

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

December 16, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the December 16, 2020 meeting of the Board of Directors of the Massachusetts Water Resources Authority was conducted by remote participation. Vice Chair Carroll presided. Present remotely from the Board, in addition to Vice Chair Carroll, were Ms. Wolowicz and Messrs. Cook, Foti, Pappastergion, Peña, Vitale and Walsh. Secretary Theoharides and Messrs. Cotter and Flanagan were absent. MWRA staff participants included Frederick Laskey, Executive Director, Carolyn Francisco Murphy, General Counsel, David Coppes, Chief Operating Officer, Carolyn Fiore, Deputy Chief Operating Officer, Thomas Durkin, Director of Finance, Michele Gillen, Director of Administration, Kathy Murtagh, Director, Tunnel Redundancy, Bethany Card, Director, Environmental and Regulatory Affairs, Andrea Murphy, Director of Human Resources, Michael Cole, Budget Director, Matthew Horan, Deputy Director, Finance/Treasurer, Paul Whelan, Risk Management Manager, Paula Weadick, Director, MIS, Steven Rhode, Director of Laboratory Services, John Colbert, Chief Engineer, and Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, EOEEA, Joseph Favaloro, MWRA Advisory Board, Paul F. Sagarino, Jr., Town Administrator, Burlington, and Doug Small, Director of Public Works, Town of Ashland, also participated. The meeting was called to order at 1:00 p.m. All motions were individually made and presented for discussion and deliberation. After any discussion and deliberation, motions for which there were no objections were then consolidated for one omnibus roll call vote.

APPROVAL OF NOVEMBER 18, 2020 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of November 18, 2020.

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

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey updated Board Members on MWRA's new on-site COVID-19 testing program for employees and other ongoing efforts to promote staff safety during the pandemic. He then reported on the progress of the Deer Island Fish Pier and Section 19 water main repairs. Mr. Laskey noted that the Authority would pay Brookline's invoice for the cost of its contractor (estimated at \$213,000) to repair the damage caused by the water main leak. Finally, Mr. Laskey noted that future Board of Directors' meeting discussion topics are planned to include MWRA's long term strategy for Wachusett Watershed Protection and Green Certification for MWRA watersheds.

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

<https://www.mwra.com/monthly/bod/boardmaterials/2020/OS-2020-12-16BoardMaterials.pdf>

WATER POLICY AND OVERSIGHT
INFORMATION

Metropolitan Tunnel Redundancy Program Update

Staff made a presentation. There were questions and answers. (ref. IV A.1)
(Mr. Foti joined the meeting during the presentation.)

APPROVALS

Admission of the Town of Ashland to the MWRA Water System

A motion was duly made and seconded to approve the Town of Ashland's application to become a member of the MWRA waterworks system to purchase up to 32.8 million gallons annually via an interconnection with the Town of Southborough water system;

Further, to authorize the Executive Director, on behalf of the Authority, to execute a water supply agreement with the Town of Ashland, in the form shown in Attachment E to the staff summary as presented and filed with the records of this meeting, stipulating the terms and conditions of service and assess a twenty-five-year payment schedule for Ashland's Net Entrance Fee of \$388,336.34; and,

Further, to authorize an allocation by the Authority of an additional \$519,400 in interest-free loans to the Town of Ashland under the Local Pipeline Assistance Program.

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

Admission of the Town of Burlington to the MWRA Water System

A motion was duly made and seconded to approve the Town of Burlington's application to become a member of the MWRA waterworks system to purchase up to 6.5 million gallons per day via a connection to the Town of Lexington water system, to be completed in two phases;

Further, to authorize the Executive Director, on behalf of the Authority, to execute a water supply agreement with the Town of Burlington, in the form shown in Attachment E to the staff summary as presented and filed with the records of this meeting, stipulating the terms and conditions of service and assessing a twenty-five year payment schedule for Burlington's Phase 1 Net Entrance Fee of \$4,407,986; and,

Further, to authorize an allocation by the Authority of an additional \$827,400 in interest-free loans to the Town of Burlington under the Local Pipeline Assistance Program.

There was discussion and questions and answers. Doug Small, Ashland Director of Public Works, and Paul F. Sagarino, Jr., Town Administrator, Burlington, each offered remarks.

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

Mr. Laskey noted that MWRA's Wachusett Aqueduct Pumping Station received the Boston Society of Civil Engineers Section (BSCES) 2020 Sustainability in Civil Engineering Award.

PERSONNEL AND COMPENSATION

APPROVALS

Appointment of Program Manager, Energy, Operations Division

A motion was duly made and seconded to approve the appointment of Mr. Nicholas Zechello to the position of Program Manager, Energy (Unit 9, Grade 29) at an annual salary of \$128,958.93, commencing on a date to be determined by the Executive Director.

Staff provided a verbal summary.

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

CONTRACT AMENDMENTS/CHANGE ORDERS

Extension of Employment Contract: Copy and Supply Clerk, Administration Division

A motion was duly made and seconded to approve the extension of an employment contract for Mr. Ward Merithew, Copy and Supply Clerk, Facilities Management Department, for a period of 12 months from January 1, 2021 to December 31, 2021, at the current hourly rate of \$15.76 per hour for an annual compensation not to exceed \$12,300.00.

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

ADMINISTRATION, FINANCE AND AUDIT

INFORMATION

Delegated Authority Report – November 2020

Committee Chair Vitale called for questions or discussion.

Hearing none, Mr. Vitale proceeded to the next agenda item. (ref. VI A.1)

FY21 Financial Update and Summary through November 2020

Staff made provided a verbal summary.

Vice Chair Carroll called for any question or objections. Hearing none, Committee Chair Vitale proceeded to the next agenda item. (ref. VI A.2)

APPROVALS

Transmittal of the FY22 Proposed Capital Improvement Program to the MWRA Advisory Board

A motion was duly made and seconded to approve the transmittal of the FY22 Proposed Capital Improvement Program to the Advisory Board for its 60-day review and comment period.

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

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

CONTRACT AWARDS

Insurance Consultant Services - Task Order Contract: Kevin F. Donoghue Insurance Advisor (d/b/a KFDA), Contract F260

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Contract F-260, Insurance Consultant Services, to Kevin F. Donoghue Insurance Advisor and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$200,000, for a contract term of three years from the Notice to Proceed.

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

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

(Mr. Carrol temporarily left the meeting and appointed Mr. Pappastergion, Board Secretary, as Acting Chair in his absence.)

Enterprise Content Management System Purchase and Implementation: Cadence Solutions Inc., Contract 7438

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7438, Enterprise Content Management System, to Cadence Solutions Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,148,635.00, for a contract term of 18 months from the Notice to Proceed.

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

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

CONTRACT AMENDMENTS/CHANGE ORDERS

Assignment and Assumption of Contracts S590 and S594, Deer Island Demand Response Services from Direct Energy Business Marketing, LLC to Centrica Business Solutions, Optimize, LLC

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve the assignment and assumption of Contract S590 and Contract S594, Deer Island Demand Response Services, from Direct Energy

Business Marketing, LLC to Centrica Business Solutions, Optimize, LLC, and to further authorize the Executive Director, on behalf of the Authority, to execute two separate Assignment and Assumption Agreements to effectuate those assignments.

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

Acting Chair Pappastergion called for any further discussion or objections.

Hearing none, the Acting Chair referred the motion to an omnibus roll call vote. (ref. VI D.1)

(Vice Chair Carroll returned to the meeting.)

WASTEWATER POLICY AND OVERSIGHT

CONTRACT AWARDS

Wastewater Monitoring for COVID-19, Biobot Analytics, Inc., Contract OP-420

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Contract OP-420, Wastewater Monitoring for COVID-19, to Biobot Analytics, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$206,200.00, for a contract term of one year from the Notice to Proceed.

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

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

Ward Street and Columbus Park Headworks Upgrade Design and Engineering Services During Construction, CDM Smith Inc., Contract 7429

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7429, Ward Street and Columbus Park Headworks Upgrade Design 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 \$28,896,530, for a contract term of 3,287 calendar days from the Notice to Proceed.

Staff made a presentation.

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

Instrumentation Services – Metropolitan Boston Safety, Inc., Contract OP-418

A motion was duly made and seconded to approve the award of Contract OP-418, Instrumentation Services – Metropolitan Boston, to the lowest responsive bidder, Safety, Inc., and authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$270,600, for a contract term of 730 calendar days from the Notice to Proceed.

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

CONTRACT AMENDMENTS/CHANGE ORDERS

Agency-Wide Technical Assistance Consulting Services: Kleinfelder Northeast, Inc., Contract 7604, Amendment 2

A motion was duly made and seconded to approve Amendment 2 to Contract 7604, Agency-Wide Technical Assistance Consulting Services, with Kleinfelder Northeast, Inc., extending the contract term by twelve months from December 29, 2020 to December 29, 2021 with no increase in the contract amount.

Staff provided a verbal summary.

Vice Chair Carroll called for any discussion or objections. Hearing none, the Vice Chair referred the motion to an omnibus roll call vote. (ref. VII B.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		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the minutes of the Board of Directors' meeting of November 18, 2020 as presented and filed with the records of the meeting (ref. I);

Further, voted: to approve the Town of Ashland's application to become a member of the MWRA waterworks system to purchase up to 32.8 million gallons annually via an interconnection with the Town of Southborough water system; Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute a water supply agreement with the Town of Ashland, in the form shown in Attachment E to the staff summary as presented and filed with the records of this meeting, stipulating the terms and conditions of service and assess a twenty-five-year payment schedule for Ashland's Net Entrance Fee of \$388,336.34; and, Further, voted: to authorize an allocation by the Authority of an additional \$519,400 in interest-free loans to the Town of Ashland under the Local Pipeline Assistance Program (ref. IV B.1);

Further, voted: to approve the Town of Burlington's application to become a member of the MWRA waterworks system to purchase up to 6.5 million gallons per day via a connection to the Town of Lexington water system, to be completed in two phases; Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute a water supply agreement with the Town of Burlington, in the form shown in Attachment E to the staff summary as presented and filed with the records of this meeting, stipulating the terms and conditions of service and assessing a twenty-five year payment schedule for Burlington's Phase 1 Net Entrance Fee of \$4,407,986; and, Further, voted: to authorize an allocation by the Authority of an additional \$827,400 in interest-free loans to the Town of Burlington under the Local Pipeline Assistance Program (ref. IV B.2);

Further, voted: to approve the appointment of Mr. Nicholas Zechello to the position of Program Manager, Energy (Unit 9, Grade 29) at an annual salary of \$128,958.93, commencing on a date to be determined by the Executive Director (ref. V A.1);

Further, voted: to approve the extension of an employment contract for Mr. Ward Merithew, Copy and Supply Clerk, Facilities Management Department, for a period of 12 months from January 1, 2021 to December 31, 2021, at the current hourly rate of \$15.76 per hour for an annual compensation not to exceed \$12,300.00 (ref. V B.1);

Further, voted: to approve the transmittal of the FY22 Proposed Capital Improvement Program to the Advisory Board for its 60-day review and comment period (ref. VI B.1);

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract F-260, Insurance Consultant Services, to Kevin F. Donoghue Insurance Advisor and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$200,000, for a contract term of three years from the Notice to Proceed (ref. VI C.1);

Further, voted: to approve the recommendation of the Selection Committee to award Contract 7438, Enterprise Content Management System, to Cadence Solutions Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$2,148,635.00 for a contract term of 18 months from the Notice to Proceed (ref. VI C.2);

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve the assignment and assumption of Contract S590 and Contract S594, Deer Island Demand Response Services, from Direct Energy Business Marketing, LLC to Centrica Business Solutions, Optimize, LLC, and to further authorize the Executive Director, on behalf of the Authority, to execute two separate Assignment and Assumption Agreements to effectuate those assignments (ref. VI D.1);

Further, voted: to approve the recommendation of the Selection Committee to award Contract OP-420, Wastewater Monitoring for COVID-19, to Biobot Analytics, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said

contract in an amount not to exceed \$206,200.00, for a contract term of one year from the Notice to Proceed (ref. VII A.1);

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7429, Ward Street and Columbus Park Headworks Upgrade Design 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 \$28,896,530, for a contract term of 3,287 calendar days from the Notice to Proceed (ref. VII A.2);

Further, voted: to approve the award of Contract OP-418, Instrumentation Services – Metropolitan Boston, to the lowest responsive bidder, Safety, Inc., and authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$270,600, for a contract term of 730 calendar days from the Notice to Proceed (ref. VII A.3); and,

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 7604, Agency-Wide Technical Assistance Consulting Services, with Kleinfelder Northeast, Inc., extending the contract term by twelve months from December 29, 2020 to December 29, 2021 with no increase in the contract amount (ref. VII B.1).

(Mr. Foti temporarily left the meeting after the Omnibus Roll Call Vote.)

EXECUTIVE SESSION

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

MWRA General Counsel Francisco Murphy announced that under the Open Meeting Law, at the start of an Executive Session, members who are participating remotely must state that no other person is present or able to hear the discussion at their remote locations, and that a response of “yes” to the Roll Call to enter Executive Session when their names are called would be deemed their statements that no other person is present or able to hear the Executive Session discussion at their remote locations.

Upon a motion duly made and seconded, a roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Carroll		
Cook		
Foti		
Pappastergion		
Peña		
Vitale		

Yes

No

Abstain

Walsh

Wolowicz

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

*** EXECUTIVE SESSION ***

ADJOURNMENT

The meeting returned to open session and adjourned at 3:22 p.m.

Approved: January 20, 2021

Attest:

 for
Andrew M. Pappastergion, Secretary