

## MASSACHUSETTS WATER RESOURCES AUTHORITY

### Meeting of the Board of Directors

October 14, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the October 14, 2020 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, Peña, Vitale and Walsh. Secretary Theoharides and Mr. Pappastergion were 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, Matthew Horan, Deputy Director of Finance/Treasurer, Michele Gillen, Director of Administration, Brian Rowzowsky, Director of Internal Audit, Betsy Reilley, Director of Environmental Quality, David Duest, Deer Island Treatment Plant Director, John Colbert, Chief Engineer, Michael Greeley, Manager, Metering and Monitoring, Stephen Estes-Smargiassi, Director of Planning and Sustainability, Lisa Hamilton, Assistant Director, Engineering, Bethany Card, Director of Environmental and Regulatory Affairs, Corrine Barret, Director of Construction, Andrea Murphy, Director of Human Resources, and Assistant Secretaries Ria Convery and Kristin MacDougall. The meeting was called to order at 1:03 p.m. 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 SEPTEMBER 16, 2020 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of September 16, 2020.

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

### REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey announced that MWRA's Wachusett Aqueduct Pumping Station received the Sustainability in Civil Engineering Award from the Boston Society of Civil Engineers. Mr. Laskey then updated Board Members on the Metropolitan Tunnel Redundancy Program, the Biobot testing program, the status of the HEEC cable and MWRA's new PFAS testing equipment.

Finally, there was discussion about the Water Supply Protection efforts and staffing under the Memorandum of Understanding between MWRA and DCR. Mr. Laskey reported that an update would be provided to the Board at the next meeting. (Mr. Flanagan joined the meeting during the report.)

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

<http://www.mwra.com/monthly/bod/boardmaterials/2020/OS-2020-10-14BoardMaterials.pdf>

## ADMINISTRATION AND FINANCE

### INFORMATION

#### Internal Audit Department Activities Report – FY2020

Staff provided a verbal summary. (ref. IV A.1)

#### Delegated Authority Report – September 2020

Staff provided a verbal summary. (ref. IV A.2)

#### FY21 Financial Update and Summary as of September 2020

Staff provided a verbal summary. (ref. IV A.3)

## APPROVALS

### Approval Award of Letter of Credit and Direct Purchase Agreements

A motion was duly made and seconded to approve the recommendation of the Selection Committee to enter into a Letter of Credit Agreement, in a principal amount not-to-exceed \$42,100,000, with TD Bank, N.A. and a Direct Purchase Agreement, in a principal amount not-to-exceed \$8,780,000, with Century Bank and Trust Company, and to authorize any necessary changes, in accordance with the applicable Issuance Resolutions, to the 24th and Part 3 of the 64th Supplemental Resolutions to reflect such agreements.

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

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

## WASTEWATER POLICY AND OVERSIGHT

### INFORMATION

#### MWRA Industrial Waste Report No. 36: Industrial Pretreatment Program Annual Report to EPA for FY2020

Staff provided a verbal summary. (ref. V A.1)

#### 2019 Outfall Monitoring Overview

Staff made a presentation. There were questions and answers. (ref. V A.2)

## CONTRACT AWARDS

### Supply and Delivery of Ferric Chloride for Deer Island: Kemira Water Solutions, Inc., WRA-4881

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4881 for the supply and delivery of ferric chloride to the Deer Island Treatment Plant to the lowest responsive bidder, Kemira Water Solutions, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase

order contract in an amount not to exceed \$1,974,000 for a period of one year, from December 1, 2020 through November 30, 2021.

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. V B.1)

Supply and Delivery of Sodium Hypochlorite for Deer Island: Borden & Remington, WRA-4882

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4882 for the supply and delivery of sodium hypochlorite to the Deer Island Treatment Plant to the lowest responsive bidder, Borden & Remington Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,673,715.30 for a period of one year, from November 17, 2020 through November 16, 2021.

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

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

Thermal and Hydro Power Plant Maintenance, Deer Island Treatment Plant: O'Connor Corporation, Contract S597

A motion was duly made and seconded to approve the award of Contract S597, Thermal and Hydro Power Plant Maintenance, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, O'Connor Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$5,243,893 for a contract term of 1095 calendar days from the Notice to Proceed..

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

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

Agency-Wide Technical Assistance Consulting Services: Hazen and Sawyer, Contract 7691, and CDM Smith, Contract 7692

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide agency-wide technical consulting services and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7691 with Hazen and Sawyer, P.C., and Contract 7692 with CDM Smith Inc., each in an amount not to exceed \$2,500,000 for a contract term of twenty-four months 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. V B.4)

Permanent Metering System Replacement Equipment and Installation: ADS LLC, Contract 7191

A motion was duly made and seconded to approve the award of Contract 7191, Permanent Metering System Replacement Equipment Purchase and Installation, to the lowest responsible and eligible bidder, ADS, LLC, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$3,286,114, for a contract term of 450 calendar days from the Notice to Proceed.

Staff made a presentation. There were questions and answers.

Vice Chair Carroll called for any further discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. V B.5)

CONTRACT AMENDMENTS/CHANGE ORDERS

Wastewater Metering System Replacement – Evaluation, Planning, Design, Resident Engineering/Inspection Services for Installation of Metering Equipment: RJN Group, Contract 6739, Amendment 1

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Contract 6739, Wastewater Metering System Replacement Evaluation, Planning, Design, and Resident Engineering/Inspection Services for Purchase and Installation of Metering Equipment, with RJN Group, Inc., to increase the contract term by 449 calendar days from December 7, 2021 to March 1, 2023 with no increase in contract amount.

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

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

Agreement for Contract Extension, Operations and Maintenance of the Fore River Pelletizing Plant: New England Fertilizer Company, Contract S345, Amendment 3

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 3 to Contract S345, Operations and Maintenance of the Fore River Pelletizing Plant, with New England Fertilizer Company in the amount of \$30,719,338 plus escalation and adjustments for excess quantities and extending the contract term for two years, from January 1, 2021 through December 31, 2022, with an optional third year subject to further Board approval.

Staff made a presentation. There were questions and answers.

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

WATER POLICY AND OVERSIGHT INFORMATION

America's Water Infrastructure Act (AWIA): Risk Assessments and Emergency Response Plans

Staff provided a verbal summary. (ref. VI A.1) Mr. Laskey thanked staff for a job well done.

Project Update: Section 22 Rehabilitation Alternatives Analysis and Environmental Permitting: Black & Veatch Corporation, Contract 7155

Staff made a presentation. (ref. VI A.2)

APPROVALS

Emergency Water Supply Agreement with the Town of Burlington

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute an Emergency Water Supply Agreement with the Town of Burlington, subject to the approval of the MWRA Advisory Board, for a period of up to six months, pursuant to the Emergency Water Supply Agreement attached to the October 14, 2020 staff summary presented to the Board and filed with the records of the meeting.

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)

CONTRACT AWARDS

Weston Aqueduct Stop Plank Gates: WES Construction Corp., Contract 7369

A motion was duly made and seconded to approve the award of Contract 7369 Weston Aqueduct Stop Plank Gates to the lowest responsible and eligible bidder, WES Construction Corp., and authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$2,294,000.00, for a contract term of 270 calendar days from the Notice to Proceed.

Staff made a presentation. There were questions and answers.

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

Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant: Hazen and Sawyer P.C., Contract 7713 and Stantec Consulting Services, Inc., Contract 7714

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7713 with Hazen and Sawyer, P.C. and Contract 7714 with Stantec Consulting Services, Inc.,

each in an amount not to exceed \$1,000,000, with a contract term of 24 months 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 C.2)

(Mr. Foti left the meeting.)

### CONTRACT AMENDMENTS/CHANGE ORDERS

#### Commonwealth Avenue Pumping Station Improvements: WES Construction Corp., Contract 7524, Change Order 8

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 8 to Contract 7524, Commonwealth Avenue Pumping Station Improvements, with WES Construction Corp. for a not to exceed amount of \$150,000, increasing the contract amount from \$7,508,212.25 to \$7,658,212.25, with no increase in contract term.

Staff made a presentation.

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 D.1)

#### Commonwealth Avenue Pumping Station Improvements: Black & Veatch Corp., Contract 7523, Amendment No. 1

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Contract 7523, Commonwealth Avenue Pumping Station Improvements Design, Engineering Services During Construction and Resident Engineering/Inspection Services, with Black & Veatch Corporation, in the amount of \$293,202, increasing the contract amount from \$2,765,907 to an amount not-to-exceed \$3,059,109 and extending the contract term by nine months, from July 4, 2021 to April 4, 2022.

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 D.2)

### PERSONNEL AND COMPENSATION

#### APPROVALS

##### PCR Amendments – October 2020

A motion was duly made and seconded to approve the amendments to the Position Control Register as presented, on a date to be determined by the Executive Director.

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

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

Appointment of Area Manager, Electrical, Deer Island Treatment Plant

A motion was duly made and seconded to approve the appointment of Mr. Thomas Wright to the position of Area Manager, Electrical, Deer Island Maintenance (Unit 6, Grade 12) at an annual salary of \$105,760.86, commencing on a date to be determined by the Executive Director.

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

Appointment of Shift Operations Manager, Deer Island Treatment Plant

A motion was duly made and seconded to approve the appointment of Mr. Angly Catulle to the position of Shift Operations Manager at an annual salary of \$97,705.78, commencing on a date to be determined by the Executive Director.

There was brief discussion.

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

Appointment of Construction Coordinator, Engineering and Construction

A motion was duly made and seconded to approve the appointment of Mr. James Snow to the position of Construction Coordinator in the Engineering & Construction Department (Unit 9, Grade 30) at the recommended annual salary of \$119,503.32, commencing on a date to be determined by the Executive Director.

Vice Chair Carroll called for any discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII A.4)

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		
Flanagan		
Peña		
Vitale		
Walsh		

YesNoAbstain

Wolowicz

Voted: to approve the minutes of the Board of Directors' meeting of September 16, 2020 meeting as presented and filed with the records of the meeting (ref. I);

Further, voted: to approve the recommendation of the Selection Committee to enter into a Letter of Credit Agreement, in a principal amount not-to-exceed \$42,100,000, with TD Bank, N.A. and a Direct Purchase Agreement, in a principal amount not-to-exceed \$8,780,000, with Century Bank and Trust Company, and to authorize any necessary changes, in accordance with the applicable Issuance Resolutions, to the 24th and Part 3 of the 64th Supplemental Resolutions to reflect such agreements (ref. IV B.1);

Further, voted: to approve the award of Purchase Order Contract WRA-4881 for the supply and delivery of ferric chloride to the Deer Island Treatment Plant to the lowest responsive bidder, Kemira Water Solutions, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,974,000 for a period of one year, from December 1, 2020 through November 30, 2021 (ref. V B.1);

Further, voted: to approve the award of Purchase Order Contract WRA-4882 for the supply and delivery of sodium hypochlorite to the Deer Island Treatment Plant to the lowest responsive bidder, Borden & Remington Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,673,715.30 for a period of one year, from November 17, 2020 through November 16, 2021 (ref. V B.2);

Further, voted: to approve the award of Contract S597, Thermal and Hydro Power Plant Maintenance, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, O'Connor Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$5,243,893 for a contract term of 1095 calendar days from the Notice to Proceed (ref. V B.3);

Further, voted: to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide agency-wide technical consulting services and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7691 with Hazen and Sawyer, P.C., and Contract 7692 with CDM Smith Inc., each in an amount not to exceed \$2,500,000 for a contract term of twenty-four months from the Notice to Proceed (ref. V B.4);

Further, voted: to approve the award of Contract 7191, Permanent Metering System Replacement Equipment Purchase and Installation, to the lowest responsible and eligible bidder, ADS, LLC, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$3,286,114, for a contract term of 450 calendar days from the Notice to Proceed (ref. V B.5);



Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Contract 6739, Wastewater Metering System Replacement Evaluation, Planning, Design, and Resident Engineering/Inspection Services for Purchase and Installation of Metering Equipment, with RJN Group, Inc., to increase the contract term by 449 calendar days from December 7, 2021 to March 1, 2023 with no increase in contract amount (ref. V C.1);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 3 to Contract S345, Operations and Maintenance of the Fore River Pelletizing Plant, with New England Fertilizer Company in the amount of \$30,719,338 plus escalation and adjustments for excess quantities and extending the contract term for two years, from January 1, 2021 through December 31, 2022, with an optional third year subject to further Board approval (ref. V C.2);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute an Emergency Water Supply Agreement with the Town of Burlington, subject to the approval of the MWRA Advisory Board, for a period of up to six months, pursuant to the Emergency Water Supply Agreement attached to the October 14, 2020 staff summary presented to the Board and filed with the records of the meeting (ref. VI B.1);

Further, voted: to approve the award of Contract 7369 Weston Aqueduct Stop Plank Gates to the lowest responsible and eligible bidder, WES Construction Corp., and authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$2,294,000.00, for a contract term of 270 calendar days from the Notice to Proceed (ref. VI C.1);

Further, voted: to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7713 with Hazen and Sawyer, P.C. and Contract 7714 with Stantec Consulting Services, Inc., each in an amount not to exceed \$1,000,000, with a contract term of 24 months from the Notice to Proceed (ref. VI C.2);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 8 to Contract 7524, Commonwealth Avenue Pumping Station Improvements, with WES Construction Corp. for a not to exceed amount of \$150,000, increasing the contract amount from \$7,508,212.25 to \$7,658,212.25, with no increase in contract term (ref. VI D.1);

Further, voted:: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Contract 7523, Commonwealth Avenue Pumping Station Improvements Design, Engineering Services During Construction and Resident Engineering/Inspection Services, with Black & Veatch Corporation, in the amount of \$293,202, increasing the contract amount from \$2,765,907 to an amount not-to-exceed

\$3,059,109 and extending the contract term by nine months, from July 4, 2021 to April 4, 2022 (ref. VI D.2);

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

Further, voted: to approve the appointment of Mr. Thomas Wright to the position of Area Manager, Electrical, Deer Island Maintenance (Unit 6, Grade 12) at an annual salary of \$105,760.86, commencing on a date to be determined by the Executive Director (ref. VII A.2);

Further, voted: to approve the appointment of Mr. Angly Catulle to the position of Shift Operations Manager at an annual salary of \$97,705.78, commencing on a date to be determined by the Executive Director (ref. VII A.3); and,

Further, voted: to approve the appointment of Mr. James Snow to the position of Construction Coordinator in the Engineering & Construction Department (Unit 9, Grade 30) at the recommended annual salary of \$119,503.32, commencing on a date to be determined by the Executive Director (ref. VII A.4).

### EXECUTIVE SESSION

Vice Chair Carroll moved that Board enter Executive Session to discuss real estate and collective bargaining since discussion in Open Session may have a detrimental effect upon the negotiating and litigating position of the Authority, and then return to Open Session solely for the purpose of adjournment.

MWRA General Counsel Francisco-Murphy announced that under the Open Meeting Law, at the start of an Executive Session, 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		
Flanagan		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to enter Executive Session to discuss real estate and collective bargaining and to return to Open Session solely for the purpose of adjournment.

\*\*\* EXECUTIVE SESSION \*\*\*

ADJOURNMENT

The meeting returned to open session and adjourned at 3:30 p.m.

Approved: November 18, 2020

Attest:

  
Andrew M. Pappastergion, Secretary