

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

September 15, 2021

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on September 15, 2021. The meeting was conducted virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency. Chair Theoharides presided via remote participation. Present remotely from the Board, in addition to the Chair, were Messrs. Carroll, Flanagan, Foti, Pappastergion, Vitale, and P. Walsh. Ms. Wolowicz and Messrs. Cook, Peña, J. Walsh were absent.

MWRA staff in attendance virtually 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; Kathy Murtagh, Director, Tunnel Redundancy; Valerie Moran, Director, Waterworks; Andrea Murphy, Director, Human Resources; Matthew Horan, Deputy Director, Finance/Treasurer; David Duest, Director, Deer Island Treatment Plant; Douglas Rice, Director, Procurement; Brian Kubaska, Assistant Director, Engineering; Marty McGowan, Construction Coordinator; Steve Rhode, Director, Laboratory Services; and, Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, EEA, and Joseph Favaloro, MWRA Advisory Board, were also in attendance virtually.

Chair Theoharides called the meeting to order at 1:02pm. MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance. The Chair announced that with the exception of Executive Session, the meeting was open to the public virtually, via a link posted on MWRA’s website (www.mwra.com). She also announced that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website.

All motions were individually made and presented for discussion and deliberation. MWRA 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, where Board Members could vote affirmatively or in the negative, or abstain from voting. She also said 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 JULY 21, 2021 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of July 21, 2021. Chair Theoharides called for any questions, discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. I)

REPORT OF THE CHAIR

Chair Theoharides congratulated Mr. Laskey for receiving Boston Harbor Now’s award in recognition of The Boston Harbor Islands Partnership’s 25th anniversary. She commended Mr. Laskey for his leadership in the clean-up of Boston Harbor and promoting public access. Next,

the Chair reported on drought conditions in Massachusetts; she announced that she had declared Level Zero drought conditions for all Massachusetts regions except for Cape Cod, which was at Level One. Chair Theoharides described above-average precipitation levels across the state. She noted that she had recently testified from a CSO outfall in Lawrence regarding Governor Baker's American Rescue Plan Act (ARPA) proposal. The Chair added that the Administration had been working diligently to allocate ARPA funds toward improving CSO control and other water infrastructure. Finally, Chair Theoharides described the Baker-Polito Administration's COVID-19 vaccination mandate for Commonwealth employees. She strongly encouraged all Massachusetts quasi-public agencies to adopt this mandate to protect employees, their families and the Massachusetts workforce. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey updated Board Members on MWRA's ongoing efforts to comply with the Baker-Polito Administration's COVID-19 vaccination mandate by October 17, 2021. He added that COVID-19 vaccination requirements were under discussion with MWRA unions, and that MWRA had reinstated indoor mask requirements for all employees. Next, Mr. Laskey announced that MWRA had won the American Water Works Association's 16th annual "Best of the Best" national drinking water taste test award. He explained that the award was made possible through the work of MWRA employees and partner agencies, including the Department of Conservation and Recreation. Mr. Laskey then updated Board members on continued high rainfall levels across the MWRA service area. He commended MWRA employees for their commitment and professionalism in responding to the storms. Next, Mr. Laskey reported that approximately 40 MWRA employees had recently applied for retirement. He highlighted the contributions of some retirees, including Sharon Ward, AACU; Carl Leone, Community Support; Robert Donnelly, Human Resources; and William Lane, Wastewater Operations. Finally, Mr. Laskey reported that staff would review the Delegated Authority policy and present recommended revisions at a future Board meeting. Chair Theoharides expressed support for Delegated Authority policy review, noting that more streamlined Board agendas could allow for deeper discussion of big picture issues and challenges. (ref. III)

WATER POLICY AND OVERSIGHT

Contract Amendments/Change Orders

John J. Carroll Water Treatment Plant SCADA System Improvements Design, Engineering Services During Construction and Resident Engineering Services: Arcadis U.S., Inc., Contract 7581, Amendment 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 7581, John J. Carroll Water Treatment Plant SCADA System Improvements Design, Engineering Services During Construction and Resident Engineering Services, with Arcadis U.S., Inc., to increase the contract amount by \$1,095,716.97 from \$4,727,028.07 to \$5,822,745.04 and extend the contract term by 687 calendar days from November 15, 2023 to October 2, 2025.

MWRA Director of Waterworks Valerie Moran summarized the reasons for the proposed amendment, including changes in the procurement approach, a modified project approach,

increased resident engineering/resident inspection (RE/RI) qualification requirements and COVID-19 related equipment procurement delays. MWRA Chief Operating Officer David Coppes added that the project had grown in complexity and duration, and therefore required more experienced RE/RI staff than originally anticipated.

The Board questioned the basis for the proposed increase from the original contract amount and expressed concerns regarding the change in experience requirements for the RE/RI services. The Board requested additional information about the initial contract's scope, the procurement process and the proposed amendment. It was suggested that MWRA staff provide a revised presentation at a future meeting.

A motion was duly made and seconded to postpone this agenda item until the next Board Meeting.

Mr. Laskey noted that staff would review the presentation materials and return to the Board with additional information at the next Board Meeting. Chair Theoharides asked if postponing this agenda item would have a negative impact on the project's timeline. Mr. Coppes responded that project consultants could continue work while MWRA staff prepared the updated presentation.

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

PERSONEL AND COMPENSATION

Approvals

PCR Amendments – September 2021

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

MWRA Human Resources Director Andrea Murphy summarized proposed amendments, which included two proposed title and grade changes and one proposed title change in Operations Division.

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

Appointment of Superintendent, Clinton Advanced Wastewater Treatment Plant

A motion was duly made and seconded to approve the appointment of Mr. Robert McDonald to the position of Superintendent at the Clinton Advanced Wastewater Treatment Plant (Non-Union, Grade 14), at an annual salary of \$133,000, commencing on a date to be determined by the Executive Director.

HR Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

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

Appointment of Manager, Transmission and Treatment

A motion was duly made and seconded to approve the appointment of Mr. Mark R. Johnson to the position of Manager, Transmission and Treatment, Western Operations (Non-Union, Grade 14) in the Operations Division at the recommended annual salary of \$145,000 commencing on a date to be determined by the Executive Director.

HR Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

A Board Member asked if the appointee was related to a recent retiree, also named Mark Johnson. Ms. Murphy said that there was no relation.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. V A.3)

Appointment of Senior Program Manager, Environmental Monitoring

A motion was duly made and seconded to approve the appointment of Mr. David Wu to the position of Senior Program Manager, Environmental Monitoring, (Unit 9, Grade 30) at an annual salary of \$134,318.33, commencing on a date to be determined by the Executive Director.

HR Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. V A.4)

Appointment of Materials Coordination Manager

A motion was duly made and seconded to approve the appointment of Mr. Stephen Feeley to the position of Materials Coordination Manager (Unit 6, Grade 12), in the Facility Management Program, at an annual salary of \$101,651.86, commencing on a date to be determined by the Executive Director.

HR Director Andrea Murphy summarized the proposed candidate's work history, experience, education and qualifications.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. V A.5)

ADMINISTRATION, FINANCE AND AUDIT

Information

FY21 Fourth Quarter Orange Notebook

Mr. Coppes verbally presented highlights of the final Orange Notebook report for Fiscal Year 2021. He noted key performance indicators, including the resolution of a discrepancy in Deer Island Treatment Plant sludge output, which staff found was caused by a meter error, and MWRA's ongoing challenges in maintaining performance indicators due to staff turnover, retirements and region-wide COVID-19 related staff shortages. He added that these staffing challenges were expected to impact MWRA's performance indicators into the next fiscal year.

Mr. Laskey thanked MWRA Advisory Board staff for their roles in monitoring the sludge output discrepancy.

Committee Chair Vitale invited questions or comments from Board Members. Hearing none, he proceeded to the next agenda item. (ref. VI A.1)

Delegated Authority Report – July and August 2021

Committee Chair Vitale invited questions or comments from Board Members. Hearing none, he proceeded to the next agenda item. (ref. VI A.2)

FY21 Year-End Financial Update and Summary

MWRA Director of Finance Thomas Durkin summarized financial results and variance highlights for Fiscal Year 2021 (FY21). He reported that the total year-end variance for FY21 was \$14.7 million, after \$25.6 million defeasance, due to lower direct expenses, lower debt service costs and higher revenues. Mr. Durkin explained that FY21 direct expenses were driven mostly by lower spending for wages and salaries, utilities, maintenance. He then noted that indirect expenses were \$1.7 million over budget, primarily from accruals in preparation for anticipated Eversource and Harbor Electric Energy Company (HEEC) related costs. Next, Mr. Durkin reported that MWRA was closing FY21 with \$1.9 million in capital financing as a surplus primarily due to the timing of issuance and low interest rates on variable rate debt. Finally, he reported that revenue was \$1.8 million over budget and noted that staff would recommend that \$12.7 million of the surplus be used for defeasance in agenda item VI B.1.

There was discussion about potential impacts of inflation and supply chain issues on MWRA's Fiscal Year 2022 budgets.

Committee Chair Vitale invited questions or comments from Board Members. Hearing none, he proceeded to the next agenda item. (ref. VI A.3)

Fiscal Year 2021 Year-End Capital Improvement Program Spending Report

Mr. Durkin summarized highlights of FY21 Capital Improvement Program (CIP) accomplishments and variances during FY21. He reported 44.2% in underspending, adding that this figure was partly due to lower than anticipated rates of payment deferrals from communities that participated in MWRA's Infiltration/Inflow and Local Pipeline Assistance Program loan and grant programs.

Mr. Durkin also noted that some planned MIS expenses had been deferred as the department's priorities had shifted toward addressing COVID-19 related operational needs.

Mr. Coppes added that large MWRA projects contributed to the overall spending variance. Examples he cited included the deferral of the Prison Point CSO Facility Improvements; Deer Island Clarifier Phase Two Construction bid and award delays; Northern Intermediate High Section 89 permitting delays due to COVID-19; and, the impacts of natural gas regulatory requirements on the Section 23, 24 and 47 project's schedule.

There was general discussion about the benefits and costs of various models of electric, hybrid and other zero emissions fleet vehicles, and the Authority's plans for future purchases of electric vehicles. Director of Administration Michele Gillen noted that the Authority has 26 hybrid and 12 electric vehicles in its fleet, and plans to purchase 4 to 6 electric vehicles per year to satisfy the state's carbon emissions requirements. Secretary Theoharides noted that Governor Baker had updated the Leading by Example Executive Order in spring 2021, and that all state fleets were required to be 100% ZEV, or zero emissions, by 2040. She added that replacing older internal combustion vehicles with ZEV vehicles was a priority, and encouraged Board Members and MWRA staff to share findings on their fleets' ZEV vehicles.

Committee Chair Vitale invited questions or comments from Board Members. Hearing none, he proceeded to the next agenda item. (ref. VI A.4)

Approvals

Bond Defeasance of Future Debt Service

A motion was duly made and seconded to authorize the Executive Director or his designee, on behalf of the Authority, to enter into, execute and deliver all necessary agreements and other instruments and to take such other actions necessary to effectuate the redemption and defeasance of an aggregate principal amount of \$11,375,000 of outstanding MWRA senior bonds including to cause the escrow of cash and/or securities in an amount necessary to fund such redemption and defeasance, in order to reduce the debt service requirement by \$13,151,250 in the FY23 through FY26 timeframe.

Mr. Durkin and MWRA Deputy Director of Finance/Treasurer Matt Horan summarized the proposed plan to execute an approximately \$12.7 million defeasance, funded through part of the FY21 budget surplus, to reduce future year rate increases. Mr. Horan noted that since the defeasance program started, MWRA had seen \$36.2 million in avoided interest costs by paying debt off early using surplus funds. He added that there were ten different defeasances starting in 2015, contributing a \$79 million total reduction to the FY22 debt service requirement, and that defeasances had allowed MWRA to curb rate increases. Finally, Mr. Horan noted that staff plans to continue to use this defeasance to smooth out peak debt service years and to manage overall rate structure.

There was general discussion about potential savings from tax exempt advance refunding. There was also discussion about the hypothetical effects of potential tax increases on investments, the stock market, pensions and Other Post-Employment Benefits (OPEB) trusts.

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

Delegation of Board's Authority to Make Determinations on Ethics Disclosures by the Executive Director

A motion was duly made and seconded to delegate to the Chair of the Board, the Board of Directors' authority to make determinations in response to ethics disclosures, made by the Executive Director, on behalf of the Board in accordance with 930 CMR Section 5.04(a) and to ratify past practice, with a copy of such determinations by the Chair provided to the Board of Directors in accordance with said regulation.

MWRA General Counsel Francisco Murphy summarized the reasons for proposing the vote to delegate the Board's authority to make determinations on ethics disclosures by the Executive Director to the Board Chair, who would make determinations of the Board's behalf. She explained that the delegation of authority would be consistent with ethics regulations and MWRA practice, and would also streamline the determination process so that there would be no delay in taking any action on a particular matter. Ms. Francisco Murphy added that a copy of all such determinations would be provided to the Board.

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

WASTEWATER POLICY AND OVERSIGHT

Contract Awards

Supply and Delivery of Ferric Chloride to Deer Island: Kemira Water Solutions, Inc., Bid WRA-4995

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4995 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 \$2,320,000 for a period of one year, from December 1, 2021 through November 30, 2022.

MWRA Deer Island Treatment Plant Director Dave Duest briefly described the proposed contract for a one-year supply of ferric chloride.

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

Supply and Delivery of Sodium Hypochlorite to Deer Island: Borden & Remington Corporation, Bid WRA-4996

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4996 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 \$1,849,260.26 for a period of one year from November 17, 2021 through November 16, 2022.

Mr. Duest described the proposed contract for a one-year supply of sodium hypochlorite, which is used as a disinfectant at MWRA's Deer Island Treatment Plant in compliance with permit requirements.

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

Supply, Delivery, and Disposal of Regenerated Activated Carbon for the Deer Island Treatment Plant: Carbon Activated Corporation, Bid WRA-5002

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-5002, a three-year contract for the supply, delivery and disposal of regenerated activated carbon for the Deer Island Treatment Plant, to the lowest responsive bidder, Carbon Activated Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,222,125 for a period of three years, from December 11, 2021 through December 10, 2024.

Mr. Duest described the proposed three-year contract for the supply, delivery and disposal of regenerated activated carbon, used principally for Title V air permit compliance for hydrogen sulfide and non-methane hydrocarbon.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII A.3)

Deer Island Treatment Plant South System Pump Station Improvements – Preliminary Design, Final Design, Bidding, Engineering Services During Construction, and Resident Engineering/Inspection Services: AECOM. Contract 7126

A motion was duly made and seconded to rescind the approval granted on April 15, 2021, authorizing the award of Contract 7126 to Hazen and Sawyer, P.C. and the execution of said contract with Hazen and Sawyer, P.C. by the Executive Director; Further, to approve the recommendation of the Consultant Selection Committee to award Contract 7126, Deer Island Treatment Plant South System Pump Station Improvements – Preliminary Design, Final Design, Bidding, Engineering Services During Construction, and Resident Engineering/Inspection Services, to AECOM, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$8,297,068.70, for a contract term of 80 months from the Notice to Proceed

Mr. Duest summarized the reasons for the proposed recession of the award of Contract 7216 to Hazen and Sawyer, PC on April 15, 2021. He explained that Hazen and Sawyer's staff discovered a miscalculation of approximately \$1.26 million in their proposal while preparing documents in advance of the Notice to Proceed. Mr. Duest noted that Hazen and Sawyer staff had voluntarily disclosed the underbid error to MWRA staff, and that discussions followed. He added that MWRA staff had ultimately determined that it would be in the Authority's best interest to rescind the award to Hazen and Sawyer, P.C. and recommend award to the second ranked proposer, AECOM.

There was discussion and questions about the difference in the proposal prices, the bid price discrepancy, eligibility for future contracts and whether there was any impropriety. The Board was advised by Mr. Duest that Hazen and Sawyer offered to hold their original price, and by MWRA Director of Procurement Douglas Rice that staff believed the discrepancy was an honest error and the firm was forthcoming and transparent about the mistake.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII A.4)

Prison Point CSO Facility Improvements: Barletta Heavy Division, Inc., Contract 7462

A motion was duly made and seconded to approve the award of Contract 7462, Prison Point CSO Facility Improvements, to the lowest responsible and eligible bidder, Barletta Heavy Division, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$39,479,000, for a contract term of 730 calendar days from the Notice to Proceed.

MWRA Assistant Director of Engineering Brian Kubaska made a presentation that provided an overview and description of the Prison Point CSO Facility's function and capacity. He also provided a summary of the proposed project, including replacing or enhancing aging equipment, such as its pumps, generator, catenary bar screens and conveyor system, moving the electrical room for the sequencing of construction activities, upgrading the chemical facility and replacing the roof. Mr. Kubaska noted the receipt of three bids for the project, and provided a brief overview of MWRA's plan to sequence the work to maximize efficiency and reduce the amount of time when the facility would need to operate at reduced capacity. Finally, he added that the facility's discharge header would be relined and that this task could only take place during dry conditions; an access hatch would be installed to facilitate work coordination.

Chair Theoharides asked if this project would maintain or improve the facility's capacity. Mr. Laskey responded that the project would ensure continuity of operations at current capacity.

There was brief discussion about wet weather impacts on construction project schedules.

Chair Theoharides asked if there was any further discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII A.5)

CONTRACT AMENDMENTS/CHANGE ORDERSChelsea Creek Headworks Upgrade – Resident Engineering/Resident Inspection Services: CDM Smith Inc., Contract 6802, Amendment 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 6802, Chelsea Creek Headworks Upgrade – Resident Engineering/Resident Inspection Services, with CDM Smith Inc., to extend the contract term by six months, from August 5, 2021 to February 4, 2022, with no increase in the contract amount.

MWRA Construction Coordinator Marty McGowan summarized the reasons for the proposed no cost, six month time extension for the contract, which expired due to staff oversight. Mr. McGowan described the work to be performed during the extension, including site coverage, resident engineering services, reporting, site coordination, warranty management and punch list management.

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

Nut Island Headworks Odor Control and HVAC Improvements: Walsh Construction Company II, LLC Contract 7548, Change Order 6

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 6 to Contract 7548, Nut Island Headworks Odor Control and HVAC Improvements, with Walsh Construction Company II, LLC, for a not-to-exceed amount of \$222,179.61, increasing the contract amount from \$58,319,282.01, to \$58,541,461.62, with no increase in contract term; and further, to authorize the Executive Director to approve additional change orders as may be needed to Contract 7548 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Mr. McGowan gave a presentation that provided an overview of the project and the reasons for the proposed change order, including odor control fan and recirculation pump equipment pad replacement; installation of air handling unit variable frequency drive (VFD) bypass circuits; and, the resolution of odor control fan VFD conflicts, including drip pans and leak detection. Mr. McGowan concluded the presentation with a project progress update.

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

Wastewater Monitoring for COVID-19: Biobot Analytics, Inc., OP-420, 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 OP-420, Wastewater Monitoring for COVID-19, with Biobot Analytics, Inc., increasing the contract amount by an amount not to exceed \$170,000, from \$206,200 to \$376,200, and extending the contract term 189 calendar days, from December 24, 2021 to July 1, 2022.

MWRA Director of Laboratory Services Steve Rhode made a presentation that described the need for the proposed amendment. He provided an overview of the monitoring program and the contract history. He then shared a slide that illustrated Biobot test results since the program began and pointed out trends in testing frequency and case counts.

Chair Theoharides commended Mr. Rhode and the Biobot team for putting the program into motion. She asked whether COVID-19 wastewater monitoring had begun before the Commonwealth's March, 2020 shutdown. Mr. Rhode explained that pre-shutdown wastewater samples were sent to Biobot for retroactive analysis in April 2020. Chair Theoharides inquired about recent fluctuations in detection levels. Mr. Rhode responded that the fluctuations were possibly due to the effect of very high rainfall on wastewater flows.

Chair Theoharides asked if there was any discussion, or objections. Hearing none, she advanced the motion to an omnibus roll call vote. (ref. VII B.3)

OMNIBUS ROLL CALL VOTE

Chair Theoharides 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>
Theoharides		
Carroll		
Flanagan		
Foti		
Pappastergion		
Vitale		
P. Walsh		

Voted: to approve the minutes of the Board of Directors' meeting of July 21, 2021. (ref. I);
 Further, voted: to postpone agenda item IV A.1 until the next Board meeting. (ref. IV A.1);
 Further, voted: to approve the amendments to the Position Control Register (PCR) as presented and filed with the records of this meeting. (ref. V A.1);

Further, voted: to approve the appointment of Mr. Robert McDonald to the position of Superintendent at the Clinton Advanced Wastewater Treatment Plant (Non-Union, Grade 14), at an annual salary of \$133,000, commencing on a date to be determined by the Executive Director. (ref. V A.2);

Further, voted: to approve the appointment of Mr. Mark R. Johnson to the position of Manager, Transmission and Treatment, Western Operations (Non-Union, Grade 14) in the Operations Division at the recommended annual salary of \$145,000 commencing on a date to be determined by the Executive Director. (ref. V A.3);

Further, voted: to approve the appointment of Mr. David Wu to the position of Senior Program Manager, Environmental Monitoring, (Unit 9, Grade 30) at an annual salary of \$134,318.33, commencing on a date to be determined by the Executive Director. (ref. V A.4);

Further, voted: to approve the appointment of Mr. Stephen Feeley to the position of Materials Coordination Manager (Unit 6, Grade 12), in the Facility Management Program, at an annual salary of \$101,651.86, commencing on a date to be determined by the Executive Director. (ref. V A.5);

Further, voted: to authorize the Executive Director or his designee, on behalf of the Authority, to enter into, execute and deliver all necessary agreements and other instruments and to take such other actions necessary to effectuate the redemption and defeasance of an aggregate principal amount of \$11,375,000 of outstanding MWRA senior bonds including to cause the escrow of cash and/or securities in an amount necessary to fund such redemption and defeasance, in order to reduce the debt service requirement by \$13,151,250 in the FY23 through FY26 timeframe. (ref. VI B.1); and,

Further, voted: to delegate to the Chair of the Board, the Board of Directors' authority to make determinations in response to ethics disclosures, made by the Executive Director, on behalf of the Board in accordance with 930 CMR Section 5.04(a) and to ratify past practice, with a copy of such determinations by the Chair provided to the Board of Directors in accordance with said regulation. (ref. VI B.2);

Further, voted: to approve the award of Purchase Order Contract WRA-4995 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 \$2,320,000 for a period of one year, from December 1, 2021 through November 30, 2022. (ref. VII A.1);

Further, voted: to approve the award of Purchase Order Contract WRA-4996 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 \$1,849,260.26 for a period of one year from November 17, 2021 through November 16, 2022. (ref. VII A.2);

Further, voted: to approve the award of Purchase Order Contract WRA-5002, a three-year contract for the supply, delivery and disposal of regenerated activated carbon for the Deer Island Treatment Plant, to the lowest responsive bidder, Carbon Activated Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$1,222,125 for a period of three years, from December 11, 2021 through December 10, 2024. (ref. VII A.3);

Further, voted: to rescind the approval granted on April 15, 2021, authorizing the award of Contract 7126 to Hazen and Sawyer, P.C. and the execution of said contract with Hazen and Sawyer, P.C. by the Executive Director; further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7126, Deer Island Treatment Plant South System Pump Station Improvements – Preliminary Design, Final Design, Bidding, Engineering Services During Construction, and Resident Engineering/Inspection Services, to AECOM, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$8,297,068.70, for a contract term of 80 months from the Notice to Proceed. (ref. VII A.4);

Further, voted: to approve the award of Contract 7462, Prison Point CSO Facility Improvements, to the lowest responsible and eligible bidder, Barletta Heavy Division, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid

amount of \$39,479,000, for a contract term of 730 calendar days from the Notice to Proceed. (ref. VII A.5);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 6802, Chelsea Creek Headworks Upgrade – Resident Engineering/Resident Inspection Services, with CDM Smith Inc., to extend the contract term by six months, from August 5, 2021 to February 4, 2022, with no increase in the contract amount. (ref. VII B.1);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 6 to Contract 7548, Nut Island Headworks Odor Control and HVAC Improvements, with Walsh Construction Company II, LLC, for a not-to-exceed amount of \$222,179.61, increasing the contract amount from \$58,319,282.01, to \$58,541,461.62, with no increase in contract term; further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7548 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. VII B.2); and

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Contract OP-420, Wastewater Monitoring for COVID-19, with Biobot Analytics, Inc., increasing the contract amount by an amount not to exceed \$170,000, from \$206,200 to \$376,200, and extending the contract term 189 calendar days, from December 24, 2021 to July 1, 2022. (ref. VII B.3)

OTHER BUSINESS

There was no Other Business.

EXECUTIVE SESSION

Chair Theoharides announced that the Board would enter Executive Session to discuss real estate and security since discussion in Open Session may have a detrimental effect upon the negotiating position and security of the Authority; and further that the Board would not return to Open Session and would adjourn the meeting from Executive Session.

A motion was duly made and seconded to enter Executive Session for these purposes, and to adjourn the meeting from Executive Session.

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 for Board members who are participating remotely 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>
Theoharides		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Carroll		
Flanagan		
Foti		
Pappastergion		
Vitale		
P. Walsh		

Voted: to enter Executive Session to discuss real estate and security, and to adjourn the meeting from Executive Session.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 2:43pm and adjourned at 3:18pm.

Approved: October 20, 2021

Attest:

 for
Andrew M. Pappastergion, Secretary