

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

November 16, 2022

A meeting of the Massachusetts Water Resources Authority ("MWRA") Board of Directors was held on November 16, 2022. The meeting was conducted via remote participation by the Board of Directors pursuant to Chapter 20 of the acts of 2021 and subsequent acts extending certain COVID-19 measures adopted during the state of emergency.

Chair Card presided remotely from MWRA headquarters. Also present from the Board were Messrs. Flanagan (remote participation); Peña (remote participation); Vitale (remote participation); Jack Walsh (remote participation); Patrick Walsh (remote participation); Rev. White-Hammond (remote participation); and Ms. Wolowicz (remote participation). Messrs. Carroll, Foti and Pappastergion were absent.

MWRA Executive Director Frederick Laskey, General Counsel Carolyn Francisco Murphy and Chief Operating Officer David Coppes participated remotely from MWRA headquarters. Other MWRA staff in attendance remotely included Thomas Durkin, Director, Finance; Carolyn Fiore, Deputy Chief Operating Officer; Michele Gillen, Director, Administration; Kathy Murtagh, Director, Tunnel Redundancy; Patterson Riley, Special Assistant For Affirmative Action; Paula Weadick, Director, MIS; Andrea Murphy, Director, Human Resources; Denise Breitenicher, Program Manager, Energy and Environment; Matthew Horan, Deputy Director of Finance/Treasurer; Rita Mercado, Acting Director, Procurement; Betsy Reilley, Director, ENQUAL; Maret Smolow, Program Manager, Environmental Compliance and Monitoring; Meredith Norton, Program Manager, Engineering and Construction; Cori Barrett, Director, Construction; Marty McGowan, Construction Coordinator, Engineering and Construction; Stephen Estes-Smargiassi, Director, Planning and Sustainability; Rebecca Weidman, Director, Environmental and Regulatory Affairs; Patricia Mallett, Program Manager, Engineering and Construction; and, John Colbert, Chief Engineer; and Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, Executive Office of Environmental Affairs (EEA), and Joseph Favaloro, MWRA Advisory Board, were also in attendance remotely.

Chair Card called the meeting to order at 12:37pm. MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance. The Chair announced that except for Executive Session, the meeting was open to the public virtually, via a link posted on MWRA's website. She added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA's website. Chair Card announced that the meeting would move into Executive Session after the Executive Director's report, and that the Open Session would resume after the adjournment of Executive Session. She also announced that individual roll call votes would be conducted after each motion was made and given an opportunity for discussion.

APPROVAL OF OCTOBER 19, 2022 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of October 19, 2022.

Chair Card asked if there was any 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. I)

REPORT OF THE CHAIR

Chair Card provided an update on drought conditions across the Commonwealth. She reported that the Central, Southeast and Western regions were no longer in a drought, and that the Northeast, Cape Cod and Connecticut River Valley regions had been upgraded to a level one mild drought. She advised that it takes time to come out of a drought with respect to groundwater, particularly at Cape Cod and the Islands. She thanked her colleagues and members of the public for conserving water during the summer, noting that these measures helped Massachusetts to rebound from the drought more quickly, and encouraged continued conservation. She added that EEA would continue to monitor drought conditions and that the Drought Management Task Force would meet on December 7, 2022. Next, Chair Card advised that Governor Baker had signed a \$3.6 billion economic development bill on November 10, 2022, as part of a supplemental and economic development package that included the utilization of American Rescue Plan Act (ARPA) and Forward Act Funds, such as: \$100 million for core infrastructure; \$150 million for clean energy and electric vehicles; \$75 million for park lands and open space; \$25 million for food security infrastructure grants; \$115 million for the Clean Water Trust and water and sewer related infrastructure work (with \$15 million allocated to Cape Cod and infrastructure improvements); and, \$12 million for agriculture and the cranberry sectors. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey noted that MWRA had recently received delivery of 400,000 gallons of diesel fuel to Deer Island at \$3.60 per gallon, only 3 cents per gallon over the budgeted amount. He then outlined a number of Wachusett Rail Line safety improvements that CSX was undertaking, including extensive vegetation control, the installation of heavier rails, and railroad tie replacement. Next, Mr. Laskey provided a brief update on the Water System Expansion Studies. He reported that an increasing number of municipalities had expressed interest in connecting to the MWRA water system, with PFAS concerns as notable driving factors. Finally, he advised that staff had produced regional Expansion Study reports and were meeting with communities. (ref. III)

EXECUTIVE SESSION

Chair Card requested that the Board move into Executive Session to discuss real estate, since

Open Session may have a detrimental effect on the negotiating position of the Authority. She announced that the planned topic of discussion in Executive Session was watershed land acquisition. She announced that the Board would return to Open Session after the conclusion of Executive Session.

A motion was duly made and seconded to enter Executive Session for this purpose, 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 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 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

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

The Board moved to Executive Session to discuss Real Estate since discussing such in Open Session could have a detrimental effect on the negotiating position of the Authority.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 12:46pm and adjourned at 12:54pm.

*** CONTINUATION OF OPEN SESSION ***

PERSONEL AND COMPENSATION

Approvals

Recommendations for Bargaining Unit Pay Equity Adjustments

A motion was duly made and seconded to accept the recommendations of the pay equity consultant Hirsch Roberts Weinstein LLP and approve the salary adjustments for Bargaining Unit

positions summarized in Attachment B of the November 16, 2022 Staff Summary presented and filed with the records of this meeting, effective October 1, 2021.

MWRA Director of Human Resources Andrea Murphy updated Board Members on the results of a pay equity study for Collective Bargaining Unit employees that was conducted under the Massachusetts Equal Pay Act (MEPA). She explained the Act's provision that the same rate of pay must be paid to employees who perform comparable work, regardless of gender. Ms. Murphy reported that staff evaluated 1,027 employees in 509 unique titles. She presented a list of comparable factors used to create 194 study groups. Finally, Ms. Murphy advised that the study consultant and staff recommended a total of nine pay adjustments.

Chair Card asked if there was any discussion or questions from the Board. Mr. Vitale asked about the effective date of MEPA and the pay adjustments, and whether negotiations were required with the unions. Ms. Murphy confirmed that MEPA was effective in July, 2018, that the proposed pay adjustments would be retroactive to October, 2021 when the data was available, and that the proposed pay adjustments were discussed with the unions who were supportive of the amendments. Reverend White-Hammond asked whether the unions played a role or were presented with the information. Ms. Murphy advised that the results of the evaluation were shared with the unions who agreed that the adjustments were warranted.

Hearing no further discussion Chair Card requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.1)

ADMINISTRATION, FINANCE AND AUDIT

Information

FY2023 First Quarter Orange Notebook

MWRA Chief Operating Officer David Coppes described staff's use of the Orange Notebook for shorter-term strategic planning, and explained that the Business Plan was used for longer-term planning. Mr. Coppes then presented FY23 First Quarter Orange Notebook highlights for drought impacts on MWRA operations, including reduced precipitation and flows at the Deer Island Treatment Plant and four National Pollutant Discharge Elimination (NPDES) violations at the Clinton Wastewater Treatment Plant. Mr. Coppes reported that two of the Clinton NPDES violations were for effluent copper levels due to low flows; one was for a 12-month rolling average

flow volume exceedance; and, one was for a toxicity test that was below the minimum permit limit. He explained that the toxicity test was highly variable, the exceedance did not impact operations, and that its cause was not yet determined. Next, Mr. Coppes turned focus to the drought's impact on water system operations. He reported that drought conditions resulted in significantly higher water use in the first quarter of FY23 vs. the first quarter of FY22. He reported that Cambridge took a lot more water than it typically does due to a PFAS contamination issue in their water supply; that Wellesley saw a 44% increase in its water use also due to PFAS; and that partially supplied users of Burlington and Dedham Westwood. He noted that despite the drought and increased withdrawals, the Quabbin Reservoir had remained within normal operating range. Finally, Mr. Coppes reported that reduced runoff at the Wachusett Reservoir and increased transfers from the Quabbin Reservoir had improved MWRA's overall water quality, which in turn resulted in decreased chlorine and ozone demand, better distribution system disinfection residuals, and potentially lowered lead corrosivity levels.

Chair Card asked if the Clinton Treatment Plant NPDES violations had triggered any regulatory actions. Mr. Coppes responded in the negative.

Chair Card asked if there was further discussion or any questions from the Board. Hearing none, she invited Mr. Laskey to offer remarks on the pay equity study (ref. V A.1). Mr. Laskey explained that the study was a complex undertaking, and thanked staff for their hard work. He added that pay equity is an important issue at MWRA, and that he supported the study's results.

Hearing no further discussion or questions, Committee Member Peña moved to the next Information item. (ref. VI A.1)

FY21-FY25 Strategic Business Plan: Annual Update for FY22

MWRA Deputy Chief Operating Officer Carolyn Fiore provided background on the development and purpose of MWRA's Business Plan. She noted that the Business Plan was updated every five years, and that diversity, equity and inclusion and work force development strategies had been added in the last update. Finally, Ms. Fiore explained that FY22 represented year two of the current five-year Business Plan cycle, and noted that representatives of the Massachusetts Cannabis Commission had used MWRA's business plan as a model for their own plan. Next, MWRA Energy and Environment Program Manager Denise Breiteneicher summarized Business Plan progress highlights for FY22. She informed Board Members the annual Business Plan development process included the reprioritization of initiatives, such as the FY22 addition of electrification initiatives under Governor Baker's Executive Order 594. Ms. Breiteneicher then explained that the Business Plan was organized by categories that included core activities, such as pipeline repair and water and wastewater services and special projects/other specific goals, which were 16% complete as of FY22, with 70% showing significant progress. She noted that incomplete special projects/other specific goals were often due to factors beyond MWRA's control such as regulatory timelines or understaffing issues.

Mr. Peña asked if there was any discussion or questions from the Board. Hearing none, he moved to the next Information item. (ref. VI A.2)

Delegated Authority Report – October 2022

Committee Member Peña invited questions for staff from the Board. Hearing none, he moved to the next Information item. (ref. VI A.3)

FY23 Financial Update and Summary through October 2022

MWRA Finance Director Thomas Durkin summarized financial highlights through October 2022. He reported that Direct Expenses were under budget by \$6.3 million (-7.1%), of which \$4 million was attributable to staffing challenges. He noted that MWRA's Full Time Equivalents (FTE) for October were 113 positions below the budgeted count (1,167). Next, Mr. Durkin reported that Indirect Expenses were \$582,000 (-2.6%) under budget, driven by watershed protection program reimbursements, and that Capital Finance was \$1.8 million (-1.2%) under budget. He then referred to Attachment 1 of the corresponding Staff Summary with regards to some emerging themes, such as inflation and interest rates. He noted that inflation rates had dropped in the past two months, but were still high at 7.7% and described inflationary impacts to MWRA budgets. He noted that energy and utilities were underspent overall (-\$526,000), but that electricity was over budget (+\$857,000). He explained that higher electricity costs were offset by strategic diesel fuel purchases, with expenses due in November 2022. Next, Mr. Durkin advised that the federal interest rate target range had recently risen to approximately 4%, which impacted MWRA's budgetary assets and liabilities. He reported that MWRA's money market assets were yielding higher rates (+2.0% - +2.25%) than budgeted (+1.02%), netting \$668,000 over budget revenue estimates. He then briefly described MWRA's investment and reinvestment strategies and noted that staff expected to see a positive variance for investment income. He then reported on the variable rate debt and the bumping up of interest rates from what was budgeted. He advised that the difference between staff's assumed rate and the actual rate was decreasing, causing a lower variance. Finally, Mr. Durkin noted that staff normally recommended that positive budget variances be applied to defeasances. He advised that the compressive impacts of interest rates and inflation could result in smaller than usual defeasances for FY23.

Mr. Vitale asked for the amount of MWRA's total outstanding variable rate debt. Mr. Durkin explained that MWRA's total outstanding variable rate debt had peaked at over \$1 billion/\$1.5 billion, and was currently in the \$400 million range. Mr. Vitale then asked for MWRA's total outstanding debt amount. MWRA Deputy Director of Finance/Treasurer Matthew Horan advised that it's \$4.3 billion. Mr. Vitale asked how many liquidity facilities MWRA had outstanding, and their average interest rate. Mr. Horan explained that MWRA had four liquidity facilities outstanding: two letters of credit and the remainder standby bond purchase agreements, which ranged from approximately 26.5 to 42 basis points, depending on the duration of the facility, staggered over time. Mr. Vitale asked when the earliest credit facility would expire. Mr. Horan advised that the next credit facility would expire in April, the one with 26.5 basis points. Mr. Vitale asked for more information about staff's decision process regarding selecting letters of credit vs. standby bond purchase agreements. Mr. Horan explained that staff typically choose standby bond purchase agreements because they are a lower cost, but for the last couple of times the price was the same for both, so MWRA selected the letter of credit because it provided more security to the bondholder and could reduce interest costs. (ref. VI A.4)

Mr. Peña asked if there was further discussion or questions from the Board. Hearing none, he moved to Approval items. (ref. VI A.4)

Approvals

Pilot Program for Use of Statewide Professional Services Contracts

A motion was duly made and seconded to authorize a one-year pilot program to allow the Authority to utilize Statewide Professional Services Contracts managed by the Commonwealth of Massachusetts' Operational Services Division for the procurement of professional services within the Executive Director's Delegated Authority.

MWRA Acting Director of Procurement Rita Mercado outlined the reasons for MWRA's recommendation to authorize a one-year pilot program to use Massachusetts Operational Services Division (OSD) statewide contracts for professional services. She explained that OSD is the state purchasing agent for the Commonwealth, and that MWRA's Enabling Act permitted MWRA to enter into agreements under the statewide collective purchasing program for the procurement of certain goods and services; however, MWRA's policy for procurement of professional services specifies a method of procurement for such services that does not include use of OSD statewide contracts. Ms. Mercado added that the proposed pilot program would allow staff to assess whether any updates to existing management policy were needed to permit the use of the OSD statewide professional services program in the future, and to determine if any other policy updates were necessary to promote fair and cost-effective procurements. Finally, she noted that if the Pilot Program were approved, any professional services contracts entered into via the OSD statewide program would be listed on the Delegated Authority report.

Rev. White-Hammond asked how the proposed pilot program could impact MWRA's ability to contract with smaller businesses, particularly minority and women owned businesses (MBE/WBEs). Ms. Mercado explained that the OSD issues Contract User Guides that identify small businesses and MBE/WBEs within its listings of prequalified firms; and that MBE/WBE participation was required in some service categories. Chair Card asked if the OSD program would broaden MWRA's reach in soliciting qualified professional services contractors. Ms. Mercado responded in the affirmative, and explained that the pilot program would offer MWRA stronger buying power and a wider range of qualified service providers. Mr. Laskey added that the pilot program would facilitate engagement with a larger number of qualified providers in Massachusetts. Board Member Jack Walsh asked how the proposed pilot program would be evaluated. Ms. Mercado suggested that a helpful evaluation metric would be the program's success in increasing the number of qualified, available vendors, which would in turn increase vendor competition and potentially result in lower costs. She noted that competition for smaller MWRA professional service contracts was currently low and that open procurements for smaller contracts were less attractive to vendors because they imposed administrative and financial burdens. Mr. Walsh requested more information about staff's plan to evaluate the pilot program. Mr. Laskey explained that staff could evaluate the program by tracking the qualifications of vendors, including experience, locality, references, and MBE/WBE/small business/Veteran status. Chair Card echoed Mr. Laskey's remarks and suggested that staff could also compare their experiences and the outcomes of the OSD procurement process with those of the current

open bidding process. Rev. White-Hammond also recommended some evaluation metrics, including the total number of bids submitted, diversity of bids submitted, quality of scopes compared to those received in the past and MBE/WBE participation, to access to quality bidders. Mr. Peña noted that he had reviewed an OSD user guide for facilities engineering services and found approximately 50 prequalified vendors, and was pleased that it included supplier diversity requirements and listed Supplier Diversity Office (SDO) certified vendors.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI B.1)

Contract Amendments/Change Orders

Data Analyst Consultant: Clovity Inc., Bid WRA-5126Q, State Contract ITS77 Category 1A and 1B, Amendment 1

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 1 to Purchase Order Contract WRA-5126Q, Data Analyst Consultant, with Clovity, Inc., increasing the contract amount by \$165,750, from \$82,875 to an amount not-to-exceed \$248,625, and extending the contract term by twelve months, from November 30, 2022 to November 30, 2023.

MWRA MIS Director Paula Weadick explained that MIS had a number of vacancies for which it has been challenged in filling, and that staff augmentation has been used to provide the needed services. She explained that the existing contractor performed work in a hard-to-fill, vacant position in MIS and has been performing well.

Mr. Jack Walsh requested more information about the timeline of the proposed contract extension. Ms. Weadick explained that the contractor was working on a four-phased enterprise content management implementation project, and that the contractor's tasks were expected to be complete in November 2023. Mr. Walsh asked if a full-time staff member could easily transition into the contractor's role. Ms. Weadick explained that the ease of such a transition would depend on the staff member's level of experience.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI C.1)

Security Guard Services for Various MWRA Facilities: Universal Protection Service, LLC d/b/a Allied Universal Security Services, Contract EXE-041, Amendment 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute Amendment No. 2 to Contract EXE-041, Security Guard Service for Various MWRA Facilities, with Universal Protection Service, LLC d/b/a Allied Universal Security Services, exercising the second and final option to renew, increasing the total contract price by \$2,583,482.24, from \$8,964,328.20 to an amount not to exceed \$11,547,810.44, and extending the contract term by 365 calendar days, from February 6, 2023 to February 6, 2024.

MWRA Security Services Manager Kathryn White explained that staff were proposing the second, and final, one-year extension option to an existing contract with Allied Universal Security Services and noted that the current contract staff have performed at a high level.

Mr. Vitale requested more information about the contract security staff's schedules. Ms. White provided details about security staff's schedules at multiple MWRA locations.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI C.2)

WASTEWATER POLICY AND OVERSIGHT

Information

Clinton Wastewater Treatment Plant Reissued National Pollutant Discharge Elimination Permit (NPDES) Permit

MWRA Director of ENQUAL Betsy Reilley informed Board members that the EPA and DEP had recently issued a Medium General Permit for MWRA's Clinton Wastewater Treatment Plant. She explained that the Medium General Permit for the Clinton plant was comprised of general requirements as well as facility-specific limits. She then outlined some new requirements under the new permit, including stricter ammonia limits for effluent; new PFAS monitoring requirements for influent, effluent, sludge and industries; and for nitrogen. She advised that none of these new limits were expected to affect plant operations or compliance. Next, Dr. Reilley noted that the new permit for the Clinton plant represented a continuation of EPA Region One's practice of naming co-permittees for regional facilities (in this case the Town of Clinton and the Lancaster Sewer District). She noted that co-permittees have requirements for the operations and maintenance of sewer systems, rapid sanitary sewer overflow notifications and backup power. She advised that MWRA would submit a Notice of Intent to DEP/EPA to request coverage under the new permit program by the December 1, 2022 deadline. Finally, Dr. Reilley explained that the current Clinton Treatment Plant monitoring requirements would remain in effect until EPA issued authorization to discharge under the new permit.

Chair Card asked if the new permit requirements for PFAS were monitoring only. Dr. Reilley explained that the new permit would be monitor and report only, with no defined limits. Rev. White-Hammond asked if staff this was a precursor to something more robust. Dr. Reilley explained that it was possible, but not a concern at this time. Rev. White-Hammond then asked if the new requirements could potentially pressure communities to join the MWRA system. Chair Card briefly described the typical timeline of EPA's issuance of monitoring requirements through the imposition of limits, and noted that many Massachusetts communities would be impacted by PFAS limit requirements because PFAS contamination was pervasive nationwide. Mr. Coppes explained that the EPA's introduction of new monitoring requirements for PFAS in wastewater was analogous to its UCMR (Unregulated Contaminant Monitoring Rule) for drinking water; the UCMR requires all water suppliers to monitor PFAS in drinking water, and the EPA may use the data to learn more and potentially develop new regulations. Rev. White-Hammond suggested potentially higher level strategic discussions on the issue. Mr. Laskey agreed and briefly noted the potential impacts of PFAS limits on the fertilizer pellets. Chair Card acknowledged that the development of new PFAS limits on water and wastewater posed environmental, logistical and financial complexities.

Mr. Vitale asked Dr. Reilley to provide an example of "anti-backsliding regulations," as referenced in the corresponding Staff Summary. Dr. Reilley provided the example of phosphorus: if MWRA met existing phosphorus limits, the EPA would not "backslide" the phosphorus regulation by imposing less restrictive phosphorus limits in subsequent permits.

Committee Chair Jack Walsh asked if there was further discussion or questions from the Board. Hearing none, he moved to Contract Awards. (ref. VII A.1)

Contract AwardsAgency-Wide Technical Assistance Consulting Services: Hazen and Sawyer, P.C., Contract 7990 and Kleinfelder Northeast, Inc., Contract 7991

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide agency-wide technical consulting services, and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7990 with Hazen and Sawyer, P.C., and Contract 7991 with Kleinfelder Northeast, Inc., each in an amount not to exceed \$3,000,000 and for a contract term of 24 months from the Notice to Proceed.

MWRA Program Manager, Engineering and Construction Meredith Norton explained that MWRA has successfully used agency-wide technical assistance consulting services to support smaller projects, address immediate needs, and conduct studies and investigations. She added that MWRA's technical assistance consultants have been helpful with phased equipment replacement designs such as fuel tank and roof replacements, cathodic protection improvements, and top of shaft improvements.

There was brief discussion about Kleinfelder key personnel. Mr. Jack Walsh requested the amount of prior award for Kleinfelder and Hazen and Sawyer. Ms. Norton explained that the previous contracts totaled approximately \$2 million and had been amended. She added that technical assistance consulting contracts reliably provided services that were difficult to bid due to their relatively low contract amounts. Mr. Jack Walsh asked if \$3 million was an appropriate amount for these contracts. Ms. Norton responded in the affirmative.

(Ms. Wolowicz temporarily left the meeting during the discussion.)

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VII B.1)

Contract Amendments/Change OrdersBattelle Memorial Institute, Contract OP-401A, Amendment 1 and Benthic, Fish and Shellfish Monitoring, Normandeau Associates, Inc., Contract OP-401B, Amendment 1

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve separate amendments to the two harbor and outfall monitoring contracts as follows: Amendment 1 to Contract OP-401A, Harbor and Outfall Monitoring, Water Column Monitoring, with Battelle Memorial Institute, to increase the contract amount by \$856,568.79, from \$2,389,177.57 to \$3,245,746.36, and to increase the contract term by one year from January 2, 2024 to January 2, 2025; and Amendment 1 to Contract OP-401B, Harbor and Outfall Monitoring, Benthic, Fish and Shellfish Monitoring, with Normandeau Associates, Inc., to increase the contract amount by \$541,480.10, from \$1,399,332.30 to \$1,940,812.40, and to increase the contract term by one year from November 2, 2023 to November 1, 2024.

Dr. Reilley provided Board Members with background on MWRA's existing contracts with Batelle Memorial Institute and Normandeau Associates, Inc. for Harbor and Outfall Monitoring services. She explained that each of these three-year contracts began in 2020 and that the provisions for field work would expire at the end of 2022. She advised that staff favored one-year amendments to the current contracts because EPA was expected to issue a new NPDES permit for the Deer Island Wastewater Treatment Plant in early 2023 that could include changes to the monitoring program. Dr. Reilley explained that the exact timing of the final, new permit was uncertain, and briefly outlined the expected next steps of the permit review and comment process. Finally, Dr. Reilley advised that MWRA would be required to meet all current regulatory requirements until the new NPDES permit was finalized.

(Ms. Wolowicz returned to the meeting during the summary.)

Chair Card asked if there was any 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VII C.1)

Nut Island Headworks Odor Control and HVAC Improvements: Walsh Construction Company II, LLC, Contract 7548, Change Order 12

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 12 to Contract 7548, Nut Island Headworks Odor Control and

HVAC Improvements, with Walsh Construction Company II, LLC for a lump sum amount of \$318,164.42, increasing the contract amount from \$59,601,480.20 to \$59,919,644.62, with no increase in contract term. 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 \$1,000,000, in accordance with the Management Policies and Procedures of the Board of Directors.

MWRA Director of Construction Cori Barrett introduced MWRA Construction Coordinator Marty McGowan, who presented a summary of the proposed change order for a Nut Island Headworks Odor Control and HVAC contract. Mr. McGowan advised that the project had been challenging with respect to implementing the integration of new fire alarm equipment into the existing systems. He explained that the proposed change order was necessary to support the installation of new conduit and wiring; the original project design did not include the necessary conduit and wiring to meet National Fire Protection Association (NFPA) and state building codes. Further, he explained that the proposed change order would support a City of Quincy Fire Department request for air handling unit modifications that would allow Quincy Fire Command Center staff to override and adjust the units remotely in the event of an emergency. Mr. McGowan then updated Board Members on the project's overall progress. Highlights included the commissioning of new wet scrubbers; the demolition of the existing horizontal carbon adsorbers and topping slab; and, the construction of new foundations to support new vertical carbon vessels. Next, he advised that carbon vessel installation was currently behind schedule due to supply chain issues, and that staff were negotiating a time extension of approximately six months. Mr. McGowan reported that 12 of 15 air handlers had been successfully installed, with two more expected to be complete by the end of 2022. Finally, Mr. McGowan noted that staff planned to focus on tuning new equipment in with the building management system in 2023.

Mr. Jack Walsh asked if new wet scrubbers had been installed at Nut Island. Mr. McGowan explained that they had been successfully been installed and were currently operating.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VII C.2)

WATER POLICY AND OVERSIGHTInformationUpdate on Lead and Copper Rule Compliance – Fall 2022

MWRA Director of Planning and Sustainability Stephen Estes-Smargiassi presented MWRA's Lead and Copper Rule compliance program highlights for Fall 2022. He noted that MWRA member communities conduct lead and copper sampling in homes that are likely to have high lead levels, those with lead service lines and those with copper pipe samples. He then explained that EPA had requested that MWRA and its water communities focus sampling on homes with lead service lines, and to increase the number of samples. He noted that staff were reporting on the results from 595 homes in this round of testing, and that MWRA's 90th percentile results were 7.3 parts per billion (ppb), well below the 15 ppb action level. He then advised that only one MWRA community, Winthrop, was above the Lead Action Level in the Fall 2022 testing round. He explained that the Town had subsequently issued a public notice of the Action Level exceedance in accordance with EPA's request that MWRA pilot aspects of the revised Lead and Copper Rule in advance of its taking effect in October 2024. He then described the Town's public notification approach for the Fall 2022 exceedance, which focused on the homes with lead service lines rather than the Town as a whole, and was distributed through reverse 911, sign boards, cable TV and the Town website. He added that the Winthrop exceedance was also covered by two regional press outlets. Mr. Estes-Smargiassi then presented updates on MWRA's Lead and Copper Program activities including school and childcare facility testing, zero interest loans to member communities for lead service line replacements; and work with communities to prepare for EPA's October 2024 revised Lead and Copper Rule compliance deadline, including inventories of each municipality's lead service lines. He then explained that the inventories could reveal new information about the number of community lead service lines, and that staff was working with municipalities to develop more detailed replacement programs as required under the new Rule. Mr. Estes-Smargiassi then advised that EPA had announced plans to make further changes to the new Lead and Copper Rule that could include the further reduction of the Lead Action Level, which could affect some member communities. Finally, he noted that staff was preparing MWRA's lead pipe test rig to test potential changes to corrosion control protocols and preparing to engage with a consultant to assist with evaluating the different types of treatment.

Mr. Vitale complimented MWRA's Lead and Copper Program and asked for more details on the Town of Winthrop's lead service line replacement program. Board Member Flanagan, who represents the Town of Winthrop, explained that the Town was making use of MWRA's Lead Service Line Replacement Program and offering service line replacements at no charge to homeowners. Mr. Estes-Smargiassi noted that he considered the Town of Winthrop's program to be exemplary. He explained that Winthrop's program included rapid response for affected homeowners and the replacement of approximately 100 lead service lines per year. Chief Flanagan added that there were currently approximately 400 lead service lines outstanding in the Town.

Committee Vice Chair Vitale asked if there was further discussion or questions from the Board. Hearing none, he moved to the next Information item. (ref. VIII A.1)

MWRA Water System Expansion Feasibility Studies

MWRA Director of Environmental and Regulatory Affairs Rebecca Weidman presented an update on MWRA's Water System Expansion studies. She reported that staff had recently completed studies for the Ipswich River Basin (12 communities) and the South Shore area (10 communities), and that a third study for the MetroWest region (15 communities) was underway. She explained that the goal of the studies was to determine if MWRA had sufficient water supply, water treatment and distribution/transmission capacity for the study areas. She noted the studies showed that MWRA theoretically had sufficient water to supply the Ipswich River Basin and South Shore study areas, but not enough to also supply the MetroWest region. She advised that the total number of communities that would actually join the MWRA water system had not yet been determined. Ms. Weidman then explained that two main factors were driving communities' interest in joining the MWRA system: stressed water basins and PFAS contamination, which is costly to remediate and expected to be subject to stricter federal regulations in the near future. Ms. Weidman then presented the most feasible options for fully supplying Ipswich River Basin and South Shore regions through MWRA's existing distribution system, both with an estimated timeframe of 20-25 years. She explained that the Ipswich River Basin would require the installation of a large diameter pipeline from the City Tunnel to Ipswich at an estimated cost of \$1 billion (September 2022 dollars); and the South Shore region would require the installation of a large diameter extending towards Scituate and Brockton, at a cost of approximately \$1.25 billion (September 2022 dollars). Next, Ms. Weidman reported that the completed Ipswich River Basin and South Shore study results would be posted on MWRA's website and distributed via press release. Finally, she noted that the MetroWest study was underway, and that outreach to communities continued, including work to seek funding opportunities and an upcoming workshop on regionalization hosted by the MWRA Advisory Board on December 5, 2022.

Mr. Vitale asked if there was any discussion or questions from the Board. Chair Card thanked MWRA, staff, Mr. Favaloro and the Advisory Board for all their work and partnership in completing the studies and rollout strategy. Hearing no further discussion or questions, Mr. Vitale moved to Contract Awards. (ref. VIII A.2)

Contract Awards

Metropolitan Water Tunnel Program Lease for Core Storage Facility: IC Needham Gould Portfolio, LLC, Contract W344

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award lease W344, Metropolitan Water Tunnel Redundancy Program Core Storage Facility, to IC Needham Gould Portfolio LLC and to authorize the Executive Director, on behalf of the Authority, to execute said lease of approximately 19,070 square feet of warehouse and office space for rock core storage at Block 95 (in Block A of the buildings located at 110-116 Gould Street, 95-101 Hampton Avenue, 11 Ellis Street, and 45-55 Kearney Road) in Needham, Massachusetts, for an initial term of ten years from the date of occupancy, for an amount not to exceed the annual rent shown in Attachment A of the November 16, 2022 Staff Summary presented and filed with the records of this meeting, plus a proportional share of real estate taxes and operational costs, with a five-year option subject to agreement of the parties and further Board approval.

MWRA Director of Tunnel Redundancy Kathy Murtagh described the purpose of the proposed lease for the storage of Metropolitan Water Tunnel Program (MWTP) rock core, which would house activities such as the cataloging, processing, logging, and viewing of all geotechnical samples for the Program. She noted that staff had conducted a best value RFP process and received two proposals. She then explained that while the cost of the selected facility lease was slightly higher than that of the non-selected proposal, staff strongly believed that the recommended lease provided significant value with regards to efficiency and potential cost savings over time due to its location, size, loading and unloading facilities, building systems and fit-out. Finally, Ms. Murtagh noted that the Massachusetts Department of Capital Asset Management and Maintenance (DCAMM) had provided staff with a market survey of available industrial space in the area that showed that the proposed costs were within market range.

Mr. Vitale asked if the proposed lease cost could have risen significantly over the past year due to inflation. Ms. Murtagh advised that staff recognize the tightness of the market and supply and demand for real estate, and that it is hard to determine what this particular property would have cost a year ago; but that the proposed price was consistent with current market rates according to the DCAMM survey. There was general discussion about the impact of interest rates on landlords and tenants within the City of Boston with regards to rents and City water and sewer rates. Ms. Murtagh then noted that the proposed lease is based on DCAMM's form which provided a level of certainty with respect to costs, and that the proposed lessor had received excellent tenant references. Mr. Jack Walsh asked if the Program's geotechnical samples could be stored in an open facility. Ms. Murtagh explained that the samples required indoor handling and storage to protect their integrity, and added that the samples must be protected from the elements because they could be used in potential site conditions claims. She added that the practice of indoor geological sample storage was consistent with other MWRA tunnel projects, including the MetroWest Water Supply Tunnel. There was brief, general discussion about core sampling and storage processes, and the geological profiles of the planned MWTP sites as well as those of other MWRA tunnel sites.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VIII B.1)

Wachusett Dam Lower Gatehouse Pipe and Boiler Replacement: J.F. White Contracting Company, Contract 7380

A motion was duly made and seconded to approve the award of Contract 7380, Wachusett Dam Lower Gatehouse Pipe and Boiler Replacement, to the lowest responsible and eligible bidder, J.F. White Contracting Company, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the bid amount of \$19,333,573, with a contract term of 547 calendar days from the Notice to Proceed.

MWRA Program Manager, Engineering and Construction Patricia Mallett presented an overview of the scope and benefits of the Lower Gatehouse Pipe and Boiler Replacement Project. She began the presentation with a description of the lower gatehouse's location, history, functions and existing conditions. She explained that the project would extend the useful lives of four existing 48-inch cast iron outlet pipes that release water to the Wachusett Aqueduct and Nashua River. She further explained that the project was needed to address pipe and valve damage that resulted from an equalizer pipe failure in 2018; the damage currently required staff to manually operate the valves. Ms. Mallett then outlined the proposed scope of work, including the removal of the damaged equalizer pipe, relining of existing pipe, valve and heating system replacements, hazardous materials removal (including lead paint and asbestos tile) and the installation of a new restroom. She then presented the location of access points that would be used for the work. Next, she summarized the contractor procurement process and advised that MWRA received one bid, from J.F. White that was approximately \$7.7 million over the Engineer's Estimate. She explained that staff had met with J.F. White staff, who provided reasons for their bid price including risks associated with confined space work; current construction job market volatility; and, the rising costs for materials and equipment. Finally, Ms. Mallett noted that J.F. White had previously performed similar work at the Lower Gatehouse and that J.F. White staff were confident in their ability to complete this project.

The typographical error of the bid date in the presentation material was noted and corrected from November 21 to October 21. Rev. White Hammond requested more information about the expected useful life of the new boiler. Ms. Mallett explained that the typical life of the boiler system was approximately 25 years. Ms. White-Hammond asked staff about options other than use of a fossil fuel system. Ms. Mallett explained that an evaluation was performed, and that the benefits of a heat pump system when the building is only heated not cooled were not realized, making it significantly more expensive. Mr. Vitale asked why a contracting firm that participated in the site visit did not submit a bid. Ms. Mallett explained that the firm's was ineligible to bid as a general contractor due to its DCAMM certification limit. Mr. Vitale noted that inflation may have peaked and that the cost of materials and services could go down in the near future. Ms. Mallett advised on the operational urgency to fix the pipes. She explained that current conditions limit staff's capacity to release water to the Nashua River and Wachusett Aqueduct. Finally, she noted that that staff had extended the bid period to provide ample opportunities for more competitive bids.

Chair Card 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VIII B.2)

Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant: Hazen and Sawyer P.C., Contract 7973, Stantec Consulting Services Inc., Contract 7974

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant and to authorize the Executive Director, on behalf of the Authority, to execute Contract 7973 with Hazen and Sawyer, P.C. and Contract 7974 with Stantec Consulting Services Inc., each in an amount not to exceed \$2,000,000, with a contract term of 24 months from the Notice to Proceed.

MWRA Chief Engineer John Colbert described the scope of the proposed technical assistance contracts for the Carroll Water Treatment Plant and other Western Operations facilities. He provided examples of recent water projects performed under technical assistance contracts, including Lower Gate House design, Shaft Two repairs, and Southborough Headquarters switchgear upgrades. Finally, Mr. Colbert noted that MWRA had received two contract proposals for this procurement.

(Ms. Wolowicz left the meeting during the summary.)

Chair Card asked if there was any 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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VIII B.3)

CORRESPONDENCE TO THE BOARD

There was no correspondence to the Board.

OTHER BUSINESS

There was no other business.

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>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

The meeting adjourned at 2:48pm.

Approved: December 14, 2022

Attest:


Andrew M. Pappastergion, Secretary