

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

May 29, 2019

A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on Wednesday, May 29, 2019 at the Authority headquarters in Charlestown. Chair Theoharides presided. Present from the Board were Messrs. Carroll, Cook, Cotter, Foti, Pappastergion, Peña, Vitale and Walsh. Mr. Flanagan and Ms. Wolowicz were absent. Among those present from the Authority staff were Frederick Laskey, Executive Director, Carolyn Francisco Murphy, General Counsel, David Coppes, Chief Operating Officer, Carolyn Fiore, Deputy Chief Operating Officer, Thomas Durkin, Director of Finance, Michele Gillen, Director of Administration, Kathleen Murtagh, Director, Tunnel Redundancy Program, Stephen Estes-Smargiassi, Director of Planning and Sustainability, Joshua Das, Program Manager, Water Quality, Valarie Moran, Deputy Director, Waterworks, and Assistant Secretaries Ria Convery and Kristin MacDougall. The meeting was called to order at 1:05 p.m.

REPORT OF THE CHAIR

Chair Theoharides updated MWRA on Executive Office of Energy and Environmental Affairs' priorities, including climate change, environmental protection, resiliency, energy, mitigation, recreational access and legislation. She also provided an update on the Global Warming Solutions Act.

APPROVAL OF APRIL 17, 2019 MINUTES

Upon a motion duly made and seconded, it was

Voted: to approve the minutes of the Board of Directors' meeting of April 17, 2019 as presented and filed with the records of the meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey reported that Save the Harbor/Save the Bay's annual Beaches Water Quality Report Card for local beaches was issued with a rating of 95%, which is consistent with the last 6 years.

He also discussed the Irish Famine Memorial dedication ceremony at Deer Island on May 18, 2019. Mr. Laskey noted in his report that that MWRA once again won the Platinum Award from the National Association of Clean Water Agencies, marking twelve years without a permit violation at Deer Island. He updated the Board on the progress of the new cross harbor cable, and noted that Quabbin Reservoir water transfers to the Wachusett began on May 21, 2019. Finally, Mr. Laskey reminded the Board that the annual Accountability and Transparency Act meeting will be held on June, 19, 2019.

Update on Annual Water Quality Update (CCR): Staff made a verbal presentation and provided samples of the CCR to the Board. There were questions and answers. Mr. Foti commended Joshua Das for a job well done.

Update on the May 3, 2019 Water Main Break, Section 89, Winchester: Staff made a presentation. (Mr. Carroll left and returned to the meeting during the presentation.) There were questions and answers.

APPROVALS

May 2019 PCR Amendments (ref. P&C B.1)

Upon a motion duly made and seconded, it was

Voted: to approve amendments to the Position Control Register (PCR) as presented and filed with the records of the meeting.

Appointment of Deputy Contracts Manager, Administration Division (ref. P&C A.2)

Upon a motion duly made and seconded, it was

Voted: that the Board approve the appointment of Ms. Evelma Strother to the position of Deputy Contracts Manager, Administration Division (Unit 6, Grade13) at an annual salary of \$120,130.72 commencing on a date to be determined by the Executive Director.

Appointment of Program Manager, Engineering & Construction Department (ref. P&C A.3)

Upon a motion duly made and seconded, it was

Voted: to approve the appointment of Ms. Patricia Mallett to the position of Program Manager (Unit 9, Grade 29) in the Engineering & Construction Department, at an annual salary of \$94,922.98, commencing on a date to be determined by the Executive Director.

Bond Defeasance of Future Debt Service (ref. AF&A B.1)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director or his designee, on behalf of the Authority, to enter into, execute and deliver all necessary agreements and other instruments and to take such other actions necessary to effectuate the redemption and defeasance of an aggregate principal amount of \$24,150,000 of outstanding MWRA senior bonds including to cause the escrow of cash and/or securities in an amount necessary to fund such redemption and defeasance, in order to reduce the debt service requirement by \$26,878,250 in the FY20 through FY22 timeframe.

Approval for Crescent Ridge Dairy Admission to the MWRA Wastewater System (ref. WW A.1)

Upon a motion duly made and seconded, it was

Voted: pursuant to MWRA Operating Policy 11, that the Board approve the admission of the Crescent Ridge Dairy, in the Town of Sharon, to the MWRA wastewater system to discharge up to 10,000 gallons per day of milk-house wastewater via a connection to the Town of Stoughton.

CONTRACT AWARDS

MWRA FY20 Insurance Program Renewal (ref. AF&A C.1)

Upon a motion duly made and seconded, it was

Voted: to approve awards to the lowest eligible and responsive proposers for insurance policies, bonds, and related broker services for MWRA's FY20 Insurance Program, and to authorize the Executive Director, on behalf of the Authority, to execute contracts for broker services, for the terms, premiums, and fees described below, and incorporated by reference for the record, resulting in a total program amount not to exceed \$2,249,851:

(1) Workers' Compensation Excess Policy with Safety National Casualty Corporation, submitted by broker Willis of Massachusetts, Inc. (Willis of Massachusetts), for the period beginning July 1, 2019, through June 30, 2020, with a \$25 million limit and a \$500,000 self-insured retention, for a premium of \$214,008;

(2) Property Policy (including Boiler & Machinery coverage) with Factory Mutual Insurance Co. (FM Global), for the period beginning July 1, 2019, through June 30, 2020, with various limits of coverage and a \$2.5 million self-insured retention, resulting in a FY20 premium of \$1,056,442;

(3) General Liability Policy (including Automobile Liability, Marine Liability, Wharfingers, Limited Pollution, and Employment Practice Liability) with Lexington Insurance Company and Berkshire Hathaway Specialty Insurance, submitted by broker Richards Robinson Sheppard Insurance, LLC (Richards Robinson Sheppard), for the period beginning July 1, 2019 through June 30, 2020, with a combined \$25 million limit and a \$2.5 million self-insured retention, for a combined premium of \$410,235;

(4) Excess General Liability Policies with insurance companies to be determined and submitted by broker Richards Robinson Sheppard, for the period beginning July 1, 2019, through June 30, 2020, providing a combined total of \$75 million of excess liability coverage for a total combined premium not to exceed \$425,000;

(5) Public Official's Liability Policy with Chubb/ACE USA Insurance Co., submitted by broker Arthur J. Gallagher Risk Management Services Inc. (Arthur J. Gallagher), for the period beginning July 1, 2019, through June

30, 2020, with a \$5 million limit and a \$1 million self-insured retention, for a premium of \$69,779, including broker commission;

(6) Fiduciary Liability Policy with Chubb/ACE USA Insurance Co., submitted by broker Arthur J. Gallagher, for the period beginning July 1, 2019, through June 30, 2020, with a \$5 million limit and a \$1 million self-insured retention, for a premium of \$6,957 including broker commission;

(7) Public Official's/Crime Bond with Great American Insurance Co., submitted by broker Richards Robinson Sheppard, for the period beginning July 1, 2019, through June 30, 2020, with a \$1 million limit and a \$25,000 deductible for a premium of \$4,680;

(8) Treasurer's Bond with a \$1 million limit with an insurance company to be determined in an amount not to exceed \$2,500, with a one-year term beginning January 2020; and

(9) Broker contracts with Richards Robinson Sheppard for an amount of \$40,000, Willis of Massachusetts, for an amount of \$20,250 and Arthur J. Gallagher for the commissions included within the policy premiums, from notice of award through June 30, 2020.

Wastewater Advisory Committee Contract (ref. WW B.1)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached hereto, with the Wastewater Advisory Committee for a term of one year, from July 1, 2019 to June 30, 2020, for a total contract cost of \$75,122.00.

Water Supply Citizens Advisory Committee Contract (ref. W B.1)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached hereto, with the Water Supply Citizens

Advisory Committee for a one-year period beginning July 1, 2019 to June 30, 2020, with a total contract cost of \$110,186.00.

Flow Testing Services for MWRA's Revenue Water Meters Complete Control Services, Inc. Bid WRA-4679 (ref. W B.2)

Upon a motion duly made and seconded, it was

Voted: to approve the award of Purchase Order Contract WRA-4679 for flow testing services for MWRA's revenue water meters, to the lowest responsive bidder, Complete Control Services, Inc., and authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not-to-exceed \$265,900 for the time period June 1, 2019 through May 31, 2022.

Supply and Delivery of Sodium Hypochlorite for the John J. Carroll Water Treatment Plant and the William A. Brutsch Treatment Facility Univar USA, Inc. Bid WRA-4681 (ref. W B.3)

Upon a motion duly made and seconded, it was

Voted: to approve the award of Purchase Order Contract WRA-4681, a one-year contract for the supply and delivery of sodium hypochlorite to the lowest responsive bidder, Univar USA, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not-to-exceed \$1,632,660 for a period of one year, from July 17, 2019 through July 16, 2020.

Section 22 Rehabilitation Alternative Analysis and Environmental Permitting: Black & Veatch Corporation, Contract 7155 (ref. W B.4)

Item postponed.

CONTRACT AMENDMENTS/CHANGE ORDERS

Southern Extra High Pipeline - Section 111 (Dedham North), P. Gioioso and Sons, Inc. Contract 7504, Change Order 7 (ref. W C.1)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 7 to Contract 7504, Southern Extra High Pipeline - Section 111 (Dedham North), with P. Gioioso and Sons, Inc., for an amount not to exceed \$848,991.05, increasing the contract amount from \$17,551,281.92 to \$18,400,272.97, with no increase in contract term.

Further, it was voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7504 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

EXECUTIVE SESSION

It was moved to enter executive session to discuss real estate, litigation and collective bargaining and thereafter to return to open session solely for the purpose of adjournment. Upon a motion duly made and seconded, a roll call vote was taken in which the members were recorded as follows:

| <u>Yes</u> | <u>No</u> | <u>Abstain</u> |
|---------------|-----------|----------------|
| Carroll | | |
| Cook | | |
| Cotter | | |
| Foti | | |
| Pappastergion | | |
| Peña | | |
| Theoharides | | |
| Vitale | | |
| Walsh | | |

Voted: to enter executive session for the purpose of discussing strategy with respect to real estate, litigation and collective bargaining, in that such discussions may have a detrimental effect upon the litigation and negotiating positions of the Authority.

* * * *

EXECUTIVE SESSION

* * * *

The meeting returned to open session and adjourned at 2:27 p.m.

Approved: June 19, 2019

Attest:


Andrew M. Pappastergion, Secretary