

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

October 23, 2024

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on October 23, 2024 at the Quabbin Visitor Center in Belchertown, and via remote participation.

Chair Tepper presided remotely. Board Members Flanagan, Swett, Patrick Walsh, and Vitale also participated remotely. Board Members Peña, Taverna, Jack Walsh and Wolowicz participated at the Quabbin Visitor Center. Board Members Foti and Pappastergion were absent.

MWRA Executive Director Frederick Laskey; General Counsel Carolyn Francisco Murphy; Chief Operating Officer David Coppes; Deputy Chief Operating Officer Rebecca Weidman; Director of Finance Thomas Durkin; Director of Administration Michele Gillen; Deputy Waterworks Director Lisa Bina; Director of Tunnel Redundancy Kathleen Murtagh; Construction Director Martin McGowan; ENQUAL Director David Wu; Chief Engineer Brian Kubaska; Finance Director Thomas Durkin; Deputy Finance Director/Treasurer Matthew Horan; Human Resources Director Wendy Chu; Asset Management Analyst Michael Curtis; Chief of Staff Katie Ronan; Associate General Counsels Angela Atchue and Kristen Schuler Scammon; and, Assistant Secretary Kristin MacDougall attended at the Quabbin Visitor Center.

Matt Romero, MWRA Advisory Board, also attended at the Quabbin Visitor Center.

MWRA Acting Special Assistant for Affirmative Action Tomeka Cribb; TRAC Director Matthew Dam; and Energy Manager Kristen Patneaude attended remotely.

Vandana Rao, EEA, also attended remotely.

Chair Tepper called the meeting to order at 1:01pm.

ROLL CALL

MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance and announced that Chair Tepper and Board Members Flanagan, Swett, Patrick Walsh, and Vitale were participating remotely. The Chair announced that the meeting was being held at the Quabbin Visitor Center and virtually, via a link posted on MWRA’s website. She added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website.

APPROVAL OF SEPTEMBER 11, 2024 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’

Documents used for this meeting and cited in these minutes, including meeting materials/staff summaries, presentations, and approved minutes, are posted on MWRA’s website: <https://www.mwra.com/about-mwra/governance-management/board-directors/archive-agendas-and-minutes>

meeting of September 11, 2024.

Chair Tepper asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. I)

REPORT OF THE CHAIR

Chair Tepper invited Board Member Wolowicz to say a few words. Ms. Wolowicz, the Board's Connecticut River Basin representative, thanked Board members and staff for attending this meeting at the Quabbin Visitor Center. She shared her family's personal connection to the Quabbin reservoir, and thanked MWRA Executive Director Fred Laskey for his kindness. She also briefly discussed some houses that were moved to the Town of Monson to construct the reservoir. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey acknowledged Ms. Wolowicz' parents for often offering helpful feedback on the Quabbin Visitor Center's facilities, and thanked DCR staff for their contributions to this Board meeting and preceding morning boat tour.

He then discussed developments related to system expansion. He reported that staff attended a meeting whereat Lieutenant Governor Driscoll, Speaker Mariano, and other officials discussed the topic of a new development in Weymouth, and that conversations with legislators about expansion studies for Western Quabbin Watershed communities are ongoing.

Next, Mr. Laskey noted that the MWRA Advisory Board would host a Lead and Copper Workshop for communities on October 24, 2024. He added that MWRA staff are awaiting the latest round of lead and copper testing results, and advised that some results may potentially trigger required community notifications.

Mr. Laskey then reported that MWRA is topping off fuel reserves for the Deer Island Treatment

Plant (“DITP”) in anticipation of winter. Next, he reminded Board Members to acknowledge receipt of the Conflict of Interest Law Summary forwarded by MWRA’s General Counsel. He then briefly mentioned that he is scheduled to give a keynote address for the Clinton Area Chamber of Commerce.

Finally, Mr. Laskey invited staff to present on the October 9, 2024 Dorchester Tunnel incident (“tunnel incident”) and response, and noted that additional discussion on the matter would take place during Executive Session.

Board Member Taverna requested an update on the status of the Water System Expansion Study for the Quabbin area. Mr. Laskey reported that the study is ongoing, and that staff are planning a public meeting for residents, legislators and other interested parties. MWRA Deputy Chief Operating Officer Rebecca Weidman added that staff are working toward completing the Quabbin Study report near the end of 2025, pending the public meeting schedule.

Dorchester Tunnel Incident and Response

Chair Tepper commended MWRA staff for their response to the tunnel incident and noted her and Governor Healey’s appreciation for the response team’s excellent communications; effective actions; planning; and, interagency cooperation.

On behalf of MWRA staff, Mr. Laskey thanked Chair Tepper and the Board of Directors for their support and encouragement. Board Member Taverna agreed with Chair Tepper, and noted that he had visited the incident site.

David Coppes, MWRA Chief Operating Officer, provided a summary of the initial stage of the incident, explaining that at 3:35 pm on October 9, 2024, MWRA’s Chelsea Operations Control Center received a call that a contractor had drilled into MWRA’s Dorchester Tunnel, in Brookline, just southeast of the Chestnut Hill reservoir, and that the contractor was installing 6” diameter holes into rock in the backyard of a residence to install a geothermal heat system. He presented the locations of the drill site and drill rig. Mr. Coppes noted the immediate dispatching of MWRA staff to the site to assess the situation, where they met Brookline DPW staff.

He presented a map of the Dorchester Tunnel’s location and service area, and explained that the Dorchester Tunnel is the primary supply for MWRA’s Southern High and Southern Extra High water service area. Mr. Coppes noted that the Dorchester Tunnel is a deep rock, concrete-lined tunnel, located approximately 250 feet underground in the location where the drilling occurred and is part of MWRA’s Metropolitan Water Tunnel system. He added that over 600,000 people would be affected if the Dorchester Tunnel had to be shut down in short order.

Next, Mr. Coppes summarized MWRA’s process for assembling response teams in the

Emergency Operations Center (“EOC”) and in the field, and the roles of the team members. He noted the good fortune of having Tunnel Redundancy Program staff available to assist in the EOC and at the site. He also listed some of the key stakeholders that MWRA notified about the incident, including EEA, DEP, MEMA and all affected communities.

He then discussed the tunnel incident’s site conditions at the start of the response, and immediate measures taken to secure the site.

Mr. Coppes next provided some background on MWRA’s existing emergency response plans and ongoing staff trainings that were put into action during this incident. He presented a photo of MWRA’s Chestnut Hill emergency pump station and described its features and functions. He explained that this pump station requires high pressure to operate, and that it can draw water from either the Boston Low Service area or the open Chestnut Hill reservoir. He noted that MWRA’s response team sought to avoid pumping water from the Chestnut Hill reservoir because that would require a boil water order; however, staff made preparations in case the emergency reservoir needed to be activated.

Next, Lisa Bina, MWRA Deputy Waterworks Director and the incident commander for this response, presented an overview of how MWRA operated the water system and maintained supply during the incident. She began with an overview of staff’s implementation of a response plan to isolate the Dorchester Tunnel and activate the Chestnut Hill emergency pump station. She noted that staff’s primary goal at this point was to continue the delivery of treated water supplies to the affected area by rerouting to the pump station, and by shifting flows through surface mains to MWRA’s Blue Hills Covered Storage Tank in Quincy. She reported that these efforts were successful and presented a map of the new system configuration.

Ms. Bina then discussed the next step in the response - isolating four shafts of the Dorchester Tunnel. She described the sequence of this operation, and actions taken to maintain flows as long as possible before starting up the Chestnut Hill Pump Station. She presented photos of staff working under challenging conditions to manually operate valves within the station’s confined spaces. She noted that MWRA’s valve crews operated 27 valves at various locations across the Southern System, and presented a map of those sites. She discussed the function and importance of the Dorchester Tunnel’s Shaft 7, described how it was successfully isolated by staff, and presented photos of its valves.

Ms. Bina next summarized staff’s efforts to simultaneously activate the Chestnut Hill Pump Station and isolate the southern end of the Dorchester Tunnel, stopping its flows. She described some challenges that staff successfully managed, such as controlling system water pressure while avoiding pressure swings, and quickly addressing a leaking isolation valve in order to allow full access to the Dorchester Tunnel drill site.

Next, Kathleen Murtagh, MWRA Director of Tunnel Redundancy, presented an overview of the Dorchester Tunnel repair. She discussed the steps taken to assess the conditions of the tunnel, bore holes, and liner, and to develop a plan for repair. She presented a cross-section diagram of the tunnel and bore #2, and discussed staff's initial strategy for making full and secure repairs from above by sealing the bottom of the bore hole with a packer then filling it with cement grout. She described the conditions observed at the drill site.

Ms. Murtagh discussed geophysical investigations performed in consultation with Hager-Richter Geoscience, and presented photos of the investigators and the test results, which confirmed MWRA staff's initial assessment of the Dorchester Tunnel's conditions. Ms. Murtagh noted that the conditions were favorable for setting a packer and achieving a good seal; however, the investigation also revealed some conditions that could have potentially made lowering equipment into the bore hole difficult and caused delays. She highlighted two additional contracting firms that were contacted and provided rapid, essential support for the repairs, including The Keller Group, which set up its own response team, sourced equipment and provided logistical assistance; and New England Boring Contractors, which supplied a packer, drill rig, and a driller.

Ms. Murtagh presented photos of the site, which MWRA crews prepared and made safe for efficient work. She then discussed the tunnel repair including timeline, equipment, materials, planning, packer installation, grouting and testing and presented photos of the repair team as they performed their work.

Next, Ms. Bina described the process of reactivating the Dorchester Tunnel, including monitoring, staffing the Chestnut Hill Pump Station, and maintaining water system pressure at safe levels to avoid pipe breaks. She also described some operational challenges with respect to maintaining levels at the Blue Hills water storage tank. Finally, Ms. Bina presented a timeline of the incident and highlighted key points of the timely and successful response.

Mr. Taverna asked if the geothermal drilling contractor had extracted any rock that staff could use for reference. Ms. Murtagh explained that geothermal drilling does not produce rock core. There was brief, general discussion about the benefits of geophysical imaging.

There was brief, general discussion with questions and answers about challenging aspects of the Dorchester Tunnel shutdown.

In response to a question from Board Member Peña, Ms. Murtagh explained that a patch was installed approximately 10 feet above the tunnel's crown. She noted that this affected portion of the Dorchester Tunnel is embedded in solid rock, and was constructed using drill and blast. There was brief, general discussion about the tunnel's design and the geophysical investigation.

Mr. Coppes noted that staff are incorporating the tunnel's post-repair specifications into MWRA's Master Plan.

Mr. Taverna asked if the packer remained pressurized. Ms. Murtagh responded in the negative. Mr. Taverna asked if the grout is set. Ms. Murtagh responded in the affirmative. There was brief, general discussion about the grout curing and testing process, and the status of the packer.

On behalf of the City of Boston, Board Member Swett thanked MWRA staff for their exemplary performance and communications during the emergency response, and briefly described the City's preparations in case there had been a boil water order. He then asked if staff had identified any lessons learned that could be applied to potential future tunnel disruptions. Mr. Coppes explained that staff have scheduled a debriefing session to discuss the incident response, and that more information about lessons learned will be shared at a later date. He noted that MWRA is also planning to conduct additional rounds of emergency response training for staff, including newer employees.

There was general discussion about the coordination of geothermal drilling near MWRA facilities. Mr. Laskey advised that staff are reviewing this issue for future discussion. There was also general discussion about the uses of packers within the construction industry, and the importance of packers to the Dorchester Tunnel incident response, during which Mr. Laskey praised MWRA staff's ability to quickly identify and procure the appropriate equipment and supplies.

Board Member Jack Walsh requested more information about peak water pressures during the incident and response. Ms. Bina explained that it was approximately 164 PSI. Ms. Murtagh noted that staff are comfortable with the repaired tunnel's ability to withstand water system pressure.

There was brief, general discussion about the use of nitrogen for tunnel repair.

On behalf of Mayor Wu, Board Member Vitale expressed appreciation and gratitude to Secretary Tepper and MWRA staff. He thanked Mr. Laskey and staff for keeping Boston Water and Sewer Commission ("BWSC") staff informed throughout the incident, and remarked on staff's good work and expertise. He noted that BWSC had experienced three water main breaks during the early phase of the tunnel incident, and thanked staff for their assistance and support.

Ms. Wolowicz noted that the staff's response exemplifies the benefits of teamwork and comradery. Mr. Vitale agreed, noting that staff had also performed well during MWRA's 2010 boil water order. Chair Tepper added that the 2010 boil water order case study was useful to

state and local communications teams as they prepared for a potential boil order during the tunnel incident. Finally, Chair Tepper noted that all of the communications teams worked well together. (ref. III)

EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session to discuss Real Estate and Litigation, since discussing such in Open Session could have a detrimental effect on the negotiating and litigating positions of the Authority. She announced that the planned topics for Executive Session were watershed land acquisition, Metropolitan Tunnel Redundancy land acquisition, and strategy with respect to litigation, and that the Board would return to Open Session after the conclusion of Executive Session.

A motion was duly made and seconded to enter Executive Session for these purposes, and to resume Open Session after Executive Session adjournment.

General Counsel Francisco Murphy reminded Board members that under the Open Meeting Law members who were participating remotely in Executive Session must state that no other person is present or able to hear the discussion at their remote location. A response of “yes” to the Roll Call to enter Executive Session when their name was called would also be deemed their statement that no other person was present or able to hear the Executive Session discussion.

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>
Tepper		
Flanagan		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

Voted: to enter Executive Session, and to resume Open Session after Executive Session adjournment.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 2:00pm and adjourned at 2:58pm.

*** CONTINUATION OF OPEN SESSION ***

WATER POLICY AND OVERSIGHTContract AwardsMetropolitan Water Tunnel Program Final Design Engineering Services: WSP USA Inc., Contract 7556

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7556, Metropolitan Water Tunnel Program Final Design Engineering Services, to WSP USA Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$93,605,158 for a contract term of 180 months from the Notice to Proceed.

Kathleen Murtagh, MWRA Director of Tunnel Redundancy, presented updated information in support of a proposed award for Contract 7556, Final Design Engineering Services for the Metropolitan Water Tunnel Program (MWTP), with WSP USA, Inc. ("WSP"). She noted that during this presentation staff would address Board members' questions raised at the last Board meeting, when this award was first proposed, then subsequently postponed. (ref. V A.1, September 11, 2024).

Ms. Murtagh summarized the contract's scope, duration, and phases. She reviewed the recommended contract structure, which was presented and approved by the Board at the March 2024 Board meeting. She noted that the structure as approved would have a total term of 15 years, comprised of an initial award of compensation to complete a scope of work over the first five years, and a later contract amendment of approximately 10 years for the completion engineering services during construction ("ESDC"). (ref. V A.1, March 13, 2024)

Next, referring Board members to a presentation slide showing an outline of the final design phase services entitled *Final Design Engineering Services (7556) Scope of Work*, Ms. Murtagh explained discussion would focus on the proposed award of Contract 7556 for the total 15-year term, with approval of the compensation for the five-year final design phase.

Ms. Murtagh then discussed the contract's two-step procurement process, in which three teams were shortlisted at the RFQ step and invited to submit proposals at the RFP step. She described the established proposal evaluation criteria used to determine the team that would provide the best value to MWRA, and noted that staff had provided a detailed scope of work and over 60 individual reference documents with nearly 20,000 pages to all RFP phase proposers.

Ms. Murtagh explained that since the September Board meeting, staff have reviewed the information that was provided to proposers at the RFP stage, and that which staff plan to

provide to the awarded firm at the Notice to Proceed (“NTP”). She explained the four general categories of the information provided at the RFP stage and the three general categories of the information that staff plan to provide at NTP. Ms. Murtagh noted that as a follow-up to questions raised previously staff reviewed these early phase documents and confirmed that the summaries and conclusions of the NTP-stage documents are incorporated in the final environmental review and preliminary design materials that all proposers received in the RFP stage. She also explained that no information that will be shared at the NTP stage would have assisted proposers at the RFP stage. She noted that all RFP-stage proposers had nine weeks to review the provided materials and prepare their proposals.

Next, Ms. Murtagh explained that staff will employ Program control measures to ensure that the firm only performs the work required for the task at hand, and that available efficiencies are realized. She provided an example and noted that proposers based their proposals on the scope of work and their experience, and that in some future circumstances, a higher or lower level of effort for some tasks may be required than initially budgeted.

Ms. Murtagh then presented the selection committee’s proposal evaluation criteria, scores and rankings, as well as a cost comparison summary. She noted that compensation for this proposed contract will be distributed on a cost plus fixed fee basis, with a set not-to-exceed amount. She explained that there is no initial lump sum or guaranteed minimum compensation, and that the consultant will only be paid for the actual level of effort to perform required work. She then described guardrails for this contract’s budget expenditures. She explained that the contract’s scope of work and budget are organized into subtasks. She noted that staff approval is required before the consultant can perform work on subtasks and described the review and approval process.

Ms. Murtagh then reiterated that under this contract, the consultant would perform work on a cost plus fixed fee basis for actual work performed and direct expenses, invoiced monthly after work completion. She advised that there is no circumstance in which MWRA would prepay the consultant for services, and that this contract does not include lump sum or milestone payment provisions.

Finally, Ms. Murtagh presented an overview of the qualifications and experience of WSP, the recommended firm, and invited MWRA’s Affirmative Action staff to discuss MBE/WBE participation.

Next, Tomeka Cribb, MWRA Acting Special Assistant for Affirmative Action, provided responses related to MBE/WBE goals Board Member Swett had raised during the September, 11 2024 Board of Directors’ meeting. With respect to Mr. Swett’s question about how the precise MBE/WBE percentages are calculated, Ms. Cribb explained that a consultant performed an

availability analysis in 2002 to calculate MBE/WBE goals for MWRA contracts. She noted that components used in the analysis included, among others, the availability of MBE and WBE companies to do business with MWRA in our market area, historical disbursements and capacity. She reported that staff are preparing to update the availability analysis by undertaking a disparity study to ensure that MWRA's MBE/WBE goals are appropriate and timely.

Regarding Mr. Swett's questions concerning whether the diversity of key personnel is considered in MWRA's proposal evaluation process, Ms. Cribb reported that MWRA's selection committees do not currently consider the diversity of key personnel in the evaluation of firms for professional services contracts; however, minority and female workforce utilization goals are established and tracked for certain construction contracts. She acknowledged Mr. Swett's prior recommendation to include key personnel diversity as part of MWRA's proposal evaluation process, and expressed interest in discussing the matter further.

Finally, with respect to Mr. Swett's questions regarding how staff evaluated MBE/WBE participation goals for MWRA's CSO Post-Construction Monitoring and Performance Assessment Contract 7572 with AECOM Technical Services, Inc., Ms. Cribb explained that MWRA has not historically set MBE/WBE participation goals for certain types of contracts, including technical assistance contracts, because they do not typically present significant subcontracting opportunities. She noted that participation levels for these contract types are set based on contracts with similar scopes, in consultation with project managers. Ms. Cribb explained that the participation goals for AECOM Contract 7572 were relatively low due to the nature of the contract; however, if a proposer includes a participation goal in its proposal, MWRA will make that a requirement.

In regard to proposed MWTP Design Engineering Contract 7556, Mr. Jack Walsh requested clarification on why ESDC is planned to be awarded as an amendment. Ms. Murtagh explained that the scope and costs of ESDC for a program of the MWTP's magnitude would be very difficult to estimate so early in the Program's lifespan, and that awarding ESDC as an amendment is a common industry practice. Mr. Jack Walsh asked how often design engineering staff would be present on-site during construction. Ms. Murtagh relayed that for the MWTP, the design engineer's primary role would be to provide engineering services during construction, while a separate construction manager would provide field oversight. There was brief, general discussion about the design engineer and construction manager roles.

Ms. Murtagh then reviewed staff's planned steps for negotiating and awarding the future ESDC amendment. She explained that WSP, the recommended design engineering firm, is submitting to MWRA its committed maximum overhead rate and fee for ESDC. Mr. Jack Walsh asked which Program entity would be responsible for inspection during construction. Ms. Murtagh explained

that inspections would be led by the construction manager, with some oversight provided by the design engineer for such tasks as structural inspections and geologic mapping of tunnel walls. Mr. Jack Walsh asked if the Program will include designated safety staff. Ms. Murtagh advised that the construction manager would provide safety personnel, and that more details will be available in approximately two years, when the construction management contract is ready to be advertised. Mr. Jack Walsh requested more information about the selection committee's scoring criteria. Ms. Murtagh explained that the criteria used for this contract is typical for MWRA. There was brief, general discussion about the criteria.

Mr. Taverna asked if MWRA and its program support services contractor (JCK Underground, Inc.) had the staff available to manage a contract of this size and complexity. Ms. Murtagh responded in the affirmative. She provided a brief overview of the MWTP team, and a number of departments across MWRA whose staff will lend their expertise in support of the Program. She advised that MWTP staffing needs will be reviewed and adjusted as needed as the Program progresses.

Ms. Wolowicz thanked Ms. Murtagh and Ms. Cribb for answering Board members' questions from the September meeting, and expressed confidence in the MWTP staff.

Mr. Swett thanked Ms. Cribb for responding to his questions. He advised that in his view, an updated availability analysis is long overdue, noting that the last study was performed in 2002. He asked if MWRA has a policy on the frequency of such studies. Ms. Cribb explained that MWRA does not currently have such a policy, and Mr. Swett suggested that the Authority consider such a policy to provide the frequency of updating the analytical tool used to develop project specific targets in a rapidly changing workforce environment. He also encouraged MWRA to consider incorporating MBE/WBE workforce goals into large design contracts, and looks forward to what comes out of the analysis. Mr. Swett noted that he is fine with moving forward with this contract, but that the questions show broader areas for improvement in this area. Ms. Cribb agreed. Mr. Swett recommended that MWRA staff review MBTA and Massport contracting policies as models.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Peña		
Swett		
Taverna		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. V A.1)

CONTRACT AMENDMENTS/CHANGE ORDERS

Section 101 Pipeline Extension (Waltham): Baltazar Contractors, Inc., Contract 7457, Change Order 6

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 6 to Contract 7457, Section 101 Pipeline Extension, with Baltazar Contractors, Inc. for a not-to-exceed amount of \$1,650,000, increasing the contract amount from \$34,231,736.35 to \$35,881,736.35, with no increase in contract term.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7457 in an amount not to exceed the aggregate of \$1,000,000 and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

Martin McGowan, MWRA Construction Director, presented progress photos and discussed staff's request for Board approval of Change Order 6 to the Section 101 Pipeline Extension Project in Waltham. He explained that the change order is needed to address unforeseen conditions, including significant ledge overruns and the transfer of unmarked, large-diameter water service lines. He noted that the contract's scope of work requires that all City of Waltham service lines be transferred from an existing 8-inch water main to an existing 16-inch main, and that while performing this work the contractor encountered 11 large services that were not identified in the City's record drawings. Finally, Mr. McGowan explained that staff were proposing this change order on a not-to-exceed basis because each water service installation is slightly different.

Hearing no discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Peña		
Swett		
Taverna		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
------------	-----------	----------------

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. V B.1)

Intermediate High Pipeline Improvements, CP2, Rehabilitation of Sections 24 and 25 Water Mains: Albanese D&S, Inc., Contract 6956, Change Order 5

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 5 to Contract 6956, Intermediate High Pipeline Improvements, CP2, Rehabilitation of Sections 24 and 25 Water Mains, with Albanese D&S, Inc. for a not-to-exceed amount of \$767,676.47, increasing the contract amount from \$19,615,655.15 to \$20,383,331.62, with no increase in contract term.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 6956 in an amount not to exceed the aggregate of \$1,000,000 and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

Mr. McGowan presented the reasons for a proposed change order for the Intermediate High Pipeline Improvements, CP2, Rehabilitation of Sections 24 and 25 Water Mains Project with Albanese D&S, Inc. He explained that the proposed change order would address significant quantity overruns for three classifications of surplus soil, as well as the lining of unmarked clay sewer line, and the removal and replacement mismarked clay drain line. He presented photos of the clay lines' locations, and noted that the rehabilitation and replacement work is necessary to protect and maintain the existing utilities during construction of the new water line being installed under this contract.

Mr. Taverna asked why Group III soils are required to be trucked out of state. Mr. McGowan explained that this class of soil contains metals, petroleum, volatile organic compounds, and semi-volatile organic compounds.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
------------	-----------	----------------

Tepper

Flanagan

Peña

Yes No Abstain

Swett

Taverna

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. V B.2)

WASTEWATER POLICY AND OVERSIGHT

Information

MWRA Industrial Waste Report #40: Industrial Pretreatment Program Annual Report to EPA for FY24

Matthew Dam, MWRA TRAC Director, briefly discussed the MWRA Industrial Waste Report #40, submitted annually to the DEP and EPA as required by MWRA's NPDES permit. He referred Board Members to the Staff Summary for a summary of the report, and noted that TRAC staff had met all goals and EPA program requirements for FY2024. Finally, Mr. Dam invited Board members' questions.

Mr. Jack Walsh asked if there were ways for MWRA to recover more of the costs for the Industrial Pretreatment Program, in order to benefit ratepayers. Mr. Dam explained that MWRA amended its sewer use regulations this year that included a 3% cost increase for monitoring and permit fees from FY2025 through F2029. Mr. Jack Walsh stated that in his view, 3% is not a sufficient increase. Mr. Dam noted that MWRA had recovered approximately 57% of costs, which represents a steady increase. Mr. Jack Walsh noted his opinion that industry should be paying more of the cost burden. Ms. Weidman explained that some of the Industrial Pretreatment Program costs are associated with NPDES and other permitting requirements, rather than the administration of the program.

Hearing no further questions or discussion from the Board, Committee Chair Patrick Walsh moved to the next Information item. (ref. VI A.1)

2023 Deer Island Outfall Monitoring Overview

David Wu, MWRA EQUAL Director, presented a video of undersea life near a MWRA Deer Island Outfall diffuser. He explained that the video was taken in July, 2023 at active diffuser #2, which is on the east end of the diffuser array. He highlighted the anemones, barnacles and fish visible in the video, and reported that the outfall continues to show minimal environmental impact. Finally, Mr. Wu invited Board members' questions.

(Mr. Taverna left and returned to the room during the presentation.)

Mr. Jack Walsh requested more information about outfall monitoring results for flounder tumors, as discussed in the Staff Summary. Mr. Wu explained that there are low levels of flounder tumor precursors near the outfall, and that levels are decreasing over time. Mr. Jack Walsh asked if tumor precursors were found at Deer Island. Mr. Wu reported that no tumor precursors were found at Deer Island in 2023.

Hearing no further questions or discussion from the Board, Mr. Patrick Walsh moved to the next Information item. (ref. VI A.2)

(Chair Tepper left the meeting, and appointed Ms. Wolowicz to serve as Acting Chair.)

Contract Awards

Hayes Pump Station Rehabilitation: Waterline Industries Corporation, Contract 7375

A motion was duly made and seconded to approve the award of Contract 7375, Hayes Pump Station Rehabilitation, to the lowest responsible and eligible bidder, Waterline Industries Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$25,559,181, with a contract term of 1,095 calendar days from the Notice to Proceed.

Brian Kubaska, MWRA Chief Engineer, presented an overview of the Hayes Pump Station Rehabilitation Project, including its location; major project components; and, scope of work. He reported that the facility has been in continuous operation for over 30 years; is in need of rehabilitation; and, that much of its equipment is at the end of its useful life. Mr. Kubaska noted that the proposed project also includes code updates for HVAC and fire systems, as well as site drainage work. He explained that a bypass pump system will be installed to divert the station's flows during construction, for project efficiency.

Next, Mr. Kubaska presented photos of some equipment to be replaced under the proposed contract, including influent gates, screens/grinders and wastewater pumps. He then discussed the procurement results for the contract. He reported that MWRA received two bids, including the low bid from the recommended firm, Waterline Industries Corporation ("Waterline Industries"), which came in \$2.9 million below the Engineer's Estimate. Finally, Mr. Kubaska noted that the contract duration would be 36 months, and requested Board approval for award to Waterline Industries.

There was brief, general discussion about competition within the filed sub-bid category. Mr. Kubaska explained that there was some competition for most filed sub-bids.

Mr. Jack Walsh asked if the project and planned diversion would have any negative impacts downstream. Mr. Kubaska explained that the bypass pumps to be installed will be chopper pumps that break up solids and move materials into the downstream system. He further

explained that flows would be diverted to the Chelsea Headworks, where any remaining screenings would be removed prior to conveyance to the Deer Island Wastewater Treatment Plant. There was brief, general discussion about how chopper pumps work.

Mr. Taverna asked if the contract was bid under Chapter 149. Mr. Kubaska responded in the affirmative.

Hearing no further discussion or questions from the Board, Acting Chair Wolowicz requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. VI B.1)

ADMINISTRATION, FINANCE AND AUDIT

Delegated Authority Report – September 2024

Committee Chair Flanagan invited Board Members’ questions on the Delegated Authority Report.

Hearing no discussion or questions from the Board, Committee Chair Flanagan moved to the next Information item. (ref. VII A.1)

FY25 Financial Update and Summary through September 2024

Thomas Durkin, MWRA Finance Director, reported that ongoing spending patterns continue, including for wages and salaries, which are impacted by lower Full Time Equivalent (“FTE”) counts. He noted that staff are monitoring debt service and variable rates, which are volatile but manageable. Finally, Mr. Durkin reported that revenue is slightly over budget, which he attributed to higher than estimated interest rates.

Mr. Taverna remarked on the declining FTE counts reported in the Staff Summary. Mr. Durkin explained that staff are working diligently to increase FTEs, and that their efforts are resulting in improvements over time.

Hearing no further discussion or questions from the Board, Mr. Flanagan moved to Approvals. (ref. VII A.2)

Approvals

Amendment to the Eighty-Seventh Supplemental Bond Resolution

A motion was duly made and seconded to amend the Eighty-Seventh Supplemental Bond Resolution and related Issuance Resolution approving issuance of the Authority's General Revenue Bonds (Subordinated Series), each adopted on February 21, 2024, to increase the principal amount of bonds authorized from \$85,000,000 to \$150,000,000; all other terms of the Issuance Resolution and the Eighty-Seventh Supplemental Resolution being hereby confirmed.

Matthew Horan, MWRA Deputy Finance Director/Treasurer, summarized the reasons for a proposed amendment to the Eighty-Seventh Supplemental Bond Resolution. He noted that if approved, the increased borrowing authorization would allow MWRA to use State Revolving Funds ("SRF") rather than short-term borrowing, and result in approximately \$500,000 in savings over a 90-day period.

Mr. Taverna asked why MWRA recommends amending the Eighty-Seventh Supplemental resolution versus issuing a new resolution. Mr. Horan explained that the amendment is proposed under the advisement of MWRA's Bond Counsel, and that the Massachusetts Clean Water Trust ("Trust") has indicated that it would permanently finance the prior and amended borrowings as one loan.

Ms. Wolowicz asked if the amended resolution would entail less paperwork than two separate transactions. Mr. Horan responded in the affirmative.

Mr. Vitale expressed support for the proposed amendment, and congratulated MWRA staff for their work that resulted in the receipt of \$8 million in principal forgiveness loans provided by the Trust. He also highlighted MWRA's receipt of a total of \$11.4 million in American Rescue Plan Act ("ARPA") funding, which has resulted in debt service savings of over \$14 million. Mr. Vitale noted that the BWSC is taking similar steps to save money for its ratepayers.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Peña		
Swett		
Taverna		

Yes No Abstain

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. VII B.1)

Delegation of Authority to Execute a Contract for the Purchase and Supply of Electricity for MWRA Interval Accounts

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a contract for the supply of electricity to MWRA's Interval Accounts, with the lowest responsive and responsible bidder for the period and pricing structure determined by staff to be in MWRA's best interest, and for a contract supply term not to exceed 36 months. This delegation of authority is necessary because MWRA will be required to execute a contract within several hours of the price submission in a constantly changing market.

Kristen Patneaude, MWRA Energy Manager, presented an overview of MWRA's electricity contracts' load and expenses. She explained that MWRA's Interval Accounts include large facilities such as the John Carroll Water Treatment Plant; Clinton Wastewater Treatment Plant; wastewater headworks; and some larger water and wastewater pump stations. She noted that the interval accounts represent approximately 20% of MWRA's purchase load and 40% of expenses, and is roughly equivalent to the annual electricity use of 7,000 Massachusetts homes.

Ms. Patneaude then explained that purchasing electricity through Interval Accounts gives MWRA maximum flexibility to react to market events by monitoring indicative pricing over time, and locking in during periods of lower pricing. She presented a chart showing how this strategy was successfully employed for a Deer Island electricity contract in 2024, and briefly described the process for that purchase.

Ms. Wolowicz requested more information about the duration of the locked-in intervals. Ms. Patneaude explained that staff sought intervals of 12, 24 and 36 months. Ms. Wolowicz asked if staff work with consultants on Interval Account purchases. Ms. Patneaude advised that staff monitor indicative pricing, which is submitted by qualified bidders on a weekly basis.

Hearing no further discussion or questions from the Board, Ms. Wolowicz requested a roll call vote in which the members were recorded as follows:

Yes No Abstain

Flanagan

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
------------	-----------	----------------

Peña

Swett

Taverna

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. VII B.2)

PERSONNEL AND COMPENSATIONApprovalsOctober 2024 PCR Amendments

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

Wendy Chu, MWRA Human Resources Director, invited Board members' questions on the October 2024 PCR Amendments.

Hearing no discussion or questions from the Board. Ms. Wolowicz requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
------------	-----------	----------------

Flanagan

Peña

Swett

Taverna

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. VIII A.1)

Extension of Contract Employment, MIS

A motion was duly made and seconded to approve the extension of employment for Ms. Laura Makary, MIS Contractor, for three months until January 24, 2025 (37.5 at the hours per current rate of \$30.95/hour).

In reference to a discussion at the last Board meeting (ref. P&C A.2, September 11, 2024), Ms. Chu noted that staff are convening a review of hiring policies for intern position extensions, and

invited questions from the Board about a proposed employment extension for an MIS Contractor.

Ms. Wolowicz asked how long the incumbent has worked for MWRA. Ms. Chu responded that the contractor will have worked for 12 months by the end of October. Ms. Wolowicz asked if the current contract is the employee's first with MWRA. Ms. Chu responded in the affirmative.

Mr. Vitale asked if Board approval is needed to hire retired MWRA staff members under contract, or if such approvals would be under delegated authority. Mr. Laskey explained that MWRA does not generally hire retirees as contractors, and that he tends to avoid this practice. There was brief, general discussion about the pros and cons of hiring retirees under contract, and potential scenarios that could warrant such a contract. General Counsel Francisco Murphy advised on the focus of the Board of Directors' policy.

Hearing no further discussion or questions from the Board, Ms. Wolowicz requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. VIII A.2)

CORRESPONDENCE TO THE BOARD

There was no correspondence to the Board. (ref. IX)

ADJOURNMENT

A motion was duly made and seconded to adjourn the meeting.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Peña		
Swett		

Yes No Abstain

Taverna

Vitale

J. Walsh

P. Walsh

Wolowicz

The meeting adjourned at 3:50pm.

Approved: November 13, 2024

Attest:

 for

Brian Peña, Secretary

LIST OF DOCUMENTS AND EXHIBITS USED

- Draft Minutes of the September 11, 2024 MWRA Board of Directors' Meeting (ref. I)
- October 23, 2024 Presentation – Dorchester Tunnel Incident and Response (ref. III)
- October 23, 2024 Staff Summary and Presentation – Metropolitan Water Tunnel Program Final Design Engineering Services: WSP USA Inc., Contract 7556 (ref. V A.1)
- October 23, 2024 Staff Summary and Presentation – Section 101 Pipeline Extension (Waltham): Baltazar Contractors, Inc., Contract 7457, Change Order 6 (ref. V B.1)
- October 23, 2024 Staff Summary and Presentation – Intermediate High Pipeline Improvements, CP2, Rehabilitation of Sections 24 and 25 Water Mains: Albanese D&S, Inc., Contract 6956, Change Order 5 (ref. V B.2)
- October 23, 2024 Staff Summary – MWRA Industrial Waste Report #40: Industrial Pretreatment Program Annual Report to EPA for FY24 (ref. VI A.1)
- October 23, 2024 Staff Summary Staff Summary and Presentation – 2023 Deer Island Outfall Monitoring Overview (ref. VI A.2)
- October 23, 2024 Staff Summary Staff Summary and Presentation – Hayes Pump Station Rehabilitation: Waterline Industries Corporation, Contract 7375 (ref. VI B.1)
- October 23, 2024 Staff Summary Staff Summary – Delegated Authority Report – September 2024 (ref. VII A.1)
- October 23, 2024 Staff Summary Staff Summary – Financial Update and Summary through September 2024 (ref. VII A.2)
- October 23, 2024 Staff Summary Staff Summary – Amendment to the Eighty-Seventh Supplemental Bond Resolution (ref. VII B.1)
- October 23, 2024 Staff Summary Staff Summary and Presentation – Delegation of

Authority to Execute a Contract for the Purchase and Supply of Electricity for MWRA Interval Accounts (ref. VII B.2)

- October 23, 2024 Staff Summary Staff Summary – October 2024 PCR Amendments (ref. VIII A.1)
- October 23, 2024 Staff Summary Staff Summary – Extension of Contract Employee, MIS (ref. VIII A.2)