

BOSTON GROUNDWATER TRUST (BGwT)  
BOARD MEETING  
February 15, 2005  
The Lenox Hotel – Copley Room

The meeting of the Board of Trustees of the Boston Groundwater Trust was called order at 4:15pm in the Copley Room at The Lenox Hotel. The meeting notice was posted at City Hall in accordance with provision of the Commonwealth's Open Meeting Law.

Trustees in attendance, comprising a quorum, were:

Mr. Tim Mitchell, Neighborhood Association of the Back Bay  
Mr. Gary Saunders, Back Bay Association  
Mr. Peter Sherin, Greater Boston Chamber of Commerce  
Mr. James Stetson, Beacon Hill Civic Association  
Mr. Paul Chan, Greater Boston Real Estate Board  
Mr. Galen Gilbert, Fenway Community Development Corp.

Also present were:

Elliott Laffer, BGwT Executive Director; Christian Simonelli, BGwT Technical Coordinator; Jim Lambrechts, BGwT Technical Committee; Donald Goldberg, BGwT Technical Committee; Mike Paster, BGwT Technical Committee

**1. Adoption of the minutes of the January 11, 2005 Meeting**

A motion was made by the chair to accept the report of the Committee of the Whole from the January 11, 2005 meeting and incorporate that report into the February 15, 2005 meeting minutes. The report of the Committee of the Whole is attached to and a part of these minutes.

Trustee Gilbert moved to accept the motion, trustee Stetson seconded the motion.

**VOTED:** To accept the report of the Committee of the Whole from the January 11, 2005 meeting and incorporate that report into the February 15, 2005 meeting minutes. The motion was adopted unanimously.

**2. Role of the Technical Advisors Committee**

Mr. Laffer distributed documentation indicating the composition and function of the technical advisory committee, as well as questions on the future of the committee. Discussion followed on the future role of the committee coinciding with the role in which the BGwT plans to operate in. Refer to attached *Technical Advisory Committee Discussion* for a list of topics covered.

**3. Report on Bids for next 114 Wells**

Mr. Laffer and Mr. Simonelli presented the bid analysis prepared by Mr. Simonelli. New Hampshire Boring, Inc. was again the low bidder as they have been for all of previous well installation contracts and was recommended to be the driller to install the next group of 114 o.w.'s.

Trustee Gilbert motioned to accept the recommendation by Mr. Simonelli that New Hampshire Boring, Inc. be awarded the contract to install the next 114 o.w.'s. Trustee Mitchell suggested that Mr. Laffer and Mr. Simonelli review the projected funding cap for this group of 114 o.w.'s before any decisions or votes are made by the board.

Trustee Saunders motioned to accept the recommendation by Mr. Simonelli that New Hampshire Boring, Inc. be awarded the contract to install the next 114 o.w.'s, pending project funding cap review. Trustee Gilbert seconded the motion.

**VOTED:** To accept the recommendation by Mr. Simonelli that New Hampshire Boring, Inc. be awarded the contract to install the next 114 o.w.'s, pending project funding cap review.

In the event that the funding cap established in the application to the US EPA is exceeded by the low bid, the Trustees will be polled by the Executive Director to confirm the vote to proceed.

**4. Conflict of Interest By-Law**

Mr. Laffer distributed the proposal to replace article 8, conflict of interest in the By-Laws. Discussion followed with Trustees expressing their views on article 8. The Trustees then tabled the discussion until the next meeting, before which all of the Trustees and the Executive Director will have attended the City's ethics training session.

**5. Acceptance of By-Laws Revision D**

Trustees reviewed the latest revision to the BGwT By-Laws. Trustee Gilbert suggested that article 6 in the by-laws be incorporated in with article 7. Trustees put off a decision on revision of by-laws until after the decision on the conflict of interest section.

**6. Finance Report**

Trustee Sherin reviewed two reports displaying the Trust's current finances. The first was the BGwT *Financial Report 1/11/05-2/15/05* and the second was the BGwT *Reconciliation Detail Citizens Bank, Period Ending Jan. 26, 2005*.

**7. Executive Director's Report**

BGwT Executive Director Mr. Elliott Laffer distributed his report and reviewed his activities of the past month. Refer to the attached *Executive Director's Report: February 15, 2005*, for a complete list of all activities.

**8. Technical Coordinator's Report**

BGwT Technical Coordinator Mr. Christian Simonelli distributed and presented his activities of the past month. Refer to the attached *Technical Coordinator's Well Monitoring & Installation Report BGwT Meeting: February 15, 2005* for a complete list of what was distributed and presented.

**The meeting adjourned at 5:54 p.m.**

**NEXT MEETING: March 22, 2005 @ 4:00pm in the Lenox Hotel.**

**Submitted by Christian Simonelli, BGwT Technical Coordinator, on 02/17/05**

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BOARD MEETING  
January 11, 2005  
The Lenox Hotel – Copley Room

NOTE: A quorum was not present at 4:11pm. The Boston Groundwater Trust (BGwT) was meeting as a committee of the whole. Notice of the meeting had been posted in accordance with the open meeting laws. That committee was comprised of the following board members:

Mr. Tim Mitchell, Neighborhood Association of the Back Bay  
Mr. Gary Saunders, Boston Back Bay Association  
Mr. Peter Sherin, Greater Boston Chamber of Commerce  
Mr. Galen Gilbert, Fenway Community Development Corp.

Also present were:

Elliott Laffer, BGwT Executive Director; Christian Simonelli, BGwT Technical Coordinator; Antonia Pollak, Boston Environment Department; Donald Goldberg, BGwT Technical Committee; Mike Paster, BGwT Technical Committee

In the audience was:

Ms. Seth McCoy, Boston Courant

**9. Adoption of the minutes of the November 30, 2004 Meeting**

A motion was made by Trustee Gilbert and seconded by Trustee Sherin to accept the minutes.

**NOTE:** The committee proposed that the BGwT board accept Trustee Gilbert's motion once they convene.

**10. Finance Report**

Trustee Sherin distributed and reviewed two reports displaying the Trust's current finances. The first was the BGwT *Financial Report 12/1/04-1/11/05* and the second was the BGwT *Reconciliation Detail Citizens Bank, Period Ending Dec. 23, 2004*. Trustee Sherin commented that the most notable change to those reports is the conversion of a contract worker (Mr. Simonelli) to a BGwT employee (Mr. Simonelli). Trustee Sherin reported that the Trust had adequate resources available. Most funds remain in an interest bearing account until needed during the construction season.

**11. Budget Request**

Mr. Laffer distributed a list of an estimated budget that included personnel, operating, and monitoring equipment expenses. Ms. Pollak questioned whether any of the EPA money could be used for the monitoring equipment expenses. Trustee Mitchell noted that the funds must be used for the installation of observation wells, so probably cannot be used for that purpose. Ms. Pollak suggested that the BGwT seek alternative sources of funding for monitoring equipment expenses.

Trustee Gilbert recommended that the BGwT establish protocol to tax water that is pumped from homes or construction sites on a gallon by gallon basis. He felt this could be a future source of income for the BGwT. Trustee Mitchell recommended that Mr. Laffer look into this and the general idea of alternative revenue generators.

**12. Final Approval of request to change Declaration of Trust**

Mr. Laffer reviewed changes that were made to the declaration of the trust. Committee discussion followed. The committee members agreed that the changes had been approved at the Oct. 26 meeting. Mr. Laffer will forward revisions of the declaration of trust to the Mayor's office for review. The Mayor will, if he approves, introduce the changes to the City Council.

**13. Conflict of Interest By-Laws**

Mr. Laffer distributed and reviewed edits made to the by-laws. Mr. Paster recommended that the wording in item 6 under "Prohibited Actions" be changed to reflect drawdown of any kind (pumping, gravity, etc.) by a property owner or manager in the city of Boston. Trustee Gilbert will incorporate suggested changes into the draft. The conflict of interest by-laws will be revisited at the next Trustee meeting, after all of the trustees and the executive director have attended the ethics training session sponsored by the City.

**14. Executive Director's Report**

BGwT Executive Director Mr. Elliott Laffer distributed his report and reviewed his activities of the past month. Refer to the attached *Executive Director's Report: January 11, 2005*, for a complete list of all activities.

**15. Technical Coordinator's Report**

BGwT Technical Coordinator Mr. Christian Simonelli distributed and presented his activities of the past month. Refer to the attached *Technical Coordinator's Well Monitoring & Installation Report BGwT Meeting: January 11, 2004* for a complete list of what was distributed and presented.

Mr. Simonelli noted that green dye was observed in o.w. 22I-0723G while monitoring it. He believed the BWSC has taken action in trying to figure why the water levels in that o.w. have been lower than the existing o.w.'s in the vicinity.

**16. Water Levels at the Museum of Fine Arts (MFA)**

Mr. Paster commented on the MFA's groundwater levels. He noted that the MFA now has 7 o.w.'s on and around its property. He also noted that most of the o.w.'s are between elevation 7.5'-8.5' BCB, with the exception of two o.w.'s that read between elevation 5.5'-6.5' BCB, the lowest of those two being on the Huntington Avenue side of the building. Mr. Paster stated that data is being collected and readings are being made on a monthly basis.

**17. Meeting with MBTA**

**Mr. Laffer described the meeting with the MBTA in the Executive Director's Report attached to these minutes.**

The committee meeting ended at 6:10 p.m.

**NEXT MEETING: February 15, 2005 @ 4:00pm in the Lenox Hotel.**

**Submitted by Christian Simonelli, BGwT Technical Coordinator, on 01/12/05**

## **TECHNICAL ADVISORY COMMITTEE DISCUSSION**

Based on the discussion at the meeting of the Trustees on February 15, 2005, I believe that we have come to the following conclusions regarding the committee:

1. We believe that the committee members have provided extraordinarily valuable assistance to the Trust, and we want the committee to continue.
2. The focus of the committee going forward will change from the well program to more consideration of the data, problems revealed, and potential solutions.
3. The committee is prepared to work with the Technical Coordinator to develop engineering solutions that would qualify as 30% completion level plans. These would be enough to go to other governmental entities to discuss the feasibility of their going forward with the solution.
4. The role of the committee is not to provide detailed engineering design services. The Trust may want to consider allowing for budgetary support for engineering design work to develop remediation solutions that would exceed that from the committee and the Technical Coordinator. In that case, the committee would make recommendations for consultants to consider and would assist the Trust in overseeing the performance of the consultant.
5. It might be wise to expand the committee to include an engineer from the City or the State to gain insight from the perspective of people who would be more likely to be involved in funding and execution of the solution.
6. The role of the committee will become clearer as the Trust conducts its strategic planning process and transitions from well installations to the next stage of its activities.

**EXECUTIVE DIRECTOR'S REPORT**  
**February 15, 2005**

1. **City Budget Process** – We have filed our budget request through Bo Holland and Toni Pollak, with additional backup narrative. Gary Saunders and I met with Bo and Toni to review the request; it has to fit into a tight City budget. The administration will finalize its budget and submit to the City Council in early April. The Council will hold hearings and look for modifications. Hearing process is chaired by Mike Ross, chair of the Ways and Means Committee. Process is completed by end of June.
2. **Funding** – The final \$600,000 installment of the Environmental Bond Bill funding has been received by the City. The contract is through most of the City's approval process, and we should be able to invoice for the funds shortly. The City will be adding \$36,500 to the \$100,000 contract they have with us for the current fiscal year. That change notice is working its way through the approval process as well.
3. **Community Group Meeting** – Working with the Mayor's Office of Neighborhood Services, we have developed a list of community groups to invite to a meeting with Andrew Gottlieb that would also include Bo Holland and probably Toni Pollak. As soon as we clear format and location details with Mr. Gottlieb, we'll start calling to set up the meeting. Hopeful timeframe is late February or early March.
4. **BWSC** – I met with John Sullivan and Henry Luthin to discuss our strategic planning process and whether there were ways we could better structure to work with them on groundwater issues. We also updated current issues. BWSC has begun construction on their sewer replacement and recharge system behind Hemenway Street. This is about a sixty day project once the weather lets them move on it. They also have funding for repair or replacement of the sewer in Back Street. They are investigating whether there have been problems with the relatively recent work on Stuart and St. James Streets and what impact that could have on groundwater. They repaired the leaking manhole at Dartmouth and Beacon Streets. As soon as the weather permits, they will investigate their sewer on Beacon Street between Berkeley and Clarendon to see if it may be contributing to a low reading on that block.
5. **Groundwater Emergency Taskforce** – I met with Susan Scott and Mike Nairne of GET to discuss progress that has been made citywide on groundwater issues. We discussed the forum in which they are participating in April about groundwater issues. We also discussed their perception that the recharge on St. Charles Street is helping only in a very small area. They continue to press for a solution that will help in a wider area. We also discussed the differing roles of the Trust and an advocacy organization like GET.
6. **MBTA Southwest Corridor** – We have authorized the MBTA through GEI to have access to three of our wells to try to determine if their actions are responsible for the observed wide and rapid variations in groundwater levels at those locations. Christian has participated in one observation session. The results have not to date indicated clearly whether the T's groundwater pumping is responsible for the variations.
7. **MBTA Copley Station** – In our comment letter on proposed renovations at Copley Station, the Trust asked the T to investigate whether problems in their tunnels could be responsible for low readings at nearby wells on Boylston Street and Huntington Avenue near the tunnels heading away from the station. The T did not respond to those concerns in their environmental filings for the station. However, we raised them again during our meeting on the Silver Line. They have promised, but not yet delivered, additional data.
8. **Zoning** – Spoke yesterday with Rick Shaklik. He is meeting with Mark Maloney later this week to go over draft. If the Director agrees, he will then share the draft with a select group including us for comments. Then he will proceed to the required public meeting. He says that much of the internal City response has been positive.



9. **New Well Contract** – We have received the bids for the next contract for (114) wells. These are to be partially funded through the US EPA grant. We have reviewed the procedures for contract approval and reimbursement with EPA and DEP and should be able to proceed shortly.
10. **Recharge through Sidewalks** – I was in contact with the local engineering authorities in Olympia, WA, and Ross Township, PA, both of which have had permeable sidewalks installed for several years. Both have had very good experience with the material. I have forwarded their responses to Para Jayasinghe, who continues to look into the topic.
11. **Website** – We have added the information on Building Inspection Reports to the website. We continue to work on the transformation from spreadsheet to database that will make our data much easier to use. For the first time since I've been here, this month several people contacted me through the website to ask to be put on our email information list. I have spoken with Raj Pareek, who runs the City's website. We now have links from multiple points on the City's website to ours.
12. **Press** – Groundwater issues continue to receive prominent coverage in the Boston Courant, with several related articles this month. I have been interviewed by the Boston Globe for an article slated to appear shortly that will talk about groundwater issues, mostly related to Columbus Center. I was also interviewed for a piece to appear in the Boston University student paper and for one that may appear in the Back Bay Station.
13. **Environment Dept** – I met with Bryan Glasscock and Maura Zlody to discuss our strategic planning and our interaction with their department. Maura will be reaching out on a web interchange in which she participates to see if others have experience and ideas that relate to our groundwater-wood piling problem. We also discussed ways in which to further institutionalize the City's response to the issue.
14. **Public Meetings** – Attended BRA Small Project Review public meetings on Penny Savings Bank and Gatehouse projects. Both have led to what will likely be agreements to include monitoring and certification of no groundwater removal in cooperation agreements. The meeting on the Gatehouse led to an agreement to redo their solution to groundwater issues in their foundation design to assure that groundwater will not be removed from the site.
15. **MEPA Scoping Session** – Attended MEPA scoping session on Lovejoy Wharf project.
16. **Comment Letters** – Filed comment letters on Lovejoy Wharf, Pier 4, Nashua Street Residences, and Olmsted Green projects. All comment letters are posted on our website.
17. **Revisions to Declaration of Trust** – Our proposed revisions are being reviewed by the Law Dept prior to submittal to the City Council. They think that everything looks clean and should be passing them back to the Mayor's office shortly. The revisions will likely be sponsored by the Mayor.
18. **Tax Status** – The Law Dept. has asked us to hold off on filing for 501(c)3 status while they review what the appropriate position for the Trust is. They are also reviewing their response to the letter received from the IRS asking for tax filings since the inception of the Trust. I expect to meet with them and probably someone on a policy level within the next few weeks to reach final resolution on this. As of now, we are still leaning toward a 501(c)3 filing.

### WELL MONITORING

Most recent set of readings (Feb 05') are being made and should be completed by the end of the month (weather permitting). Readings started in Jan 05' were discontinued due the Blizzard that occurred.

Continued conversion to a database using Microsoft Access. Currently arrainging all data from 1999-2005 in Excel, into a form that will be acceptable to upload into Access.

### INSTALLATIONS

Submitted RFP for the 114 proposed EPA o.w.'s to six drilling contractors. Received bids from three of the contractors. Please refer to the Bid Analysis dated 15 February 2005 for complete explanation.

Submitted License, Maintenance, and Indemnification agreement for the 114 proposed EPA o.w.'s to the Public Improvements Commission (PIC) for approval.

Continued work on documentation for the final group of 180 proposed o.w.'s.

### WEBSITE

Building Inspector Report (BIR) data now posted under new "BLDG. DATA" tab.