

**WELLESLEY BOARD OF PUBLIC WORKS RECORDS
FEBRUARY 16, 2023**

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

Remote participants included Chair Scott Bender, Commissioners Ellen Korpi and Jeffrey Wechsler; Director David A. Cohen; Assistant Director Jeff Azano-Brown, Town Engineer David J. Hickey, Jr.; Executive Assistant Debra Sumner; and Advisory Committee Liaison Pete Pedersen. Also in attendance was Ivria G. Fried of Miyares and Harrington LLP, representing Town Counsel; Diversity-Equity-and-Inclusion (DEI) in Wellesley Task Force Representatives Ann-Mara Lanza, Paul Merry, Melinda Arias-Voci and Public Information Officer Stephanie Hawkinson.

Vice Chair Korpi called the meeting to order at 4:00 PM.

APPROVAL OF MINUTES

Following reference to the minutes proposed for approval and upon motion duly made by Mr. Wechsler and seconded by Ms. Korpi, it was.

VOTED: To approve the Open Session Minutes of the meeting of January 10, 2023, as presented (2-0).

Mr. Wechsler – Aye
Ms. Korpi – Aye

CITIZEN SPEAK

Vice Chair Korpi provided anyone participating remotely with the opportunity to speak regarding matters pertaining to the Department of Public Works. No participants attended the meeting.

Advisory Committee Liaison Update. Mr. Cohen invited Mr. Pedersen to bring any matters of interest to the Advisory Committee to the attention of the Board.

Mr. Pedersen thanked Mr. Director Cohen and Assistant Director Azano-Brown for reviewing in detail the changes in the Water Articles, as well as additional Warrant Article write-ups, including the Baler Replacement Stabilization Fund. Mr. Pedersen conveyed that at the last Advisory Committee Meeting there was a discussion about the Baler Fund, how it came about and the plan to replace the unit. Director Cohen explained the history that, originally, a Baler Replacement Fund was established in 1996 or 1997. Several years ago the decision was made that it would be more

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appropriate to convert this fund to a Stabilization Fund to cover the cost of a replacement when necessary. The anticipated cost is \$1,000,000. Mr. Pedersen conveyed Advisory Committee members continue to be most interested in Warrant Articles and PFAS, both of which will be covered among the agenda items to be discussed later in this meeting.

DIRECTOR'S ITEMS

Water Management Act (WMA) Registration Update. Director Cohen confirmed that regulations have been enacted that will condition our existing registration. As a result, outdoor watering will be limited to one day per week if and when a Stage 1 drought is declared. Mr. Cohen reported he had been informed by Town Counsel's office of the legal challenges being mounted to reverse this or prevent further restrictions from being placed on the Registration, which we maintain as a right to be preserved for the Town. Ms. Fried from Town Counsel's office was present to share background and in addition to requirement during drought, she conveyed the Town must adopt a Bylaw through this process. It is the Town's belief that the Department of Environmental Protection (DEP) is not permitted to limit withdrawals by registrants. This has resulted in a number of municipalities to challenge any conditions. The law firm of Burns and Levinson is currently working for the cost to be shared among communities joining the litigation. It is a firm belief among communities that this infringes on existing registered rights. The Board of Public Works already has the authority to impose restrictions, if it chooses to do so.

Director Cohen conveyed to the Board that at this evening's meeting the intent was to get a sense from Board if they would be supportive of the Town of Wellesley joining other municipalities in pursuing other legal action to oppose further conditions to the existing conditions of our registration.

Following a discussion which summarized the history, conversations over the years and consideration of the potential impact of multiple conditions and concerns, the Board expressed support for the Director to pursue moving forward with exploring legal action.

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

VOTED: To Director Cohen enter into exploration of a contract to allocate approval of up to \$15,000 be expended to pursue this legal challenge (3-0).

Ms. Korpi – Aye
Mr. Wechsler – Aye
Mr. Bender – Aye

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Following conclusion of this discussion, Ms. Fried departed the meeting at 4:30 p.m.

Diversity, Equity and Inclusion (DEI) Task Force Presentation. Director Cohen invited Ann Mara Lanza make introductions and she thanked the Board to present the members of the Task Force to convey what they have done, to be followed by discussion. Ms. Mara-Lanza introduced other members of the Task Force who accompanied her to this meeting including Melinda Arias-Voci, Paul Merry and Stephanie Hawkinson. Ms. Mara-Lanza began by thanking the Board and Staff for welcoming them to attend this meeting, the purpose of which is to introduce all to what the DEI Task Force has done to date, as well as to introduce Article 17 to be addressed at Town Meeting. (Article 17. To see if the Town will vote to appropriate \$100,000 (ONE HUNDRED THOUSAND DOLLARS) from certified free cash to be expended under the direction of Diversity, Equity, & Inclusion (“DEI”) Task Force for an Equity Audit and to adopt an Anti-Racism and anti-Bias Resolution, to read as follows...”

An overview was provided of the Task Force’s objectives, which were developed to be broad enough in scope to encompass the community as a whole, building upon a foundation based upon prior work that has been done.

Ms. Mara-Lanza requested Ms. Hawkinson then share a presentation which included the History; Task Force Membership; the DEI Charge; Phase 1; DEI Task Force Vision; DEI Task Force Mission; Creation of four Subcommittees/Working Groups; Resolution Subcommittee; Resolution Pledges; Equity Audit Subcommittee; What is an Equity Audit?; Equity Audit; Proposed Scope for Wellesley; Equity Audit; Desired Outcomes; Cost and Timeframe Estimates; Support is Needed; Upcoming Opportunity for Community Participation in a DEI Workshop on March 14; and additional information is available on the Town website.

Following Board feedback to the Task Force and the conclusion of the presentation, Chair Bender thanked the DEI Task Force Members for the thoughtful presentation, for continuing to seek support through Annual Town Meeting, and raising this important topic to improve for this effort.

Statement of Fact – Professional Engineering Services – Contract No. 22S-410-1679E for Stormwater Assistance. Director Cohen and Town Engineer Hickey referred to specific areas of assistance to be provided related to continuation of stormwater services including: Phase 1: Charles River Watershed Phosphorous Control Plan (PCP); Phase 2: Stormwater Utility Development and, Phase 3: Meetings and Public Outreach. It was confirmed this would be funded from existing capital.

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Following a discussion and upon motion duly made by Ms. Korpi and seconded by Mr. Wechsler, it was,

VOTED: The acceptance of the proposal dated December 8, 2022, for Stormwater Assistance Professional Engineering Services from Tighe & Bond, in accordance with their Scope of Services and Price Proposal of \$120,000 (3-0).

Ms. Korpi – Aye
Mr. Wechsler – Aye
Mr. Bender – Aye

FY 2024 Tax Impact Capital Budget – Version 5. Director Cohen referred to the revised version of the FY24 Tax Impact Capital Budget, which summarizes the anticipated capital needs of the Department of Public Works for FY24 through FY28. This version has been revised with guidance provided by the Finance Director to meet the town's guideline while still providing for our essential infrastructure project needs.

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

VOTED: To approve the FY 2024 DPW Tax Impact Capital Budget, Version 5, with a cash capital total of \$3,487,677 and a Bonding, Chapter 90 and Grant total of \$5,780,000 for a total capital funding request of \$9,267,677 (3-0).

Ms. Korpi thanked the Staff for providing the detailed cover memo by way of explanation for the revisions.

FY 2024 Water and Sewer Budgets – Version 3.0. The Director referred to Version 3 of the Water and Sewer enterprise Fund Budgets for FY 2024. The only change from Version 2 is that the MWRA 2nd Connection Project (\$8,000,000) and the PFAS Treatment for Rosemary/Longfellow (\$1,700,000) have both been deferred, for now, as we await additional information on both projects. The decision has been made to continue to run the Rosemary Well, without treatment.

The Board was in agreement with the decision to the deferral at this time until the Fall Special Town Meeting. Upon motion duly made by Ms. Korpi and seconded by Mr. Wechsler, it was,

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VOTED: To approve the ATM Draft Motions included in Version 3 of the FY 2024 Water and Sewer Budgets with a total funding authorization request of \$13,477,661 for Water and \$11,258,864 for Sewer (3-0).

Ms. Korpi – Aye
Mr. Wechsler – Aye
Mr. Bender – Aye

PFAS Update. Director Cohen conveyed the latest information related to the interim PFAS treatment system. He reviewed the status of the MWRA's planned second connection project. Additional information will be provided at a future meeting.

Mr. Cohen referred to the ongoing efforts to identify the source investigation of the contaminant at Morses Pond and Rosemary/Longfellow. He explained representatives from the Department's consultant on this work, Wright Pierce, will be invited to provide the Board with an update at a future meeting as information related to potential sources is forthcoming. He also confirmed we will need to extend and continue sampling. It is also expected that the Town will continue to move forward with legal class actions, which will be discussed in more detail at the next Board meeting.

Recycling & Disposal Facility Update. The Director reported in response to the Food Waste Survey approximately 100 survey responses were received. It was discovered 30% of the respondents are doing home composting. The plan is for RDF staff to contact those residents to review the process and conduct one-on-one coaching.

The Director confirmed a number of different surveys will be conducted in the next few months. Mr. Cohen emphasized the importance of hearing from people regarding their ideas and concerns. While an uptick in tonnage was anticipated, the responses reflected 30% are not participating at all.

Statement of Fact Activity Report. Director Cohen referred to the report and noted there were no changes to the version included in the last Board package.

Water & Sewer Enterprise Fund Financial Statements. The Director referred to the financial statements for the months of November and December 2022. Mr. Cohen noted that the December statements reflected a considerable amount of water was sold this past this summer, which shows on the income statements reflecting the result of raised rates combined with a warm summer.

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Ms. Korpi noted the operating revenue is up 80% and requested a reconciliation be provided if the 80% in revenue is from pricing and volume. The Director conveyed he would explore this and report back with an answer.

There was a brief discussion regarding the need for more detail to be identified regarding new developments in Town and its potential financial impact.

Director Cohen confirmed the financial position on the sewer side is still strong. Mr. Wechsler noted the need to determine how the water restrictions will impact the budget.

DPW Monthly Report. Director Cohen referred to division highlights including Key Performance Goals, Key Challenges & Opportunities and Key Metrics reflected in this report from DPW Engineering; Highway; Park & Tree; Recycling & Disposal Facility; Water & Sewer; Health & Safety; and Additional Information.

Mr. Cohen noted, that in addition to other highlights included in this report, of particular interest is having experienced such mild weather this winter, which has resulted in crews needing to respond to only 10 events.

Next BPW Meeting. Following a brief discussion, it was confirmed the next meeting date would be Tuesday, March 14, 5:00 PM.

It was noted that other events include the Moderator's Meeting at 9:00 a.m. on March 17 and the League of Women Voters Meeting on March 23.

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ADJOURNMENT

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

VOTED: To adjourn (3-0).

Ms. Korpi – Aye
Mr. Wechsler – Aye
Mr. Bender – Aye

The meeting adjourned at 6:22 PM.

Respectfully submitted,



Jeffrey Wechsler
Secretary

DISCUSSION ITEMS
WELLESLEY BOARD OF PUBLIC WORKS REMOTE ONLINE MEETING
FEBRUARY 16, 2023
4:00 PM

A. APPROVAL OF MINUTES. Board to review the Open Session minutes of the meeting of January 10, 2023. **BOARD APPROVAL AND SECRETARY SIGNATURE REQUIRED.**

B. CITIZEN SPEAK

C. DIRECTOR'S ITEMS

ADMINISTRATION

D. DIVERSE, EQUITY AND INCUSION (DEI) TASK FORCE PRESENTATION. Director to invite DEI representatives to make their presentation to the Board. **NO BOARD ACTION REQUIRED?**

E. ADVISORY COMMITTEE LIAISON UPDATE. Mr. Pedersen to be invited to bring any information to the attention of the Board and Staff. **NO BOARD ACTION REQUIRED.**

F. AWARD PROFESSIONAL ENGINEERING SERVICES FISCAL YEAR 2023 STORMWATER ASSISTANCE FOR CONTRACT NO. 22S-410-1679E. Director and Town Engineer to refer to specific areas of assistance to be provided. **BOARD APPROVAL REQUESTED.**

G. FY 2024 DPW TAX IMPACT CAPITAL BUDGET – VERSION 5. Director to refer to revised budget. **BOARD APPROVAL REQUESTED.**

H. FY 2024 WATER & SEWER ENTERPRISE FUND BUDGET – VERSION 3. Director to refer to revised budget. **BOARD APPROVAL REQUESTED.**

I. PFAS UPDATE. Director to refer to most recent activity related to this matter. **NO BOARD ACTION REQUIRED.**

J. WATER MANAGEMENT ACT REGISTRATION UPDATE. Director to provide an update on the Water Management Act Registration Renewal and on possible legal action to prevent further conditions placed upon registrations. **BOARD FEEDBACK REQUESTED.**

K. RECYCLING & DISPOSAL FACILITY UPDATE. Director to provide update on recent activity at the Facility. **NO BOARD ACTION REQUIRED.**

L. STATEMENT OF FACT ACTIVITY REPORT. Director to reference the report reflecting listing of purchases. **NO BOARD ACTION REQUIRED.**

M. WATER & SEWER ENTERPRISE FUND FINANCIAL STATEMENTS. Director to refer to the financial statements for the months of November and December 2022. **NO BOARD ACTION REQUIRED.**

N. DPW MONTHLY REPORT. Director to refer to division highlights listed in report. **NO BOARD ACTION REQUIRED.**