

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

July 19, 2023

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on July 19, 2023 at MWRA’s headquarters at Deer Island in Boston, and also via remote participation.

Vice Chair Pappastergion and Chair Tepper presided via remote participation. Board Members Vitale and Patrick Walsh also participated remotely. Board Members Foti, Peña, Taverna, Jack Walsh and White-Hammond participated from MWRA headquarters. Board Members Flanagan and Wolowicz were absent.

MWRA Executive Director Frederick Laskey; General Counsel Carolyn Francisco Murphy; Chief Operating Officer David Coppes; Deputy Chief Operating Officer Rebecca Weidman; Director of Finance Thomas Durkin; Director of Administration Michele Gillen; Special Assistant for Affirmative Action Patterson Riley; ENQUAL Director Betsy Reilley; Deputy Director of Finance/Treasurer Matthew Horan; Energy Manager Kristen Patneau; Director of Security Gary Cacase; Deer Island Treatment Plant Director David Duest; MWRA Manager, Engineering Services Richard Adams; Director of Construction Marty McGowan; Human Resources Director Wendy Chu; Director of Procurement Doug Rice; and Assistant Secretaries Ria Convery and Kristin MacDougall participated at MWRA headquarters. Matthew Romero and James Guiod, MWRA Advisory Board, also participated from MWRA headquarters.

MWRA Program Manager, Energy and Environment Denise Breiteneicher participated remotely.

Vice Chair Pappastergion called the meeting to order at 1:00pm.

ROLL CALL

MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance and announced that Board Members Pappastergion, Vitale and Patrick Walsh were participating remotely. Vice Chair Pappastergion announced that the Board will defer the Executive Session and agenda item A.2 to later in the meeting so that the Secretary could participate if available. The Vice Chair announced that the meeting was being held at MWRA headquarters at Deer Island and virtually, via a link posted on MWRA’s website. He added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website. He also announced that individual roll call votes would be conducted after each motion was made and given an opportunity for discussion.

APPROVAL OF JUNE 21, 2023 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of June 21, 2023.

Vice Chair Pappastergion asked if there was any discussion or questions from the Board. Hearing none, he requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. I)

REPORT OF THE EXECUTIVE DIRECTOR

Fred Laskey, MWRA Executive Director, advised that staff were monitoring the Wachusett Reservoir, which was very close to cresting at less than 1.5 feet to the spillway, and presented a photo of a controlled release of water from the Wachusett into the South Nashua River. He noted that the Wachusett's water level had risen approximately 2.5 feet since July 1, 2023. Mr. Laskey further noted that the Wachusett had received 8.78 inches of rain since July 1, in addition to 6 inches of rainfall in June, 2023. He then explained the drinking water quality benefits of transferring water from the Quabbin to the Wachusett Reservoir during periods of high elevation. Finally, Mr. Laskey described the transfer process and reported that ongoing transfer operations have been running smoothly. David Coppes, MWRA Chief Operating Officer, added that staff were working diligently to manage the releases and transfers, which prevent the Wachusett Reservoir from spilling uncontrollably.

Board Member Taverna requested more information about how high water levels and heavy rainfall were impacting waters downstream. Mr. Coppes explained that the Sudbury system was holding steady. Mr. Taverna asked if the Sudbury Reservoir was overflowing. Mr. Coppes reported that the Sudbury system was operating normally, and added that Eastern Massachusetts had received less rain than the Wachusett watershed. He then advised that the Quabbin Reservoir is approximately 6 inches away from spilling over, and that all MWRA reservoirs are relatively full for this time of year.

Next, Mr. Laskey reported that area beach closings had made local and national news recently, and invited Betsy Reilley, MWRA ENQUAL Director, to provide an update.

Ms. Reilley presented an overview of the Harbor Beaches Monitoring Program. She explained that MWRA has been assisting the Massachusetts Department of Conservation and Recreation (DCR) and Department of Public Health (DPH) to monitor beach water quality since 1996. She further explained that under the program, DPH is responsible for setting beach water quality standards, and that DCR is responsible for managing the beaches, sample collection and testing, and the posting of any required notices. Ms. Reilley described testing limits that trigger beach closings, including a single sample over the bacterial limit, or a five sample geometric mean. She added that heavy rains can also prompt precautionary beach closings, and explained that Boston-area beaches are the only beaches with a rainfall threshold requirement for posting, which varies from 0.25-2.00 inches per day, depending on location.

Next, Ms. Reilley presented the locations of ten, local DCR-managed marine beaches in the MWRA area.

She noted that most are sampled daily, with the exception of some South Boston beaches, which are measured weekly due to their exceptional water quality, partly attributable to MWRA's South Boston Storage Tunnel. She further noted that storm water outfalls are located near Wollaston, Tenean, Malibu and Constitution Beaches, and advised that in the past year storm water discharges had occurred near all of those beaches except for Malibu. She then explained that King's Beach in Lynn/Swampscott has been posted for over 50% of the season, partly due to a brook that runs through it. She briefly noted that a non-MWRA CSO is located near King's beach, but it had not activated this season.

Board Member Foti requested confirmation that there had been no water quality issues at Carson Beach this season. Ms. Reilley confirmed that there were no water quality issues at beaches from Pleasure Bay to Carson Beach, noting that there had been one posting at Carson Beach during a dry period in June, possibly due to bird activity.

Ms. Reilley then presented preliminary Boston Harbor beach data for 2023 through July 17. She advised that this summer has been unusually wet, particularly in July, when the Boston area received approximately 4.5 inches of rainfall; however, the rain resulted in only one, single-day posting, at Carson Beach. She explained that many beach postings are due to storm water and stressed that with the exception of King's Beach, which is not under MWRA's jurisdiction, no harbor beaches are near Combined Sewer Overflows (CSOs.)

Next, Ms. Reilley presented Save the Harbor/Save the Bay (STH/B) annual report card data for area beaches from 2017 through 2022. She noted that with the exception of King's and Tenean, Metro Boston's beaches were consistently ranked among the highest in the area in terms of water quality.

Ms. Reilley then discussed recent media coverage about beach closings due to rain-related bacteria exceedances near the July 4, 2023 holiday. She noted that these media reports unfairly characterized the bacterial sources as "sewage" and "CSOs." She advised that the bacteria was caused mostly by storm water. She further advised that MWRA's Boston Harbor Project, the MWRA/community CSO Control Program and similar efforts had effectively eliminated CSO discharges to the harbor beaches.

Next, Ms. Reilley presented a summary of Massachusetts Sewage Notification Requirements, which mandate public reporting of all CSO and SSO discharges since July 2022. She explained that there had been 636 sewage releases discharges reported statewide since May 29, 2023, only 42 of which were issued by MWRA and its CSO communities. Ms. Reilley suggested that a combination of factors, including a large number of sewage notifications due to high rainfall; new, required Board of Public Health signage; and related media coverage may be contributing to the public's conflation of CSOs with storm water and beach postings. Finally, Ms. Reilley briefly noted that a Select Board meeting would be held in Swampscott on July 19, 2023 to discuss the water quality at King's Beach.

Mr. Laskey noted that MWRA's CSO Storage Tunnel in South Boston has proven to be a worthwhile investment for Boston beach water quality. There was brief, general discussion about the beach water quality testing process and the five-day geomean. Mr. Laskey briefly described the scope and water

quality benefits of the CSO Control Program's sewer separation projects.

Board Member White-Hammond asked if MWRA could engage in public messaging when posted beaches receive the all clear. Ms. Reilley explained that MWRA is not the beach manager, although MWRA does track and post beach data on its website. She further explained that STH/B has been working aggressively with DCR and DPH on communications with the public about beach water quality matters, and that DPH is developing a more accessible web page. Rev. White-Hammond suggested that holding press conferences when beaches are given the all clear would provide an opportunity to educate the public about the true reasons for Harbor beach closings, and to clarify that CSOs are not the cause. There was discussion about potential communications strategies, including push notifications that include the reasons for beach closings.

Finally, Mr. Laskey announced that the August 16, 2023 MWRA Board of Directors meeting would be cancelled, and invited Board Members to participate in the MWRA Advisory Board's annual tour, at Quabbin Reservoir on August 17. He noted that a Board meeting may be held in the MWRA watershed area in the coming months.

(Board Member Vitale briefly left and returned to the meeting, and Rev. Member White-Hammond joined the meeting during the report.) (ref. III)

ADMINISTRATION, FINANCE AND AUDIT

Information

Delegated Authority Report – June 2023

Michele Gillen, MWRA Director of Administration, invited Board Members' questions on the report.

Board Member Jack Walsh asked for more information about report item C-6: *Section 101 Waltham Extension*. Mr. Coppes explained that staff would present more details in agenda item VII A.1. Mr. Walsh requested details about the scope of item P-17: *Purchase for SCADA Software Maintenance*. Mr. Coppes explained that the scope included software updates, maintenance and technical support. There was general discussion about subscription software, and the cost of maintenance. Board Member Peña requested context for item C5: *Revenue Bond Consulting Engineer Services*. Matthew Horan, MWRA Deputy Finance Director/Treasurer, explained that the General Bond Resolution requires MWRA to engage with a Consultant Engineer to review MWRA's facilities, budgets, Capital Improvement Program and rates projections every three years, to keep bondholders informed.

(Chair Tepper joined the meeting, and Mr. Foti temporarily left the meeting during the discussion.)

Hearing no further questions or discussion, Chair Tepper moved to the next Information item. (ref. V A.1)

MWRA Energy and Sustainability Overview

Kristen Patneau, MWRA Energy Manager, presented an overview of MWRA's Energy and

Sustainability Program (“Energy Program”). She explained that a longtime goal of the Energy Program is to reduce the energy demand required to provide safe, reliable water and sewer services for customer communities. Next, she summarized some drivers for the MWRA Energy Program, including benchmarking against the Commonwealth’s Executive Orders and climate goals.

Ms. Patneau then presented a summary of MWRA’s energy use for FY22, noting that approximately 84% of the total energy used was for wastewater transport and treatment; 13% for water treatment and transmission; and, 3% for administration and support. She further noted that DITP represents 66% of MWRA’s total electricity consumption and 67% of fuel oil use, and that utilities expenses comprise over 12% of MWRA’s total operating costs.

Next, Ms. Patneau presented a graph of MWRA’s FY22 energy consumption by fuel type, including electricity (76%), non-vehicle diesel (23%), natural gas (9%), propane (1%), and others such as fuel oil, gasoline and diesel fuel. She noted that together, the DITP and the CWTP account for 75% of MWRA’s electricity use.

Ms. Patneau then presented the wastewater flow impacts on MWRA’s energy demand for FY06 through FY22. She explained that because DITP accounts for over 66% of MWRA’s total demand, electricity demand tends to vary with its flows and is affected by on-site energy availability, wet weather events, demand management operations, and maintenance activities.

Next, Ms. Patneau presented an overview of the energy demands for drinking water treatment. She noted that the CWTP’s most energy-intensive operations were related to water treatment, including ozonation. She further noted that while over 75% of MWRA’s drinking water is transported by gravity, some pumping is required for higher service areas. She presented a graph of MWRA’s decreasing water system demand from 1980 to 2022.

Ms. Patneau then presented an overview of MWRA’s total renewable energy production vs. total energy usage for FY22. She noted that in FY22, MWRA consumed approximately 67% of the renewable energy it had generated, and exported the remainder to the grid. Next, she discussed MWRA’s renewable energy production by source. She noted that electricity generated by DITP methane gas digestion, which heats DITP’s Thermal Plant, is MWRA’s largest source of renewable energy. She added that hydropower is also a significant portion of MWRA’s energy production (42%), and all of MWRA generation assets save approximately \$8 million in electricity costs per year. She presented a brief summary of MWRA’s hydroelectric power sites, with a total capacity of 8 megawatts (MW).

Next, Ms. Patneau discussed MWRA’s wind power facilities at DITP and the Delauri Pump Station, which generate approximately 5% of total MWRA’s renewable energy. She advised that opportunities for additional, large-scale wind turbine power at MWRA facilities were limited due to such factors as development high density, height restrictions and lower wind resources. She provided a brief update on the status of the DITP’s existing wind turbines, including that both are currently offline with repairs to wind turbine 2 and inspections for wind turbine 1 which experienced the recent failure. Ms. Patneau

then presented an overview of MWRA's solar power facilities, with a total capacity of over 1.3 MW. She noted that additional solar sites are in the planning stage, and that staff will assess the economics and benefits of energy storage for all future solar facilities. She further noted that any new buildings or major rehabilitation projects will be designed as solar-ready, and briefly advised that ongoing parts and labor shortages has increased the amount of time that solar facilities remain offline for repair.

Next, Ms. Patneade discussed MWRA's strategies for energy efficiency. She reported that measures such as implementing recommendations from energy audits has saved over 25 million kilowatt hours (kWh) per year (approximately \$2.5 million). She noted that some of MWRA's greatest energy savings (over 10 million kWh per year) have been achieved through process changes, and that energy efficiency measures have been incorporated into MWRA's internal Standard Operating Procedures.

Ms. Patneade then described MWRA's efforts to achieve Net Zero, in alignment with the Commonwealth's directives. She advised that staff were developing a roadmap to plan and implement a number of cost-effective and equitable energy strategies, including building electrification; clean transportation; combined heat and power optimization; greenhouse gas emissions tracking and reduction goals; and, innovation and resiliency. She provided examples of strategies that have been implemented to date, including the installation of a geothermal heat pump system at the Wachusett Aqueduct Pump Station, and water sourced heat pumps at Spot Pond. She added that MWRA is proceeding with the design of air-sourced heat pump systems for two pump stations and a dam gate house, and that analysis for heat pump applications is included for every new construction, rehabilitation, and HVAC replacement/upgrade. Ms. Patneade then discussed MWRA's clean transportation strategies, including the transition to electric vehicles (EVs). She briefly described the environmental and economic benefits of EVs.

Mr. Foti requested more information about MWRA's goals for transitioning to EVs. Ms. Patneade explained that the current goal is to replace ten vehicles per year, adding MWRA could increase the replacement rate as more vehicles that are suitable for operational needs become available. There was general discussion about the challenge of transitioning fleets to EVs, including supply chain issues; up-front costs; and, battery limitations. There was also general discussion about strategies for navigating these challenges, and the performance of EV fleets at other agencies. Rev. White-Hammond suggested that state and municipal agencies coordinate efforts for installing and maintaining EV charging infrastructure, noting that in her experience, the lack of available charging stations is the biggest challenge for EV fleets.

Chair Tepper noted that the EV charging commission was meeting on a regular basis, part of last year's legislation, with a focus on charging and planning charging. She noted that in addition the state has plans for coordinated procurements with agencies. Lastly, she noted that there will be significant federal money for electric vehicles, that the state has its own rebate program which will be revamped soon and that the federal government will be providing significant funds for charging.

Ms. Patneade added that MWRA has 15 EV chargers available at three sites where the majority of fleet and staff are headquartered, and that plans are underway install 35 additional charging stations. Rev.

White-Hammond asked for more information about the levels of MWRA's existing chargers. Ms. Patneau explained that MWRA's chargers were Level 2.

Next, Ms. Patneau discussed MWRA's ongoing project to design and construct a new Combined Heat and Power Plant (CHP) at Deer Island to replace the existing system. She noted that simulations predict that the new CHP would more than double the electricity generated by the existing plant, and consume less fuel. She noted that a design contract for the CHP was expected to be advertised for bid later in FY23. Mr. Laskey added that in his view, the CHP is MWRA's single most important project with respect to energy efficiency.

Ms. Patneau then presented an overview of MWRA's strategies for greenhouse gas emissions. She noted that treating and transporting water and wastewater emit greenhouse gasses, including carbon dioxide and methane, adding that raw sewage is a contributor of nitrous oxide. She further noted that electricity is MWRA's largest source of emissions (approximately 50%). She then reported that MWRA's emissions have decreased by 38% since 2006, ahead of the Commonwealth's goal of a 33% reduction by 2025. Ms. Patneau explained that MWRA's emissions reduction was driven in part by a 50% decrease in emissions from purchased electricity due to energy efficiency measures, renewable energy and a cleaner regional electrical grid. She added that staff are developing a strategic greenhouse gas management plan.

Next, Ms. Patneau discussed MWRA's efforts for improved resiliency and innovation with respect to climate change, and described ongoing and planned initiatives for battery storage and sewer heat recovery.

Ms. Patneau then presented a summary of funding sources for Energy Program capital investments, such as grants, rebates and other incentives. She also briefly described other sources of non-rate revenue, such as power sales.

Finally, Ms. Patneau described MWRA's next steps toward emission reduction goals, including the development of an action plan that lays out a clear vision with pathways and milestones, and pilot studies. She noted that the recommended measures resulting from these efforts could be costly, and that some technologies may not be available at the required scale. Lastly, Ms. Patneau advised that Environmental Justice would be considered in all decisions.

Board Member Vitale thanked Ms. Patneau for her assistance to the Boston Water and Sewer Commission (BWSC) on energy matters, and requested more information about MWRA's EV Policy. Ms. Patneau explained that MWRA's EV Policy includes the purchase 10 electric vehicles annually, until more EVs that are suitable for MWRA's operations become available. Mr. Vitale requested a copy of MWRA's EV Policy. Mr. Vitale then asked for more information about how much funding MWRA had received from the Eversource Make Ready Program. Ms. Patneau explained that MWRA had received approximately \$50,000 from the Massachusetts Electric Vehicle Incentive Program (MassEVIP). Denise Breiteneicher, MWRA Program Manager, Energy and Environment, added that MWRA is expected to

receive approximately \$215,000 in funding from the Make Ready Program, for EV infrastructure at the Chelsea facility.

Mr. Vitale requested more information about the amount of federal and state funding MWRA has received for EVs. Ms. Patneau explained that MWRA has received reimbursement for five EVs from MassEVIP (\$37,500 total); that staff will apply to the MassEVIP program again this Fiscal Year; and, that staff are monitoring the availability of potential federal tax incentives. Mr. Vitale asked if MWRA provided training to its EV drivers and vehicle maintenance staff. Ms. Patneau explained that MWRA's Fleet Manager provides training to staff, and that instructional videos may be developed as the EV fleet expands. Mr. Vitale asked how MWRA distributes its EVs to staff. Ms. Gillen explained that MWRA's Vehicle Committee considers a number of factors to determine the most effective uses of the EV fleet.

Mr. Vitale asked if MWRA's EV Policy includes requirements for garaging the vehicles, or if there are any safety concerns. Ms. Patneau explained that MWRA's EVs are generally parked outdoors and there haven't been any concerns to date. There was brief discussion about BWSC's EV fleet and chargers, and supply chain issues. Mr. Vitale noted that BWSC has a contract with SparkCharge, a mobile EV charging service. He further noted Mayor Wu's initiative on electrifying the fleet and the close work with the Mayor's office, and complimented MWRA staff on their presentation.

Mr. Jack Walsh requested more information about the overall cost efficiency of EVs vs. gas/diesel powered vehicles. Ms. Patneau referred Mr. Walsh to online EV cost comparison calculators that provide cost data for specified vehicles by state. There was brief, general discussion about the efficiency of EVs. Ms. Patneau noted that National Grid had performed an assessment of MWRA's fleet, and that Eversource would also perform a fleet assessment in the near future. She explained that fleet assessments provide metrics on the cost of vehicle ownership.

Rev. White-Hammond noted that in her experience at the Boston Parks Department, EVs require less maintenance and are more reliable than gas/diesel powered vehicles.

Chair Tepper requested a future meeting with MWRA staff to further discuss MWRA's energy program. She then discussed the benefit from optimizing MWRA's its heat and power systems through such means as controlling electricity production or storage, and the timing of using electricity and providing it to the grid. She advised that MWRA could also benefit from additional demand response, and noted that the virtual power plant is becoming prevalent, and welcomed further discussion at a later date.

There was brief discussion regarding prior consideration on the topic and the potential benefit to the MWRA to sell its ability to control its power into the grid.

Chair Tepper complimented staff on an informative and well-prepared presentation.

(Mr. Foti returned to the meeting during the presentation.)

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she

moved to Contract Amendments/Change Orders. (ref. V A.2)

Contract Amendments/Change Orders

Security Equipment Maintenance and Repair Services: Viscom Systems, Inc., Contract EXE-043, Change Order 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 2 to Contract EXE-043, Security Equipment Maintenance and Repair Services, with Viscom Systems, Inc. for an amount not to exceed \$372,122.30, increasing the contract amount from \$2,570,803.30 to \$2,942,925.60, and extending the contract term by 180 calendar days from September 28, 2023 to March 26, 2024.

Gary Cacase, MWRA Director of Security, summarized the contract scope of work, and the reasons and costs of a proposed change order for a not to exceed amount of \$372,122.30 and 180-day time extension. There were questions and answers regarding the proposed change order and potential options. After discussion, the item was postponed. (ref. V B.1)

WASTEWATER POLICY AND OVERSIGHT

Contract Awards

Deer Island Treatment Plant Residuals Facility Rehabilitation Design, Bidding and Engineering Services During Construction CDM Smith Inc. Contract 7052

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7052, Deer Island Treatment Plant Residuals Facility Rehabilitation – Design, Bidding and Engineering Services During Construction, 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 \$9,985,050, for a contract term of 99 months from the Notice to Proceed.

David Duest, MWRA Deer Island Treatment Plant Director, presented the scope of the proposed contract for design, bidding and engineering services during construction (ESDC) for the DITP Residuals Facility. He noted that portions of the DITP sludge digester complex are 25-28 years old, and that a number of its systems have not been updated since startup. Next, Mr. Duest summarized the reasons why the rehabilitation project is needed, including corroded heat exchangers that require intensive maintenance, and corroded pipes and valves that do not provide isolation. He added that the proposed contract would also include design, bidding and ESDC for pump replacement and digester internal inspection and repair. Finally, Mr. Duest presented a brief summary of the contractor procurement process, and advised that CDM Smith Inc. (CDM) was the selected vendor. Finally, he noted that the total number of hours proposed by CDM was less than that of other bidders, attributable to fewer proposed hours for clerical support.

Mr. Taverna requested clarification on the financial terms of the proposed contract. Richard Adams, MWRA Manager, Engineering Services, advised that it was a lump sum, not-to-exceed contract. Mr. Taverna asked if the scope and deliverables were clearly defined. MWRA General Counsel Francisco Murphy noted that design work is typically performed on a fixed fee basis, while construction

administration work is typically performed on a cost plus fee basis. There was brief, general discussion about the proposed contract's defined tasks, and design/ESDC contracts.

Mr. Foti asked why the proposed contract was over the Engineer's Estimate. Mr. Duest explained that MWRA staff had underestimated the scope of work, particularly with regards to digester inspection. Mr. Adams described some factors that were not incorporated into the Engineer's Estimate, including the complexities of digester inspection. He then briefly summarized the digester inspection process and discussed the challenge of estimating the level of effort required to inspect the conditions of over 1,000 existing pipe supports to determine their possible reuse. Mr. Jack Walsh expressed concern about the length of the contract. Mr. Duest explained that the proposed contract included oversight of the project's construction phase, and summarized the contract's key phases. There was brief, general discussion about the contract's scope and duration.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VI A.1)

Contract Amendments/Change Orders

Nut Island Headworks Odor Control and HVAC Improvements Walsh Construction Company II, LLC Contract 7548, Change Order 15

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 15 to Contract 7548, Nut Island Headworks Odor Control and HVAC Improvements, with Walsh Construction Company II, LLC, extending the contract term by 90 calendar days from June 10, 2023 to September 8, 2023, with no increase in contract amount.

Further, a motion was duly made and seconded 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 \$1,000,000 and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

Marty McGowan, MWRA Director of Construction, presented the reasons for the proposed Change Order for a Nut Island Headworks Odor Control and HVAC Improvements contract. He explained that

supply chain issues had delayed delivery of fiberglass reinforced plastic (FRP), which is used for the Headworks' duct work and carbon adsorbers. He further explained that staff requested an additional 90-day contract extension to accommodate the expected FRP delivery. He then presented an overview of contract progress to date. Finally, Mr. McGowan noted that staff were also requesting full Delegated Authority for future change orders currently in negotiations. He provided examples of the reasons for the change orders in negotiations, including roofing system modifications due to unforeseen conditions; roof drainage improvements; and, the resolution of general conflicts in the odor control room and code issues at the emergency eyewash shower stations.

Mr. Jack Walsh asked if all work would be complete by September 8, 2023. Mr. McGowan advised that staff expect the project to be substantially complete by that time, with the exception of plantings, which would take place during the growing season. Mr. Walsh expressed concern about the potential impacts of earth moving activities on the Nut Island public access area. Mr. McGowan explained that MWRA's contractors had a plan in place to safely move the earth that includes flaggers and the minimal truck use. Mr. Walsh requested more information about the schedule for testing the Nut Island Headworks' upgraded systems. Mr. McGowan explained that testing is underway, with startup expected within approximately one week. There was brief, general discussion about the schedule for starting up the carbon adsorbers, and worksite safety during construction.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VI B.1)

WATER POLICY AND OVERSIGHT

Information

Update on Section 101 Extension in Waltham Contract 7457

Mr. McGowan presented an update on the Section 101 Extension project in Waltham. He noted that staff had encountered some working constraints for the project. He then provided a brief overview of the project's budget and scope, which will be completed in two phases to support the construction of a new high school. Next, Mr. McGowan presented the location of the southern portion of the project (Lexington Street between Totten Pond Road and Lincoln Street). He noted that this area presents

numerous challenges for project construction, such as busy traffic, an ongoing City of Waltham project to realign the intersection, and a recent gas line relocation project. Mr. McGowan advised that public outreach and work coordination activities were underway to mitigate impacts to residents. Next, he presented a schematic of Section 101 work to be performed at Lexington Street and Totten Road, including the installation of a 36-inch MWRA water main, which requires the relocation a City of Waltham-owned 12-inch water main, 12-inch sewer and 15-inch storm drain. He described the sequencing plan to complete this work while also keeping the roadway open.

Mr. McGowan then discussed work constraints, including a later start of work hours on Lexington Street (a reduction of work hours), and the performance of work at night in the area of Totten Pond and Lincoln street , at the request of the City of Waltham, to limit disruption. He noted that the change in work hours constituted a change because the project was bid with the hours in the contract, which was handled with the Authority executing a change order in the amount not to exceed \$500,000 under Delegated Authority to compensate the contractor for the additional costs related to revising the work hours. Next, Mr. McGowan presented a photo depicting challenging conditions on Lexington Street during night work hours, and noted complaints the community received from residents and the City of Waltham's recent request to return to day work given the disruption of night work in a residential area. Rev. White-Hammond noted that discontinuing night work could reduce the project's cost. Mr. McGowan agreed, and explained that staff continue to work with the City of Waltham and its residents to address any concerns. Finally, Mr. McGowan advised that staff could potentially request an additional change order to cover any future work constraint revisions, noting that MWRA had spent approximately half of the \$500,000 of the change order to date.

Mr. Taverna asked if there was a detour plan for the project. Mr. McGowan advised that a detour plan was in development and that MWRA would perform appropriate community outreach when the plan is complete. Mr. Jack Walsh asked if the City of Waltham present a traffic study for the project work area. Mr. McGowan explained that he was unaware of a City traffic study.

Hearing no further questions or discussion from the Board, Chair Tepper moved to Personnel and Compensation. (ref. VII A.1)

PERSONNEL AND COMPENATION

Approval

PCR Amendments – July 2023

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

Wendy Chu, MWRA Human Resources Director, described six proposed PCR amendments, including four title and/or grade changes, a salary adjustment to address a Bargaining Unit salary collision issue, and the creation of a new Deputy Director of Procurement position.

Rev. White-Hammond asked if staff anticipated additional salary adjustments in relation to the collective

bargaining in the future. Ms. Chu responded that there may be such adjustments in the future. Mr. Foti requested more information about potential PCR amendments to address salary collision. Mr. Chu explained that non-union manager salary collision issues were resolved at the July 19, 2023 Board of Directors meeting, and that these are adjustments for positions in bargaining units.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VIII A.1)

Appointment of Rita Mercado, Deputy Director of Procurement

A motion was duly made and seconded to approve the appointment of Ms. Rita Mercado to the position of Deputy Director of Procurement (Non-Union, Grade 15) in the Administration Division, at the annual salary of \$155,500 commencing on a date to be determined by the Executive Director.

Ms. Chu briefly described the proposed candidate's work experience and qualifications.

Mr. Jack Walsh asked if Ms. Mercado would support the Metropolitan Water Tunnel Project (MWTP). Ms. Chu explained that if the appointment were approved, Ms. Mercado would work closely with MWTP staff, and also serve as Deputy Director of the Procurement department. Rev. White-Hammond asked if this position would work on restructuring MWRA's procurement processes in order to attract more potential bidders. Doug Rice, MWRA Director of Procurement, responded in the affirmative and noted that Ms. Mercado brings extensive experience with the Massachusetts Division of Capital Asset Management and Maintenance (DCAMM).

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Foti		
Pappastergion		
Peña		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VIII A.2)

(Vice Chair Pappastergion left the meeting, and Mr. Taverna temporarily left the meeting after the Roll Call Vote.)

EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session to discuss Litigation since Open Session may have a detrimental effect on the litigating position of the Authority. She announced that the planned topic of discussion in Executive Session was a Chapter 21E notice from Massachusetts Natural Fertilizer Co., Inc., Otter Farm and The Newark Group. She announced that the Board would return to Open Session after the conclusion of Executive Session, for the purpose of adjournment.

A motion was duly made and seconded to enter Executive Session for these purposes, and to resume Open Session after Executive Session adjournment.

General Counsel Francisco Murphy reminded Board members that under the Open Meeting Law members who were participating remotely in Executive Session must state that no other person is present or able to hear the discussion at their remote location. A response of “yes” to the Roll Call to enter Executive Session when their name was called would also be deemed their statement that no other person was present or able to hear the Executive Session 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>
Tepper		
Foti		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

Voted: to enter Executive Session, and to resume Open Session after Executive Session adjournment.

The Board moved to Executive Session to discuss Litigation since discussing such in Open Session could

have a detrimental effect on the litigating position of the Authority.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 3:03pm and adjourned at 3:20pm.

(Mr. Taverna returned to the meeting during Executive Session.)

*** CONTINUATION OF OPEN SESSION ***

ADJOURNMENT

A motion was duly made and seconded to adjourn the meeting.

A roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Foti		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

The meeting adjourned at 3:21pm.

Approved: September 13, 2023

Attest:

 for
Brian Peña, Secretary