

BOSTON GROUNDWATER TRUST (BGwT)
BOARD MEETING
January 18th, 2024

The Board of Trustees of the Boston Groundwater Trust met in the Patriot meeting room at the Lenox Hotel located at 61 Exeter Street, Boston, MA. The Executive Director electronically distributed the meeting notice and agenda to the City Clerk at Boston City Hall in accordance with the provisions of the Commonwealth of Massachusetts' Open Meeting Law.

Mr. Robert Whitney, co-chair, read the following statement:

"I, Robert Whitney, co-chair of the Boston Groundwater Trust, am calling this meeting to order at 4:07 pm. In accordance with the Commonwealth of Massachusetts Executive Order Suspending Certain Provisions of the Open Meeting Law, we are conducting this meeting on-line. To ensure public access to the deliberations of the BOSTON GROUNDWATER TRUST, the public may access this meeting through telephone and video conferencing. Members of the public will have an opportunity to ask questions and provide public comment. To do so please, "raise your hand" in the application via the Zoom meeting platform. If you are calling in and cannot use the platform, you can send your questions to staff via email at csimonelli@bgwt.org or via X (formerly Twitter) by tagging the X handle @BOSTONGWT and using the hashtag #JAN24MTG."

The following trustees were present at the Lenox Hotel:

Mr. Robert Whitney, Beacon Hill Civic Association
Mr. Gary Saunders, Back Bay Association
Mr. Tim Mitchell, Neighborhood Association of the Back Bay
Mr. Peter Shilland, Ellis Neighborhood Association

The following trustees were present virtually:

Ms. Janine Commerford, Greater Boston Real Estate Board
Ms. Beatrice Nessen, Boston Preservation Alliance
Mr. Nick Pittman, Fenway Community Development Corporation
Ms. Sharon Durkan, Boston City Councilor District 8
Ms. Katherine England, Department of Green Infrastructure, City of Boston
Ms. Katherine Eshel, Chief of Staff, Environment, Energy and Open Space, City of Boston

Also present at the Lenox Hotel was:

Mr. Christian Simonelli, Executive Director, Boston Groundwater Trust; Ed Ballo, Resident, City of Boston

Also present virtually was:

Ms. Alice Brown, Conservation Commission, City of Boston; Ms. Sarah Freeman, Resident, City of Boston

1. Adoption of November 16th, 2023, Board Meeting Minutes

Meeting minutes were previously emailed to Board members for review. Discussion followed. Mr. Mitchell noted a spelling error under agenda item #8, Annual Report Review, and reminded Mr. Simonelli to circulate the City's release of a document which reviews the zoning code and proposes a reform of the zoning code under item #10, Other Business. Mr. Simonelli will correct the spelling error under item #8 and email the zoning reform document to the Trustees. Discussion followed.

Mr. Mitchell, Trustee, moved to adopt the minutes with the changes listed above. Mr. Saunders, co-chair, seconded the motion.

Voted: To adopt the Board meeting minutes for November 16th, 2023.

2. Financial Report

Mr. Whitney, co-chair, and Mr. Simonelli reviewed the Trust's financials. Discussion followed. Mr. Whitney, Treasurer, requested that Mr. Simonelli reach out to the Fidelity advisor and schedule a time to purchase additional bonds. Discussion followed.

Ms. Nessen asked if bonds had matured and if they were laddered. Discussion followed. Mr. Simonelli stated that he will provide the Board with a list of the bonds purchased and when they mature for the next meeting.

Mr. Simonelli noted that the FY 2024 funding commitment by Boston Water and Sewer Commission decreased to \$25K, down from its \$48K commitment in FY 2023. Discussion followed.

3. Re-election of Trust Officers

Mr. Simonelli reviewed the attached list of current Trust officers. Discussion followed.

Mr. Mitchell moved that the current officers (Gary Saunders, Co-Chair, Mr. Robert Whitney, Co-Chair & Treasurer, and Janine Commerford, Secretary) be re-elected to their respective positions; Mr. Shilland, Trustee, seconded the motion.

Voted: To re-elect the currently sitting Trust Officers to their respective positions.

4. 2023 SEP-IRA Contribution

Mr. Simonelli reviewed the Trust's annual contribution to the employee SEP-IRA account. He noted that the FY23 budgeted amount was \$5,500. Based on the 2022 W-2 income, a 5% contribution would require \$5,650. Discussion followed.

Mr. Whitney moved to adopt the 5% contribution. Mr. Saunders seconded the motion.

Voted: To approve the annual 5% contribution to the Trust employee's SEP-IRA.

5. Trustee Re-appointments and Term Lengths Update

Mr. Simonelli reviewed the procedure for existing Trustees in holdover status to be re-appointed. Discussion followed. Mr. Whitney requested that Mr. Simonelli provide the Board with a list of all Trustees with their appointment & expiration dates and existing status. Discussion followed.

Mr. Simonelli reviewed his discussion with John Houton, Assistant Corporation Counsel, City of Boston Treasury Department, regarding the existing two-year term length and the potential to extend it to a longer term. Discussion followed. Refer to the attached “*Via email sent to Trustees on 12/18/23.*”, document for additional information. After discussion Mr. Whitney stated that he will work with Mr. Simonelli, conduct some additional research, and report back to the Board at the next Trustees meeting. Discussion followed.

6. Remote Well Reading Device Update

Mr. Simonelli stated that all 30 additional units purchased from BluCloud have been installed throughout the city. Discussion followed. Topics covered included:

- Images of an installed unit.
- 6 of the 30 units are currently not responding.
- Trust working with BluCloud to determine why units are not responding.
- New cloud interface for public distribution and timeline for release.

7. Current Website Design

Mr. Simonelli reviewed the edits to the existing layout based on the comments provided by the Trustees at the last Board meeting (November 2023.) Discussion followed. Mr. Simonelli then reviewed a new website builder, Squarespace, and his draft of a new website Trust website. Mr. Simonelli recommended that the Trust move forward using Squarespace to create a new website. Discussion followed. Mr. Simonelli will work on the new website and report back to the Board on the progress at the next meeting.

8. Executive Director’s Report

BGwT Executive Director Mr. Christian Simonelli distributed his report. Discussion followed. Refer to the attached *Executive Director’s Report January 18th, 2024*, for a complete list of activities.

9. Other Business

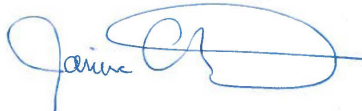
No other business.

The meeting was adjourned at 5:27pm

NEXT MEETING: March 14th, 2024 @ 4:00 pm, at the Lenox Hotel with a virtual attendance option.

Notes submitted by Christian Simonelli, BGwT Executive Director, 1/22/2024.

Approved 7 March 2024

A handwritten signature in blue ink, appearing to read "J Commerford", with a large, stylized flourish extending to the right.

J Commerford, Secretary

Via email sent to Trustees on 12/18/23.

Trustees,

I hope this email finds all of you well.

Following up on our discussion about re-appointments (for those in holdover status) and potential term extensions I communicated with Maya Getter, Senior Policy Advisor Mayor Wu, members of the city clerks office, and the city treasury department.

1. For re-appointments, those Trustees in holdover will need new nomination letters from their appointing authorities addressed to:

Maya Getter, Senior Policy Advisor

Mayor's Office, 5th Floor

1 City Hall Square

Boston, MA 02201

Letters can mailed to the that address and also emailed to maya.getter2@boston.gov

The Mayor will then issue an appointment letter to that nominating entity and the City Clerk.

Trustees will then need to go to the City Clerk to be sworn in as a Trustee and complete the online ethics training course.

2. As for revising the term and extending it for more than the current two-years, Ms. Getter suggested we run this by legal.

I had a good conversation with John Houton, Assistant Corporation Counsel, City of Boston Treasury Department, and he provided the following:

- Confirmed that the Trust can change everything but the purpose section in the Declaration of Trust.
- Therefore, the Trust can amend the term length.
- He cautioned against this however stating the following:
 - Generally, City Boards and Commissions are two-year terms.
 - As fiduciaries the Trustees would need to make findings to the public on the compelling nature of extending the current term.
 - If an issue arose and the Trust found itself in litigation, the courts would want to know what the purpose was of extending the term.
 - The size and mixture (13 Trustees) make it more complicated.
 - It appears great care was taken in drafting the Declaration of Trust and doesn't see the benefit of amending it for this purpose.
 - There is really no need since the Trustees can serve in full capacity in holdover status anyway.
 - The current setup is working; no issues with filling seats or having a quorum.

Please let me know if you have any questions.

I'll put this on the agenda for the January meeting so we can discuss and review as well.

EXECUTIVE DIRECTOR'S REPORT

January 18th, 2024

1. **Readings** – Completed seven (7) sets of readings in 2023. Started first set of readings for 2024 on January 3rd.
2. **Meetings and Calls – (Virtual Via Zoom, Google Meet, and Microsoft Teams platforms)**
 - a. Virtually met with the City's Green Infrastructure (GI) Working Groups on the following dates:
 - i. GI Coordination/Maintenance: 1/12
 - ii. GI Policy: 12/8, 1/5
 - iii. GI Working Group: 1/11
 - b. Met with representatives from the 581 Boylston Street project to review the GCOD requirements. (11/16)
 - c. Met with Marcy Ostberg, from the Mayor's Office of Housing, to review GCOD requirements and how they may impact new initiatives for additional housing units in the city. (11/20)
 - d. Virtually presented to over 40 BPDA staff members about the work of the Trust and our role in the GCOD approval process. (11/20)
 - e. Virtually attended the scoping session (11/28) and wrote a comment letter (1/2) for the St. Mary's Center for Women and Children in Audubon Circle.
 - f. Virtually attended the Office-to-Residential Applicant Review for 281-283 Franklin Street Project. (11/30)
 - g. Virtually met with Lisa Cardinal, Empower CORE 401k plan, and co-chairs Saunders & Whitney to review the plan and potential for Trust participation. (12/6)
 - h. Virtually met with representatives from BWSC and their consultants to review observation well locations where they would like to acquire samples for a climate resiliency project. (12/13)
 - i. Virtually attended the scoping session (12/18) and wrote a comment letter (1/2) for the 290 Tremont Street (Parcel P-12C) project in Chinatown.
 - j. Virtually met with members of the Trust Technical Advisory Committee to review groundwater levels and remote monitoring program. (12/20)
 - k. Met with and trained new Trust field engineer. (1/3)
 - l. Attended scoping session for 2 Charlesgate West Project in the Fenway. (1/4)
 - m. Virtually met with Aimee Chambers, BPDA Director of Planning, to review the Mayor's vision for rewriting and modernizing the zoning code and how that may impact the GCOD. (1/11)
 - n. Virtually testified, at the Zoning Board of Appeals hearings in November, December, and January.
 - o. Communicated with residents, engineers, attorneys, & developers throughout the GCOD to discuss ZBA procedures and advised them on what they need to submit to meet the GCOD zoning.
3. **BluCloud Automated Readers Update**- I virtually met with Daniel McCormack and of BluCloud on 12/5,12/7,12/14. On 1/10 I met with Daniel and Justin Comeau to review the performance of the 30 units deployed and the current data hub interface. 23 of the 30 units were functioning and recording readings daily as of 11/16. 24 of the 30 units are functioning as 1/12.
4. **City & State Agency Updates**- All agencies will provide updates on their efforts to address groundwater at the next City-State Groundwater Working Group meeting on Thursday January 25th.