

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

February 17, 2021

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the February 17, 2021 meeting of the Board of Directors of the Massachusetts Water Resources Authority was conducted by remote participation. Vice Chair Carroll presided. Present remotely from the Board, in addition to Vice Chair Carroll, were Ms. Wolowicz and Messrs. Cook, Cotter, Flanagan, Foti, Pappastergion, Peña, Vitale and Walsh. Chair Theoharides 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, Kathy Murtagh, Director of Tunnel Redundancy, Denise Breiteneicher, Program Manager, Energy and Environment, David Duest, Director, Deer Island Treatment Plant, Michael Cole, Budget Director, Matthew Horan, Deputy Director of Finance/Treasurer, Robert Belkin, Controller, Ethan Wenger, Deputy Director, Deer Island, Robert Huang, Program Manager, Energy Management, Valerie Moran, Director, Waterworks, Kristen Hall, Program Manager, Operations Engineering, Richard Adams, Manager, Engineering Services, Stephen Estes-Smargiassi, Director, Planning and Sustainability, Daniel Nvule, Senior Program Manager, Planning, Bethany Card, Director, Environmental and Regulatory Affairs, John Colbert, Chief Engineer, Patterson Riley, Special Assistant for Affirmative Action, Andrea Murphy, Director, Human Resources, 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 1:00 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 JANUARY 20, 2021 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of January 20, 2021.

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

REPORT OF THE EXECUTIVE DIRECTOR

On behalf of MWRA staff, Mr. Laskey thanked and congratulated Mr. Cotter upon the occasion of his retirement from the MWRA Board of Directors after more than eighteen years of service. Vice Chair Carroll and members of the Board also offered congratulatory remarks. Mr. Cotter expressed appreciation for his fellow Board Members, Mr. Laskey and MWRA staff.

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

<https://www.mwra.com/monthly/bod/boardmaterials/2021/OS-2021-02-17%20Board%20Materials.pdf>

Next, Mr. Laskey congratulated Board Member Peña upon the occasion of his new position as Town of Andover Water Superintendent.

Finally, Mr. Laskey reported on the recent enactment of new statewide legislation: *An Act Promoting Awareness of Sewage in Public Waters*.

(Mr. Cook joined the meeting during the Executive Director's report.)

ADMINISTRATION, FINANCE AND AUDIT INFORMATION

FY21-25 Strategic Business Plan

Staff made a presentation.

There was brief discussion and questions and answers.

Hearing no further discussion, Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.1)

FY2021 Second Quarter Orange Notebook

Staff made a presentation.

There were questions and answers.

Hearing no further discussion, Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.2)

Delegated Authority Report – January 2021

Committee Chair Vitale called for questions.

There were questions and answers.

Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.3)

FY2021 Mid-Year Capital Spending Report

Staff provided a verbal summary.

There were questions and answers.

Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.4)

FY2021 Financial Update and Summary as of January 2021.

Staff provided a verbal summary.

There was brief discussion.

Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.5)

Preliminary FY2022 Water and Sewer Assessments

Staff provided a verbal summary.

There were questions and answers.

Committee Chair Vitale proceeded to the next agenda item. (ref. IV A.6)

APPROVALS

Transmittal of the FY22 Proposed Current Expense Budget

A motion was duly made and seconded to approve transmittal of the FY22 Proposed Current Expense Budget to the MWRA Advisory Board for its 60 day review and comment period.

Staff made a presentation. There were questions and answers.

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

CONTRACT AWARDS

Audit Services: CliftonLarsonAllen LLP, Contract F261

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract F261, Audit Services, to CliftonLarsonAllen LLP and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$527,000 for a term of four years, from April 1, 2021 to March 31, 2025.

Staff provided a verbal summary.

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

Delegation of Authority to Execute a Contract for the Purchase and Supply of Electric Power for the Deer Island Treatment Plant

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 electric power to the Deer Island Treatment Plant 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 for the Deer Island account. This delegation of authority is necessary because MWRA will be required to notify the selected bidder of the award within a few hours of the bid submission to lock in the bid prices in a constantly changing market.

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

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

Metropolitan Operations Paving: Sunshine Paving Corporation, Contract OP-421

A motion was duly made and seconded to approve the award of Contract OP-421, Metropolitan Operations Paving, to the lowest responsible and eligible bidder, Sunshine Paving Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$1,060,836.50 for a contract term of 1,000 days from the Notice to Proceed.

Staff provided a verbal summary. There were questions and answers.

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

WASTEWATER POLICY AND OVERSIGHT

CONTRACT AMENDMENTS/CHANGE ORDERS

Deer Island Combined Heat and Power Study: Black & Veatch Corporation, Contract 6963A, 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 6963A, Deer Island Treatment Plant – Combined Heat and Power Study, with Black & Veatch Corporation, to extend the contract term by seven months from March 7, 2021 to October 7, 2021 with no increase in contract amount.

Staff made a presentation. There were questions and answers.

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

WATER POLICY AND OVERSIGHT

INFORMATION

Report on 2020 Water Use Trends and Reservoir Status

Staff made a presentation. There was brief discussion.

Committee Chair Peña proceeded to the next agenda item. (ref. VI A.1)

Analysis of EPA's Revised Lead and Copper Rule

Staff made a presentation.

Hearing no questions or discussion, Committee Chair Peña proceeded to the next agenda item (ref. VI A.2)

Metropolitan Tunnel Redundancy Program Update: Filing of Environmental Notification Form

Staff made a presentation. There were questions and answers.

Committee Chair Peña proceeded to the next agenda item. (ref. VI A.3)

CONTRACT AWARDS

MWRA Boat Storage Facility and Cosgrove Intake Improvements: Poulin Construction Inc., Contract 6650C

A motion was duly made and seconded to approve the award of Contract 6650C, MWRA Boat Storage Facility and Cosgrove Intake Improvements, to the lowest responsible and eligible bidder, Poulin Construction Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$1,319,700 for a contract term of 365 calendar days from the Notice to Proceed.

Staff provided a verbal 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 B.1)

PERSONNEL AND COMPENSATION

APPROVALS

Approval of the 2021 Affirmative Action Plan

A motion was duly made and seconded to approve the Massachusetts Water Resources Authority's Affirmative Action Plan effective for a one-year period from January 1, 2021 through December 31, 2021.

Staff provided a verbal summary. There were questions and answers.

Vice Chair Carroll called for further discussion or objection. Hearing one, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII A.1)

PCR Amendment – February 2021

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

Staff provided a verbal summary.

Vice Chair Carroll called for any discussion or objections. Hearing one, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII A.2)

Appointment of Area Manager, Deer Island

A motion was duly made and seconded to approve the appointment of Mr. Hugeton Francis to the position of Area Manager, Maintenance (Unit 6, Grade 12), at an annual salary of \$97,705.78 commencing on a date to be determined by the Executive Director.

Vice Chair Carroll called for any discussion or objections. Hearing one, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII A.3)

CONTRACT AWARDS

Workers' Compensation Legal Services: Tentindo, Kendall, Canniff & Keefe LLP, Contract A627

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract A627, Workers' Compensation Legal Services, to Tentindo, Kendall, Canniff & Keefe LLP and execute said contract in the not-to-exceed amount of \$300,000 for a term of three years from the Notice to Proceed.

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

CONTRACT AMENDMENTS/CHANGE ORDERS

Extension of Employment Contract - Sr. Lab Technician

A motion was duly made and seconded to approve the extension of an employment contract for Mr. Tomas Lopez-Gomez, Contract Senior Laboratory Technician, Department of Laboratory Services, for a period of 12 months from March 6, 2021 to March 5, 2022 at the current hourly rate of \$25.35 per hour for an annual compensation not to exceed \$52,728.00.

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

CORRESPONDENCE TO THE BOARD

Vice Chair Carroll announced that the MWRA Board of Directors had received a letter from the Water Supply Citizens Advisory Committee (WSCAC) in support of Green Certification for the Quabbin, Ware and Wachusett Watersheds.

There was brief discussion.

The Vice Chair deferred the item for further discussion at a future Board of Directors meeting. (ref. VIII)

OMNIBUS ROLL CALL VOTE

Vice Chair Carroll 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>
Carroll		
Cook		
Cotter		
Foti		
Flanagan		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the minutes of the Board of Directors' meeting of January 20, 2021; (ref. I)

Further, voted: to approve transmittal of the FY22 Proposed Current Expense Budget to the MWRA Advisory Board for its 60 day review and comment period; (ref. IV B.1)

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract F261, Audit Services, to CliftonLarsonAllen LLP and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$527,000 for a term of four years, from April 1, 2021 to March 31, 2025; (ref. IV C.1)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute a contract for the supply of electric power to the Deer Island Treatment Plant 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 for the Deer Island account. This delegation of authority is necessary because MWRA will be required to notify the selected bidder of the award within a few

hours of the bid submission to lock in the bid prices in a constantly changing market; (ref. IV C.2)

Further, voted: to approve the award of Contract OP-421, Metropolitan Operations Paving, to the lowest responsible and eligible bidder, Sunshine Paving Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$1,060,836.50 for a contract term of 1,000 days from the Notice to Proceed; (ref. IV C.3)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 6963A, Deer Island Treatment Plant – Combined Heat and Power Study, with Black & Veatch Corporation, to extend the contract term by seven months from March 7, 2021 to October 7, 2021 with no increase in contract amount; (ref. V A.1)

Further, voted: to approve the award of Contract 6650C, MWRA Boat Storage Facility and Cosgrove Intake Improvements, to the lowest responsible and eligible bidder, Poulin Construction Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$1,319,700 for a contract term of 365 calendar days from the Notice to Proceed; (ref. VI B.1)

Further, voted: to approve the Massachusetts Water Resources Authority's Affirmative Action Plan effective for a one-year period from January 1, 2021 through December 31, 2021; (ref. VII A.1)

Further, voted: to approve an amendment to the Position Control Register (PCR) as presented and filed with the records of the meeting; (ref. VII A.2)

Further, voted: to approve the appointment of Mr. Hugeton Francis to the position of Area Manager, Maintenance (Unit 6, Grade 12), at an annual salary of \$97,705.78 commencing on a date to be determined by the Executive Director; (ref. VII A.3)

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract A627, Workers' Compensation Legal Services, to Tentindo, Kendall, Canniff & Keefe LLP and execute said contract in the not-to-exceed amount of \$300,000 for a term of three years from the Notice to Proceed; (ref. VII B.1) and,

Further, voted: to approve the extension of an employment contract for Mr. Tomas Lopez-Gomez, Contract Senior Laboratory Technician, Department of Laboratory Services, for a period of 12 months from March 6, 2021 to March 5, 2022 at the current hourly rate of \$25.35 per hour for an annual compensation not to exceed \$52,728.00. (ref. VII C.1)

EXECUTIVE SESSION

Vice Chair Carroll moved that the Board enter Executive Session to discuss security and real estate since discussion in Open Session may have a detrimental effect upon the negotiating 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 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		
Cotter		
Foti		
Flanagan		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

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

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 2:40pm and adjourned at 2:55pm.

Approved: March 17, 2021

Attest:

 for
Andrew M. Pappastergion, Secretary