

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of July 20, 2022

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on July 20, 2022. 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 and subsequent acts extending certain COVID-19 measures adopted during the state of emergency.

Chair Card presided from MWRA headquarters. In addition to the Chair, also present from the Board were Messrs. Flanagan (remote participation); Foti (remote participation); Pappastergion (remote participation); Peña (remote participation); Vitale (remote participation); Jack Walsh; (remote participation) and, Patrick Walsh (remote participation). Messrs. Carroll and Cook, and Ms. Wolowicz were absent.

MWRA staff participants at MWRA’s headquarters included: Frederick Laskey, Executive Director and Carolyn Francisco Murphy, General Counsel. MWRA staff in attendance virtually included David Coppes, Chief Operating Officer; Carolyn Fiore, Deputy Chief Operating Officer; Thomas Durkin, Director, Finance and Retirement Board Appointed Member; Michele Gillen, Director, Administration; Kathy Murtagh, Director, Tunnel Redundancy; Paula Weadick, Director, MIS; Ethan Wenger, Director, SCADA, Metering and Monitoring; Michael Greeley, Metering and Monitoring Manager; Brian Kubaska, Assistant Director. Engineering; John Colbert, Chief Engineer; Andrea Murphy, Director, Human Resources; and Assistant Secretaries Ria Convery and Kristin MacDougall. Also in attendance virtually were Vandana Rao, Executive Office of Environmental Affairs (EEA), and Joseph Favaloro, MWRA Advisory Board (Advisory Board).

Chair Card called the meeting to order at 1:01pm. MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance. The Chair announced that except for Executive Session, the meeting was open to the public virtually, via a link posted on MWRA’s website (www.mwra.com). She added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website. She also announced that the meeting would move into Executive Session after the Executive Director’s report, and that the Open Session would resume after the adjournment of Executive Session.

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. She also noted 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 22, 2022 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of June 22, 2022.

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

REPORT OF THE CHAIR

Chair Card reported that drought conditions continued across 90% of the Commonwealth, except for the Cape Cod region. She advised that the Drought Task Force would meet more frequently and respond to drought issues that may arise, and reminded Massachusetts residents to conserve water and practice fire safety. Chair Card commended Vandana Rao and the task force team; she also thanked MWRA staff for their participation in the task force and for encouraging water conservation even as Quabbin Reservoir levels remained normal. Next, she provided an update on legislative matters including the state budget, economic development, American Rescue Plan Act (ARPA) spending, and pending offshore wind legislation. Finally, Chair Card noted that the Baker-Polito Administration's ongoing environmental priorities included renewable energy, offshore wind, water infrastructure investments, and PFAS. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

MWRA Executive Director Frederick Laskey reported that he participated in the Three Rivers Report Card event on July 15, 2022 (Charles, Mystic and Neponset Rivers) for calendar year 2021. He reported on the grades MWRA earned and the overall improvement despite record rain events. Mr. Laskey added that staff were planning tours of the MWRA sewer system for the Mystic River Watershed and Charles River Watershed Associations. Next, Mr. Laskey noted that the MWRA Advisory Board's recommendation to waive entrance fees for communities, under certain conditions, had generated interest from municipalities; he added that staff expected to present a proposal to Board members in September, 2022. He then advised that staff were temporarily taking the Deer Island and Carroll plants off the power grid on July 21, 2022, as requested by ISO New England, and that staff were closely monitoring and working to resolve a potential sodium hypochlorite supply issue at Deer Island. Mr. Laskey then briefly presented an update on the plaza restoration work performed in Arlington as part of a larger MWRA construction project. Finally, Mr. Laskey reminded Board Members that the next MWRA Board Meeting was scheduled for September, 2022, and that the Advisory Board was planning an annual field trip for August.

There was general discussion about red tide levels in Massachusetts. (ref. III)

EXECUTIVE SESSION

Chair Card requested that the Board move into Executive Session to discuss real estate, collective bargaining and litigation, since Open Session may have a detrimental effect on the negotiating, bargaining and litigating positions of the Authority. She announced that the planned topics of discussion in Executive Session were Watershed Land Acquisition, Approval and Ratification of a Collective Bargaining Agreement, The Chelsea Creek Headworks Project and a Conservation Law Foundation Litigation Update. She announced 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 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 is called would also be deemed their statement that no other person is present or able to hear the 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>
Card		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
J. Walsh		
P. Walsh		

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

The Board moved to Executive Session to discuss Real Estate, Collective Bargaining and Litigation since discussing such in Open Session could have a detrimental effect on the negotiating, bargaining and litigating positions of the Authority.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 1:17pm and adjourned at 2:04pm.

*** CONTINUATION OF OPEN SESSION ***

Open Session resumed at 2:05pm. Chair Card presided.

COLLECTIVE BARGAINING ANNOUNCEMENT

Chair Card announced that during Executive Session the Board voted to approve and ratify the collective bargaining agreement with AFSCME Unit 2, which includes ATB increases of 2.5%, 2.0% and 2.0% for FY21, FY22 and FY23, respectively, and a one-time signing bonus payment of 1.5% (with a minimum of \$1,000); and that the Board also authorized a one-time Hazard Pay payment of either \$2,000 or \$1,000 for certain members of AFSCME Unit 2.

WASTEWATER POLICY AND OVERSIGHT

Information

Update on the New Wastewater Metering System

MWRA Metering and Monitoring Manager Michael Greeley presented an update on the MWRA

Wastewater Metering Replacement Project. He explained that the new meters were put into service on January 1, 2022; that most community flows were within historical ranges; and, that staff would consult with the outliers. The presentation also included an overview of how area velocity meters and flow assessments work; and, the benefits of improved analytical techniques, technology and data verification. Finally, Mr. Greeley described MWRA's water and wastewater assessment methodologies and advised that the calendar year 2022 flow assessments would be first applied in Fiscal Year 2024.

Board Member Foti complimented staff on the presented chart on flow assessments.

Mr. Laskey noted that there were a handful of communities whose numbers have changed quite a bit. Board Member Jack Walsh questioned whether there would be a large change in community assessments. Messrs. Greeley and Ethan Wenger, Director of SCADA Metering Monitoring, provided examples of the calculations. Upon a question from Mr. Pappastergion Mr. Wenger also explained the concept of change in flow share.

MWRA Advisory Board Executive Director Joseph Favaloro noted that the new flow meters would be discussed at an upcoming Advisory Board Operations Committee meeting, and that new U.S. Census population data could also change community assessments.

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

City of Cambridge of Partial Sewer Separation Connections

MWRA Assistant Director of Engineering Brian Kubaska presented an update on a trial partial sewer separation program implemented and monitored by the City of Cambridge, in agreement with MWRA and with the support of the US EPA and MA DEP. The presentation included the locations where partial separation was implemented, scope and timeframe of the work, and predicted benefits and findings from the required reporting.

(Mr. Flanagan left the meeting during the presentation.)

Chair Card commented on the program's positive outcomes.

Board Member Jack Walsh asked if there was further questions from the Board. Hearing none, he moved to contract awards. (ref. V A.2)

Contract Awards

Braintree-Weymouth Pump Station Improvements: Walsh Construction Co. II, LLC, Contract 7366

A motion was duly made and seconded that the Executive Director, on behalf of the Authority, approve the award of Contract 7366, Braintree-Weymouth Pump Station Improvements, to the lowest responsible and eligible bidder, Walsh Construction Co. II, LLC, and execute said contract in the bid amount of \$13,473,075 for a contract term of 639 calendar days from the Notice to Proceed.

MWRA Chief Engineer John Colbert presented an overview of the Braintree-Weymouth Pump Station's location and the reasons for the proposed improvement project. He explained that the project was needed to address operational and maintenance issues such as ragging and associated reduced flow rates; to eliminate the need to install manual bar racks before heavy rain events; to improve access for safe removal of pumps and screenings; and, to upgrade odor control. Finally, Mr. Colbert summarized the bid results.

Board Member Jack Walsh asked about the project's potential traffic and noise impacts, coordination with the City of Quincy, and police details. Mr. Colbert explained that there will be some additional traffic and bypass pumping for a period of time; but that there will be a building permit from the City of Quincy and a meeting with the City before the start of the work. Mr. Ethan Wenger noted that day work is currently scheduled. Board Member Jack Walsh requested that trucks carrying screenings be covered and sealed. There was further discussion about the screenings removal and transport process.

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

WATER POLICY AND OVERSIGHT

Contract Awards

Section 101 Pipeline Extension (Waltham) Engineering Services During Construction, Resident Engineering and Resident Inspection Services: CDM Smith Inc., Contract 7672

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7672, Section 101 Pipeline Extension (Waltham) Engineering Services During Construction, Resident Engineering and Resident Inspection Services to CDM Smith Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,882,956.42 for a contract term of 33 months from the Notice to Proceed.

Mr. Colbert provided an overview of the Section 101 (Waltham) Improvements Project and described the terms and scope of the proposed contract to provide engineering services during construction, resident engineering and resident inspection services. He also described the qualifications of the proposed contractor, CDM Smith, Inc.

Board Member Jack Walsh asked about the number of engineers involved for the scope of work and the proposed contract price. Mr. Colbert discussed the scope, subconsultants, staffing levels and cost of the underlying construction contract. Mr. Colbert also noted that hourly rates of engineering firms are going up, and that there are inflationary issues going on with engineering firms. Chief Operating Officer David Coppes also noted the large construction contract that the services would be supporting.

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

PERSONNEL AND COMPENSATION

Approvals

PCR Amendments - July 2022

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.

MWRA Human Resources Director Andrea Murphy summarized the proposed PCR amendments, which included two title and grade changes to vacant positions in Internal Audit and one title and grade change to a vacant position in Maintenance.

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

Appointment of Deputy Director, Deer Island Wastewater Treatment Plant

A motion was duly made and seconded to approve the appointment of Mr. Chad A. Whiting to the position of Deputy Director, Deer Island Wastewater Treatment Plant (Non-Union, Grade 15) at an annual salary of \$151,000, commencing on a date to be determined by the Executive Director.

Ms. Murphy described the proposed candidate's work experience and qualifications.

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

ADMINISTRATION, FINANCE AND AUDIT

Information

Delegated Authority Report – June 2022

MWRA Director of Administration Michele Gillen introduced MWRA Acting Director of Procurement Rita Mercado, and invited Board Members' questions on the Delegated Authority Report.

Board Member Vitale asked about the categorization of item P-15. MIS Director Paula Weadick discussed the training that is specific to the vendor.

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

Approvals

Memorandum of Agreement between MWRA and the Town of Ludlow regarding Construction and Ownership of an Antenna Tower at Nash Hill Reservoir for Installation of Communication Equipment

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a Memorandum of Agreement with the Town of Ludlow, substantially in the form attached to the July 20, 2022 staff summary presented and filed with the records of the meeting, related to the design and construction by Ludlow, and the ownership, operation and

maintenance by MWRA, of a new antenna tower at the Nash Hill Reservoir site, with ownership and maintenance of the communication equipment by respective permit holders.

MWRA Chief Operating Officer David Coppes presented the reasons and benefits of the proposed Memorandum of Agreement with the Town of Ludlow. The presentation began with an overview of the location and functions of an existing MWRA tower at the Nash Hill Covered Storage site. Mr. Coppes explained that under the proposed agreement, the Town would build a higher tower at the site at no cost to MWRA; obtain any necessary FAA permit approvals; and, install MWRA and the Town of South Hadley equipment at the tower. He advised that MWRA would own and maintain the tower. Finally, Mr. Coppes noted that the higher tower would benefit MWRA by reducing tree maintenance and improving signal reliability.

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

Increasing the Cost of Living Adjustment Base for Retirees

A motion was duly made and seconded pursuant to Section 19 of Chapter 188 of the Acts of 2010, to approve the MWRA Employees' Retirement Board's vote of June 1, 2022 to accept an increase in the maximum base amount on which the retiree cost-of-living adjustment is calculated from \$15,000 to \$17,000 effective July 1, 2022.

Director of Finance and MWRA Retirement Board Appointed Member Thomas Durkin reported that the MWRA Retirement Fund's 2021 actuarial valuation gains were the result of earning 12.9% which exceeded the assumed rate of return of 6.9%. He provided a brief history of Cost of Living Adjustment (COLA) base increases for MWRA retirees, and an overview of MWRA Retirement System costs, funding, methodologies and unfunded actuarial accrued liability. He advised that the Retirement Board had voted on June 1, 2022 to increase the COLA base from \$15,000 to \$17,000, and that it respectfully requests the Board of Directors' approval.

Board Member Vitale questioned why the increase did not go to \$18,000, the COLA base for some other retirement systems. Mr. Durkin explained the Retirement Board's incremental approach to COLA base increases. Board Member Vitale also asked about any planned adjustments to the OPEB trust fund given the financial landscape and whether there have been any changes or adjustments to the SMART Plan. Mr. Durkin discussed the makeup of the OPEB trust fund, the asset allocations, the positioning of the OPEB Trust Fund and retirement fund and his observations of the SMART Plan funds.

Mr. Favaloro noted that the Advisory Board had no concerns regarding the proposed COLA increase. Mr. Favaloro also noted the Advisory Board's concerns with the current schedule for 100% funding, and that the Advisory Board had recommended 100% retirement schedule funding by 2033 (rather than 2030) at the FY2023 Budget Hearings. Mr. Durkin noted his agreement with Mr. Favaloro. Mr. Durkin discussed the funding schedule to 2030 and noted that he would be bringing this issue up to the Retirement Board for discussion.

Chair Card asked if there was further discussion or any objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VIII B.2)

OMNIBUS ROLL CALL VOTE

Chair Card 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>
Card		
Foti		
Pappastergion		
Peña		
Vitale		
J. Walsh		
P. Walsh		

Voted: to approve the minutes of the Board of Directors' meeting of June 22, 2022; (ref. I)

Further, voted: that the Executive Director, on behalf of the Authority, approve the award of Contract 7366, Braintree-Weymouth Pump Station Improvements, to the lowest responsible and eligible bidder, Walsh Construction Co. II, LLC, and execute said contract in the bid amount of \$13,473,075 for a contract term of 639 calendar days from the Notice to Proceed; (ref. V B.1)

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7672, Section 101 Pipeline Extension (Waltham) Engineering Services During Construction, Resident Engineering and Resident Inspection Services to CDM Smith Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,882,956.42 for a contract term of 33 months from the Notice to Proceed; (ref. VI A.1)

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

Further, voted: to approve the appointment of Mr. Chad A. Whiting to the position of Deputy Director, Deer Island Wastewater Treatment Plant (Non-Union, Grade 15) at an annual salary of \$151,000, commencing on a date to be determined by the Executive Director; (ref. VII A.2)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute a Memorandum of Agreement with the Town of Ludlow, substantially in the form attached to the July 20, 2022 staff summary presented and filed with the records of the meeting, related to the design and construction by Ludlow, and the ownership, operation and maintenance by MWRA, of a new antenna tower at the Nash Hill Reservoir site, with ownership and maintenance of the communication equipment by respective permit holders; (ref. VIII B.1) and,

Further, voted: pursuant to Section 19 of Chapter 188 of the Acts of 2010, to

approve the MWRA Employees' Retirement Board's vote of June 1, 2022 to accept an increase in the maximum base amount on which the retiree cost-of-living adjustment is calculated from \$15,000 to \$17,000 effective July 1, 2022 (ref. VIII B.2)

CORRESPONDENCE TO THE BOARD

There was no correspondence to the Board.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

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

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

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

The meeting adjourned at 3:01pm.

Approved: September 14, 2022

Attest:

 for
Andrew M. Pappastergion, Secretary