

Board of Directors Meeting  
August 25, 2008 @ 7:00pm  
Conference Room, Corporate Office

Directors Present: James W. Lavin, Chairman,  
Jeff Wall,  
John Ward  
David Chandler

Also Present: James Young, Project Manager,  
Eric Kfoury, consultant to the Board of Directors,  
Brent McDonald & Mary Ryan, Legal Counsel,  
Rich Kleiman, LNR

The Chairman opened the meeting at 7:00pm

09-002 Revised Phase 1A Development Plan

The Special Permit Granting Authority draft decision and conditions were reviewed with Mr. Young. The Board was informed that the payment of the filing fee (established at the Aug. 11<sup>th</sup> Public Hearing) was still pending. Mr. Chandler suggested the vote be conditioned on payment of filing fee within 14 days of the Board's decision. A discussion ensued on tracking changes to the Phase 1A housing totals and mix and analyzing compliance with the Reuse Plan at the end of each phase noted in the Reuse Plan. **VOTED: Motion of David Chandler, seconded by Jeffrey Wall, to approve the Phase 1A Development Plan, as submitted by LNR South Shore, LLC on July 9, 2008, with conditions as amended - Condition C. "the filing fee is due no later than 14 days from approval".**

**Unanimous vote**

The Board of Directors and Board Secretary/Clerk signed the Decision on Revisions to Application for the Phase 1A Development Plan Approval.

09-005 Notice of Intent (NOI) review/approval for WRF slurry wall project

**The Conservation Commission Public Hearing reconvened at 7:25pm**

Mr. Young provided an update on behalf of the Conservation Agent, Steve Ivas. MA DEP #SE 084-0425 was assigned to the project, NOI Condition #49, related to project coordination meetings, was amended to include financial consequences for non-attendance, NOI Condition #54 C, related to weekly monitoring report, was amended to include the condition of the West Branch of French's Stream; a MESA Review Request was filed with NHESP, for a separate "no take" determination for the SouthField WRF slurry wall construction, Contract 1 project, and the Navy License was still pending. No further public comments were made.

**VOTED: Motion of John Ward, seconded by David Chandler to close the Hearing.**

**Unanimous vote**

The Public Hearing ended 7:30pm

**VOTED: Motion of John Ward, seconded by David Chandler, to approve, with conditions, the Notice of Intent dated July 24, 2008 submitted by Metcalf and Eddy/AECOM on behalf of the Corporation for installation of a subsurface slurry wall to support the future SouthField Water Reclamation Facility. All conditions of the approval shall be as noted in the Order of Conditions prepared by the Corporation's conservation agent.**

**Unanimous vote**

The Board signed the Order of Conditions

#### 09-004 WRF Slurry Wall – Site Plan

The proposed Decision on Application for Site Plan Approval was reviewed with Mr. Young. Construction work would not commence until all applicable permits and licenses were issued.

**VOTED: Motion of David Chandler, seconded by John Ward to approve, with conditions, the Site Plan application dated July 24, 2008 submitted by Stan Elkerton, on behalf of the Corporation for installation of a subsurface slurry wall to support the future SouthField Water Reclamation Facility. Unanimous Vote.** The Board of Directors and the Board Secretary/Clerk signed the Decision.

#### Executive Director Update

Mr. Kfoury noted the Corporation was still accepting applications for CEO and an advertisement would run on the Mass Municipal Website until the deadline, Sept. 19, 2008. The CFO search would be held up until the CEO was hired.

Mr. Kfoury informed the Board of a contractor change order related to the E/W Parkway project for a property development analysis, to be done in conjunction with an appraisal of property on the east side of the Base, for Right of Way costs. Mr. Kleiman noted LNR had prefunded money to pay (\$20,300) for the access assessment. Discussion ensued on TT Rizzo's original contract for E/W Parkway Preliminary Design Services and East Side Connectivity Improvements.

**VOTED: Motion of David Chandler, seconded by Jeffrey Wall, to approve the amendment request by TT Rizzo for Preliminary Design Services for E/W Parkway and East Side connectivity Improvements. Unanimous vote**

#### 09-007 Selection Committee for WRF slurry wall contractor

**VOTED: Motion of John Ward, seconded by David Chandler to establish a selection committee, to evaluate bid packages and recommend a contractor for the construction of a subsurface slurry wall under Contract 1 for the proposed SouthField Water Reclamation Facility. The subcommittee shall be made up of Stan Elkerton, Rich Kleiman and James Young. Unanimous vote**

#### 09-009 Procurement method for WRF slurry wall contractor

Discussion ensued on this specialized project with unique standards, and the need to select a qualified contractor. Legal Counsel recommended implementing a hybrid process to get quality construction at a reasonable cost by ranking proposals based on both qualifications and costs rather than on a strictly low bid basis. The old and new Enabling Legislation allows for the exemption from the standard public bid process for public convenience and necessity. The Board was in agreement that consideration of exempting the public bid process would be taken up on a case-by-case basis depending on the sensitivity of the scope of work.

Mr. Chandler was informed that there were not many highly qualified companies nationwide in this field, and that the slurry wall contract would be the Corporation's first exemption to the standard public bid process allowed under the Legislation.

**VOTED: Motion of John Ward, seconded by Jeffrey Wall, that the Corporation, based upon the public convenience and necessity therefor, and to the maximum extent allowable by law, hereby exempts the issuance of a Request for Proposal for the Contract 1-Slurry Wall from the requirements of any public bidding and procurement requirements applicable to bodies politic and corporate of the Commonwealth of Massachusetts imposed by general or special law, including without limitation, the requirements of Chapter 7, 30 and 149 of the General Laws, but excluding sections 28 and 29 of said chapter 149, and the regulations promulgated thereunder. The corporation makes the above finding pursuant to the authority granted in Section 6 (ii) of Section 37 of the Chapter 303 of the Acts and**

**Resolves of 2008 (amending Chapter 301 of the Acts and Resolves of 1998). The Request for Proposal shall comply with all bidding and procurements requirements necessary to maintain the project's eligibility for State Revolving Funds.**

**The Corporation authorizes Eric J. Kfoury and/or James Young, each acting alone, in the name and on behalf of the Corporation, to conduct all activities necessary to effectuate the above resolution.**

**3-1 vote Director Chandler opposed**

Director Time

Mr. Chandler was informed that LNR Financial Statements were still pending.

Next meeting, Sept. 8<sup>th</sup> would be a public hearing on Permit Granting Authority's review of the Residences at SouthField Highland Site Plan application. Mr. Wall was informed that the applicant would make a presentation at the meeting.

**VOTED: Motion of John Ward, seconded by Jeffrey Wall, to enter into Executive Session for the purpose of Development Negotiations and Financial Strategies.**

**Wall, aye, Ward, aye, Chandler, aye, Lavin aye**

The Open Session ended at 8:07pm

The Executive Session ended 9:12pm

**VOTED: Motion of John Ward, seconded by Jeffrey Wall to adjourn the meeting.**

**Unanimous vote**

The meeting adjourned at 9:15pm

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Mary Cordeiro, Recording Secretary

James W. Lavin, Chairman