

**WELLESLEY BOARD OF PUBLIC WORKS RECORDS**  
**July 13, 2021**

The Wellesley Board of Public Works held a duly posted open online remote meeting beginning at 4:00 PM.

Remote participants included Chair Jeffrey P. Wechsler and Commissioners Scott Bender and Ellen Korpi; Director David A. Cohen, Assistant Director Jeffrey Azano-Brown; Town Engineer David J. Hickey, Jr., Water & Sewer Superintendent William J. Shaughnessy, Executive Assistant Debra Sumner; Advisory Committee Liaison William Maynard; and Raymond Miyares, Esq. of Miyares & Harrington.

Chair Wechsler called the meeting to order at 4:05 PM.

**APPROVAL OF MINUTES**

Following a review of the minutes from the meeting of June 8, 2021 and upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** To approve the Open Session Minutes of the meeting of June 8, 2021, as presented.

Following a review of the minutes from the meeting of June 22, 2021 and upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** To approve the Open Session Minutes of the meeting of June 22, 2021, as presented.

**CITIZEN SPEAK**

Chair Wechsler provided anyone participating remotely with the opportunity to speak regarding matters pertaining to the Department of Public Works. No one participated by phone.

**ADVISORY COMMITTEE LIAISON UPDATE.** Director Cohen invited Mr. Maynard to apprise the Board and Staff of any information pertinent to the Department of Public Works. Mr. Maynard conveyed the fall Advisory Committee Meeting will be less about orientation than in the past and will address more substantive, major issues to address matters that will impact the DPW financially or operationally.

## **BOARD OF PUBLIC WORKS RECORDS**

**July 13, 2021**

**Page 2**

### **DIRECTOR'S ITEMS**

**Water Management Act Registration Renewal.** Director Cohen introduced Attorney Ray Miyares of the law firm Miyares & Harrington to the DPW staff members prior to Mr. Miyares addressing matters related to the Water Management Act Registration.

Mr. Miyares began by thanking Mr. Cohen and the Board for inviting him to participate in this meeting to convey information related to his work on environmental matters for the Town of Wellesley, as well as other Towns represented by that firm. He confirmed he is in the process of filing the required renewal information statements.

Mr. Miyares provided the Board and Staff with general background information on the Water Management Act, itself, adopted in 1986 and conveyed he formerly served as counsel to the commission which established the Act. He explained that the basic concept was to exercise control over new controls of water withdrawals. The Act came about in response to concerns that water demand was growing. The idea was to divide existing water withdrawals and new water withdrawals. The new water withdrawals would be imposed with more restrictions and existing withdrawals protected. This Act would require anyone wanting protections to show during 1981–1985 what was withdrawn over the five-year period in a Registration Statement. In 1987 the Town of Wellesley provided its first submission, which documented the Town's use during the 1981-1985 timeframe. Meantime, the Department of Environmental Protection (DEP) governed permits to limit the amount of water that could be used, with a residential gallon cap per day. Also established was a seasonal cap on use during summer months. Mr. Miyares confirmed the requirement is for registrations to be renewed every 10 years and the Renewal Registration Statement to be proof the Town is still using it.

In August of 1987 the first form was completed. In 2007 Wellesley submitted a second Registration Statement to document more recent use for proof of life. In 2007 DEP announced it would place conditions on Registration Statements. Some Registration Statements included water bans, which was uncommon. There were 14 cases, including Wellesley, which filed suit in Supreme Court, resulting in the Fairhaven Decision. The Supreme Judicial Court ruled that the DEP could not put conditions on Registration Statements unless they first adopted regulations to include conditions.

In June 2017, it should have been time to renew registration statements but DEP did not issue a form at that time and, instead, said the existing forms were extended by four years and to be treated as a land use permit. A number of communities, including Wellesley, challenged that assertion. DEP was asserting it was controlled by the Permanent Extension Act.

## **BOARD OF PUBLIC WORKS RECORDS**

**July 13, 2021**

**Page 3**

Submitted on a previous form, this was a land use approval, which provided Wellesley with protection needed for the four-year extension. DEP has consistently referred to what they called a Renewal Registration Statement. In 2021, the four-year extension expired and DEP is requesting form applications be submitted by June 15. However, in July, Governor Baker issued a COVID order that the current permit would be extended 362 days -- the duration of the State of Emergency. The Permit would now be slated to expire in April of 2023.

Mr. Miyares conveyed the issue before the Board of Public Works and Staff is to decide whether, or not, they wish to comment on the proposed regulations during the public comment period in advance of the June 26 deadline.

Following a discussion regarding the options and potential ramifications, the Board and Staff thanked Mr. Miyares for providing such an informative overview about the Water Management Act and for his participation in the meeting.

The Board was in favor of providing comments that reflected this conversation and also emphasized Wellesley's commitment to protecting the environment.

**PFAS Update.** Director Cohen conveyed staff is awaiting results and reported staff continues to meet and work with Environmental Partners, the consultant working on this project, as well as with the MWRA. Mr. Cohen noted that he has been approached by Wellesley College to request approval for them to continue to provide them access to the Town's water supply. The Director confirmed this is possible due to the Town's practice of good conservation efforts, combined with the College's current needs.

**Street Resurfacing and Chipseal Update/Discussion.** The Director conveyed to the Board that at the end of June the reactions to the microsurfacing pilot test and results were mixed. The plan is to extend the current pilot program. As the paving season gets underway, the plan is to continue to apply chipseal, only, on Glen Road, Dover Road and Linden Street as they are heavily traveled roadways.

**DPW Monthly Report.** Director Cohen conveyed he would refer to selected highlights to emphasize throughout the report and began the review by referencing topics and additional highlights in the current report. The included Key Performance Goals, Key Challenges & Opportunities and Key Metrics in the following divisions: DPW Administration; Engineering; Highway; Park & Tree; Recycling & Disposal Facility; Water & Sewer; Health & Safety, including a Safety Spotlight for the month of July with a focus on Situational Awareness; Winter Maintenance and Additional Information, including Completed Goals. A detailed discussion ensued and staff responded to

## **BOARD OF PUBLIC WORKS RECORDS**

**July 13, 2021**

**Page 4**

specific comments and inquiries from the Board. The Director also referred to the circumstances related to the most recent safety incidents and awarded contracts under \$50,000 listed on the Statement of Fact Activity Report.

**FY 2021 Year-End Close.** The Director provided an update on the status of the fiscal year close, which has gone smoothly and is nearing completion. Mr. Cohen conveyed there would be a document prepared to recap the content of the final version for review at the next meeting.

### **ENGINEERING DIVISION**

**Abandonment of Drainage Easement & Grant of Drainage Easement – 21 Greylock Road.** The Director referred to the Recommendation and Statement of Fact prepared by Senior Civil Engineer George Saraceno. Following a brief discussion and upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** To approve and sign the abandonment of existing drainage easement and grant of drainage easement document, which abandons the existing 20-foot wide drainage easement, and relocates the drainage pipe to a 15-foot wide drainage easement.

### **PARK & HIGHWAY DIVISION**

**Award of Contract #21C-420-1676 – Sidewalks & Curbing Installation & Replacement.** The Director referred to the Bid Recommendation and Statement of Fact prepared by Park & Highway Superintendent Michael Quinn. Following a brief review and discussion, and upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** That Contract #22C-420-1676 - Sidewalks & Granite Curbing Installation and Replacement bid be awarded to Richard F. D'Ambrosia Inc., 166 White Street, Weymouth, MA 02190 for a total bid price of \$90,752.21.

### **WATER & SEWER DIVISION**

**Award of Contract Statement of Fact: Contract No. 21C-460-1664, Mica Lane Sewer Rehabilitation Project.**

## BOARD OF PUBLIC WORKS RECORDS

July 13, 2021

Page 5

The Director referred to the Bid Recommendation and Statement of Fact prepared by Systems Engineer Matthew Heron. Following a brief discussion and review of the information and upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** That the award for Contract No. 21C-460-1664, "Mica Lane Sewer Rehabilitation" be made to Joseph P. Cardillo & Son, Inc., of 1 Melvin Street, Wakefield, MA 01880, all in accordance with our specifications and their bid in the amount of \$257,060.82 as the lowest responsible and eligible bidder.

**Water & Sewer Enterprise Fund Financial Statements.** The Director referred to specific information reflected in the financial statements for the month May, as well as revised information related to the April statistics and responded to comments and inquiries from the Board. Mr. Cohen noted staff is working on revisions to be made to future statements to provide more specific information in the future.

**Water & Sewer Division Monthly Performance Report.** The Director referred to this report, which includes various statistics for the month of May 2021, prepared by Water & Sewer Superintendent Shaughnessy.

### OTHER

**Next BPW Meeting Date.** It was reconfirmed that the next regularly scheduled meeting will be held on Tuesday, August 10, 2021, at 4:00 p.m.

### ADJOURNMENT

Upon motion duly made by Ms. Korpi and seconded by Mr. Bender, it was unanimously,

**VOTED:** To adjourn.

The meeting adjourned at 5:59 p.m.

Respectfully submitted,

DocuSigned by:  
  
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Ellen Korpi  
Secretary

**DISCUSSION ITEMS**  
**WELLESLEY BOARD OF PUBLIC WORKS REMOTE ONLINE MEETING**  
**JULY 13, 2021**  
**4:00 PM**

**A. APPROVAL OF MINUTES.** Board to review the Open Session Minutes of the Meetings of June 8, 2021 and June 22, 2021. **BOARD APPROVAL AND SECRETARY SIGNATURE REQUIRED.**

**B. CITIZEN SPEAK**

**ADMINISTRATION**

**C. ADVISORY COMMITTEE LIAISON UPDATE.** Director to inquire if Mr. Maynard has information to bring to the attention of the Board and Staff. **NO BOARD ACTION REQUIRED.**

**D. DIRECTOR'S ITEMS**

**E. PFAS UPDATE & WATER MANAGEMENT ACT REGISTRATION DISCUSSION.** Director to review and summarize recent events related to these matters. **BOARD FEEDBACK REQUESTED.**

**F. STREET RESURFACING AND CHIPSEAL UPDATE/DISCUSSION.** Director to review latest status to address the condition of some roadways that received chipseal and microsurfacing treatment. **BOARD FEEDBACK REQUESTED.**

**G. DPW MONTHLY REPORT.** Director to refer to division highlights listed in this report. **BOARD FEEDBACK REQUESTED.**

**H. SAFETY PROGRAM – INCIDENT SUMMARIES.** Director to refer to summaries of personal injury and vehicle incidents to date. Reference to be made to the Safety Spotlight for the month of July with a focus on "Situational Awareness". **NO BOARD ACTION REQUIRED.**

**I. STATEMENT OF FACT ACTIVITY REPORT.** Director to reference the report reflecting contract awards between \$10,000 and \$50,000, to date. **NO BOARD ACTION REQUIRED.**

**J. SUSTAINABILITY.** Director to update the Board on recent developments and initiatives. **NO BOARD ACTION REQUIRED.**

**K. FY 2021 YEAR-END CLOSE.** Director to provide update on the status of the fiscal year close. **NO BOARD ACTION REQUIRED.**

**ENGINEERING DIVISION**

**L. ABANDONMENT OF DRAINAGE EASEMENT & GRANT OF DRAINAGE EASEMENT – 21 GREYLOCK ROAD.** Director to review recommendation prepared by Senior Civil Engineer George Saraceno. **BOARD APPROVAL AND BPW CHAIR SIGNATURE REQUIRED.**

**PARK & HIGHWAY DIVISION**

**M. BID RECOMMENDATION – CONTRACT #21C-420-1676 - SIDEWALKS & CURBING INSTALLATION & REPLACEMENT.** Director to refer to Bid Recommendation and Statement of Fact prepared by Park & Highway Superintendent Michael Quinn. **BOARD VOTE & SECRETARY SIGNATURE REQUIRED.**

**WATER & SEWER DIVISION**

**N. BID RECOMMENDATION – CONTRACT #21C-460-1664 – MICA LANE SEWER REHABILITATION PROJECT.** Director to refer to bid recommendation prepared by Systems Engineer Matthew Herson. **BOARD VOTE & SECRETARY SIGNATURE REQUIRED.**

**O. WATER & SEWER ENTERPRISE FUND FINANCIAL STATEMENTS.** Director to refer to financial statements for the month of May, as well as revised Statistics (page 7) from April statements in response to inquiry from June 22 BPW meeting regarding Metered Usage. **NO BOARD ACTION REQUIRED.**

**P. WATER & SEWER DIVISION MONTHLY REPORT.** Director to refer to monthly report prepared by Water & Sewer Superintendent Shaughnessy. **NO BOARD ACTION REQUIRED.**

**FYI**

**DEP NERO/Drinking Water Program – Monitoring for 2<sup>nd</sup> Quarter 2021.**