

# *East Boston PierPAC*

March 20, 2018

Attendance:

Mary Berninger	Connie Carbone	Fran Carbone
Peter Cardinale	Jerry Deneumoustier	Mary Hanlon
Bernardine Joslin	Karen Maddalena	Rose Petraglia
Frances Piantedosi	Bob Strelitz	Melissa Tyler

Excused:

Karen Buttiglieri	Marie Deneumoustier	David Halbert
Sal LaMattina	Adrian Madaro	

Associate Members Present:

Mary Cole	Alex DeFronzo	Lucille Drago
Louise Montanino	Lucille Monuteaux	Lucille Reed
Mary Romano		

Attendance taken. (During the meeting I received a text from Karen Buttiglieri asking to be excused.)

Mary Berninger - Any corrections, deletions to minutes from February 20.

Maria Conti - I received an email from Alex DeFronzo with 2 corrections. Page 4 change 4 Point Channel to Fort Point Channel and Blue Hill Bank to Blue Hill Bank Pavilion.

Karen Maddalena - Motion to accept minutes.

Bob Strelitz - Second.

Mary Berninger - Going to leave the discussion around the draft that we received to the amendment to the Operations, Security and Maintenance agreement with the Port Authority to Richie. That is the reason Anthony and Liz is not here tonight. It gives us an opportunity to speak more freely when it is just us.

Richard Lynds - (Passed out the document, First Amendment to the Second East Boston Piers Waterfront Park Operation, Maintenance and Security (OSM).) They are all draft, none of them are final. Our most recent agreement expired in April of 2017 and since then we have been having conversations with the Port Authority about the renewal of the OSM. The OSM is what governs Massport's obligation to the community with respect to the park. Not only the security, the maintenance, cleaning up, but the programing that occurs when the park is open. It is a very unique opportunity for a community to have a relationship with the owners of parks. All of the other parks throughout the city of Boston are mostly maintained by the Boston Parks Commission. There is no agreement between communities and the Boston Parks Commission. I think it is important for context that one of the special features of the parks system in East Boston, is the fact that we have this structure where the Port Authority is obligated to enter into an agreement with this organization for the continued OSM. One of the reasons the park system is so successful and so well maintained and safe is because of this agreement. I take the opportunity to always remind people of this because I was involved when this was amended. I was an intern back on the State Administration Committee at NE University. At the time I worked for State Representative Emmanuel Serra who was one of the chief architects to get this legislation back on track. It was passed a long time prior, but it was his dedication that he ensured the Port Authority stepped up to the plate and completed this obligation by building Phase I, committing to

Phase II and all of the other parks that flowed through from there. This agreement was something he insisted be in place as part of the Legislation. That they enter into an agreement at least every 6 or 7 years to continue this obligation. It is important that we have the obligation to renegotiate these agreements because time, things change. Know there are members here who were part of the original PAC. Bernardine, Bob and others were here when we first started these conversations. How we approach the parks from a security, maintenance and operational standpoint is a lot different today. Things are different now. The way the park is used now, what we expect from the Port Authority is different. Those are the reasons why we always insist on having the opportunity to renegotiate this agreement. Overall, the underlying agreement is a good document. It sets forth a lot of obligations for the Port Authority. They have a schedule of maintenance to do and for the most part they make sure that they meet those obligations. However, I feel that as time goes on and we have these meetings, monthly, yearly, we find that things are not being done the way that the community may expect them to be done. This is not a reflection of the Port Authority, just a reflection of the changing of the times. So part of the negotiations is this community, this group, and the public's opportunity to say the things we want to see changed in the agreement. Massport and I think this is the first time we have seen such a short and concise approach. Would not read too much into the fact that it is short. Lawyers tend to like words, Liz seems to not be as wordy as some other lawyers. It is a very compact, succinct amendment to the agreement which says a couple of things to me. The Port Authority feels that the agreement that has been most recently in effect, is working and there is not a lot of adjustment. We will walk through the adjustments and what they are proposing. Whether we agree or not doesn't have to be decided tonight. Planning to have a more detailed discussion at the next meeting when we will go through the agreement and discuss what we feel will need to change or occur. Was away last meeting, much needed vacation and did not want to come here and do a line by line of the agreement. We will probably spend a little more time, 30 to 45 minutes at the next meeting, so we can go through the highlights of the underlying agreement and where we think things should probably change. Asking PAC members, members of the public, associate members, everybody welcome to have input in this. This is an open public process. If there are things you feel, as silly or as complicated as they sound, I ask that you bring it to the next meeting. The goal is to put those all on a board, sit there and go through the bullet points and try to figure out how it works with the agreement and whether or not they are practical. Then as a group look at that and say what is important and what may need to be changed. Once we get through that process and we may not get it done at the next meeting, I have told the Port Authority, who seems to want to move this forward a lot quicker, that they had 16 months to get this to us, they can wait a few more months before we get back to them. We are going to take our time to do this correctly and to make sure everybody has a chance to have input into this, but also to make sure that we cover important things to be changed in this agreement. Thinks it will be a more meaningful process to go back to the Port Authority to say that we spent a few meetings talking about this and these are the things that we feel are important. When we do give it back to the Port Authority, if they feel that those changes are appropriate and acceptable, they will have the opportunity to accept that and we will have a final agreement to vote on.

Mary Berninger - Could we have Maria send copies of the draft to the members who are not here tonight so they can spend the next few weeks looking at it, too, and come back to the April meeting with their comments?

Richard Lynds - Okay to send. The Microsoft word version which allows us to make edits is not available. The only one we can locate is the pdf version which is not easily editable, but I have software that can change that. The goal is that at the next meeting or the one after, when we come up with things we want to change, come up with a document that includes all of our changes. We did this when we did the bylaws review. We circulated the bylaws with all the changes, so that people could see exactly what we were changing. Before we get to something we are comfortable voting on we know what the document looks like and Massport has the opportunity to see the changes we are proposing. That is typically the way we negotiate agreements in the legal world. Give both sides the opportunity to see what the changes are. Doing it this way requires me to go through each section of the agreement and see

how it changes as opposed to seeing it in context. I specifically asked them to give it to me in the agreement, but they did not do that. We can get there but it will take more time, on our side, to work through this. Will take time to understand the impact every change they are talking about. Will run through, briefly tonight, what the changes are and what I see the impact will be. This doesn't represent everything that the agreement will have. This represents what Massport envisions to be the most important changes, at this time, that they propose to make. With that I will run through what they are talking about.

Richard Lynds - The introductory paragraph is typical language that identifies the parties of the agreement, the organization, identifies the agreement, the history of the agreement, and that the last agreement was executed in 2010. One of the things they are proposing to do is to extend (Paragraph 3) this for an additional 10 years. There has been some discussion on that, most of you will feel we have them tied up for 10 years but the truth of the matter is they are tied up forever, but we do not want them to extend their obligation to come back and negotiate with us for a long period of time. Going 10 years may seem, if it was a commercial or residential lease, to make a lot of sense. 10 years when we need to renegotiate at certain times doesn't work for us, especially if we know they have to come to the table in the future. We do not mind having a 10 year agreement, but one of things we are going to include is that we should have the right and the option, at an earlier interval, to request a renegotiation. Things change so dramatically and things will change in the next 6 or 7 years including Phase II. We may feel the need to have this conversation with the Port Authority sooner. We are going to include a provision that we have the right, as the PAC, to request an earlier renegotiation. The Port Authority will not get that right. They wanted to go 10 years they are stuck with 10 years. Do not think it will be a big point of contention. The first real section is, and this is being done by amendments, so I will include that in the final version of the whole document.

1. Section 3.1.D. of the Agreement is hereby amended by inserting the following at the end of said section: *"Notwithstanding the foregoing, the Authority agrees to use good-faith efforts to provide the PAC with timely notice of any park closures, which notice may be provided via electronic transmission."*

Richard Lynds - The first one is probably a significant one. They need to use good faith efforts to provide the PAC with timely notice of park closures. That does not exist in the current agreement. The language they are providing is that they will do their best. We are going with something a little stronger than that. I think they need to give us a little more of an advance notice and if it is not an emergency, I think at least a 72 hour notice is reasonable. They know what's on their calendar. It's important and I think the community should know as soon as possible when a closing will happen. That is a resource that the community relies upon. Not fair to simply unilaterally have the ability to close the park. Emergencies aside, thinks the obligation of the Port Authority is to have good dialogue with the community. We will put a mechanism in place that they will notify elected officials, locals papers, etc., if possible, to get the information out.

Karen Maddalena - Especially people who use the park for the MBTA. In some instances people have been locked in the park and have had to go all around because they were not notified.

Mary Berninger - 2 examples of both ends of that spectrum. The one around New Year's Eve where arguably the community could have decided. We did agree 2 weeks ago with the severe flooding. They called me at the height of the whole thing to tell us they were closing and that made total sense.

Bob Strelitz - In the first paragraph it says the PAC with an office at 155 Webster St. That is probably Richard Salini's address.

Richard Lynds - Will edit that to include the current mailing address of the corporation. In addition to just them using good faith efforts and this is typically how these negotiations happen, they are highlighting

something that they are willing to do and thinks it is a direct request from the PAC but it probably requires more information. We will expand on that and add some other things there. I do not need people to say it tonight, but be thinking along the lines of the issue of park closures, what it means to the community and if there are other things we want to incorporate into that. Notification is great but there are other things we need to think about. When they are going to close the park are there things they could do better or providing reasons or giving other information. We should be thinking along those line to expand upon that. Thinks it has to be more. That is a resource that this community relies upon. If it is a longer term park closure, there is the need to possibly have a meeting or some other mechanism. Our goal is to make it more difficult to close. Again not in an emergency, but we never want this ability of an agency who controls this park to have unilateral decision making to say the parks are closed. Thinking like a lawyer now, I think what we have to keep in mind is not only this administration, it is future administrations. Right now it seems everyone playing nice and Glynn seems to be a very good community person, we do not know who that could be 4 years from now. Future administrations may close the park weekends or certain weeks during the winter. This is our opportunity to put safety mechanisms in place. We need to be thinking that they do not have the ability to do that.

Lucille Monuteaux - Questioning what happens if we say no to a particular closing.

Richard Lynds - Not likely to have a veto over the closing but from a defensive stand point we want to make it cumbersome for them to do that. Thinking down the road with people we do not know how do we prevent them from taking the steps that could interfere with the use of the park. If it is going to be closed for a period of say 5 business days they need to have special permission to do that. They need a Board vote from the Port. This may not have existed back when the first agreement was done, we never anticipated those issues. But as time went on we have seen the Port Authority take some liberties that probably were not in the best interest of the community. Not to say they did it on purpose or intentionally. We just want to make sure we are protected against the possibility that these can happen. Great that they will give us notice, we just want a little more protection for the future. This is a unique opportunity for the neighborhood, we have a unique relationship with the Port authority. They have responsibility but we have expectations. We want to make sure that it is all documented in the agreement. The next one:

2. Section 3.1.1. of the Agreement is hereby amended by deleting the third sentence of said Section in its entirety and inserting the following in it's place: *The Authority's Port Director his/her designee shall meet with the PAC at least twice annually to review, discuss, and provide a written report on security issues at the park including at least once prior to the opening of the park for Summer season and at least once at the conclusion of the Summer season.*

Richard Lynds - As many of us know we have a report; that they come in and tell us about all of the situations that happen at the park and there were a lot of questions about the incidents that occur and what can they tell us. In typical Massport, and I call it 'bunker mode fashion', they keep every thing close to the vest. They do not like to tell us a lot about incidents. We cannot do our job and evaluate how good the OSM is at the park if we do not have any information. Part of their obligation is to provide us with written information, not just come in and tell us and then we have to rely on our minutes to go back and determine if there is adequate security. Part of this is responsibility and transparency. For them to come in and just say everything is great, just a couple of incidents does not help us to quantify what it means to have good security.

Lucille Monuteaux - But then they say the police have it and it is an investigation, no information.

Richard Lynds - So they can't tell us the information, but they can tell us about the incident. The type and time of crime. We do not need to know victims, names, etc., just the quantity and seriousness of events that happen. If in an entire year there are a couple of graffiti incidents, some kids riding bikes wildly, that helps us to understand the level of importance. If they tell us of gang activity or assaults and

it seems to be increasing, then our role as an advisory committee is to review that and say we think it is important to have a security level review or increase that security level based on the specific facts that they provide. Massport has always resisted providing that to us. We have told them, in our initial meeting with Liz and their general counsel, that is no more. The neighborhood is growing, the population is increasing, and you can't just expect us to rely on a verbal report every 6 months. We need the statistics and we want that in the agreement. If they do not provide that, it is a violation of the agreement. It looks to me as if they are going to do that. So they are going to provide us the information which I think is a step in the right direction. Also, it is not just incidents, it is also maintenance. We want to know how often they have to change out grass, bricks, repair concrete, etc. We want to know when those things are happening. We want to keep tabs on how much they are doing. People are going down to the park saying it looks terrible, questioning the maintenance, etc. So we can look at the maintenance records they provide us and if we see they have done nothing in the last 6 months, that gives us a reason to say to the Port Authority, you are not meeting your obligations under the agreement, you need to step it up. I have no expectations that, as things are right now, that is going to happen. As council we need to always be prepared for the future. We don't know who we are dealing with down the road, we don't know the attitudes of the Port Authority, we don't know what happens with the financial constraints they might have. 911 showed us that the Port Authority pulls the belts in and the first thing to go are the community benefits and programs. So when that happens we want to be in a position to say no, you have an obligation to do that, you cannot pull back on your obligations of the OSM of these parks. That's one of the reasons we want to expand on these topics, items. The next one:

3. Section 4.1 of the Agreement is hereby amended to extend the term of the Agreement from April 30, 2017 to July 31, 2027

Richard Lynds - We will add language in there that gives us permission to request negotiations sooner. Next one is important. This is an understood provision but one that did not exist in the prior agreement. This is important and why renegotiation is essential.

4. Section 6.2 of the Agreement are hereby amended to delete said Sections in their entirety and insert the following in its place: *"The Authority, in consultation with the PAC, shall design Pier Park II. PAC members will be afforded the opportunity to participate in the development of conceptual design, and to review, comment on and approve the final design for Piers Park II."*

Richard Lynds - The reason that is so important is; that is the essence of what this group does. Our approval of the Phase II design is what is critical to the Port Authority's function. We have already approved a Phase II design way back, too many years to count. Again things change. This is part of the review of this and to ensure what gets built in Phase II is consistent with what this PAC's expectation is going to be. We are going have very detailed plans, detailed specifications, and that is a whole separate conversation we will be having in the coming months. And that is something that is very important that the Port recognizes in the agreement. Those words 'and approved' means that park does not get designed, completed or built without this group's input and approval. Very important component as we talked about earlier, when this first got started that is the type of thinking that went into this: with the agreement and the legislation. The same process worked for Phase I. It is a wonderful park and it is a little bit different design. It was designed in the 90's and probably would not be designed today. For the tools that we had at the time, that was a tremendous accomplishment for this community. The PAC's role in that will be critical in making sure we have the right to approve it and that is important to this agreement as well.

Mary Berninger - I know they have not finalized Phase III, but it is really in process. I have all of the dates from the meeting that some of us went to. Questioning if we would add place holding language right now for Phase III.

Richard Lynds - Absolutely. I think this draft was done before they were ready to roll out the concept of Phase III so Phase III does not get talked about in most of this document. So, I think that is something we will add and we then will also have the same responsibilities that we have on Phase II as well as Phase III. I think that is the understanding that Massport has indicated as part of Phase III.

Mary Berninger - At the meeting here, that some of us went to, and then the tour, the PAC has mentioned so many times about that day, to make sure the parties, the designers, that everyone knew about that conduit.

Richard Lynds - So bullet point number 5.

5. Sections 6.2 and 6.3 of the Agreement are hereby amended to delete said Sections in their entirety and insert the following in its place: *“During the design review process for Piers Park II, PAC members shall meet monthly, or with greater frequency as required, in order to meet its obligation of expeditious and thorough design review.”*

Richard Lynds - This is an interesting one, but it is one that I feel the Port Authority is requesting because if we are going to have that responsibility of approving the design and participating in the process, the Port Authority wants to make sure that it actually happens. I am sure nobody wants it to happen more than this group. I think the Port Authority’s concern is they do not want us to go on vacation. I think they want to ensure that, if we are going to participate in the review and design of the park, Phase II or Phase III, that we meet regularly. We have been doing a good job having regular monthly meetings, but that is what they want to see continue. If we disappear for 4 or 5 months, things may happen/change that they may not be able to get to the next level and they have time lines they want to complete. So it is very important that if you are a member of the PAC that you participate regularly and as best you can at monthly meetings. We will have regular votes for parts of the design, but we cannot do that if we do not have a quorum of members present. If people cannot make it, please let Maria know as far enough in advance as possible so we know if we have a quorum. If we are not going to have a quorum it is best that we postpone the meeting to a date that is not far after that meeting date, to make sure we have a quorum. It is not just canceling the meeting for the month, it is trying to have a meeting before the next monthly meeting because as the design changes, things will come up that need action and may need a vote. That is the process, discipline and importance of membership in the PAC.

Louise Montanino - It says with greater frequency as required.

Richard Lynds - Bob and Bernardine could tell about that. When they were doing Phase I when it got close to the end there were a lot of meetings going on.

Bernardine Joslin - We had meetings once a week, sometimes 2.

Richard Lynds - That doesn’t mean we have to have everybody participate in that part of it. If there is going to be frequency of meetings, we can do that by subcommittee. We at least have to have the regular meeting every month so if the subcommittee takes action, it can be brought back to the regular body so it can vote on subcommittee work. If we are going to involved and we are going to have that participation the Port Authority wants to know that we are available to review it. The next one, Bullet Point number 6 is going to have a big red circle because this is the most contentious portion of the agreement.

6. Section 6.4 of the Agreement hereby amended to delete said sectioning its entirety an insert the following in its place: *“In addition to the security person assigned to patrol the park as set forth in Article 3 herein the Parties agree prior to the opening of Piers Park II to review the need for an increase in the Authority’s security presence and operation and maintenance personnel.”*

Richard Lynds - That language is not going to be acceptable or at least as counsel I wouldn't recommend it. The first and foremost is the 'security person assigned'. It is not a person it is security services. The suggestion is that it is only one person. It should be more than one person. We don't need to have a review for the need to increase the Authority's security presence. We know they will need to increase security presence for Phase II. I think the language is going to change dramatically. I will take a crack at the first pass of that, but I am sure I will have a robust discussion on what security personnel means. I know the Port Authority feels they have it under control. We feel that the presence of security personnel, the more the merrier, and the more visual presence you have, the safer the environment will be. I think if people tend to not see security in a park like that, mischief tends to find its way. For the most part, it has been generally safe, no major issues or incidences, but I think it is imperative to not try to diminish security but to expand it as much as possible.

Mary Berninger - I received a call and recently there were 2 incidents by the same individual. One day after the other. In one they were transported and in the other they were revived but refused further medical treatment. I did raise the question and I know it was not peak season, but it was in the bathroom next to the kid's play area and I asked if they need to get a key for those bathrooms when it is off season. They said no so I asked if they could consider thinking about that. That could be a suggestion that maybe instead of just having just police officers, maybe have someone in that office as a dispatcher so the public can go to get a key. I would have hated to see a mother or father with a young child go into the bathroom and come upon one or both of those situations. As you said earlier, times have changed, sadly not always for the better. That is something I think we could suggest to them. They do not always have someone in that guard room whose only job is to be there. Like a receptionist/dispatcher who can reach those police officers at any given moment, but they could give out the key. There would be more of a control over it. I thought it was pretty sad.

Karen Maddalena - I sound like a broken record but they need to open those blinds.

Mary Berninger - We discussed this before, they need to open those blinds. We've been given push back because they are vulnerable.

Karen Maddalena - Some of the old timers open blinds. Others, if the blinds are closed, you have to tap on the window.

Mary Berninger - Those are the kinds of things if you come next month, write those things down, talk about them.

Karen Maddalena - Like Mary referred to as peak season, the park is used more heavily. In years past, there have been incidents with the trees, kids with bikes, etc. Feels it is necessary to have more security.

Lucille Montanino - Just to let you know they are doing their job. My nephew went in to use the bathroom, security followed him in and they made him empty his pockets. He (the security officer) asked him what he was doing in there.

Richard Lynds - That might have been a little aggressive.

Alex DeFronzo - Both times that the guy was in there they responded very quickly afterwards. After the first time they started locking all of the bathrooms, monitoring. That makes it difficult for us because people come to the sailing center to ask how to get into the bathroom. Since they opened it back up, I think they are closely monitoring it. The second time it happened they had EMS and firefighters, it was the same person.

Richard Lynds - I am guessing that will take much of the discussion; the amount of security and what we want to have the Port Authority commit to for security forces. I know that was in the second renegotiation, it took us about a year. We could not get the Port Authority to come to terms to it.

Bob Strelitz - That was the last agreement with the renegotiated form which is still in effect. They just didn't want it.

Richard Lynds - We finally got them to come to a definition that was acceptable. We may have a little bit of a battle on this. We will use the tools that we have in our tool box and when we come up with something that this groups feels is what the PAC wants the agreement to say, I am sure we will have the support of our elected delegation to also encourage the Port Authority to consider the changes that we are proposing as being representative of what is in the best interest of the community. That is probably something we will have a separate conversation with the electives on. The next section, Section 7, deals with copies of financial records. We are going to tweak this a bit. Our obligation is to maintain records for 6 years, they have everything that we have from 1997. If they want to keep them that's fine but we are not going to keep them any longer than we have to. The financial information they are probably going to be most concerned with is if we engage consultants for the Phase II, III design issues. There are some requirements that we have to comply, with respect to bid it out or not or however these consultants will be paid. We have no problem maintaining those records. We supply the Port Authority on an annual basis, so they have everything we have.

Richard Lynds - Section 8: Technical change as well. Section 9: Change out from the last agreement Bob was the signatory. It will change out to the President of the Advisory Committee and assuming it gets signed during this term would be Mary. The remaining language is just legal language that is typical for agreements, nothing in here that is out of the ordinary. My goal is to get a set of these changes as well as the existing underlying agreement that requires change, for discussion at the next meeting. Even if we did not talk about anything on this amendment, there may be other things that members of the public or the PAC feel need to be addressed. Feel free to bring those up at the next meeting. Be thinking through those for your homework assignment for the next PAC meeting so that we can have a positive discussion. We will do it on the screen so we can have a visual of all the items we feel are important, do it in real time. I am not rushing anyone through this, we can take as much time as we need. We are bound under the prior agreement, the obligations with the Port Authority remain (the OSM) until we get a new agreement. This is our opportunity to refine the past agreement. We want to get it in place before they get the design going for Phase II, but that is something we can balance as we discuss this.

Lucille Montanino - PhaseII will get done before PhaseIII?

Richard Lynds - That is a 26 million dollar question

Bernardine Joslin - The way Massport talks about it, it is going to be built tomorrow.

Richard Lynds - That is a separate dialogue and we will have to leave that to an agenda item. How that all plays out is an ongoing discussion.

Karen Maddalena - There are 4 other locations in addition to PhaseIII. It doesn't necessarily mean the Trustees are going to pick that area.

Richard Lynds - Is everybody up to speed on what's happening with the concept of PhaseIII and PhaseII?

Karen Maddalena - Laura Jazinski is no longer there, received an email.

Richard Lynds - Mary probably can explain the relationship between Phase II, Phase III and how the process is going to work and we can figure out how we can dialogue that for future meetings.

Mary Berninger - Phase III is going to be out where the dilapidated pier is, behind the Sailing Center. There was a meeting on February 23 with people from The Trustees, Port representatives, Mary, Alex and myself, Anthony and Jason Ruggiero. There was a power point about the Request For Proposal (RFP) and the time line for when things would happen. We took a tour where they wanted to build it. The time line is going along rapidly, Massport did use the terms concurrent and parallel processes for Phase II and III. It depends on how they want to design and stage it because Phase II is in the neighborhood and Phase III is out more and where would all the trucks/deliveries come in. So any questions with the proposed developers were due by March 2nd. The full proposal is due April 20th. There will be interviews, but so far there is only one person proposing anything and that is The Trustees

and that is May 18. In July they will select the proposal and who will develop it. I mentioned that they rushed the RFP and that would be fast tracked. That was the language that was used. I also said it was fine if they wanted to fast track it, but do not lose sight of Phase II. That's when they began using the words concurrent and parallel, which I thought was positive. I said to Anthony, and others, elected officials, etc., what if they bring in stuff from the water side, just a suggestion, to lessen the impact to Jeffries Point, the existing housing and the housing coming on line? Those 2 projects are going to be massive in terms of impact. If you barge it in, maybe you could help lessen that. They were very specific continuing to talk about the PAC as the arm of the community, to help get it all done. Lauren Jazinsky who was with The Trustees, she met us at the New York field trip and she came here last year. She sent me an email, she is leaving The Trustees and going to work for the Charles River Conservancy. We will have to have a new liaison if The Trustees are chosen. Next month and it is going along with Phase II, all of the contracts have been signed with Kleinfelder and I think they will come to the next meeting and give us an initial briefing as to how they perceive how it would be going. They have to interface with Phase III because there has to be continuity and design, That came out at that meeting also. Same fencing, berms, same types of plantings, etc. Everybody has to be on the same page. Then there is us and the Port. Anthony did say when things are not fixed, because we talked about the medallion over the pavilion is broken, they continue to try a to find a way to fix it. They are not sure if they have to redo the whole thing because they cannot get what they used before. On a good note, talking about the Port Director, security, reports, etc.; Mike Grady has taken over for Joe Lawless. Feel that's a positive because he is familiar with us and he has a historical understanding of things.

Richard Lynds - For context so people understand. The legislation, the PAC legislation years ago, Phase III was never contemplated in that. So, this is a new addition to the park system in East Boston. Phase I and II were contemplated, but the idea of Phase III never existed. So this idea of Phase III coming in, although it is Massport land, they have no obligation to do it. So it is encouraging to see a third party want to come in and do it. I think, and this is a part of the conversation we may hear in the community and from council's stand point, I think it is incredibly important that the PAC maintain the oversight of the OSM of all the park systems that come under the purview of Massport. It is not being territorial, it is about being consistent. What we want is to wrap everything up that we do under the same standard. So if the Port Authority is going to maintain, operate and secure Phase I, Phase II, the Bremen St. Park, the Connector, the Navy Fuel Pier, all of that park system gets a certain level of attention. What we don't want is some other park that seems to be part of the park system but run and overseen by another agency, entity, or group. Case in point the Greenway. No disrespect to the Greenway, but the Greenway has some sort of identity that it is a connector for the Bremen St. Park, the piers and Piers Park when it is completed. But the maintenance level is different, the security is non existent and with all of those issues we do not want to taint all of the other parks. We have no control over the Greenway yet, but I think that we want to insure continuity and consistency in the park system connection. We always refer to Piers Park, but it is actually a park system because there are a lot more parks in the system than what people thought. We have to consider things like the Bayswater Edge Buffer. That is all part of the park system that Massport maintains. We want to keep that level of commitment from the Port Authority and the best way to do that is to keep it under one umbrella. So that is the relationship and I think it is important for members to understand. When we are talking about Phase III, it is not somebody else doing it and it will be someone else doing it but, eventually come back home to this group to sort of bring it back into the envelope with all of the other things you do. It was a little lost on me, believe it or not, when I originally heard about Phase III and I have been working on this for 20 plus years and never heard of Phase III. We want to make sure we are thinking along those lines and in the future.

Mary Berninger - And basically what they call Phase IV, but has nothing to do with Massport, but closer to the Roseland properties. Again, to try to make sure all the parties are talking together.

Karen Maddalena - Would like to make 1 point. The friends of East Boston Greenway were responsible for being able to extend, working with the different entities, to be able to extend the Greenway up to Constitution Beach. We have been working on it for 20 years. Unfortunately, the City of Boston has a

low budget in maintaining that, but we have received a \$100,000 Grant from the Barr Foundation to help upgrade the Greenway, make people more aware of what's going on there. As far as security; Mary went to a meeting with political officials, Roseland and Clippership. They will be stepping up to the plate to be responsible to put in lighting and possibly security cameras. When they advertise their apartments one of the draws is the Greenway. But currently, as it stands right now, they are not contributing one cent for security and lights.

Mary Berninger - I think that is why I was mentioning it at that meeting. It come up antidotally, but it was quite serious to say that Massport would be the ideal entity to take over the rest of the Greenway and make sure it matches, continuity wise, every other part of the system so that it is not fractured. If we are not going to get the developers, and I think they should contribute a lot more to the community, but that is not as much the issue as; we are going to have a park system and it can only really have one owner in my opinion. Because the Port already enters into these agreements with this group, what better system, mechanism, than to have responsibility from the caboose all the way to the beach.

Karen Maddalena - I also think there is room for the Greenway Counsel to be in conjunction with this.

Mary Berninger - As an advisory role, absolutely.

Richard Lynds - My comments were not meant to be disparaging about the Greenway. It was more to draw contrast of continuity. There is a difference.

Karen Maddalena - Just to clarify. The Greenway, along with the Boston Natural Areas network, was taken over by The Trustees. They were responsible for building the first part of the Greenway and when they were planning the Bremen St. Park, part of those people and other people before it was taken over, Massport Authority went through many meetings to plan the park. Then, Mass Highway turned it over to Massport Authority. People have been working on it for years.

Mary Berninger - That is part of the problem, too. It has not been turned over officially at all. They have a gentleman's agreement to take care of it. That would be something, too, to codify totally in these agreements.

Karen Maddalena - Just as long that the Greenway is not forgotten.

(Short discussion on a request to omit certain comments from the Minutes. Mr. Lynds clarified that this was a public, open meeting so all of it would be part of the record.)

Mary Berninger - Under Old Business. I know we put the notices for these meetings in the newspaper, we have our website, and a Facebook presence. We are getting more notice from the public. I am encouraged that there is more public participation here, because that is the end goal: to get the community involved.

Karen Maddalena - And that is what this \$100,000 Grant is about. That is one of the goals of the Greenway.

Mary Berninger - So if I could suggest, if you go to different venues, because this is a great time for Phase II and III, tell people about us. Tell them to come and give us their ideas. The next thing on the Agenda that we said we would talk about tonight is Festa Field. I did reach out to the East Boston Little League.

Margaret Farmer - Sorry to interrupt. The East Boston Chamber of Congress is trying to create a comprehensive calendar for the community and I would like your permission to post the PierPAC meetings on that calendar.

Mary Berninger - Sure.

Richard Lynds - It is generally every third Tuesday and we usually publish notice, especially if it is a voting matter, 5 days before the meeting on the website.

Mary Berninger - I think the more we get advertised the better so that people know what we do. Our goal is to help the community. I did invite representatives from the East Boston Little League and the Girl's Softball League. The softball representative was coming, but her child became ill. The Little League said they were sending a representative, but clearly nobody came. So, I have a suggestion because if I know we have talked in the past about the maintenance issues at that venue. Next month starts their busy season. Would anybody entertain a motion that I write a simple letter and explain what our job is with regard to an advisory role with the Port and that field? I will do it tactfully, but just say if things are going to break, get fixed and broken again, it is awkward when the Port calls me to say it is broken again. That was the point of having them come here, to wish them well but to be a participant with us in this. They need to step up to the plate, they can't rely on the Port to continue to fix things.

Mary Hanlon - What about next month?

Mary Berninger - Our calendar is very busy. 30 to 45 minutes with Richie. Then we have Kleinfelder who I anticipate will be talking a minimum of 1/2 hour.

Karen Maddalena - Motion to send a letter as you stated.

Jerry Deneumoustier - Second.

Mary Berninger - Discussion on the motion.

Mary Hanlon - Questioned if Mary had written a letter before.

Mary Berninger - Have never written a letter. I went there and met with them at Festa Field with the Massport maintenance people and I was told the PAC should stay out of it, that we had nothing to do with it.

Connie Carbone - Questioning if the letter will do anything.

Mary Berninger - Sometimes when you write things down you have documentation. If these things get broken again, we can tell the Port that we have tried. They come to us, which they should do in our role.

Jerry Deneumoustier - Had Seconded the motion.

Voted and passed.

Mary Berninger - Now for the election for 2 nominated Board members.

Lucille Drago - Question about guidelines. Are there any guidelines if people should attend meetings? We have been coming for two and a half years and somebody else comes in and they are nominated. Are there any guidelines that you have to attend a certain amount of meetings?

Mary Berninger - We put language in there that you have to have shown a consistent approach to coming and participating, but unfortunately the rule is that in order to be nominated you have to be at that meeting.

Lucille Drago - So it has nothing to do with the time that you attended.

Mary Berninger - We talked about this a couple of years ago. About showing good faith, say for about a year that you have coming, participating. But some individuals and I know you guys were not around around the day of nominations and you have to be here the day of nominations to accept..

Lucille Drago - I know that, but the people that are nominated, would they have to be here a certain length of time?

Mary Berninger All four that were nominated, Maria takes attendance for that reason, to show that.

Lucille Drago - So everyone who was nominated have been here for a year?

Mary Berninger - Yes, well over that.

Richard Lynds - There is no hard line requirement to be eligible for nomination because we are governed by statute. We cannot change the requirement under the statute to be more restrictive than what the statute allows. In this case the statute says you have to be a resident of the Commonwealth and you have to be at least 18 years of age. We can't create additional burdens for entry into the PAC. However, participation over a period of time shows an interest and anybody can be nominated if they

meet the minimum qualification under the statute. Whether someone is likely to be elected has a lot to do with their interest in the PAC. If somebody came in the day of the meeting and had never attended a meeting they could be nominated but the membership and the way the statute is written is important because you are elected by the membership not outside parties. I understand your question, but it is important to remember, you can be nominated, but you have a better chance of being elected if you had participated because that is a criteria. Members themselves all agree that is an important component. Mary Berninger - We did have that discussion. Before we start the election; Richard.

Richard Lynds - We did get an inquiry, through Mary, relative to participation as a member if you are somehow affiliated with other organizations. I will be frank. Alex and Mary were both nominated and this is an important discussion and conversation that we should have and sometimes it comes up. The minimum threshold is resident of the Commonwealth and 18 years of age. You are qualified to be a member of the Board of Directors if you meet those 2 qualifications. These are the 2 minimum qualifications to become a member. You need to be nominated, need to be present to accept the nomination and you need to receive a majority or a larger number of votes than the next person down the ballot. With that said, the question was raised as to the impact of participation of other organizations. We do have people who have affiliations with other organizations. Some of them do not intersect with the goals and objectives of the PAC. Most of the time they are separate and apart and would never intersect with the what the PAC does. So if you are a member of an organization that the PAC has no affiliation with, then we don't ever have to get into the conflict of interest section of our by-laws. Because we are a not for profit organization, we are registered with the IRS as a 501C4 organization. We have to exercise best practices when it comes to conflict policies and any new member has to understand this and you are all expected to read your by-laws and what the conflict of interest says. Conflict of interest says you can't be here as a member of the PAC and be doing the bidding of another organization that the PAC may have to take into consideration or do business with. Doesn't say you can't be a member. It says you cannot participate in the conversation and that conversation could be very broad. Will use an example, not to single anybody out, just want people to understand the importance of it because, we as an organization, want to insure transparency and credibility. So for us to continue with all these important things we talked about tonight, we do not want anybody coming back and saying what a great job we did, the design is wonderful for the park, and we are happy you did that, but aren't you guys self dealing? Just a bunch of people that are close knit and doing your own bidding? We never want the answer to be yes. We want it to be 'no' we are completely transparent and we do it for the interest of the community first, the PAC through the community and everything else is secondary. So the example would be the Piers Park Sailing Center and it is absolutely and inextricably tied to everything the PAC is about. Phase I and Phase II will see a lot of interplay with the Piers Park Sailing Center and that presents 2 issues. The first one is candor of our membership. The membership themselves, knowing you have other members of an organization who may have business before the PAC, other members have to be able to vote freely and without influence. They have to be able to feel that if they want to take a vote on something they are not going to be influenced by the fact that they may have a friendship with Mary or Alex and they do not want to necessarily feel that their membership somehow would sway their vote. That is not to say that would happen, but it is the appearance of that occurring that creates an issue. So, what we do is, we impose a conflict of interest policy that says if you have business before the PAC, meaning your organization is somehow affected by the PAC's deliberation, discussions or votes, then you must recuse yourself. Recusal, and again we go to best practices, isn't sitting in the room and just talking and not voting. Recusal is outside the room not participating. The reason being is there cannot be any appearance of influence over the PAC's decision by those that may benefit and when I say benefit, I do not mean personal benefit. Your organization cannot benefit from that. If we are going to have conversations about Phase II things may come up about the Sailing Center. We may have options, may look at a list of things, may have 5 things we may want to do, can't do them all so which ones can we do? Voting on other items that may benefit the Sailing Center ultimately has an indirect impact on the Sailing Center. It creates a thorny situation that we won't probably would see with other organizations. It is easier to put up a fire wall amongst

other organizations to keep that separate and apart from the votes and actions of the PAC. My conversation is down the middle and objective and it is to instruct the membership that your participation would probably be very limited especially at this time with all the things that are happening. Now, there is an alternative, and I am not suggesting that this is the one you consider but, if it is important for you to be on the PAC and you were elected to do that, you could easily eliminate the conflict by not being affiliated with the other organization. Not suggesting you do that, not practical from your side, but I want to make sure. I don't just assume, just that there are options. We would love you to be a member of the PAC if you got the votes, but I think we want to be careful of running into those situations where we never want our votes to be questioned based upon self dealing. I am not singling anyone out, but I know you, Alex, had a specific inquiry about that. I do not represent anyone individually, I represent the PAC. Felt it was important we had this conversation. Would be happy to address any questions or items.

Alex DeFronzo - Would like to share first that I am grateful to be a part of this and to have spent so much time in the last year and a half getting to know everyone on this committee and was honored to be nominated. I wanted to become a voting member of the PAC. Today, I heard from our volunteer attorney who actually learned from the Sailing Center, and also from another attorney who volunteers from the State Ethics Committee. She said there is a potential that would exist because the PAC could be viewed as a municipal organization because it was commanded by legislation. And the Sailing Center could be viewed as a business organization because we collect fees. If those 2 things were the case it would potentially be a conflict. So, I don't feel good doing it, but I think I have to withdraw my nomination. I will still continue to participate as an Associate Member and still be a part of the process for the planning. Maybe 10 years from now, when Danny or Katherine are ready to take over as Executive Director of the Sailing Center, I can become a member then.

Richard Lynds - I just want to clarify. You mentioned a volunteer, so you did not request a specific advisory ruling from the ethics commission. That is important because we are a public organization, we were created by the legislature. We already have an opinion that we are not considered a municipal body and we are not a state agency. We are called a 268A ethics level. If anybody is a member you are not considered a municipal or state employee for purpose of this organization. It is more of our own internal conflict policy that we have to have as a non-profit. But you may also have a similar issue within the Piers Park Sailing Center that works in the reverse. So that by you being a member of a group for which the Piers Park Sailing Center may have business before, you may create something separate.

Alex DeFronzo - It was just some informal advice from both, but I think even if it wasn't conflict of interest, the perception is that it could be potentially. I always have to work within the best interest of the Sailing Center.

Mary Cole - I am not going repeat what Alex said because he said it so much better than I could. I was surprised and honored when Karen nominated me for membership at the last meeting. I was touched. I have enjoyed these meetings and I am excited about the work this committee has done and will do going forward. But, like Alex, I feel that I have to withdraw my candidacy because I would never want to do anything that would create controversy for either of these important organizations. I think the PierPAC does an incredible amount of good for the community, as does the Sailing Center. Want to thank you Richard. You laid everything out beautifully and grateful for the time you took to explain. It is something that hadn't crossed my mind until today and it was uncomfortable because it came up on the day of the meeting and we did not have time to process, but glad you handled it the way you did.

Richard Lynds - I say this in an objective way. I am not saying that was a required step. I just wanted people to be aware that, if in fact you became a member, then there would be strict limitations on participation and I think that is important before people vote to know that.

Mary Cole - I am still going to come to the meetings.

Richard Lynds - I was going to say, if I can add one editorial comment. Alex you are probably more effective not as a member because you can advocate and not run afoul of the conflict. Also, as a member of the public, it almost seems, if you became a member, you would immediately disqualify yourself from becoming an advocate of this group. That is just how it would work and I think it probably works better in the reverse.

Mary Berninger - So with that being said, it would appear we have 2 openings and we have 2 candidates. We can do an acclamation.

Richard Lynds - Yes. You would need one vote for each. You would need to read each member in and 1 vote for each member.

Secretary - Louise Montanino.

Rose Petraglia - Casts 1 vote.

Secretary - Lucille Monuteaux.

Mary Hanlon - Casts 1 vote.

Richard Lynds - Will get to you, through Maria, a copy of the by-laws, our conflict policy and all the information that goes along with being a member.

Mary Berninger - Thank you all very much. Motion to adjourn?

Jerry Deneumoustier - Motion to adjourn

Bob Strelitz - Second.