3/23/21

Dear WPCA:

I respectfully submit the following questions in advance of the March 25th WPCA meeting.

**1.  AMENDMENTS TO FUSS & O'NEILL ENGINEERING CONTRACTS IMPACT HOMEOWNER COSTS:**At the February 25, 2021 meeting, OLS WPCA voted to approve contract amendments to two different contracts with which the WPCA and Fuss & O'Neil are contracting parties.  The amendments had previously been approved by the OLS BOG at their August 16, 2020 meeting for higher amounts.

Although the amendments were not approved by the OLS WPCA until February 25, 2021, **the BOG August 16, 2020 meeting minutes state that costs related to these two amendments were included in the WPCA presentation of costs to the Association members, dated May 6, 2020.**

The two amendments, by contract & amendment number, approved by the WPCA are as follows:

* **Amendment 2 to the "Shared" Agreement involving OLS, Old Colony and Miami Beach and Fuss & O'Neill:  $684,645.87 (Total).**  Per the BOG meeting minutes of August 16, 2020, OLS's "share" of the total cost is 29%.  Based on that information, OLS is now responsible for $**198,547.30** of the total cost for the new amendment.  The $198,547.30 divided by OLS's 192 Homes/Equalized Dwelling Units (EDUs) equates to **$1,034/EDU in project costs.**
* **Amendment 6 of the OLS agreement between the OLS WPCA and Fuss & O'Neill:  $446,566.49.**  The $446,566.49 divided by OLS' 192 Homes/Equalized Dwelling Units (EDUs) equates to **$2,236/EDU.**

**I would encourage the WPCA to offer an explanation to the Association membership about the content, reason and need for the two above cited amendments to provide a greater understanding to the membership about why the WPCA approved a total addition of $3,270 in total project costs per OLS household/EDU.**

**2.  FUTURE OF THE OLS GORTON AVENUE PROPERTY**:  As an individual member of the Association, I urge our OLS leadership to provide an opportunity for a full discussion by the Association as to the use of the Gorton Avenue site as a potential location for a Bioxide facility and/or the site for staging operations for the sewer project(s) (OLS and/or Shared).  The discussion should occur before any commitment is made to use the property in any manner other than as "gifted" to the Association.

I have previously, respectively, asked, in writing, what the legal basis is for the BOG or Association President, on its own volition, to grant easements or allow for the construction of a facility, or use of the site as a "staging area" at the OLS owned Gorton Avenue? At the most recent WPCA meeting, in response to a question, we have been told that the matter is now being "reviewed".  A discussion with Association members should occur whether or not legally either/both entities have the "authority" because decisions about locating a facility at Gorton Avenue or allowing the site to be used as a "staging area" will affect the use and future of an Association property.

**3.  MUTUAL RESPECT FOR DIFFERING VIEWS & QUESTIONS ABOUT THE OLS SEWER PROJECT:** The OLS Sewer Project is a very large, and expensive capital project.  The project's implementation, construction and costs (now projected to exceed $7.5 million) will impact all of the Association members for decades.  It is incumbent that our OLS leadership exhibit respect and civility for the views and questions of all Association members about this capital project.  I personally hope and expect that questions by Association members should be responded to by the BOG and WPCA without rancor, in a timely, responsive, and respectful manner.

Best Wishes,

James Moynihan 10 Billow Road