accepted rather than a complete moratorium. Ms. Cooper said over the last two years some red vine has been removed when it has been a big forest health issue. In the Wachusett watershed, action to prevent the spread of Asian Longhorn Beetles has been taken, so that type of thing will still go on. That is different than commercial harvesting. In terms of monitoring the health of the forest, we will continue to do that and have a program to address that.

Ms. Cooper said DCR has to take some responsibility that the schedule has just not moved along; there should have been a solid schedule with more milestones to begin with, the process was too loose.

Zig Peret suggested that the committee look at the words “commercial harvesting” because that puts out a different connotation. Chairman Dunphy said commercial harvesting is a way of providing protection for the watershed and getting the job done without using limited public funds. It also provides jobs for the central part of Massachusetts and is good for the economy there. Mr. Peret said he had a sense that something that has a more “green” name to it might have more support.

Mr. Favaloro said there are advocates with very strong opinions against any forestry whatsoever. To their credit, they have gotten their message out and some might say there are some distortions as it relates to the topic. Remember the forestry employees at DCR determine what their needs are and what lots need to be addressed but they don’t have the resources to do it themselves so they sell off the different lots for commercial harvesting. It is relatively small and getting smaller even prior to this. The annual revenues from commercial harvesting have been in the \$300,000 to \$400,000 range across the watersheds. From that end of it, commercial harvesting is not a huge issue.

Ms. Baskin said we would like to move the process for forestry along but we would like to avoid the “lightning rod” that is out there. When you cut down the trees, even if it is a good cut, it looks bad in the photos. Ms. Cooper said part of the challenge too is communicating better to the general public about why DCR does this work. The point made earlier about commercial harvesting is accurate because some people are upset about that. DCR has to explain that this work is being done for the long-term management of the forests and, in this case, the water supply system.

Chairman Dunphy said the opposition uses the words “commercial” and “diesel spewing truck;” even if DCR were doing the work, you could take out the commercial but you would still have the truck. This program has worked successfully for 50 years; that should be emphasized.

The Chairman said in January 2011 DCR came to a meeting and said mistakes were made. There were things done wrong. For whatever reason, DCR did not stop this from happening. DCR has to say that and publicly take responsibility for these errors and that lessons have been learned. Ms. Cooper agreed, stating that you can’t regain people’s confidence if you have a blind spot and don’t talk about your mistakes; DCR needs to be clear about that. In the case of the Woodward Road cut, it was DCR’s fault; the contractor’s contracts were not as tight as they should have been and it has to do with the oversight as well. We can’t blame the contractor, we have to take the responsibility ourselves and DCR has looked at tightening up the language in the actual contracts so it could recover damages if something like this were to happen again. Further, more internal oversight processes are needed to ensure the work is being properly overseen.

Ms. Baskin said the Commissioner at the time, who is now Secretary Sullivan, did acknowledge for his agency that this was a bad cut and that was an agency responsibility and some employees were disciplined. Ms. Cooper added that the chair is correct, in terms of public dialogue, DCR has to say it made a mistake and has learned from it. Then it must explain what will be done in the future to ensure that it doesn’t happen again.

Chairman Dunphy said people will be more accepting going forward if DCR publicly acknowledges that it has learned a lesson. For this location, we need to stay the course with DCR’s program because it has improved the forest over the last 50 years. What can the Advisory Board can do to help?

Ms. Cooper said the committee, in their meeting a year ago, talked about how much of the report they wanted to dedicate to leaving the forest alone versus active management. Probably the biggest proponent of natural processes management is David Foster of Harvard Forest; he was invited to participate on this committee but he declined to do so because of other responsibilities. Both points of view have been invited to articulate their reasoning. Dr. Foster has said if the active forest management option is being chosen, just say it and explain why.

Mr. Favaloro said the MWRA Board of Directors meets on March 14 at which we will expect to hear something from the Secretary. The Advisory Board meets on March 15 and a report will be made to the full membership and the Trust meets on March 22.

Ms. Baskin said the chair did ask what the Advisory Board could do for us. In the same way that the environmental advocates are bringing out certain issues, making sure the public is aware and holding our feet to the fire on the issue, it would be helpful for the Advisory Board to keep up the pressure also so that the Secretary knows that this is an important issue to more than one constituency, that there is more than one side to this story, and that a lot of people are anxious to get the report out.

Ms. Cooper also noted that some members have expressed their confidence in the program that supports active management of the watershed forests; to continue to express that would be helpful to DCR.

Chairman Dunphy said anything that DCR or EOEEA can do to expedite this matter so we can get back on track would be appreciated.

### **III. Emerging Advisory Board Comments on the MWRA's Proposed FY13 CIP/CEB**

Matthew Romero said staff is in the midst of budget briefings with MWRA staff. As more information is provided, staff will begin "number crunching" and putting together the actual document. More information will be available next month.

### **IV. Action Item: To Approve An Expansion Request Under MWRA Policy # OP.11, Requests for Sewer Service To Locations Outside The MWRA Sewer Service Area, for FoxRock Research Realty, LLC**

A Motion was made **TO APPROVE AN EXPANSION REQUEST UNDER MWRA POLICY # OP.11, REQUESTS FOR SEWER SERVICE TO LOCATIONS OUTSIDE THE MWRA SEWER SERVICE AREA, SUBJECT TO FINAL APPROVAL OF THE GOVERNOR AND GENERAL COURT, AT THE REQUEST OF FOXROCK RESEARCH REALTY, LLC TO INCREASE THE SEWER FLOW FROM 2,025 GALLONS PER DAY (GPD) TO 5,336 GPD ON A PREVIOUSLY APPROVED CONNECTION FROM A 2" FORCE MAIN IN HINGHAM CONNECTING TO THE SEWER COLLECTION SYSTEM IN THE TOWN OF WEYMOUTH. CONSISTENT WITH THE REQUIREMENT OF MWRA POLICY # OP.11, THE APPLICANT WILL REMOVE A FOUR TO ONE REDUCTION OF INFLOW FROM THE LOCAL WEYMOUTH WASTEWATER SYSTEM (13,244 GPD) THROUGH THE REMOVAL OF 12 SUMP PUMPS FROM THE LOCAL WEYMOUTH SEWER SYSTEM. THE APPLICANT WILL PAY AN ADDITIONAL CONNECTION FEE OF \$12,750, CONSISTENT WITH THE GUIDELINES SET FORTH IN MWRA POLICY # OP.11.** It was seconded and passed by unanimous vote.

**V. Request from the Town of Braintree to Provide the MWRA Advisory Board's Best Offer on Entrance Fees**

Mr. Favaloro said that he and Fred Laskey met with Mayor Sullivan of Braintree recently and discussed system expansion and whether Braintree would be joining the system. Mayor Sullivan asked what the Advisory Board's best offer would be to show to his Board of Selectmen and if scenarios could be provided on what the offer would mean for Tri-town and, more specifically, Braintree. It has been well documented that the Advisory Board will not forgive an entrance fee.

Staff has proposed two scenarios. The first scenario is 25 years of equal payments at 0% interest; the second scenario is no payments for the first three years and then equal annual payments for years four through 25. The entrance fee would equal \$5.1 million for each 1 million gallons per day. The key concept on both of these scenarios is that it assumes no interest and a 25-year span to pay for it. Staff is looking for input from members.

Mr. Cooper said either way it is incredibly cheap for a town the size of Braintree. Given their tax revenues and their water use, it is incredibly cheap.

Andrew DeSantis asked what Braintree's consultants think it should cost. Mr. Favaloro said under their scenario, to build a treatment plant and dredge the reservoir would be significantly cheaper. The issue there is that it assumes that the dredging is going to go perfectly. The consultants, because they want to get the work, have low-balled dredging costs.

Mr. Favaloro said the reality is Braintree and Randolph take a predominant amount of the water, yet Holbrook picks up far more than their share of the costs. Holbrook has been the one that wants to come to the MWRA. Unfortunately, they only take 0.6 or 0.8 of the 7 MGD. If the Executive Committee supports this proposal, it will be presented to the mayor next week.

Mr. Fink said it will cost \$700,000 a year over 25 years for Braintree to be supplied with water. The Town won't have to dredge, upgrade their plant, or worry about compliance or personnel costs for the treatment plant or the energy. From an economic point of view, this is a very attractive offer.

Mr. Cooper asked if anyone has an idea of what Braintree's water rates are now. They are facing a huge spike in rates no matter which option they choose, correct? Mr. Romero referred to the information from the 2011 Water and Sewer Retail Rate Survey, noting that Braintree has the eighth lowest retail water rate of the 60 member communities. Mr. Favaloro said regardless, either direction they take, their rates are going to increase.

Mr. Favaloro said staff has already begun discussions with the House and the Senate about getting a piece of the Economic Development funds.

Mr. Favaloro said the discussion has been how to find ways to make it easier for communities to come in and this is a generous way to make it as easy as possible. What we put on this paper and send to Braintree is now the plan that will go to North Reading, Ashland, etc.

Mr. Cooper made a Motion **TO ACCEPT THE SCENARIOS AS OFFERED BY STAFF OF 25 YEARS OF EQUAL PAYMENTS AT 0% INTEREST FOR SCENARIO 1 AT \$1.4 MILLION X 25 YEARS FOR TRI-TOWN FOR 7 MGD AND \$694,000 x 25 YEARS FOR BRAINTREE FOR 3.4 MGD AND SCENARIO 2 AT \$1.6 MILLION FOR YEARS 4 THROUGH 25 FOR TRI-TOWN**

**FOR 7 MGD AND \$788,000 FOR YEARS 4 THROUGH 25 FOR BRAINTREE FOR 3.4 MGD WITH \$0 DUE FOR YEARS ONE THROUGH THREE; AND TO NOTE THAT THIS IS THE ADVISORY BOARD'S BEST OFFER WITH NO ADDITIONAL ROOM TO MANUEVER. THE ENTRANCE FEE WILL NOT BE WAIVED OR REDUCED.** It was seconded and passed by unanimous vote.

## **VI. Legislative Update**

Staff met with House Majority Leader Ron Mariano and is in the process of scheduling time with the House Chairman of Ways & Means Brian Dempsey. Staff will meet with Speaker DeLeo just before the budget comes out. Every year there is a major issue; this year it is the MBTA, which will probably get the attention of the legislature.

For FY13, the best case scenario for the DSA line item will be to hold at \$500,000 to keep the line item alive. Staff discussed a new approach to use economic development funds as a means to develop the Southfield and Tri-Town areas. Discussions have also begun with the 495/Metrowest partnership. If the legislature would fund MWRA's access to these locations, down the road it could provide tax dollars and raise employment opportunities.

Staff has recently begun the process of meeting the new legislators and mayors as well.

## **VII. Approval of the Advisory Board Agenda for March 15, 2012**

A Motion was made **TO APPROVE THE ADVISORY BOARD AGENDA FOR THE MARCH 15, 2012 MEETING.** It was seconded and passed by unanimous vote.

## **VIII. Adjournment**

A Motion was made **TO ADJOURN THE MEETING AT 10:23 A.M.** It was seconded and passed by unanimous vote.

Respectfully submitted,

Lou Taverna, Secretary