

## **MASSACHUSETTS WATER RESOURCES AUTHORITY**

### Meeting of the Board of Directors

March 17, 2021

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the March 17, 2021 meeting of the Board of Directors of the Massachusetts Water Resources Authority was conducted by remote participation. Secretary Theoharides and Vice Chair Carroll presided. Present remotely from the Board, in addition to Secretary Theoharides and Mr. Carroll, were Ms. Wolowicz and Messrs. Cook, Flanagan, Foti, Pappastergion, Peña and Vitale. Mr. Walsh 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; Carl Leone, Senior Program Manager, Planning; Marty McGowan, Construction Coordinator, Engineering and Construction; John Colbert, Chief Engineer; Stephen Estes-Smargiassi, Director, Planning and Sustainability; Cori Barrett, Director, Construction; Andrea Murphy, Director, Human Resources; Matthew Horan, Deputy Director of Finance/Treasurer; Douglas Rice, Director, Procurement; Michael Cole, Budget Director; Paula Weadick, Director, MIS; 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 1:01 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 FEBRUARY 17, 2021 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of February 17, 2021.

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

### REPORT OF THE CHAIR

Secretary Theoharides reported that she recently declared a Level 1 – Mild Drought in Western Massachusetts; all other regions of the Commonwealth remained in Normal Conditions. The Secretary emphasized the ongoing need for water conservation across Massachusetts. In observance of National Fix a Leak Week, Secretary Theoharides thanked MWRA and its service communities for aggressively addressing water losses and for fixing leaks system wide.

Next, the Secretary noted that the Massachusetts Department of Environmental Protection awarded \$3 million in grants to seventeen public water systems in support of efforts to address elevated levels of PFAS in drinking water.

Finally, Secretary Theoharides reported that MWRA received \$1.3 million from the Commonwealth's Sewer Rate Relief Fund, which will be applied to reduce MWRA community assessments in Fiscal Year 2022. (ref. II)

#### REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey reported that the Baker-Polito Administration had designated sanitation and other public utility workers eligible to receive COVID-19 vaccine; he thanked Governor Baker and his administration for their ongoing support. He then described MWRA's initiatives to encourage eligible staff to receive vaccines as soon as possible.

Next, Mr. Laskey noted that MWRA staff is reviewing internal policies in furtherance of Governor Baker's Future of Work initiative.

Mr. Laskey gave a brief presentation to update Board members on MWRA's Biobot COVID-19 Wastewater Tracking Program and staff COVID-19 testing results.

Finally, Mr. Laskey noted that he had recently forwarded correspondence related to the Pan Am Railroad to Board members. There was discussion and questions and answers. (ref. III)

#### WASTEWATER POLICY AND OVERSIGHT INFORMATION

##### Infiltration/Inflow Local Financial Assistance Program Annual Update

Staff gave a presentation.

There was brief discussion and questions and answers.

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

#### CONTRACT AMENDMENTS/CHANGE ORDERS

##### Chelsea Creek Headworks Upgrade: BHD/BEC JV 2015, A Joint Venture, Contract 7161 Change Order 45

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 45 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture for an amount not to exceed \$644,447.00, increasing the contract amount from \$84,189,092.06 to \$84,833,539.06, with no increase in contract term.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff gave a presentation. There was discussion and questions and answers.

Hearing no further questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. IV B.1)

Remote Headworks Upgrade: Arcadis U.S., Inc., Contract 7206, Amendment 7

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 7 to Contract 7206, Remote Headworks Upgrade Design and Construction Administration, with Arcadis U.S., Inc., increasing the contract amount by \$439,000, from \$10,315,831 to \$10,754,831 and extending the contract term by 6 months from October 1, 2021 to April 1, 2022.

Staff gave a presentation.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. IV B.2)

WATER POLICY AND OVERSIGHT

INFORMATION

Response to WSCAC Correspondence on Green Forestry Certification

Staff gave a presentation.

Hearing no questions or discussion, Committee Chair Peña proceeded to the next agenda item. (ref. V A.1)

Local Water System Assistance Program Annual Update

Staff gave a presentation.

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

CONTRACT AWARDS

Quabbin Maintenance Building Design, Construction Administration and Resident Engineering Services: The Robinson Green Beretta Corporation, Contract 7677

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to award Contract 7677, Quabbin Maintenance Building Design, Construction Administration and Resident Engineering Services, to the first ranked firm, The Robinson Green Beretta Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$1,318,278 for a contract term of 43 months from the Notice to Proceed.

Staff gave a presentation. There was questions and answers.

Hearing no further questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. V B.1)

CONTRACT AMENDMENTS/CHANGE ORDERS

Commonwealth Avenue Pumping Station: WES Construction, Contract 7524, Change Order 10

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 10 to Contract 7524, Commonwealth Avenue Pumping Station Improvements, with WES Construction Corp., for a not to exceed amount of \$230,246.92, increasing the contract amount from \$7,669,408.18 to \$7,899,655.10, with no increase in contract term.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7524 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff gave a presentation.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. V C.1)

## PERSONNEL AND COMPENSATION

### APPROVALS

#### PCR Amendments – March 2021

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

Staff provided a verbal summary.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. VI A.1)

#### Appointment of Manager, Operations Administration

A motion was duly made and seconded to approve the appointment of Ms. Laurie Allen as Manager, Operations Administration (Unit 6 Confidential, Grade 13) in the Operations Division at an annual salary of \$120,129.66 commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. VI A.2)

#### Appointment of Director, Security

A motion was duly made and seconded to approve the appointment of Mr. Gary Cacace as Director, Security (Grade 16, Non-Union) in the Executive Office at an annual salary of \$161,000.00 commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. VI A.3)

#### Appointment of Deputy Director, MIS

A motion was duly made and seconded to approve the appointment of Mr. Roni Holzer to the position of Deputy Director, Management Information Systems (MIS), Non-

Union, Grade 15, at an annual salary of \$146,000.00 commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. VI A.4)

#### Appointment of Associate General Counsel, Labor and Employment, Law

A motion was duly made and seconded to approve the appointment of Ms. Wenhwei (“Wendy”) Chu to the position of Associate General Counsel, Labor and Employment, Law Division (Non-Union, Grade 15) at an annual salary of \$140,000, commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

Hearing no questions or objections, Chair Theoharides referred the motion to an omnibus roll call vote. (ref. VI A.5)

(Chair Theoharides left the meeting after referring the motion.)

#### ADMINISTRATION, FINANCE AND AUDIT INFORMATION

##### Delegated Authority Report – February 2021

Hearing no questions or discussion, Committee Chair Vitale proceeded to the next agenda item. (ref. VII A.1)

##### FY21 Financial Update and Summary as of February 2021

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

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

#### APPROVALS

##### Appointment of Proxy for Fore River Railroad Corporation

A motion was duly made and seconded that the MWRA Board of Directors, as holder of all voting rights of all the issued and outstanding shares of stock of the Fore River Railroad Corporation, vote to appoint Bethany A. Card, with the power of substitution, to vote as proxy at the next annual meeting and any special meeting of the stockholders for the Fore River Railroad Corporation in accordance with the form of proxy as presented and filed with the records of this meeting.

Further, a motion was duly made and seconded that the MWRA Board of Directors directs the proxy to elect the following board members: David W. Coppes, Thomas J. Durkin, Godfrey O. Ezeigwe, Carolyn M. Fiore, Michele S. Gillen, Lisa R. Grollman, Frederick A. Laskey, Carolyn M. Francisco Murphy, Brian Peña and John J. Walsh.

Hearing no questions or objections, Vice Chair Carroll referred the motion to an omnibus roll call vote. (ref. VII B.1)

CONTRACT AWARDSHarbor Outfall Monitoring and Loading System Upgrade, Guild Systems, Inc., Contract 7653

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Contract 7653, Harbor Outfall Monitoring and Loading System Upgrade, to Guild Systems Inc., and authorize the Executive Director, on behalf of the Authority to execute said contract in an amount not to exceed \$195,640, for a contract term of six months, which includes a three month warranty period, from the Notice to Proceed.

Staff provided a verbal summary.

Hearing no questions or objections, Vice Chair Carroll referred the motion to an omnibus roll call vote. (ref. VII C.1)

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		
Foti		
Flanagan		
Pappastergion		
Peña		
Vitale		
Wolowicz		

Voted: to approve the minutes of the Board of Directors' February 17, 2021 meeting as presented and filed with the records of the meeting; (ref. I)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 45 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture for an amount not to exceed \$644,447.00, increasing the contract amount from \$84,189,092.06 to \$84,833,539.06, with no increase in contract term; and, further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 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 B.1)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 7 to Contract 7206, Remote Headworks Upgrade Design and

Construction Administration, with Arcadis U.S., Inc., increasing the contract amount by \$439,000, from \$10,315,831 to \$10,754,831 and extending the contract term by 6 months from October 1, 2021 to April 1, 2022; (ref. IV B.2)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to award Contract 7677, Quabbin Maintenance Building Design, Construction Administration and Resident Engineering Services, to the first ranked firm, The Robinson Green Beretta Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$1,318,278 for a contract term of 43 months from the Notice to Proceed; (ref. V B.1)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 10 to Contract 7524, Commonwealth Avenue Pumping Station Improvements, with WES Construction Corp., for a not to exceed amount of \$230,246.92, increasing the contract amount from \$7,669,408.18 to \$7,899,655.10, with no increase in contract term; and, further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7524 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. V C.1)

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

Further, voted: to approve the appointment of Ms. Laurie Allen as Manager, Operations Administration (Unit 6 Confidential, Grade 13) in the Operations Division at an annual salary of \$120,129.66 commencing on a date to be determined by the Executive Director; (ref. VI A.2)

Further, voted: to approve the appointment of Mr. Gary Cacace as Director, Security (Grade 16, Non-Union) in the Executive Office at an annual salary of \$161,000.00 commencing on a date to be determined by the Executive Director. (ref. VI A.3)

Further, voted: to approve the appointment of Mr. Roni Holzer to the position of Deputy Director, Management Information Systems (MIS), Non-Union, Grade 15, at an annual salary of \$146,000.00 commencing on a date to be determined by the Executive Director; (ref. VI A.4)

Further, voted: to approve the appointment of Ms. Wen-hwei ("Wendy") Chu to the position of Associate General Counsel, Labor and Employment, Law Division (Non-Union, Grade 15) at an annual salary of \$140,000, commencing on a date to be determined by the Executive Director; (ref. VI A.5)

Further, voted: that the MWRA Board of Directors, as holder of all voting rights of all the issued and outstanding shares of stock of the Fore River Railroad Corporation, vote to appoint Bethany A. Card, with the power of substitution, to vote as proxy at the next annual meeting and any special meeting of the stockholders for the Fore River Railroad Corporation in accordance with the form of proxy as presented and filed with the records of this meeting; and, further, voted: that the MWRA Board of Directors directs the

proxy to elect the following board members: David W. Coppes, Thomas J. Durkin, Godfrey O. Ezeigwe, Carolyn M. Fiore, Michele S. Gillen, Lisa R. Grollman, Frederick A. Laskey, Carolyn M. Francisco Murphy, Brian Peña and John J. Walsh; (ref. VII B.1)

Further, voted: to approve the recommendation of the Selection Committee to award Contract 7653, Harbor Outfall Monitoring and Loading System Upgrade, to Guild Systems Inc., and authorize the Executive Director, on behalf of the Authority to execute said contract in an amount not to exceed \$195,640, for a contract term of six months, which includes a three month warranty period, from the Notice to Proceed. (ref. VII C.1)

### EXECUTIVE SESSION

Vice Chair Carroll moved that the Board enter Executive Session to discuss real estate and litigation 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.

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		
Foti		
Flanagan		
Pappastergion		
Peña		
Vitale		
Wolowicz		

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

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

The meeting entered Executive Session at 2:16pm and adjourned at 2:47pm.

Approved: April 14, 2021

Attest:

 for  
Andrew M. Pappastergion, Secretary