

**MINUTES
OF THE
WOODS HOLE, MARTHA'S VINEYARD
AND NANTUCKET STEAMSHIP AUTHORITY**

The Meeting in Public Session

March 24, 2021

The Members of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority met on March 24, 2021, beginning at 3:02 p.m., in the second-floor meeting room (Room 201) of the Authority's administrative office building, located at 228 Palmer Avenue, Falmouth, Massachusetts. All five (5) Members were present and participated via Zoom videoconferencing: Chair Kathryn Wilson of Falmouth; Vice Chair Moira E. Tierney of New Bedford; Secretary Robert F. Ranney of Nantucket; Robert R. Jones of Barnstable; and James M. Malkin of Dukes County.

The following members of management were also present: General Manager Robert B. Davis; General Counsel Terence G. Kenneally; Treasurer/Comptroller Mark K. Rozum; Communications Director Sean F. Driscoll; and Woods Hole Reconstruction Project Manager William J. Cloutier.

Video and Audio Recording of Today's Meeting:

Ms. Wilson announced Mr. Driscoll was making an audio and video recording of the meeting; Maia Coleman (representing the *Vineyard Gazette*) and Rich Saltzberg (representing the *Martha's Vineyard Times*) stated they were making an audio recording of the meeting.

Remote Participation by All Members:

Ms. Wilson announced, in response to Governor Charles Baker's executive orders concerning the necessity to conduct public meetings in line with social distancing guidelines during the current state of emergency involving the COVID-19 pandemic, all Board Members were participating remotely in the day's meeting because their physical attendances would be unreasonably difficult. All Board Members participated in the meeting by the Zoom videoconferencing app or by speakerphone and all members were clearly audible to each other. As a result of the Members' remote participation in this meeting, any and all votes taken by the Members today were to be taken by roll call vote.

Change Order No. 141 for Contract No. 16-2017,
Woods Hole Ferry Terminal Reconstruction – Waterside:

Mr. Davis stated GZA GeoEnvironmental (GZA) has developed designs to build a gravity dolphin structure to support the south head dolphin at Slip No. 1. The dolphin was originally designed to be supported by twelve (12) 18-inch-diameter piles, but after probing the area surrounding the south head dolphin, H-piles could only be driven to a depth of between fourteen (14) and eighteen (18) feet, which was far less than the designed depth of forty-five (45) feet. The material for this box-like support structure consists of steel sheet piles reinforced by steel channels and tie rods. The sheet pile materials are epoxy coated and the channels are galvanized. The lead-time for the materials' delivery is some three to four (3-4) weeks, which Mr. Davis noted was why he asked the Board to meet to consider this item ahead of its April meeting. The cost to purchase and install them is currently estimated at \$173,552.28.

Mr. Jones thanked Mr. Davis and the staff for including more diagrams with the material provided to the Board. He noted he had done research on the geology of the area and said it was possible that the piles were hitting either a ledge or a boulder.

Dino Fiscaletti with GZA said the general plan for the waterside construction called for 8-foot-diameter monopiles everywhere except for the head dolphins in Slip No. 1, an area where a number of boulders were hit during probing operations as part of the design phase of the project. There, designers used a traditional pile-supported dolphin using 18-inch-diameter pipe, the thought being that the chance of driving smaller piles to the designed depth would be greater than one larger pile.

Mr. Fiscaletti noted that subsequent probing showed multiple obstructions in the area and that a probe was unable to be driven to the designed depth. The options, therefore, are to engage a specialty contractor to attempt to drill through the rock or to design a gravity-supported structure as has been proposed. If a structure is designed with sufficient weight, it will stand up to the repeated blows the head dolphin would take as ships berth in Slip No. 1, he said. In response to a question from Mr. Jones, Mr. Fiscaletti said the structure would be secured only by the forces of gravity and friction and would not be pinned to the bedrock. In response to subsequent questions from Mr. Jones, Mr. Fiscaletti said the structure would not be close to the eelgrass to the south of the slip.

Mr. Ranney asked if such a structure was common to ferry terminals; Mr. Fiscaletti said he was not sure if it was in this form, but it is a common method of construction that is used in other marine applications. Mr. Ranney asked if

the slip would be one of the most frequently used slips; Mr. Davis said, because its base elevation was the lowest of the three (3) slips, it was anticipated that the *M/V Island Home* would use the slip the most often.

Mr. Malkin asked if there was a possibility that the slip could be used without the head dolphin if the use of them was reallocated; Mr. Davis said, as the summer schedule is a five-boat schedule, the slip is needed to berth a vessel overnight. Mr. Fiscaletti added a head dolphin is essential and that the transfer bridge could not be used without two (2) opposing head dolphins at the slip.

Ms. Tierney said the change order represented a “big additional cost” to the project and asked why this potential change order was not factored into the initial plans so it would not present such a large increase in the overall cost and if the issue was not at least partially foreseeable. Mr. Davis stated test borings were done in the area and that it was known this would be a problematic area; he also stated that the contract was structured so the cost of obstructions below ten (10) feet would be the responsibility of the Authority to not have the construction bids artificially inflated. Ms. Tierney said she understood, but said the initial cost of the project did not factor in the cost of the change orders and said she felt it was “a little bit of a bait and switch.”

Mr. Davis noted that, when architects Chris Iwerks and Lian Davis from BIA.studio presented an outline of potential change orders for this phase of the marine project, this was an item identified as a potential because of the likelihood for obstructions. If marine contractor Jay Cashman Inc. had been able to get the piles through without issue, then there would have been no need for the change order; since they were not, however, the project team had to regroup and come up with a solution.

Ms. Tierney said this issue was an example of a systemic issue with how the Authority structured its contracts that she said should be addressed in future contracts. Mr. Davis noted that the project had approximately \$7,600,000 in change orders to date, which Ms. Tierney said was emblematic of what the Authority needed to focus on.

Mr. Jones said he sympathized with Ms. Tierney’s concerns, but said he was perhaps more forgiving given his knowledge of marine construction.

Ms. Wilson asked Mr. Davis to put today’s request in the context of what other changes may be presented to the Board; Mr. Davis said the request today was only for materials and that the labor could cost approximately \$500,000. He added that two (2) more monopiles, Nos. 24 and 31, still needed remediation, and would both result in additional change order requests. He noted that, when

another monopile needed remediation similar to what is being proposed for monopile No. 24, it cost approximately \$395,000, although it was with larger piles that had to be purchased.

Mr. Jones said he did not see any alternative but to move on and finish the project, adding that when the contract was written it was not thought that the work would be as difficult as it has proven to be, but the Authority needed to finish the work.

Mr. Malkin said he agreed with both Mr. Jones and Ms. Tierney, adding that the Authority needed to look at its procurement and bidding practices and present the Members with a better sense in advance of what the contingencies might be on future projects.

Ms. Wilson said the Members all knew that the area was a complicated one and it was discussed during the construction of Slip No. 3, so it should not be a surprise. She asked Mr. Davis if there were any other variables that still needed to be considered; he responded that the only other work of consequence remaining was the north head dolphin in Slip No. 1, which had different boring test results and would hopefully not be an issue.

Mr. Fiscaletti said there was “nothing more mysterious” in construction than pile driving, adding that a number of borings were taken across the entire site as engineers tried to classify what difficulties might be encountered. A boring probe is only four (4) inches in diameter, he said, and it cannot be known what might be in between the samples that are taken. He reviewed some of the previous challenges presented at the site and how much the soil conditions can change with relatively small movements to the pile driving operations, which is impossible to predict.

Ms. Wilson asked about maintenance to the dolphins, to which Mr. Fiscaletti stated it was mostly keeping up with the replacement of the anodes and anti-corrosive coatings. Mr. Fiscaletti further stated the coatings did not present as much of an environmental issue as more problematic ones in the past.

Ms. Wilson asked about the permitting for this change; Mr. Fiscaletti said it should be able to be accomplished administratively by both the Falmouth Conservation Commission and the Massachusetts Department of Environmental Protection. He noted the remediation on monopile No. 31 might be more difficult, so it was separated from this issue to allow more time for the permitting process.

Mr. Ranney asked if, since the structure would not be supported other than by gravity, there was a possibility it could be pushed out of place over time.

Mr. Fiscoletti said there was an additional safety factor designed into the structure. He also noted that there was space behind the dolphin before the retaining wall; if it was needed, it could be filled with stone to provide additional resistance. Mr. Malkin asked Mr. Fiscoletti to provide the Members examples of where a similar structure had been used and to what extent its position had been changed over time.

IT WAS VOTED – upon a motion by Mr. Jones, seconded by Mr. Malkin – to authorize the general manager to execute Change Order No. 141 for Contract No. 16-2017, Woods Hole Ferry Terminal Reconstruction – Waterside, with Jay Cashman Inc., at a total cost of \$173,552.58, as proposed in Staff Summary No. GM-756, dated March 23, 2021.

VOTING	AYE	NAY
Ms. Wilson	10 %	
Ms. Tierney	10 %	
Mr. Ranney	35 %	
Mr. Jones	10 %	
Mr. Malkin	<u>35 %</u>	_____
TOTAL	100 %	0 %

Mr. Malkin ended his participation at the meeting at 4:05 p.m.

Public Comment:

Mr. Saltzberg asked if \$53,000,000 was the total cost of the waterside portion of the project; Mr. Driscoll noted he had provided that information to Mr. Saltzberg prior to this meeting.

Mr. Saltzberg asked for particulars of the calculations used to size the structure; Mr. Fiscoletti said it was based on the energy of the Authority’s largest ship, the *M/V Island Home*, as it came into berth.

At 4:12 p.m., Ms. Wilson said she would entertain a motion to adjourn.

IT WAS VOTED – upon a motion by Ms. Tierney, seconded by Mr. Ranney – to adjourn the meeting in public session.

VOTING	AYE	NAY
Ms. Wilson	10 %	
Ms. Tierney	10 %	
Mr. Ranney	35 %	
Mr. Jones	10 %	<hr/>
TOTAL	65 %	0 %

A TRUE RECORD

ROBERT F. RANNEY, Secretary

**Documents and Exhibits Used at the
March 24, 2021, Meeting in Public Session of the
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority**

1. March 24, 2021, Meeting Agenda, posted March 22, 2021.
2. Video and audio recording announcement.
3. Statement regarding remote participation.
4. Staff Summary #GM-756, Woods Hole Terminal Design Change Order No. 141, Contract No. 16-2017, dated March 23, 2021.