

## **PUBLIC FACILITIES DEPARTMENT**

### **Minutes**

Public Facilities Commission  
Public Facilities Department  
Virtually via Zoom  
Boston, MA 02201

February 10, 2021

#### **ATTENDING:**

Katherine P. Craven, Chair (Not Present)  
Lawrence D. Mammoli, Commissioner  
Dion S. Irish, Commissioner  
ThyThy Le, Legal Advisor PFC/PFD, Law Department  
Shamus J. Hyland, Assistant Corporation Counsel PFD, Law Department  
Colleen M. Daley, PFC Secretary, Law Department  
Catherine P. Pendleton, Articled Clerk PFC/PFD, Law Department  
Henry C. Luthin, First Assistant Corporation Counsel, Law Department (Not Present)  
Patrick I. Brophy, Chief of Operations, PFD  
Niall Murphy, Chief of Staff, PFD  
Robert Melvin, Assistant Director for Construction, PFD  
Carleton Jones, Assistant Director for Operations, PFD  
Paul Donnelly, Assistant Director for Design, PFD  
James McGaffigan, Senior Project Manager, PFD  
James Sessum, Project Manager, PFD  
Robert Miller, Project Manager II, PFD  
Alistair Lucks, Staff Architect, PFD

Commissioner Mammoli called the meeting to order.

The minutes from the meetings of January 13, 2021, for the Public Facilities Department and the Department of Neighborhood Development, were presented to and approved by Commissioners Mammoli and Irish.

**NOTE:** ThyThy Le noted for the record, the meeting is being recorded and broadcast live. She then noted that Colleen Daley, the Public Facilities Commission Secretary, would take a roll call of the meeting participants.

**NOTE:** Colleen Daley performed the roll call and confirmed the individuals in attendance.

**NOTE:** ThyThy Le noted for the record, draft meeting minutes from the meetings of January 13, 2021 for the Public Facilities Department and the Department of Neighborhood Development. She then asked for a motion to approve.

**NOTE:** On a motion duly made and seconded, the January 13, 2021 meeting minutes for the Public Facilities Department and the Department of Neighborhood Development were unanimously approved by Commissioners Mammoli and Irish.

**VOTE 1: James McGaffigan, Senior Project Manager**

**Request for approval to utilize M.G.L. c.149A Construction Management at Risk delivery method for the William E. Carter School project:** Authority to enter into a construction management at risk contract with a competitively procured and qualified construction management at risk firm.

WHEREAS, the Public Facilities Department seeks approval from its governing body, the Public Facilities Commission, to submit an application to the Office of the Inspector General requesting a notice to proceed utilizing the procurement procedures of M.G.L. c.149A, sections 1-11, a construction management at risk delivery method for the William E. Carter School project located at 396 Northampton Street, South End; and

WHEREAS, the Public Facilities Department has requested authority from its governing body, the Public Facilities Commission, to enter into a construction management at risk contract with a competitively procured and qualified construction management at risk firm if granted a notice to proceed by the Office of the Inspector General for this Project; and

WHEREAS, the William E. Carter School project has an estimated construction value of approximately Eighty-Nine Million Five Hundred Thousand Dollars (\$89,500,000); and

WHEREAS, the Public Facilities Department has determined that the use of construction management at risk services is appropriate for the proposed project and has stated such in writing;

NOW, THEREFORE, BE IT VOTED: The Public Facilities Commission authorizes the Director of the Public Facilities Department to submit a notice to proceed application to the Office of the Inspector General for approval to use the construction management at risk procurement procedures of M.G.L. c.149A, sections 1-11 and, if approved, to act on said authority and in compliance with the provisions of M.G.L. c.149A, sections 5-7, to procure a construction management at risk firm through the two-phase selection process and award and execute a contract with a qualified construction management at risk firm with appropriated funds as confirmed by the City's Office of Budget Management.

**NOTE:** James McGaffigan addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

**NOTE:** Commissioner Mammoli stated, "It's a great project, I'm glad to see it proceeding!"

**NOTE:** Commissioner Irish concurred with Commissioner Mammoli.

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** January 26, 2021, project background memorandum with enclosures and PowerPoint presentation.

**VOTE 2: James Sessum, Project Manager**

**Contract to Collins Engineers, Incorporated:** To provide architectural, engineering and construction administration services associated with the Moon Island Seawall public works project located at Moon Island, Boston Harbor.

**Contract Price: \$218,150**

That the Director be, and hereby is, authorized to request from the Mayor, in the name and on behalf of the Commission, written authority to award a contract exempt from public solicitation requirements pursuant to M.G.L. c.30B, section 1(b)(32A), and procured pursuant to the City Charter using an advertised request for qualifications with advertisements appearing in the Boston Globe and City Record on September 21, 2020 and in the Central Register and COMMBUYS on September 23, 2020, to Collins Engineers, Incorporated an Illinois corporation with an office at 333 Elm Street, Suite 110, Dedham, MA 02026. Under the terms of this contract, Collins Engineers, Incorporated will provide architectural, engineering and construction administration services associated with the Moon Island Seawall public works<sup>1</sup> project located at Moon Island, Boston Harbor. The term of this contract shall be 104 weeks from the date of execution at a cost not to exceed \$218,150, including \$129,575 for additional services, which is a fixed fee of 12.26% based on an estimated construction cost of \$722,222.

The Director is, also, authorized to execute such contract, in the name and on behalf of the Commission, upon receipt of said written authority from the Mayor.

**NOTE:** James Sessum addressed the Commission and provided an overview of the project.

**NOTE:** Commissioner Mammoli stated, “Once again, great project, long overdue! I’m not sure people understand, throughout Boston Harbor and a lot of City properties, our maritime infrastructure, needs a lot of investment and it’s great to see this project proceeding.”

**NOTE:** Commissioner Irish stated, “Thank you, for a great presentation, and, for the work you’re doing to support our Fire Department.”

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<sup>1</sup> The architectural, engineering and construction administration services for this Public Works M.G.L. c.30, §39M Construction project are exempt from the provisions of M.G.L. c.30B and M.G.L. c.7C, §§ 44 – 57 and was procured pursuant to the City Charter.

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 4, 2021, project background memorandum with enclosures and PowerPoint presentation.

**VOTE 3: Robert Miller, Project Manager II**

**Contract to Cambridge Seven Associates, Inc.:** To provide architectural design and construction administration services associated with the 26 Court Street Full Renovation project located at 26 Court Street, Downtown.

**Contract Price: \$6,875,461**

That the Director be, and hereby is, authorized to request from the Mayor, in the name and on behalf of the Commission, written authority to award a contract, pursuant to a publicly advertised request for the qualifications under M.G.L. c. 7C, sections 44-57 with advertisements appearing in the Boston Globe and City Record on October 5, 2020 and in the Central Register and COMMBUYS on October 7, 2020, to Cambridge Seven Associates, Inc. a Massachusetts corporation with an office at 1050 Massachusetts Avenue, Cambridge, MA 02138. Under the terms of this contract, Cambridge Seven Associates, Inc. will provide architectural design and construction administration services associated with the 26 Court Street Full Renovation project located at 26 Court Street, Downtown. The term of this contract shall be 178 weeks from the date of execution at a cost not to exceed \$6,875,461, including \$2,242,590 for additional services, which is a fixed fee of 7.1% based on an estimated construction cost of \$65,212,450.

The Director is, also, authorized to execute such contract, in the name and on behalf of the Commission, upon receipt of said written authority from the Mayor.

**NOTE:** Robert Miller addressed the Commission and provided an overview of the project.

**NOTE:** Commissioner Mammoli stated, “Great project!” He then expressed his compliments to Rob Miller and the Public Facilities Department for the work undertaken to relocate the City’s Department of Neighborhood Development.

**NOTE:** Commissioner Irish stated, “Great project, I would love for us to figure out what happened to those statues!”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 2, 2021, project background memorandum with enclosures and PowerPoint presentation.

## **VOTE 4: Robert Miller, Project Manager II**

**Request for approval to utilize M.G.L. c.149A Construction Management at Risk delivery method for the 26 Court Street Full Renovation project:** Authority to enter into a construction management at risk contract with a competitively procured and qualified construction management at risk firm.

WHEREAS, the Public Facilities Department seeks approval from its governing body, the Public Facilities Commission, to submit an application to the Office of the Inspector General requesting a notice to proceed utilizing the procurement procedures of M.G.L. c.149A, sections 1-11, a construction management at risk delivery method for the 26 Court Street Full Renovation project located at 26 Court Street, Downtown; and

WHEREAS, the Public Facilities Department has requested authority from its governing body, the Public Facilities Commission, to enter into a construction management at risk contract with a competitively procured and qualified construction management at risk firm if granted a notice to proceed by the Office of the Inspector General for this Project; and

WHEREAS, the 26 Court Street Full Renovation project has an estimated construction value of approximately Sixty-Five Million Two Hundred Twelve Thousand Four Hundred Fifty Dollars (\$65,212,450); and

WHEREAS, the Public Facilities Department has determined that the use of construction management at risk services is appropriate for the proposed project and has stated such in writing;

NOW, THEREFORE, BE IT VOTED: The Public Facilities Commission authorizes the Director of the Public Facilities Department to submit a notice to proceed application to the Office of the Inspector General for approval to use the construction management at risk procurement procedures of M.G.L. c.149A, sections 1-11 and, if approved, to act on said authority and in compliance with the provisions of M.G.L. c.149A, sections 5-7, to procure a construction management at risk firm through the two-phase selection process and award and execute a contract with a qualified construction management at risk firm with appropriated funds as confirmed by the City's Office of Budget Management.

**NOTE:** Robert Miller addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 4, 2021, project background memorandum with enclosures and PowerPoint presentation.

**VOTE 5: Patrick I. Brophy, Chief of Operations, Mayor's Office**

**CERTIFICATE OF AUTHORITY**

By this writing, signed by a majority of its members and filed with the Secretary, the City of Boston Public Facilities Commission, upon written recommendation of the Chief of Operations for the Public Facilities Department, does hereby vote:

VOTED: "Subject to the approval of the Mayor, that in accordance with the provisions of Sections 2 and 3(ii)(v) of Chapter 642 of the Acts of 1966, the Public Facilities Commission does hereby authorize and direct the following named individuals, in the name and on behalf of the Commission, to execute and deliver such documents, instruments and certificates as may be deemed necessary or appropriate by such named individuals relating to the Public Facilities Commission's approved acquisition or conveyance of real property or to the discharge, satisfaction, subordination or termination of instruments of record which have been recorded with the Suffolk County Registry of Deeds or filed for registration with the Suffolk Registry District of the Land Court. Deeds or Orders of Taking to be recorded with the Suffolk County Registry of Deeds or to be filed for registration with the Suffolk Registry District of the Land Court shall be accompanied by a separate vote of this Commission specifically authorizing such conveyance or acquisition. Said named individuals are further authorized and directed to execute and deliver Grant Agreements involving the City of Boston, Public Facilities Department, in the name and on behalf of the Commission as they may deem necessary or appropriate."

Patrick I. Brophy, Chief of Operations  
Office of Mayor Martin J. Walsh

Niall Murphy, Chief of Staff  
Public Facilities Department

FURTHER VOTED: That this authorization is effective immediately and shall remain in effect until such time as it is expressly rescinded, in whole or in part, by a vote of this Commission.

FURTHER VOTED: The taking of the foregoing vote and the naming of the above individuals, when approved by the Mayor of Boston, shall serve to expressly rescind that certain Certificate of Authority dated February 12, 2020 recorded on February 21, 2020, with the Suffolk County Registry of Deeds in Book 62568 at Page 282, and filed with the Suffolk Registry District of the Land Court as Document Number 00904105.

**PUBLIC FACILITIES COMMISSION**

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Katherine P. Craven, Chair

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Larry D. Mammoli, Commissioner

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Dion S. Irish, Commissioner

A true record, ATTEST:

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Colleen Daley, Secretary  
City of Boston Public Facilities Commission

IN WITNESS WHEREOF, The City of Boston has caused its name to be subscribed hereto by Martin J. Walsh, its Mayor on this \_\_\_\_\_ day of February 2021.

\_\_\_\_\_  
Martin J. Walsh, Mayor of Boston

**NOTE:** Patrick I. Brophy addressed the Commission and provided a brief account of Niall Murphy’s professional experience.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

**NOTE:** Commissioner Irish thanked Chief Brophy for his presentation. He then stated, “We are very familiar with Niall. Every department he’s been involved with, everything he’s touched, he’s done an excellent job. I’m honored to make a motion that we approve this request.”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 5, 2021, Certificate of Authority Recommendation.

**VOTE 6: Alistair Lucks, Staff Architect**

**Proposed Site Selection Recommendation and Order of Taking for 37 East Street in the Dorchester District of the City of Boston.**

WHEREAS, pursuant to the requirements of St. 1966, C. 642, §§ 4(B), on the 4<sup>th</sup> day of February, 2021 the Chief of Operations acting for and on behalf of the Public Facilities Department gave written notice to the Commissioner of the Boston Fire Department of his intent to recommend to the Public Facilities Commission the acquisition of a certain parcel of land located at 37 East Street in the Dorchester neighborhood of the City of Boston (“the Parcel”) for the future municipal use and development of the new Boston Fire Department Engine 17 Fire Station (“Engine 17 Fire Station”); and

WHEREAS, the Commissioner of the Boston Fire Department on 4<sup>th</sup> day February, 2021 provided the Chief of Operations acting for and on behalf of the Public Facilities Department with written approval of the selection of the proposed site pursuant to the requirements of St. 1966, c. 642 § 4(B); and

WHEREAS, on February 10, 2021 the Chief of Operations for and on behalf of the Public Facilities Department made written recommendation to the Public Facilities Commission, pursuant to the requirements of St. 1966, c. 642, §§ 4(A), to select the Parcel to be acquired for the future municipal use and development of the new Engine 17 Fire Station; and

WHEREAS, the Public Facilities Commission by this vote authorizes the preparation of this Order of Taking for the Parcel, which consists of approximately 17,472 ± square feet of land and is further described and shown on a Plan entitled “Order of Taking Plan for 37 East Street Boston (Dorchester District), MA” as prepared by Surveying and Mapping Consultants, Inc. dated February 5, 2021; and

WHEREAS, the First Parish Church in Dorchester, a religious entity duly organized under M.G.L. c. 180, with an office located at 10 Parish Street, Boston, Massachusetts is the current owner of the Parcel and the Public Facilities Commission hereby votes to award the sum of One Million One Hundred Thousand Dollars (\$1,100,000) and other good and valuable consideration, as full compensation for damages for the taking of the Parcel for the future municipal use and development of the new Engine 17 Fire Station;

Owner: First Parish Church in Dorchester  
Property: 37 East Street, Dorchester  
Ward 15, Parcel 00362000  
17,472 ± square feet of land  
Damages to Owner: \$1,100,000.00 and other good and valuable consideration

NOW, THEREFORE, BE IT VOTED: That the Chief of Operations acting on behalf of the Public Facilities Department be, and hereby is, authorized to deliver an instrument and any documents, approved as to form by the City’s Corporation Counsel, on behalf of the City of Boston, acting through its Public Facilities Commission, to effectuate the purposes of this vote.

**NOTE:** Alistair Lucks addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

**NOTE:** Commissioner Mammoli expressed praise and appreciation for the work undertaken by PFD on the site acquisition and excitement for the new fire station project to come to fruition.

**NOTE:** Chief Brophy asked the Commission to be recognized to express his sentiments on the vote request.

**NOTE:** Commissioners Mammoli and Irish expressed agreement with the request for comment.



**NOTE:** Chief Brophy stated, “Joining us today is our Honorable Commissioner, Commissioner Jack Dempsey of the Boston Fire Department, after my comments I will ask if the Commissioner would like to speak. This is a really big deal. I want to specifically call out ThyThy for your assistance with this. This was a very challenging acquisition in terms of trying to work out the finer details of shared parking and shared use of open space. Alistair, thank you for your presentation. As you can tell from the presentation, it’s a very tight space; it’s situated between the First Parish Church of Dorchester, the Mather School and the [existing] Fire Station. Together with the Boston Fire Department under the leadership and direction of the Commissioner [the Public Facilities Department is] proud to build facilities that put firefighters’ safety at the forefront of our design. [The new Engine 17 Fire Station] will undoubtedly be one of the premier fire stations, absolutely in Boston – I would hazard to guess –if not the northeast and the country, in terms of what [the City] is doing to protect our firefighters from cancer and other harmful toxins that these heroes of Boston subject themselves to on a daily basis. Working with our partners at the First Parish Church of Dorchester has been an enlightening and pleasurable experience. [First Parish Church of Dorchester] has been a community resource that has been there for longer than anyone on this call has been alive; as one of the very first parishes established in Boston. It is easily seen from the expressway, as you drive by, you can see the shining white beacon of their steeple. This was something that the Mayor felt strongly about, this renovation project, and we are incredibly grateful and thankful to the First Parish Church of Dorchester to be able to acquire this property in a very friendly way. We’re going to work it out so that the neighborhood is very proud of this facility and that we are good neighbors and good stewards of the land. With that, I’m going to cede my time to Commissioner Dempsey and I thank you very much for your consideration [with respect to] authorizing this taking, as it’s very important that [the acquisition be done] in a transparent way, whenever government takes property [and exercises its rights to eminent domain].”

**NOTE:** Boston Fire Department Commissioner John (“Jack”) Dempsey stated, “Thank you, I want to add to what Chief Brophy has said, this is a huge project for the Boston Fire Department. [The Fire Department hasn’t] had new firehouses built in over 25 years and this will be the second one, the new Engine 42 Fire Station at Egleston Square [in Roxbury] is under construction now. These buildings are going to be green, and they’re also going to be [cognizant] of the health of Boston’s firefighters; they’ll be broken down into three (3) different areas: hot, warm and cold. That will keep the carcinogens down on the main floor [of the engine house]. There will be air exchange [increased ventilation and filtration] going up to the second floor and then there will be nice healthy living arrangements on the top floor. Cancer has been a huge issue, not only in the Boston Fire Department, but in all fire departments. Over the years, with the plastics and other synthetics materials that burn, we’ve had huge amounts of people come down with cancer. This is going to go a long way. Prior to this, looking at the old fire house, it’s all exposed [to the toxins released by burning of synthetic materials]. Everything that firefighters are exposed to in a fire is brought back to the fire house. We’ve come a long way, with [the help of] former Fire Commissioner Joe Finn and Mayor Marty Walsh, in looking out for the health of the Fire Department. We’re really thrilled about this, not only for the firefighters’ sake, but the neighborhood. We’ve been around forever in the neighborhood, we get along great with the members of the church and that’s going to continue. This new firehouse is going to give the neighborhood much better access to the fire house they’ll be able to walk in right off winter street instead of having to go up parish street so it’s going to be much more accessible to the

neighbors and it's going to be a beautiful building. I thank you and I hope you can pass this. Thank you."

**NOTE:** Commissioner Irish stated, "Thank you, Commissioner Dempsey and Chief Brophy, I think it's important that you were able to shed light on the working environment and the challenges that our firefighters face, and why these types of investments are needed: to build new firehouses that are healthier and also to renovate the existing ones. I'm honored, again, to make a motion to approve this request."

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 4, 2021, project background memorandum with enclosures and PowerPoint presentation.

#### **VOTE 7: Alistair Lucks, Staff Architect**

**Transfer of the care, custody, management and control from the Public Facilities Department (PFD) to the Boston Fire Department (BFD):** A certain parcel of land with any building and improvements thereon located at 37 East Street in the Dorchester District of the City of Boston.

#### **Property Transfer**

Subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31A (as appearing in St. 1966, c. 642, § 12), a certain parcel of land with any building and improvements thereon located at 37 East Street, (Ward: 15, Parcel Number: 00362000) consisting of approximately 17,472 ± square feet of land area further described and shown on an Order of Taking Plan for 37 East Street, Boston (Dorchester District), MA prepared by Survey and Mapping Consultants, Inc., dated February 5, 2021, the Public Facilities Commission does hereby vote to transfer said property from the care, custody, management and control of the Public Facilities Department to the care, custody, management and control of the Boston Fire Department.

**NOTE:** Alistair Lucks addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

**NOTE:** Commissioner Mammoli stated, "No questions, just a comment on the [prior vote for the land] taking, having done that before. I want to congratulate Chief Brophy and ThyThy, eminent domain takings are not as easy as people think they are, I congratulate you on the successful effort!"

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

**Exhibits:** February 4, 2021, project background memorandum with enclosures and PowerPoint presentation.

**NOTE:** Chief Brophy and Commissioner Dempsey expressed appreciation for the work undertaken to make possible the successful acquisition of land and excitement for the new Engine 17 fire station project.

**NOTE:** On a motion duly made and seconded, the meeting was adjourned.

**NOTE:** A recording of this February 10, 2021 Public Facilities Commission Meeting is available at the web address of [https://www.cityofboston.gov/cable/video\\_library.asp?id=35712](https://www.cityofboston.gov/cable/video_library.asp?id=35712).

A True Record.

The meeting commenced at 10:04 a.m. and adjourned at 10:48 a.m.

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Colleen Daley, PFC Secretary