

MASSACHUSETTS WATER RESOURCES AUTHORITY
Meeting of the Board of Directors
May 27, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the May 27, 2020 meeting of the Board of Directors of the Massachusetts Water Resources Authority was held entirely 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, Kathleen Murtagh, Director of Tunnel Redundancy, Matthew Horan, Deputy Director, Finance/Treasurer, Michael Cole, Budget Director, Fred Brandon, Director of Design and Construction, Tunnel Redundancy, and Assistant Secretaries Ria Convery and Kristin MacDougall. Joseph Favaloro and Lou Taverna, MWRA Advisory Board and Vandana Rau, EOEEA, also participated. The meeting was called to order at 1:03 p.m.

APPROVAL OF MARCH 18, 2020 and MAY 6, 2020 MINUTES

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the minutes of the Board of Directors' meetings of March 18, 2020 and May 6, 2020 as presented and filed with the records of this meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey updated Board Members on the status of MWRA operations during the ongoing pandemic. He reported that staff continues to prepare for future reopening in compliance with Governor Baker’s protocols. Mr. Laskey thanked MWRA staff for their diligence in developing and enacting strategies for telework and safe field work. He also noted that MWRA is participating in a wastewater flow study related to COVID-19 tracking.

ADMINISTRATION, FINANCE & AUDIT COMMITTEE

INFORMATION

MWRA’s FY2021 Draft Final FY2021 CIP

Staff made a presentation. There was brief discussion. (ref. IV A.1)

FY2020 Third Quarter Orange Notebook

There were questions and answers. (ref. IV A.2)

Delegated Authority Report – February, March and April 2020

There was brief discussion and questions and answers. (ref. IV A.3)

FY2020 Financial Update and Summary as of April 2020

Committee Chair Vitale called for questions or discussion. Hearing none, the Chair proceeded to the next agenda item. (ref. IV A.4)

APPROVALS

Approval of Lease for Records Storage Space: 23 & 27 Production Road LLC

There was brief discussion and questions and answers.

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		
Flanagan		
Foti		
Pappastergion		
Peña		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Vitale		
Walsh		
Wolowicz		

Voted: to approve the recommendation of the Selection Committee to award lease A622 to 23 & 27 Production Road LLC; and to authorize the Executive Director, on behalf of the Authority, to execute said lease for approximately 10,000 square feet of records storage and office space at 153 Production Road, Walpole for an initial ten-year term from November 1, 2020 to October 31, 2030, for an amount not to exceed the annual rent shown in Attachment A to the May 27, 2020 Staff Summary presented to the Board and filed with the records of the meeting, plus a proportional share of real estate taxes, with two five-year options to extend each subject to Board approval. (ref. IV B.1)

CONTRACT AWARDS

MWRA FY2021 Insurance Program Renewal

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve awards to the lowest eligible and responsive proposers for insurance policies, bonds, and related broker services for MWRA's FY21 Insurance Program, and to authorize the Executive Director, on behalf of the Authority, to execute contracts for broker services, for the terms, premiums, and fees described in the May 27, 2020 Staff Summary presented to the Board and filed with the records of the meeting, resulting in a total program amount not to exceed \$2,972,385. (rev. IV C.1)

CONTRACT AMENDMENTS/CHANGE ORDERSMain Line Adjustment Project, Fore River Railroad: J.F. White Contracting Co., contract FRR32, Change Order 3

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 3 to Contract FRR32, Fore River Railroad Main Line Adjustment Project, with J.F. White Contracting Co., for a lump sum amount of \$283,693.91, increasing the contract amount from \$2,393,541.58 to \$2,677,235.49, and increasing the contract term by 419 days from May 17, 2019, to July 9, 2020.

Further, voted: to authorize the Executive Director to approve additional change orders as may be needed to contract FRR32 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors. (ref. IV D.1)

WASTEWATER POLICY & OVERSIGHT COMMITTEECONTRACT AWARDSWastewater Advisory Committee Contract

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached to the May 27, 2020 Staff Summary presented to the Board and filed with the records of the meeting, with the Wastewater Advisory Committee for a term of one year, from July 1, 2020 to June 30, 2021, for a total contract cost of \$75,227.00. (ref. V A.1)

Grit and Screenings Hauling and Disposal, Deer Island Treatment Plant: W. L. French, Contract S595

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the award of Contract S595, Grit and Screenings Hauling and Disposal, to W. L. French Excavating Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$4,883,114.05, for a contract term of 1,096 calendar days from the Notice to Proceed. (ref. V A.2)

Extended Warranty, Service and Maintenance Agreement for the Process Instrumentation and Control System at the Deer Island Treatment Plant

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the award of a sole source extended warranty and service contract for the Process Instrumentation and Control System at the Deer Island Treatment Plant, with ABB Automation, Inc., and authorize the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$1,220,469.00, for a contract term of three years, from July 1, 2020 through June 30, 2023. (ref. V A.3)

WATER POLICY & OVERSIGHT COMMITTEE

INFORMATION

2019 Annual Water Quality Report (Consumer Confidence Report)

Committee Chair Peña called for questions or discussion. Hearing none, the Chair proceeded to the next agenda item. (ref. VI A.1)

APPROVALS

Local Water System Assistance Program – Approval of Water Loan Program Guidelines Revisions for City of Quincy

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		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Cotter		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve a one-time exemption to the Phase 3 Program Guidelines for the Local Water System Assistance Program to waive the annual allocation restriction for the City of Quincy to allow the City to borrow up to \$4,275,600 for a water system loan as early as May 2020. The Phase 3 early borrowing representing three years: year 4 (FY21); year 9 (FY26); and year 10 (FY27). The loan distribution is contingent upon a Quincy City Council water bond authorization to meet this request. (ref. VI B.1)

CONTRACT AWARDS

Water Supply Citizens Advisory Committee Contract

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached to the May 27, 2020 Staff Summary presented to the Board and filed with the records of the meeting, with the Water Supply Citizens Advisory Committee for a one-year period beginning July 1, 2020 to June 30, 2021, with a total contract cost of \$110,490.00. (ref. VI C.1)

Supply and Delivery of Sodium Hypochlorite for the John J. Carroll Water Treatment Plant and the William A. Brutsch Treatment Facility: Univar USA, Inc., Bid WRA-4834

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the award of Purchase Order Contract WRA-4834, a one-year contract for the supply and delivery of sodium hypochlorite to the lowest responsive bidder, Univar USA, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,630,911.40 for a period of one year, from July 17, 2020 through July 16, 2021. (ref. VI C.2)

Metropolitan Tunnel Redundancy Program - Preliminary Design, Geotechnical Investigation and Environmental Impact Report: CDM Smith, Inc. Contract 7159

Staff made a presentation. There were questions and answers.
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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7159, Metropolitan Tunnel Redundancy Program Preliminary Design, Geotechnical Investigation and Environmental Impact Report 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 \$15,692,527 for a contract term of 42 months from the Notice to Proceed. (ref. VI C.3)

PERSONNEL & COMPENSATION COMMITTEE

APPROVALS

PCR Amendments – May 2020

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		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the amendments to the Position Control Register (PCR) as presented, on a date to be determined by the Executive Director. (ref. VII A.1)

Appointment of Manager, Finance and Administration, Operations

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		
Flanagan		
Foti		
Pappastergion		
Peña		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Vitale		
Walsh		
Wolowicz		

Voted: to approve the appointment of Ms. Lisa Jenkins to the position of Manager, Finance & Administration (Unit 6, Grade 12), at an annual salary of \$107,322.65 commencing on a date to be determined by the Executive Director. (ref. VII A.2)

ANNUAL MEETING OF THE PERSONNEL AND COMPENSATION COMMITTEE INDEPENDENT OF MANAGEMENT

Authority Accountability and Transparency Act Compliance

The Committee Chair stated the purpose of the annual meeting and MWRA staff reviewed meeting procedures. The meeting was then called to order at 2:24 p.m. In compliance with the provisions of the above-referenced Act, MWRA management was not present during the meeting. The only MWRA staff member present at the virtual meeting was Kristin MacDougall, Assistant to the Board of Directors. There was brief discussion.

Review and Extension of Contract and Appointment for Executive Director

There was 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>
Carroll		
Cook		
Cotter		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to rate the performance of Frederick A. Laskey, Executive Director, for Fiscal Year 2020 as Excellent.

Further, voted: to extend the term of the Executive Director’s employment agreement and his appointment as the Executive Director by one year through June 30, 2023 and to defer any vote regarding his salary to a later date.

The meeting adjourned at 2:30 p.m.

OTHER BUSINESS

MWRA management rejoined the meeting. Staff announced the results of the vote for the Review and Extension of Contract and Appointment for Executive Director, referenced above. There was brief discussion.

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		
Cook		
Cotter		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

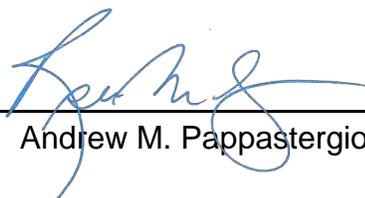
Voted: to adjourn.

Vice Chair Carroll wished all meeting participants well.

The meeting adjourned at 2:34 p.m.

Approved: June 24, 2020

Attest:

 for _____
 Andrew M. Pappastergion, Secretary