

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

July 21, 2021

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on July 21, 2021. The meeting was conducted at MWRA’s headquarters at 100 First Avenue, Boston, Massachusetts, and also virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency. Chair Theoharides (remote participation) presided. Also present from the Board, in addition to the Chair, were Ms. Wolowicz (remote participation) and Messrs. Carroll, Cook (remote participation), Flanagan (remote participation), Foti (remote participation), Pappastergion, Peña (remote participation), Vitale (remote participation), J. Walsh and P. Walsh (remote participation). MWRA staff participants at MWRA’s headquarters 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; and Assistant Secretaries Ria Convery and Kristin MacDougall. Joseph Favaloro, MWRA Advisory Board, was also present at MWRA headquarters. MWRA staff in attendance virtually included: David Duest, Director, Deer Island; Charles Ryan, Director, Wastewater Operations & Maintenance; Ethan Wenger, Director, SCADA, Metering and Monitoring; John Beckley Program Manager, Monitoring and Control; Andrea Murphy, Director, Human Resources; and, Paula Weadick, Director, MIS. Vandana Rao, EEA, was also in attendance virtually.

Chair Theoharides called the meeting to order at 1:02pm. MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance. Board members who were participating virtually indicated such during the roll call. The Chair announced that with the exception of Executive Session, the meeting was open to the public either at MWRA’s headquarters or virtually, via a link posted on MWRA’s website (www.mwra.com). She also announced that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website.

(Mr. Flanagan joined the meeting after roll call was taken.)

All motions were individually made and presented for discussion and deliberation. MWRA General Counsel Francisco Murphy explained that all motions would be individually presented and given an opportunity for discussion and deliberation; further, that after discussion and deliberation, any Board member could request an individual roll call vote on that motion, where Board Members could vote affirmatively or in the negative, or abstain from voting. She also said that if no request for an individual vote were made or concerns raised, the motion would advance for an omnibus roll call vote at the conclusion of all the presentations.

APPROVAL OF JUNE 23, 2021 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of June 23, 2021. Chair Theoharides called for any questions, discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. I)

REPORT OF THE CHAIR

Chair Theoharides updated Board Members on the Baker-Polito administration's Covid-19 economic recovery efforts, with a focus on addressing health and economic disparities and supporting residents and communities that were hit hardest by the pandemic. Next, she reported that Massachusetts has continued to see impacts of climate change, including days of poor air quality as well as emerging flood impacts across the state. The Secretary then announced that Governor Baker had submitted on June 28, 2021 a spending plan for American Rescue Plan Act (ARPA) funding that directs \$2.9 billion to address urgent hardships and challenges including housing, jobs and other efforts particularly focused on people of color and low wage workers. The plan also directs nearly \$1 billion in funding for critical energy and environmental initiatives, including \$400 million for modernizing water and sewer infrastructure across the Commonwealth. The infrastructure initiatives include controlling combined sewer overflows, addressing PFAS in drinking water and investing in new infrastructure projects that are necessary to minimize risks associated with untreated waste, toxic materials, and storm water through ground and surface water. Finally, Secretary Theoharides updated Board Members on drought conditions in the Commonwealth. During the week of July 20, 2021 she had declared Level Zero Normal Conditions in all regions across the Commonwealth except for Cape Cod. (ref. II)

(Mr. Cook joined the meeting during the report.)

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey announced that MWRA had received the Secretary's Certificate for the removal of the Quinapoxet Dam, and that the comment period was open through August 6, 2021. He then briefly updated Board Members on the Metropolitan Water Tunnel Program and reported that MWRA staff will present regular program updates at future Board meetings. Next, he reminded Board Members that the August 2021 Board of Directors meeting had been cancelled and that the MWRA Advisory Board would be hosting its annual tour on August 19, 2021. He added that the tour would include the dedication of a memorial bench for long-time Advisory Board member Bernie Cooper. Finally, Mr. Laskey thanked Board Members for participating in MWRA's Diversity, Equity, Inclusion and Respect in the Workplace training, and invited their feedback. (ref. III)

WASTEWATER POLICY AND OVERSIGHT

Information

Recent Storm Impacts on MWRA's Wastewater System

MWRA Deer Island Wastewater Treatment Plant Director David Duest, Director of Wastewater Operations and Maintenance Charles Ryan and Chief Operating Officer David Coppes gave a presentation to brief Board Members on MWRA system performance from June 30 through July 18, 2021, when the MWRA's Metro Boston service area received 11.2 inches of rainfall over a 19-day period (an amount equivalent to more than one quarter of a typical year's rainfall). Mr. Duest said that the impacts of the storms were compounded with high groundwater saturation. He reported on high rainfall and wastewater flows at the Deer Island Treatment Plant and at North and South Wastewater System facilities. Next, Mr. Ryan reported on Somerville Marginal, Prison Point and Cottage Farm CSO facility activations, SSO discharges, and MWRA's SSO notification process. MWRA Chief Operating Officer David Coppes continued the presentation; he described

storm-related challenges to staff, and thanked staff for their dedication while responding to the storms. Finally, Mr. Coppes reported on the storms' impacts on MWRA's reservoirs, noting that the Quabbin reservoir had reached capacity, prompting activation of the spillway as of July 20, 2021.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. IV A.1)

WATER POLICY AND OVERSIGHT

Information

Project Update: Section 22 Rehabilitation Alternatives Analysis and Environmental Permitting: Black & Veatch Corporation, Contract 7155A

MWRA Chief Engineer John Colbert gave a presentation to Board Members that included a project status update and an overview of the conditions assessment's approach and findings. Mr. Colbert described the recommended construction alternative for an Area of Critical Environmental Concern at the DCR's Neponset River Estuary and a second recommended alternative for the remainder of the project. Mr. Colbert noted that the recommended construction alternatives, which entail a combination of pipeline replacement and rehabilitation, reduce projected construction costs from \$50 million (for full pipe replacement) to \$26 million (for the recommended plan), while also reducing environmental impacts to areas of concern.

A Board Member asked about the existing pipeline's lining status. Mr. Colbert responded that it was currently unlined.

(Mr. Foti joined the meeting during the presentation)

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. V A.1)

Contract Awards

Carroll Water Treatment Plant SCADA System Improvements - Construction: LeVangie Electric Co., Inc. Contract 7582

A motion was duly made and seconded to approve the award of Contract 7582, John J. Carroll Water Treatment Plant SCADA System Improvements, to the lowest responsible and eligible bidder, LeVangie Electric Company, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$12,905,000, for a contract term of 1,127 calendar days from the Notice to Proceed.

MWRA Director of SCADA, Metering and Monitoring Ethan Wenger and Program Manager, Monitoring and Control John Beckley gave a presentation that provided an overview the project's scope of work and bid results. Mr. Wenger reviewed the current status of the Carroll Water Treatment Plant's SCADA systems. He also described proposed improvements and associated security improvements. He noted that that due to the complex nature of the project, the extensive cutover sequencing and need to coordinate with plant maintenance periods, the construction

duration would extend beyond the originally-anticipated 24 months. Next, Mr. Beckley described the functions of the Carroll plant's control panel and operator control room. He shared photos of the existing facilities and renderings of anticipated improvements. He explained that the existing facilities were reaching the end of their useful lives, and that the procurement of spare parts was becoming increasingly difficult. Mr. Wenger then summarized the contractor procurement process, provided a comparison of bids received and described the qualifications of the lowest responsible and eligible bidder, LeVangie Electric Co., Inc. He concluded by noting that consistent with MWRA's regular practice, staff met with LeVangie's representatives and determined that the proposed contractor had demonstrated understanding of the requirements of the contract specifications and timeline.

A Board Member asked about the procurement process and the bid spread between bidders. Mr. Wenger explained that a selection committee was not required for this construction contract; and that LeVangie reported that it spent a good deal of time pricing out subcontractors.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. V B.1)

PERSONNEL AND COMPENSATION

Approvals

PCR Amendments – July 2021

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

MWRA Director of Human Resources Andrea Murphy summarized the proposed Amendments: a title change to one vacant position in the Finance Division, Treasury department; a title change to one vacant position in the Operations Division, Operations Engineering; and, a title and grade change to one vacant position in the Operations Division, Metro Water Operations Department.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VI A.1)

Appointment of Program Manager, Design, Tunnel

A motion was duly made and seconded to approve the appointment of Mr. Christopher Dzidek to the position of Program Manager, Design, Tunnel Redundancy Department (Unit 9, Grade 29) at an annual salary of \$101,288.42 commencing on a date to be determined by the Executive Director.

MWRA Human Resources Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VI A.2)

Appointment of Community Relations Coordinator, Public Affairs

A motion was duly made and seconded to approve the appointment of Mr. Carmine De Maria to the position of Community Relations Coordinator for the Tunnel Program (Unit 6, Grade 12), in the Public Affairs Department, at an annual salary of \$117,280, commencing on a date to be determined by the Executive Director.

MWRA Human Resources Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VI A.3)

Appointment of Director, TRAC, Operations

A motion was duly made and seconded to approve the appointment of Mr. Matthew J. Dam to the position of Director, Toxic Reduction and Control (Non-Union, Grade 15) in the Operations Division, at the recommended annual salary of \$147,000, commencing on a date to be determined by the Executive Director.

MWRA Human Resources Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VI A.4)

Appointment of Program Manager, Wastewater, Operations

A motion was duly made and seconded to approve the appointment of Mr. Michael Barter to the position of Program Manager, Wastewater Operations (Unit 9, Grade 29), in the Wastewater Operations and Maintenance Department, at an annual salary of \$114,681.78, commencing on a date to be determined by the Executive Director.

MWRA Human Resources Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VI A.5)

ADMINISTRATION, FINANCE AND AUDITInformationDelegated Authority Report – June 2021

Committee Chair Vitale invited questions or comments from Board Members. Hearing none, Mr. Vitale proceeded to the next agenda item. (ref. VII A.1)

Approvals

Approval of Amendment 3 to Memorandum of Understanding with Massachusetts Department of Fish and Game for Public Access Fishing Pier at Deer Island

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute Amendment 3 to an existing Memorandum of Understanding with the Massachusetts Department of Fish and Game, and other fisheries offices, substantially in the form attached to the July 21, 2021 Staff Summary presented and filed with the records of the meeting, authorizing the Department to pay for the construction of a fishing pier and pier parking spaces, and associated lighting, security improvements at Deer Island, increasing MWRA's share of the project cost by \$157,082.45, from \$323,160.00 to \$480,242.45, and to authorize MWRA to provide general oversight and monitoring of the use of the fishing pier and parking areas.

MWRA Deer Island Wastewater Treatment Plant Director David Duest gave a presentation that included a description of the pier and its two parking areas, the provisions of prior Amendments and the basis for proposed Amendment 3. Mr. Duest explained that Amendment 3 allocated costs for modifying the pier's parking lot design from one large parking lot to two, smaller lots in response to stakeholder comments, with MWRA's share increasing by \$157,082.45. He added that the redesigned parking areas include a more complex, deeper storm drainage system than originally planned. Mr. Duest outlined the responsibilities for certain maintenance activities. He concluded the presentation with photos of the Fishing Pier and Parking Lot opening ceremony held on June 24, 2021.

A Board Member asked about liability for any personal injuries at the Deer Island Fishing Pier. MWRA General Counsel Francisco Murphy explained the ownership responsibilities of the pier.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII B.1)

Contract Awards

42 Cisco Switches, Installation Services and a Five-Year Maintenance Service Agreement: ePlus Technology, Inc. WRA-4985Q, State Contract ITT50

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4985Q for 42 Cisco switches, installation services and a five-year maintenance service agreement to the lowest responsive bidder, ePlus Technology, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said Purchase Order Contract in the bid amount of \$420,636.

MWRA MIS Director Paula Weadick summarized the function of network switches, which connect IT resources on the same network within a building or campus. She then explained that MWRA's existing switches will reach the end of their useful lives in November 2021. Finally, she provided an overview of the scope and purpose of this proposed contract, which includes installation services and a management console, as well as a five-year maintenance service agreement.

A Board Member requested more information about the contract cost. Ms. Weadick explained that the cost was consistent with industry standards. A Board Member asked Ms. Weadick about

the appropriateness of the awarded bid price. Ms. Weadick noted that the cost was consistent with MWRA staff's estimate; and that the second bidder was determined to be unresponsive because its proposal included only one of the fourteen bid lines required in the specifications.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII C.1)

OMNIBUS ROLL CALL VOTE

Chair Theoharides 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>
Theoharides		
Carroll		
Cook		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
J. Walsh		
P. Walsh		
J. Wolowicz		

Voted: to approve the minutes of the Board of Directors' meeting of June 23, 2021. (ref. I);

Further, voted: to approve the award of Contract 7582, John J. Carroll Water Treatment Plant SCADA System Improvements, to the lowest responsible and eligible bidder, LeVangie Electric Company, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$12,905,000, for a contract term of 1,127 calendar days from the Notice to Proceed. (ref. V B.1);

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

Further, voted: to approve the appointment of Mr. Christopher Dzidek to the position of Program Manager, Design, Tunnel Redundancy Department (Unit 9, Grade 29) at an annual salary of \$101,288.42, commencing on a date to be determined by the Executive Director. (ref. VI A.2);

Further, voted: to approve the appointment of Mr. Carmine De Maria to the position of Community Relations Coordinator for the Tunnel Program (Unit 6, Grade 12), in the Public Affairs Department, at an annual salary of \$117,280, commencing on a date to be determined by the Executive Director. (ref. VI A.3);

Further, voted: to approve the appointment of Mr. Matthew J. Dam to the position of Director, Toxic Reduction and Control (Non-Union, Grade 15) in the Operations Division, at the

recommended annual salary of \$147,000, commencing on a date to be determined by the Executive Director. (ref. VI A.4);

Further, voted: to approve the appointment of Mr. Michael Barter to the position of Program Manager, Wastewater Operations (Unit 9, Grade 29), in the Wastewater Operations and Maintenance Department, at an annual salary of \$114,681.78, commencing on a date to be determined by the Executive Director. (ref. VI A.5);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute Amendment 3 to an existing Memorandum of Understanding with the Massachusetts Department of Fish and Game, and other fisheries offices, substantially in the form attached to the July 21, 2021 Staff Summary presented and filed with the records of this meeting, authorizing the Department to pay for the construction of a fishing pier and pier parking spaces, and associated lighting, security improvements at Deer Island, increasing MWRA's share of the project cost by \$157,082.45, from \$323,160.00 to \$480,242.45, and to authorize MWRA to provide general oversight and monitoring of the use of the fishing pier and parking areas. (ref. VII B.1); and,

Further, voted: to approve the award of Purchase Order Contract WRA-4985Q for 42 Cisco switches, installation services and a five-year maintenance service agreement to the lowest responsive bidder, ePlus Technology, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said Purchase Order Contract in the bid amount of \$420,636. (ref. VII C.1);

OTHER BUSINESS

Chair Theoharides thanked the MWRA staff who spent time away from their families to respond to the high volume of rainfall, storm water and rising reservoir levels during the July storms.

EXECUTIVE SESSION

Chair Theoharides moved that the Board enter Executive Session to discuss litigation, collective bargaining and real estate 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 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 for Board members who are participating remotely 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>
Theoharides		
Carroll		
Cook		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
J. Walsh		
P. Walsh		

Voted: to enter Executive Session to discuss litigation, collective bargaining and real estate and to adjourn the meeting from Executive Session.

(Chair Theoharides left the meeting after the Roll Call Vote to enter Executive Session, and Vice Chair Carroll chaired the remainder of the meeting.)

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 2:08pm and adjourned at 2:29pm.

Approved: September 15, 2021

Attest:

 for

Andrew M. Pappastergion, Secretary