

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

January 20, 2021

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the January 20, 2021 meeting of the Board of Directors of the Massachusetts Water Resources Authority was conducted by remote participation. Chair Theoharides, Vice Chair Carroll and Secretary Pappastergion presided. Present remotely from the Board, in addition to Chair Theoharides, Vice Chair Carroll and Secretary Pappastergion, were Ms. Wolowicz and Messrs., Cotter, Flanagan, Foti, Peña, Vitale and Walsh. Mr. Cook was absent. MWRA staff participants included 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, Stephen Estes-Smargiassi, Director, Planning and Sustainability, Bethany Card, Director, Environmental and Regulatory Affairs, Brian Rozowsky, Director, Internal Audit, Andrea Murphy, Director of Human Resources, Marty McGowan, Construction Coordinator, David Duest, Director, Deer Island Treatment Plant, Lisa Hamilton, Assistant Director, Engineering, Betsy Reilley, Director, ENQUAL, Valarie Moran, Director, Waterworks, John Gregoire, Program Manager, Water Operations, John Colbert, Chief Engineer, and Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, EOEEA and Joseph Favaloro, MWRA Advisory Board, also participated. The meeting was called to order at 1:05 pm. All motions were individually made and presented for discussion and deliberation. After any discussion and deliberation, motions for which there were no objections were then consolidated for one omnibus roll call vote.

APPROVAL OF DECEMBER 16, 2020 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of December 16, 2020.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote.

REPORT OF THE CHAIR

Chair Theoharides announced that the drought that began in 2020 had been declared ended after a period of 6 months; she also reported on the drought's impacts on Massachusetts' communities, waterbodies, agriculture sector, and seasonal wildfire risks. The Chair thanked MWRA staff for their participation in the Drought Management Task Force and highlighted the Department of Environmental Protection's (DEP) assistance to water suppliers during the COVID-19 pandemic. Next, the Chair noted two

Documents used for this meeting, referenced above, can be found here:

<https://www.mwra.com/monthly/bod/boardmaterials/2021/OS-2021-01-20%20BoardMaterials.pdf>

new community connections to the MWRA water system and reported that the DEP and Massachusetts water suppliers continue to work on implementing PFAS regulations. Finally, Chair Theoharides provided a progress update on Department of Conservation and Recreation Watershed Division staffing.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey thanked Secretary Theoharides and her staff for Watershed Division staffing efforts. Mr. Laskey updated Board Members on MWRA's ongoing efforts to promote staff safety during the COVID-19 pandemic, including on-site testing for employees.

Staff then verbally updated Board Members on MWRA COVID-19 data, the Biobot Wastewater COVID-19 Tracking Program and Lead and Copper Rule changes.

Next, on behalf of the MWRA Board of Directors and MWRA staff, Mr. Laskey thanked and congratulated Brian Rozowski, MWRA Director of Internal Audit, on the occasion of his upcoming retirement.

Finally, Mr. Laskey noted that MWRA continues to engage in short- and long-range planning to ensure safe, efficient and reliable operations as Massachusetts working environments evolve in response to the COVID-19 pandemic.

ANNUAL MEETING OF THE BOARD OF DIRECTORS

Chair Theoharides moved to designate this January 20, 2021 as the Annual Meeting, which, as provided in the Authority's By Laws, will be deemed a special meeting of the Board for the purpose of election of officers; to elect John Carroll as Vice Chairman of the Board; to appoint Andrew Pappastergion as Secretary of the Board and Rose Marie Convery and Kristin MacDougall as Assistant Secretaries; to appoint Matthew Horan as Treasurer and Robert Belkin and Michael Cole as Assistant Treasurers; to appoint Thomas Durkin as MWRA member of the Retirement Board; and to ratify the appointments of Board members to standing Committees, as presented and filed with the records of the meeting as the Board deems appropriate. New Committee Chairs may be appointed approximately every two years.

The motion was seconded.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. II.A)

PERSONNEL AND COMPENSATION

APPROVALS

PCR Amendments – January 2021

A motion was duly made and seconded to approve amendments to the Position Control Register as presented and filed with the records of this meeting.

Staff made provided a verbal summary.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.1)

Appointment of Director, Internal Audit

A motion was duly made and seconded to approve the appointment of Claude Cormier to the position of Director, Internal Audit (Non-Union, Grade 16) at an annual salary of \$141,000 commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.2)

Appointment of Manager, Emergency Planning

A motion was duly made and seconded to approve the appointment of Christophe Beaurpere to the position of Manager, Emergency Planning (Unit 6, Grade 13) in the Planning and Sustainability Department at an annual salary of \$124,984.10 commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.3)

Manager, Human Resources Operations

A motion was duly made and seconded to approve the appointment of Ms. Ivana McGrail as Manager, Human Resources Operations (Grade 14, Non-Union) in the Administration Division at an annual salary of \$122,500.00, commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.4)

ADMINISTRATION, FINANCE AND AUDIT
INFORMATION

Delegated Authority Report – December 2020

Staff provided a verbal summary. There was brief discussion and questions and answers.

Committee Chair Vitale called for any further discussion or objections. Hearing none, the Committee Chair proceeded to the next agenda item. (ref. V A.1)

FY21 Financial Update and Summary as of December 2020

Staff provided a verbal summary.

Committee Chair Vitale called for any discussion or objections. Hearing none, the Committee Chair proceeded to the next agenda item. (ref. V A.2)

CONTRACT AMENDMENTS/CHANGE ORDERS

Task Order Appraisal Services: Colliers International Holdings, Inc., Contract 603TA, Amendment 2 and Foster Appraisal & Consulting Co, Inc., Contract 604TA, Amendment 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 603TA with Colliers International Holdings, Inc. and Amendment 2 to Contract 604TA with Foster Appraisal & Consulting Company, Inc., for Task Order Appraisal Services to extend the term of each contract by 12 months, from February 20, 2021 to February 19, 2022, with no increase in the contract amounts.

Staff provided a verbal summary. (Chair Theoharides left the meeting after the summary.)

Vice Chair Carroll called for any discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. V B.1)

WASTEWATER POLICY AND OVERSIGHT

CONTRACT AMENDEMENTS/CHANGE ORDERS

Chelsea Creek Headworks Upgrade: BHD/BEC JV 2015, A Joint Venture, Contract 7161, Change Order 44

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 44 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture for an amount not to exceed \$308,291, increasing the contract amount from \$83,880,801.06 to \$84,189,092.06, with no increase in contract term.

Further, a motion was made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff made a presentation. There were questions and answers.

Vice Chair Carroll called for any further discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VI A.1)

Nut Island Headworks Odor Control and HVAC System Improvements: Walsh Construction Co. II, LLC, Contract 7548, Change Order 3

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 3 for Contract 7548, Nut Island Headworks Odor Control and HVAC Improvements, with Walsh Construction Company II, LLC, for a not to exceed amount of \$380,000, increasing the contract amount from \$57,716,618.61 to \$58,096,618.61, with no increase in contract term.

Further, a motion was made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7548 in an amount not

to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff made a presentation. There were questions and answers.

Vice Chair Carroll called for any further discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VI A.2)

Gravity Thickener Upgrade, Deer Island Treatment Plant: Walsh Construction Company II, LLC, Contract 7428 Change Order 10

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 10 to Contract 7428, Gravity Thickener Upgrade, Deer Island Treatment Plant, with Walsh Construction Company II, LLC, for a lump sum amount of \$262,041.00, increasing the contract amount from \$19,767,702.23 to \$20,029,743.23, and extending the contract term by 98 calendar days from February 4, 2021 to May 13, 2021.

Further, a motion was made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7428 in an amount not to exceed the aggregate of \$250,000, and 180 days, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff made a presentation.

Vice Chair Carroll called for any further discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VI A.3)

Deer Island Treatment Plant Maintenance Coating: SOEP Painting Corporation, Contract S583, Change Order 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 2 to Contract S583, Deer Island Treatment Plant Maintenance Coating, with SOEP Painting Corporation for a lump sum amount of \$147,599.80, increasing the contract amount from \$2,735,730.00 to \$2,883,329.80, with no increase in contract term.

Further, it was moved and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract S583 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff provided a verbal summary. (Mr. Walsh briefly left and returned to the meeting during the summary.)

Vice Chair Carroll called for any discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VI A.4)

WATER POLICY AND OVERSIGHT
INFORMATION

Section 22 Rehabilitation Alternatives Analysis and Environmental Permitting, Contract 7155 – Quarterly Update

Staff made a presentation. There were questions and answers.

Committee Chair Peña called for any further discussion or objections. Hearing none, the Committee Chair proceeded to the next agenda item. (ref. VII A.1)

CONTRACT AWARDS

Northern Extra High Pressure Zone Improvements: Black & Veatch Corporation, Contract 7404

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Contract 7404, Northern Extra High Pressure Zone Improvements, Design, Bidding and Engineering Services During Construction, to Black & Veatch Corporation and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$6,710,053.83 for a contract term of 94 months from the Notice to Proceed.

Staff made a presentation. There were questions and answers.

Vice Chair Carroll called for any further discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII B.1)

(Vice Chair Carrol temporarily left the meeting and appointed Board Secretary Pappastergion as Acting Chair in his absence.)

Strategies to Minimize Contaminants of Concern in MWRA's Finished Water: UMass Amherst, Contract W331

A motion was duly made and seconded to approve the award of a sole source collaborative research contract with the University of Massachusetts at Amherst titled "Strategies to Minimize Contaminants of Concern in MWRA's Finished Water," MWRA Contract W331, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$300,000 for a contract term of 36 months from the Notice to Proceed.

Staff provided a verbal summary.

Acting Chair Pappastergion called for any discussion or objections. Hearing none, the Acting Chair referred the motion to an omnibus roll call vote. (ref. VII B.2)

River Road Rehabilitation in Clinton, E.T. & L. Corp., Contract 7701

A motion was duly made and seconded to approve the award of Contract 7701, River Road Rehabilitation, to the lowest responsible and eligible bidder, E. T. & L. Corp., and to authorize the Executive Director on behalf of the Authority to execute said contract in the bid amount of \$2,182,000 with a contract term of 270 calendar days from the Notice to Proceed.

Staff made a presentation. There was discussion and questions and answers.

Acting Chair Pappastergion called for any further discussion or objections. Hearing none, the Acting Chair referred the motion to an omnibus roll call vote. (ref. VII B.3)

OMNIBUS ROLL CALL VOTE

Acting Chair Pappastergion called for an omnibus roll call vote on the motions made and seconded.

An omnibus roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Cotter		
Foti		
Flanagan		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the minutes of the Board of Directors' meeting of December 16, 2020; (ref. I)

Further, voted: to designate this January 20, 2021 as the Annual Meeting, which, as provided in the Authority's By-Laws, will be deemed a special meeting of the Board for the purpose of election of officers; further, voted: to elect John Carroll as Vice Chairman of the Board; further, voted: to appoint Andrew Pappastergion as Secretary of the Board and Rose Marie Convery and Kristin MacDougall as Assistant Secretaries; further, voted: to appoint Matthew Horan as Treasurer and Robert Belkin and Michael Cole as Assistant Treasurers; further, voted: appoint Thomas Durkin as MWRA member of the Retirement Board; further, voted: to ratify the appointments of Board members to standing Committees, as presented and filed with the records of the meeting as the Board deems appropriate; (Ref. II.A)

Further, voted: to approve amendments to the Position Control Register as presented and filed with the records of this meeting; (ref. IV A.1)

Further, voted: to approve the appointment of Claude Cormier to the position of Director, Internal Audit (Non-Union, Grade 16) at an annual salary of \$141,000 commencing on a date to be determined by the Executive Director; (ref. IV A.2)

Further, voted: to approve the appointment of Christophe Beurpere to the position of Manager, Emergency Planning (Unit 6, Grade 13) in the Planning and Sustainability Department at an annual salary of \$124,984.10 commencing on a date to be determined by the Executive Director; (ref. IV A.3)

Further, voted: to approve the appointment of Ms. Ivana McGrail as Manager, Human Resources Operations (Grade 14, Non-Union) in the Administration Division at an annual salary of \$122,500.00, commencing on a date to be determined by the Executive Director; (ref. IV A.4)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 603TA with Colliers International Holdings, Inc. and Amendment 2 to Contract 604TA with Foster Appraisal & Consulting Company, Inc., for Task Order Appraisal Services to extend the term of each contract by 12 months, from February 20, 2021 to February 19, 2022, with no increase in the contract amounts; (ref. V B.1)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 44 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture for an amount not to exceed \$308,291, increasing the contract amount from \$83,880,801.06 to \$84,189,092.06, with no increase in contract term; further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors; (ref. VI A.1)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 3 for Contract 7548, Nut Island Headworks Odor Control and HVAC Improvements, with Walsh Construction Company II, LLC, for a not to exceed amount of \$380,000, increasing the contract amount from \$57,716,618.61 to \$58,096,618.61, with no increase in contract term; further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7548 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors; (ref. VI A.2)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 10 to Contract 7428, Gravity Thickener Upgrade, Deer Island Treatment Plant, with Walsh Construction Company II, LLC, for a lump sum amount of \$262,041.00, increasing the contract amount from \$19,767,702.23 to \$20,029,743.23, and extending the contract term by 98 calendar days from February 4, 2021 to May 13, 2021; further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7428 in an amount not to exceed the aggregate of \$250,000, and 180 days, in accordance with the Management Policies and Procedures of the Board of Directors; (ref. VI A.3)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 2 to Contract S583, Deer Island Treatment Plant Maintenance Coating, with SOEP Painting Corporation for a lump sum amount of \$147,599.80, increasing the contract amount from \$2,735,730.00 to \$2,883,329.80, with no increase in contract term; further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract S583 in an amount not to exceed the

aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors; (ref. VI A.4)

Further, voted: to approve the recommendation of the Selection Committee to award Contract 7404, Northern Extra High Pressure Zone Improvements, Design, Bidding and Engineering Services During Construction, to Black & Veatch Corporation and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$6,710,053.83 for a contract term of 94 months from the Notice to Proceed; (ref. VII B.1)

Further, voted: to approve the award of a sole source collaborative research contract with the University of Massachusetts at Amherst titled "Strategies to Minimize Contaminants of Concern in MWRA's Finished Water," MWRA Contract W331, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$300,000 for a contract term of 36 months from the Notice to Proceed; (ref. VII B.2) and,

Further, voted: to approve the award of Contract 7701, River Road Rehabilitation, to the lowest responsible and eligible bidder, E. T. & L. Corp., and to authorize the Executive Director on behalf of the Authority to execute said contract in the bid amount of \$2,182,000 with a contract term of 270 calendar days from the Notice to Proceed. (ref. VII B.3)

(Vice Chair Carroll returned to the meeting after the omnibus roll call vote.)

EXECUTIVE SESSION

Vice Chair Carroll moved that the Board enter Executive Session to discuss real estate and litigation since discussion in Open Session may have a detrimental effect upon the negotiating and litigating position of the Authority; further, to not return to Open Session and to adjourn the meeting from, and at the conclusion of, Executive Session.

MWRA General Counsel Francisco Murphy announced that under the Open Meeting Law, at the start of an Executive Session, members who are participating remotely must state that no other person is present or able to hear the discussion at their remote locations, and that a response of "yes" to the Roll Call to enter Executive Session when their names are called would be deemed their statements that no other person is present or able to hear the Executive Session discussion at their remote locations.

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		
Flanagan		
Foti		
Pappastergion		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Peña		
Vitale		
Walsh		
Wolowicz		


Voted: to enter Executive Session to discuss litigation and real estate; further, voted: to not return to Open Session; and to adjourn the meeting from, and at the conclusion of, Executive Session.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 2:18pm and adjourned at 2:50pm.

Approved: February 17, 2021

Attest:



for
Andrew M. Pappastergion, Secretary