

BOSTON GROUNDWATER TRUST (BGwT)
BOARD MEETING
May 16, 2005
The Lenox Hotel – Copley Room

The meeting of the Board of Trustees of the Boston Groundwater Trust was called order at 4:10pm 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, Boston Back Bay Association
Mr. Peter Sherin, Greater Boston Chamber of Commerce
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 Hunt, City of Boston

1. Adoption of the minutes of the February 15, 2005 Meeting and the Report of the committee of the whole March 22, 2005 Meeting

A motion was made by Trustee Gilbert to accept the minutes of the February 15, 2005 meeting. A motion was made by Trustee Gilbert accept the report of the committee of the whole March 22, 2005 meeting and incorporate that report into the May 16, 2005 meeting minutes.

Trustee Chan moved to accept the motion, trustee Saunders seconded the motion.

VOTED: To accept the minutes of the February 15, 2005 meeting and accept the report of the committee of the whole March 22, 2005 meeting and incorporate that report into the May 16, 2005 meeting minutes.

2. Policy on Acceptance of Wells Installed by Others

Mr. Laffer distributed documentation indicating the policy on acceptance of wells installed by others. Discussion followed.

A motion was made by Trustee Gilbert to accept the policy on acceptance of wells installed by others.

Trustee Chan seconded the motion.

VOTED: To accept the policy on acceptance of wells installed by others.

3. Press Contact Policy

Mr. Laffer distributed documentation indicating the press contact policy. Discussion followed.

A motion was made by Trustee Gilbert to accept the press contact policy and publish it on the website.

Trustee Chan seconded the motion.

VOTED: To accept the press contact policy and publish it on the website.

4. Tax Exempt Status

Mr. Laffer discussed the BGWT's tax exempt status and the filing status with the IRS. Discussion followed.

5. Groundwater Educational Forum

Trustee Saunders initiated discussion about the Groundwater Educational Forum that took place at the Boston Public Library. Discussion followed.

6. Meeting with Boston Delegation

Mr. Laffer discussed the meeting with the Boston Delegation. He noted that he, along with Trustees Mitchell and Saunders presented the problem of low groundwater in the city of Boston to the delegation. Discussion followed.

7. Revisions to Declaration of Trust

Mr. Laffer discussed the changes/corrections that he made to the declaration of trust. Mr. Hunt presented questions and suggestions he had with the changes that were made. The board noted and discussed Mr. Hunt's questions and suggestions.

A motion was made by Trustee Chan to accept the changes/corrections that were made to the declaration of trust.

Trustee Saunders moved to accept the motion, trustee Sherin seconded the motion.

After discussion that included information from Mr. Hunt about concerns that the City had with a few provisions, the motion was withdrawn. A committee, consisting of Trustee Gilbert, Mr. Laffer, and Mr. Hunt, was charged with developing language to overcome those concerns so that the revisions can be adopted at the next meeting.

8. City Budget Update

Mr. Laffer discussed meeting with Councilor Ross and Mr. Hunt. Mr. Hunt made note of the city's current funding status of \$10,500 per month. He also noted multiple meetings he had with various state and city officials. Mr. Hunt also expressed that he will continue on lobbying the city to fund the BGwT fully. Discussion followed.

Note: Mr. Hunt exited the meeting at 6:02 p.m.

9. Finance Report

Mr. Laffer reviewed three reports displaying the Trust's current finances. The first was the BGwT *Financial Report 3/23/05-5/16/05*, the second was the BGwT *Reconciliation Detail Citizens Bank, Period Ending Mar. 23, 2005* and the third was the BGwT *Reconciliation Detail Citizens Bank, Period Ending Apr. 25, 2005*. Discussion followed.

10. 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: May 16, 2005*, for a complete list of all activities.

The meeting adjourned at 6:25 p.m.

NEXT MEETING: June 16, 2005 @ 4:00pm in the Lenox Hotel.

Submitted by Christian Simonelli, BGwT Technical Coordinator, on 05/18/05

BOSTON GROUNDWATER TRUST (BGwT)
BOARD MEETING
March 22, 2005
The Lenox Hotel – Copley Room

NOTE: A quorum was not present at 4:15pm. 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; Jim Lambrechts, BGwT Technical Committee

1. Adoption of the minutes of the February 15, 2005 Meeting

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

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

2. Adoption of Revisions to the Declaration of Trust

Mr. Laffer presented suggested revisions to the declaration of the trust. Discussion followed among committee members with regard to the suggested revisions proposed by Mr. Laffer. Trustee Mitchell suggested that Mr. Laffer edit section 3.8.2 per the committee's recommendation.

A motion was made by Trustee Mitchell and seconded by Trustee Saunders for Mr. Laffer to discuss the current draft and revisions with Mr. Jim Hunt of the city of Boston.

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

3. Policy on Wells Installed by CA/T Project

Mr. Laffer presented a draft of the policy on accepting wells installed by CA/T. Discussion followed among committee members.

A motion was made by Trustee Mitchell and seconded by Trustee Gilbert to change the title of the current policy, "Policy for Acceptance of Wells from Central Artery Project", to "Policy for Acceptance of Observation Wells".

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

A motion was made by Trustee Gilbert and seconded by Trustee Saunders to add the "Policy for Acceptance of Observation Wells" into the by-laws.

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

4. Press Contract Policy

Mr. Laffer presented a draft of the press contract policy that Trustee Saunders suggested be drafted. Discussion followed among committee members.

A motion was made by Trustee Mitchell and seconded by Trustee Saunders to accept the press contract policy.

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

5. Finance Report

Trustee Sherin and Mr. Laffer reviewed two reports displaying the Trust's current finances. The first was the BGwT *Financial Report 2/15/05-3/22/05* and the second was the BGwT *Reconciliation Detail Citizens Bank, Period Ending Feb 24, 2005*.

6. Groundwater Educational Forum

Mr. Laffer and committee members discussed the outline for the upcoming Groundwater Educational Forum on April 5, 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: March 22, 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: March 22, 2005* for a complete list of what was distributed and presented.

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

NEXT MEETING: April 11, 2005 @ 4:00pm in the Lenox Hotel.

Submitted by Christian Simonelli, BGwT Technical Coordinator, on 03/23/05

EXECUTIVE DIRECTOR'S REPORT

May 16, 2005

- 1. FY06 Operating Funds** – The City Council budget hearing on the Environment Dept budget is scheduled for May 19 at 1:00. We are still in discussion with both the Administration and the Council on our budget needs. We have signed a preliminary contract that includes \$84,000 in funds that will come from FY05 money and should be received before June 30. I expect that the final amount will be above the \$138,500 we received this year but less than the \$351,000 that we requested.
- 2. 501(c)3** – Working with Bruce Wickersham, we completed the application for 501(c)3 status last week. I hand carried the signed application to Bruce on May 10, and Bruce filed it with the IRS the same day. If there are no hang-ups, approval could come in 3-4 weeks. There is potential for some discussion regarding our establishment date for IRS purposes, but Bruce is confident that we will ultimately be approved with no retroactive issues.
- 3. Declaration of Trust** – Our original declaration was never filed with the Secretary of State's office. We will file all appropriate paperwork for changes after adoption by the Trustees of the parts they can change and, hopefully, approval by the Council and Mayor of the technical modification to the purpose section. After that, we should work with the Mayor's office and the designated organizations to get additional trustees appointed. It is likely that holdovers will ultimately get reappointed as well.
- 4. Existing Construction Contract** – We have resumed construction on the remaining 59 wells. Although some unanticipated utility obstacles have occurred, we should be able to complete these pretty much on our original schedule.
- 5. 114 Well Contract** – Haley and Aldrich's in house counsel provided pro bono review of our contract language. The contract will be signed in time for construction to pick up as the previous contract is completed. We will start with the vacuum truck two weeks ahead of drilling to allow it to get far enough ahead of the drillers that unanticipated obstacles don't cause drilling to be delayed.
- 6. 180 Well Contract** – The bid solicitation for the 180 well contract will go out by the end of May. This work is scheduled to begin in mid-August, so this should allow adequate time for bid review and contract execution.
- 7. Channel 7 Story** – Channel 7 ran an investigative piece by Hank Phillippi Ryan on the groundwater issue on May 11. The piece showed some alarming video of houses and homeowners with problems, a brief snip with Jim Lambrechts talking about a particular house where it's too late to just raise the water level, and several brief responses from

public officials including Andrew Gottlieb, Jim Hunt, Joe Pesaturo (MBTA), and me. The piece on Channel 7's website includes a link to our site. The day after the story ran, we had a huge increase in numbers on the site. We will have the video on our website; it is up on Channel 7's site as well. In addition, we have posted the script. Interestingly enough, the first phone response to the piece that I received was from a homeowner in East Boston who said this sounded like just what was happening to her home (East Boston was not

mentioned as a potential problem area in the piece). This could be additional validation of the decision to go into that section of the City.

8. **Technical Committee** – The Technical Advisors Committee is now meeting regularly after we get the profile map from BWSC for the well readings. This gives an opportunity for technical dialogue that is not available at board meetings. The committee members are less likely to come to future board meetings unless it looks like the agenda has an item in which their expertise will be helpful. The committee in May reviewed the contours and readings. They noted some wells of particular concern, including: in front of 166 Beacon St; at the corner of Newbury and Dartmouth; and the widely changing well on West Newton St adjacent to the Southwest Corridor. They also suggested some potential ways to use money generated by projects in meeting their infiltration/inflow mitigation requirements. We also reviewed potential comment language to be used on projects that propose to have underdrains to reduce the uplift on foundations.
9. **Project Reviews** – I commented on the Children's Museum expansion, requesting recharge into the Sleeper side of the building. Comments on 1330 Boylston address the underdrain issue. Comments are to be completed on The Clarendon DPIR and on the building planned for 87 Tyler St in Chinatown. All comment letters are posted on the website.
10. **Public Meetings** – I attended BRA sponsored public meetings on The Clarendon and 1330 Boylston St projects.
11. **Columbus Center** – The developers of Columbus Center would like to make a presentation to the board of their plans for groundwater recharge. I would like to have them at our June meeting.
12. **The Clarendon** – As part of their DPIR filing, the developers of The Clarendon, the Beale Co and The Related Companies, have proposed a very extensive groundwater mitigation, recharge, and investigation package. The investigation is to do extensive research to try to discover the causes(s) of the extensive groundwater depression in the area.
13. **YWCA** – The YWCA, which had been operating five pumps around the clock basically since the building was new, has put a major effort into overcoming the groundwater problem as part of their reconstruction project. After removing virtually everything in their deep boiler room sub-basement (including the old coal fired boilers), they grouted to seal all of the leaks. They then put in a crushed stone section under the one floor drain so that any future leakage will be recharged into the ground. All the pumps have been permanently removed.
14. **Website** – The traffic to our website hit all time highs in all measures in April. Traffic has continued heavy in May. We continue to get compliments about the information on the site. We have posted a picture of failed pilings from the Museum of Archeology in Montreal that give a good idea of what the tops of failed pilings look like.
15. **We Are Not Alone** – According to an article in the Milwaukee Journal Sentinel, the Metropolitan Milwaukee Sewerage District has paid millions of dollars to dozens of property owners who have claimed that construction has caused a drawdown of groundwater levels that has exposed their pilings and led to rot. Interestingly, much of this construction was very deep (some more than 200 feet below the surface) and supposedly below an impervious layer separating aquifers. This could have implications for the questions that have been raised about the Central Artery.