

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

July 17, 2019

A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on Wednesday, July 17, 2019 at the Authority headquarters in Charlestown. Vice Chair Carroll presided. Present from the Board were Messrs. Cotter, Flanagan, Pappastergion, Peña, Vitale and Walsh. Secretary Theoharides, Ms. Wolowicz and Messrs. Cook and Foti were absent. Among those present from the Authority staff were 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, Kathleen Murtagh, Director of Tunnel Redundancy, Corinne Barrett, Director of Construction, John Colbert, Chief Engineer, and Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, EEA, was also in attendance. The meeting was called to order at 1:03 p.m.

APPROVAL OF JUNE 19, 2019 MINUTES

Upon a motion duly made and seconded, it was

Voted: to approve the minutes of the Board of Directors' meeting of June 19, 2019 as presented and filed with the records of the meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey recognized Russell Murray, Director of MIS, and Barbara Allen, Public Affairs, upon their upcoming retirements and thanked them for their service. He updated the Board on CSO post-construction assessment with respect to a scheduled public meeting and court report filings. He also provided a brief update on Quabbin Reservoir levels and spill rates.

Mr. Laskey further advised the Board that staff may seek authorization to issue a change order on the Southern Extra High project at a future meeting due to groundwater and soil conditions. MWRA staff then made a presentation on the project. There were questions and answers.

APPROVALS

Legal Services Furnished by Special Assistant Attorney General Jonathan Ettinger/Foley Hoag LLP in the Boston Harbor Case, U.S. v. MDC, et al., USDC No. 85-0489-RGS (ref. WW B.1)

Upon a motion duly made and seconded, it was

Voted: that the Board approve an increase to the hourly rate at which the Authority compensates Foley Hoag LLP for the legal services furnished by Attorney Jonathan Ettinger in his capacity as a Special Assistant Attorney General in representing the Authority in the Boston Harbor case, from \$460 an hour to \$625 an hour for FY2020 and \$700 an hour for FY2021.

Amendments to the MWRA Regulations for Adjudicatory Proceedings, Enforcement and Administrative Penalties, and Sewer Use (ref. WW B.2)

Upon a motion duly made and seconded, it was

Voted: to authorize the adoption of amendments to MWRA's Regulations for Adjudicatory Proceedings (360 CMR 1.00), Enforcement and Administrative Penalties (360 CMR 2.00), and Sewer Use (360 CMR 10.000) (summary chart attached) by publication in the Code of Massachusetts Regulations.

Memorandum of Agreement with the Town of Braintree Regarding MWRA's Use of the Town's Howard Street Pump Station (ref. WW B.3)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director, on behalf of the Authority, to enter into a Memorandum of Agreement, substantially in the form attached hereto, with the Town of Braintree for a term of five years, for MWRA's use of the Town's Howard Street Pump Station and which provides for payment to the Town for past and future operations and maintenance costs and capital improvements.

PCR Amendments - July 2019 (ref. P&C A.2)

Upon a motion duly made and seconded, it was

Voted: to approve amendments to the Position Control Register (PCR) as presented and filed with the records of the meeting.

Appointment of Director, Management Information Systems, Administration Division (ref. P&C A.2)

Upon a motion duly made and seconded, it was

Voted: to approve the appointment of Ms. Paula Weadick to the position of Director, Management Information Systems (Non-Union, Grade 16) at an annual salary of \$162,825, commencing on a date to be determined by the Executive Director.

CONTRACT AWARDS

Maintenance Coating - Deer Island Treatment Plant: Soep Painting Corp., Contract S583 (ref. WW C.1)

Upon a motion duly made and seconded, it was

Voted: to approve the award of Contract S583, Maintenance Coating Contract, Deer Island Treatment Plant, to the lowest eligible and responsible bidder, Soep Painting Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$2,495,000, for a contract term of 600 calendar days from the Notice Proceed.

Gas Protection System Replacement - Deer Island Treatment Plant: JF White Contracting Co., Contract 7167 (ref. WW C.2)

Upon a motion duly made and seconded, it was

Voted: to approve the award of Contract 7167, Deer Island Treatment Plant, Gas Protection System Replacement, Phase I, to the lowest eligible and responsible bidder J. F. White Contracting Company, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$1,402,995, for a contract term of 540 calendar days from the Notice to Proceed.

Piping Relocation at the Pelletizing Plant- Fore River Shipyard: Walsh Construction Company II, LLC, Contract 7173 (ref. WW C.3)

Upon a motion duly made and seconded, it was

Voted: to approve the award of Contract 7173, Piping Relocation at the Pelletizing Plant, to the lowest responsible and eligible bidder, Walsh Construction Company II, LLC and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$4,250,445, for a contract term of 450 calendar days from the Notice to Proceed.

Technical Assistance Consulting Services- Deer Island Treatment Plant: Brown and Caldwell, Contract 7644; Hazen and Sawyer, PC, Contract 7645; Wright-Pierce, Contract 7646 (ref. WW C.4)

Upon a motion duly made and seconded, it was

Voted: to approve the recommendation of the Consultant Selection Committee to select Brown and Caldwell, Hazen and Sawyer, P.C., and Wright-Pierce to provide as-needed technical assistance consulting services for the Deer Island Treatment Plant and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7644 with Brown and Caldwell, Contract 7645 with Hazen and Sawyer, P.C. and Contract 7646 with Wright-Pierce, each in an amount not to exceed \$1,800,000 each and for a contract term of three years from the Notice to Proceed.

Section 22 Rehabilitation Alternative Analysis and Environmental Permitting: Black & Veatch, Contract 7155 (ref. W A.1)

Upon a motion duly made and seconded, it was

Voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7155, Section 22 Rehabilitation Alternatives Analysis and Environmental Permitting, to Black & Veatch Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$2,870,000 for a contract term of 36 months from the Notice to Proceed. Following the notice to proceed, MWRA staff shall provide the Board quarterly updates of the condition assessment program and upcoming planned condition assessment activities.

CONTRACT AMENDMENTS/CHANGE ORDERS

Bellevue 2 and Turkey Hill Water Tank Painting Project: Worldwide Industries Corp., Contract 7634, Change Order 7 (ref. W B.1)

Upon a motion duly made and seconded, it was

Voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 7 to Contract 7634, Bellevue 2 and Turkey Hill Water Tank Painting Project, for an amount not to exceed \$250,000.00, increasing the contract from \$4,150,249.17 to \$4,400,249.17, and extending the contract term by 60 calendar days from July 30, 2019 to September 28, 2019.

Further, it was voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7634 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

EXECUTIVE SESSION

It was moved to enter executive session to discuss real estate and litigation and thereafter to return to open session solely for the purpose of adjournment. 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		
Cotter		
Flanagan		
Pappastergion		
Peña		
Vitale		
Walsh		

Voted: to enter executive session for the purpose of discussing strategy with respect to real estate and litigation in that such discussions may have a detrimental effect upon the litigation and negotiating positions of the Authority.

* * * *


EXECUTIVE SESSION

* * * *

The meeting returned to open session and adjourned at 1:38 p.m.

Approved: July 17, 2019

Attest:



Andrew M. Pappastergion, Secretary