#### SPRINGFIELD WATER AND SEWER COMMISSION



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**Minutes of Meeting** 

**January 19, 2022** 

The Springfield Water and Sewer Commission held a virtual meeting on January 19, 2022. The virtual meeting was held in accordance with Chapter 20 of the Acts of 2021.

Commissioner Otero called the meeting to order at 10:06 a.m. and announced the Commissioners that are participating remotely. Acting Secretary for the Commission Katie Shea called the attendance roll:

William E. Leonard, Participating Remotely Daniel Rodriguez, Participating Remotely Vanessa Otero, Participating Remotely

Also Participating Remotely Joshua Schimmel, Executive Director Norman J. Guz, Commission Counsel Anthony Basile, Comptroller Domenic Pellegrino, Director of Finance Bill Fugua, Director of Wastewater Services Darleen Buttrick, Director of Engineering Bob Stoops, Chief Engineer Frank Zabaneh, Senior Engineer Jim Laurila, Director of Water Operations Christina Jones, Deputy Director of Water Operations Steven Frederick, Deputy Director of Wastewater Operations Kristin Monfette, Safety Manager James Richardson, Director of IT Ryan Wingerter, Deputy Director of Field Services Stephanie Douglass, Human Resources Manager Theo Theocles, Director of Legal Affairs/Chief Procurement Officer Raemarie Walker, Assistant Procurement Officer Katie Shea, Educational Outreach and Communications Specialist/Acting Secretary Jaimye Bartak, Communications Manager/Secretary for the Commission

#### **Business Matters**

#### (non-agenda item)

Commissioners voted to appoint Katie Shea as Acting Secretary of the Commission for the meeting held on January 19, 2022.

UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER OTERO COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ:

to appoint Katie Shea as Acting Secretary of the Commission for the meeting held on January 19, 2022.

1. Approve the minutes of the meeting held on December 15, 2021, without reading, because copies were furnished to each member of the Commission for their review.

### UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER OTERO COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ:

to approve the minutes of the meeting held on December 15, 2021.

#### **New Business**

2. Appeal by Owner of 90 Birchland Avenue.

Tabled.

# UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER OTERO COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ:

to table the appeal by the Owner of 99 Birchland Avenue

until the next Commission Board meeting.

3. Financial Update: Report by Comptroller.

Comptroller Anthony Basile reported that there was a cash decrease of \$2.1 million and ending cash of \$109 million.

The operating budget is projected to be 97% spent. This is subject to change due to inflation and price increases for supplies like chlorine and current market rates for electricity and gas.

Mr. Basile reported that there was \$36.9 million in capital spending, mostly on the York Street Pump Station and Connecticut River Crossing Project, which averages \$4-5 million in monthly expenditures. There was \$397 million remaining in the capital budget.

There is a negative variance of \$2.2 million in the revenue budget due to lower than projected water usage and true-ups for wholesale and retail water and sewer accounts.

There was \$109.5 million in cash, of which \$26 million was unrestricted. Of the overall cash 75% was restricted.

There was \$6.1 million in outstanding receivables in December and \$3.1 million was over 60 days old.

There were just over \$900 million in total assets and \$698 million in liabilities, including long term debt and the WIFIA program.

4. Consideration of Three-Year Audit Engagement with Melanson Heath: Report by Comptroller.

Mr. Basile reported that the Commission was seeking to establish a new 3-year contract, for 2022-2024, with an outside auditor, Melanson Heath. Melanson has provided the Commission with a letter outlining the responsibilities of both parties. Their fee over the previous three years has been relatively flat, and under the terms of this 3-year agreement the costs for the auditing services would be \$47,000 for FY22, \$49,000 for FY23, and \$50,000 for FY24. Mr. Basile noted that Melanson has been conducting audits of the Commission's finances for the past several years and has done a great job and recommended the Commission continue to use Melanson.

Commissioner Otero asked if there were any statutes or requirements to use a new company after a certain number of years.

Mr. Basile responded that the Commission has used Melanson for many years but has worked with different auditors and principal managers during the annual audits.

Atty. Guz stated that there are no laws or requirements to hire a new auditing company. Melanson has provided quality service and is knowledgeable of the type of financing involved with public water and sewer systems. If the Commission felt it would be beneficial to find another auditing company it should consider auditors that have experience with the financials of a water and sewer commission.

Commissioner Leonard asked how much is currently spent on auditing services with Melanson. Mr. Basile responded that this year, for the FY21 audit, Melanson was paid \$44,000.

## UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER OTERO COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ:

to authorize the Executive Director to sign the 3-year auditing services agreement with Melanson as presented.

5. Consideration of Financial Policies Amendment – ACFR: Report by Comptroller.

Mr. Basile reported on a proposed amendment to change terminology in the Commission's Financial Policies to read Annual Comprehensive Financial Report (ACFR) in place of Comprehensive Annual Financial Report.

In 2021 the Government Accounting Standard's Board announced that the Comprehensive Annual Financial Report had been renamed the Annual Comprehensive Financial Report, as the acronym for the original title was an offensive acronym.

Mr. Basile reported that this amendment would only change the name of the annual financial report, to be consistent with the term used by the GASB, in the Commission's Financial Policies, and no other financial policies would change.

### UPON MOTION DULY MADE BY COMMISSIONER RODRIGUEZ AND SECONDED BY COMMISSIONER OTERO

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to approve the amendment to the Commission's Financial Polices and replace Comprehensive Annual Financial Report with Annual Comprehensive Financial Report (ACFR) as presented.

6. Consideration of Utility Billing Credit Summary and Summary of Accounts Receivable for December: Report by Director of Finance.

Director of Finance Domenic Pellegrino reported net billings of \$7 million and collections just under \$7.1 million. The outstanding receivable balance was \$5.3 million.

The receivable balance was down from this time last year when it was at \$8.1 million, but still above the 3-year average of \$4.4 million for the pre-pandemic years 2017-2019.

The over-60-day receivable balance was \$2.4 million, among 7,100 accounts. Mr. Pellegrino noted that the number of accounts with an over 60-day receivable balance is similar to the 3-year average, but the average dollar amount in outstanding balances on these accounts is approximately \$100 higher than the pre-pandemic 3-year average.

Mr. Pellegrino reported that there were approximately 55 CAP credits issued in December.

Commissioner Otero asked how the CAP credit numbers compare to last month.

Mr. Pellegrino responded that on average 40-50 applications and processed and approved each month. The previous month, November 2021, was a little higher however, as that is when the FY22 LIHEAP program started and customers received their fuel assistance letters needed for CAP eligibility.

Mr. Pellegrino reported that in December 2021, 139 credits were issued totaling \$53,255.67.

### UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to approve utility billing credits in the amount of \$53,255.67 as presented.

7. Consideration of CIP Amendment 2022-12: Report by Director of Finance.

Mr. Pellegrino reported on a request related to the Connecticut River Crossing Project. Director of Wastewater Operations Bill Fuqua reported that this request was to increase the appropriation for hazardous material handling for the coal tar in the area of excavation in the riverbed. Crews have encountered more coal tar than anticipated and this amendment will increase funding to complete the removal and hazardous material handling work.

Mr. Fuqua reported that the Commission had an agreement with Columbia Gas, and now has an agreement with Eversource, as the responsible party, and all costs, for removal and handling, incurred by the Commission are reimbursable under the agreement. To date the Commission has invoiced approximately \$1 million and received \$400,000 with another payment expected soon.

# UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to approve CIP Amendment 2022-12.

8. Consideration of CIP Amendment 2022-13: Report by Director of Finance.

Mr. Pellegrino reported that there was new pricing information for the watershed culvert replacement project that CIP Amendment 2022-13 pertained to, and requested that the discussion and vote on the amendment be tabled until the next Commission meeting when more information would be available.

## UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to table CIP Amendment 2022-13 until the next Commission Board meeting.

9. Consideration of Clearwell & Backwash Pump Station Replacement SRF Loan Forgiveness Award Letter: Report by Director of Finance.

Mr. Pellegrino reported that the Commission received notice from the Clean Water Trust that it had been awarded loan forgiveness of \$4.9 million on the SRF loan used to finance the Clearwell and Backwash Pump Station Replacement Project at West Parish Filters. The loan forgiveness represents a 19.8% decrease in the loan.

Once the project reaches 50% expenditure, which is anticipated to occur in FY23, the loan and loan forgiveness will be finalized.

Commissioner Rodriguez asked if loan forgiveness is something that for which the Commission budgets. Mr. Pellegrino responded that the Commission does not initially budget loan forgiveness into a project, but once notification is received regarding any forgiveness, it is budgeted going forward.

Atty. Guz noted that no vote was required to accept the \$4.9 million in loan forgiveness.

10. Consideration of Executive Director Contract Authorization: Report by Commission Counsel.

Atty. Guz reported that the Board of Commissioners has authorized the Executive Director to execute certain contracts. The Commission's Director of Legal Affairs Theo Theocles reviewed these policies and determined that the policies should be clarified, and contract execution streamlined.

Mr. Schimmel stated that this authorization will help address action items to keep projects moving in a timely manner and to address emergency situations. Any contracts executed by the Executive Director would continue to be included in the meeting package provided to the Commissioners each month, ahead of the monthly Board meetings.

Commissioner Otero asked if this authorization for the Executive Director to execute certain contracts would have any impacts on how the Commission procures contracts, materials, and services.

Atty. Guz responded that the Commission would continue to follow the standard procurement procedures. The Executive Director would be limited to the provisions of Massachusetts General Laws and would not be allowed to go outside of procurement laws.

Commissioner Rodriguez stated that this will help streamline contract approvals for the Commission, and noted that there was still Board oversight on the process.

## UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to authorize the Executive Director or his designee to execute contracts on behalf of the Springfield Water and Sewer Commission except as set forth below:

1) Collective Bargaining Agreements.

- 2) Personal service contracts for the engagement of legal counsel, financial advisors, engineers, accountants, or contracts in excess of \$200,000 with related professionals, as the Commission shall deem necessary.
- 3) Contracts which obligate the Commission for a period exceeding one (1) fiscal year, for which funding is not available in the current fiscal year budget.
- 4) Renovations or additions to existing Commission facilities and/or infrastructure in excess of \$250,000.

The Executive Director shall provide to the Commissioners at its monthly Commission meetings a report listing the vendor, amount of the contract and services and/or renovations or additions approved by the Executive Director as provided in section 2 and/or 4, as set forth above.

The designation by Executive Director shall be limited to contracts awarded in accordance with the provisions of Massachusetts General Laws, Chapter 30B, 149, or 30§39M, and must be signed by both the Comptroller of the Commission and the Procurement Officer of the Commission.

11. Consideration of Authorization to Borrow \$23,689,897 from the Massachusetts Clean Water Trust for the Locust Transfer and Flow Optimization Project: Report by Commission Counsel.

Atty. Guz reported that this request was for authorization to enter into an agreement for the financing from the Clean Water Trust for the upcoming Locust Transfer and Flow Optimization Project.

## UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

That \$23,689,897 has been appropriated for the purpose of financing the Locus Transfer and Flow Optimization (the "Locus Transfer and Flow Optimization Project") including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws of the Commonwealth, as amended; that to meet this appropriation the Executive Director is authorized to borrow \$23,689,897 and issue bonds or notes therefore under Chapter 40N of

the General Laws, that the Executive Director is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended and pursuant to the provision of the Massachusetts Clean Waters Act Chapter 21 of the General Laws of the Commonwealth, as amended; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Executive Director is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

12. Update on Water and Sewer Activities: Report by Executive Director.

Mr. Schimmel reported on the contracts executed by the Executive Director over the past month. The Commission has a purchase order system, and all purchases and contracts run through the Commission's Procurement Office, which is overseen by Atty. Theocles.

Mr. Schimmel reported that Cobble Mountain Reservoir is at approximately 100% capacity, 15% over the 3-year average for this time of year.

Mr. Schimmel reported that he has been working with Human Resources Manager Stephanie Douglass and Director of Engineering Darleen Buttrick to update some of the positions in the Engineering Department to meet the needs of the current marketplace as well as the needs of the Commission.

Mr. Schimmel presented three Engineering job descriptions for consideration: an Engineer position, an entry level position, at a salary range of \$55,000-\$85,000; Project Engineer, a revision of an existing position, to meet the current needs of the Commission, at a salary range of \$80,000 - \$105,000; and Engineering Manager, a position that will be responsible for managing the engineers and project engineers, at a salary range of \$100,000 - \$135,000.

Commissioner Otero asked what the Commission is doing for recruitment to fill open positions.

Ms. Douglass reported that the Commission is very active in recruiting strong candidates and working with local colleges, professional water and sewer associations, and career centers. The Commission also posts job openings to Handshake, which is an online platform used by college students, allowing outreach to potential hires throughout New England.

Commissioner Otero reported that there is a local Woman in STEM group coordinated by professors from local colleges that could be an opportunity for the Commission to connect with students interested in

STEM careers. Ms. Buttrick reported that she has been in contact with STCC regarding the Women in STEM initiative and is looking forward to working with them. Commissioner Otero noted that connecting with the professors will be beneficial as they know the students well and can help connect them to job openings or resources.

Commissioner Rodriguez asked if the Engineering positions would be new positions or backfilling of vacancies. Mr. Schimmel responded that the Commission has many vacancies currently, and this would not lead to an increased headcount in Engineering. But with the tremendous amount of capital work the Commission has coming up, there may be an increase in the headcount of engineering staff at some point in the future.

### UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER RODRIGUEZ

VOTED YES – COMMISSIONER LEONARD COMMISSIONER RODRIGUEZ COMMISSIONER OTERO:

to approve the Engineer, Project Engineer, and Engineering Manager job descriptions, and proposed salary ranges as presented.

Mr. Schimmel reported that budget development is advancing more quickly than in previous years which will be beneficial to the Commission and to the public.

Mr. Schimmel reported that public notification for HAA5 was issued by the Commission at the beginning of the month. Customers received the notification with their January billing statements. There is a likelihood that notices will be issued again in subsequent quarters due to the running averages, ongoing raw water conditions, and current capabilities at the treatment plant.

Mr. Schimmel reported that the LIWAP program, administered by the state, still has some details to be finalized, but it is anticipated the program will be rolled out in February or March. Mr. Schimmel has been in contact with the state LIWAP coordinators, and the Commission will provide information to customers as soon as it is available. The LIWAP program will operate similar to the Commission's CAP program. Customers that receive LIHEAP fuel assistance will be eligible for assistance on their water and sewer bill. Eligible customers will receive \$400-\$500. LIWAP currently is designed as a one-time program but may be expanded in the future.

Commissioner Otero asked whether the \$400-\$500 per customer was a combination of the \$125 Commission CAP credit and the LIWAP funds. Mr. Schimmel responded that the \$400-\$500 is a separate state LIWAP credit. Customers who receive LIWAP and meet the CAP eligibility would also receive a \$125 credit per year from the Commission. The CAP credit plus the LIWAP credit could potentially provide customers with over \$600 in water and sewer bill assistance, which is more than half of the average annual water and sewer bill.

Mr. Schimmel reported that the Commission will be transitioning away from the World is Our Classroom Program. It has been a beneficial program to the Commission and to the community providing outreach to the schools. The Commission will shift its focus to further develop community outreach and educational programs that expose students to the water sector and careers in water. The Commission will also continue to enhance its workforce development initiatives, including the Water Treatment Training Scholarship Program.

Commissioner Otero stated that the Commission could keep the spirit of bringing students to the Commission by providing opportunities for paid internships. Director of Water Operations Jim Laurila added that interns for Water Operations was a great idea, and pre-pandemic the Commission did have paid interns at West Parish Filters. Water Operations looks forward to having interns and providing a valuable learning experience in the future.

Mr. Schimmel reported that the Commission will be having a condition assessment of the power plant conducted in the next few months to determine a plan to update the system. In addition to the revenue generated from hydropower, the plant is a critical part of the water supply system and conveying water to West Parish Filters.

Mr. Schimmel reported that there was a failure of a rapid sand filter bed at West Parish Filters over the weekend. The Commission is reviewing data and assessing all other filter beds at the plant. Water Operations ramped up production using the slow sand filters.

Mr. Laurila reported that the water operators on duty noticed a turbidity spike in Filter 6A and took the filter offline on Sunday to inspect it. The filter was drained, and the crews discovered that several nozzles had blown. Water Operations worked with the Engineering Department and AECOM to assess the filters. On Monday the Water Operations crews removed all the filter media from Filter 6, a very labor-intensive process. AECOM assessed the filter on Tuesday, and it was determined there was a failure of the underdrain due in part to over-pressurization of the nozzles. Water Operations was examining replacement of the underdrain and continuing to assess the other filters at the plant.

Mr. Laurila reported that in response to the Filter 6 failure, Water Operations made immediate changes to the backwash sequencing based on the recommendations from AECOM. Mr. Laurila noted that organics are high in the raw water causing shorter filter run times. Water Operations is producing approximately 6 million gallons of water per day through the slow sand filters for a total of 25 million gallons to meet current demand. Water Operations and Engineering will continue to work with AECOM on plans for repairs.

Mr. Schimmel reported that there are no replacement parts as the equipment that failed is more than 55 years old and includes custom tiles and nozzles. The findings indicate this could be happening in other filters. Mr. Schimmel also noted that running the filters and backwash is an automated standardized process and there was no operator error that contributed to the failure.

Commissioner Rodriguez asked how often the Commission inspects the filters. Mr. Laurila responded that the Water Operation staff inspect some portions of the filters often, but removing all the media to inspect the underdrain is a very complicated and physical process and not part of routine maintenance. Data is analyzed everyday to see how the filters are performing.

Commissioner Otero stated that the Commission may need to shift capital plans or reprioritize projects due to the filter bed failure and rising construction and material costs. Commissioner Otero also stated that it could be beneficial to receive an update on capital planning and water treatment plant upgrades as part of the monthly Board meetings.

Mr. Schimmel responded that the Commission experiences many failures of critical infrastructure. To continue to supply water the Commission must repair or replace failing infrastructure. The Commission is managing these challenges but also moving forward with the planned investment over the next several years, including advancing design and construction of the new treatment plant. Updates on the capital program will be provided to the Board.

Mr. Schimmel commended Water Operations staff for their work in addressing the emergency situation over a holiday weekend and for the labor-intensive work of removing all the filter media by hand.

Mr. Laurila reported that Water Operations has been successful in recruiting new staff. The scholarship program has been effective. Water Operations has also been training existing staff to be the water operators of the future. Mr. Laurila and his team have been working diligently on a source water monitoring program and have been consulting with DCR/Quabbin.

Mr. Basile reported that he and the finance team were working on putting together the budget for the upcoming fiscal year.

Mr. Fuqua reported on progress on the York Street Pump Station and Connecticut River Crossing Project. The trades were working inside the new pump station building and roof construction was underway. Tunnel boring was ongoing, but severely delayed, leading to delays in construction activities in the river. Cold and ice also impacted progress on the project.

Mr. Fuqua reported that progress was made on the ICI projects at the wastewater treatment plant including the aeration, ventilation, and electrical improvement projects.

Ms. Buttrick reported that the Engineering team continued to work on advancing the Commission's WIFIA and capital program.

Mr. Pellegrino reported that he has been working on the quarterly WIFIA report which is due at the end of the month. Mr. Schimmel stated that the Commission was working to establish standard operating procedures for completing the WIFIA report, which will be due quarterly.

Communications Manager Jaimye Bartak reported that Communications is working on an online story map for capital projects, the annual report, refreshing outreach materials for community events, and discussing changes and opportunities for educational programming.

Director of IT James Richardson reported that IT staff has been documenting construction on York Street and at West Parish Filters, utilizing the two drones that are operated by licensed drone pilots on the IT staff. The IT department also installed cameras to capture timelapse imagery of West Parish Filters construction. Mr. Richardson reported that there has been a lot of activity in cyber security around the world. The IT Department has taken proactive steps to address cyber threats, conducted critical patching, and trains Commission staff each month.

Deputy Director of Field Services Ryan Wingerter reported that the galvanized service replacement project is ongoing, with approximately 100 replacements completed so far. There have been approximately 7 water main breaks that Commission crews have responded to this winter season. Due to the winter paving moratorium, crews are working on non-street work such as manhole maintenance.

Mr. Schimmel added that according to Commission records there are approximately 400 galvanized services that the Commission has been working to proactively replace ahead of the new Lead and Copper Rule set by EPA going into effect in the next few years.

Ms. Douglass reported that recruitment for several open positions has been going well, and the scholarship program has been successful. She has been working with Westfield State to promote job opportunities, as well as training programs and the scholarship. Ms. Douglass noted that direct contact with the chair of the Environmental Sciences Department has been beneficial.

Commissioner Otero asked Ms. Douglass if she had worked with the Regional Employment Board to promote positions and opportunities. Commissioner Otero suggested that the REB might be helpful as they assist companies in retraining staff for higher positions, similar to what Mr. Laurila is doing at the water treatment plant. Ms. Douglass responded that she has worked closely with MassHire in the past but will reach out to REB to learn more about their programs.

Ms. Douglass reported that employees and managers have been doing a great job of staying safe and following covid protocols. The Commission continues to use email, employee website, text messages, and notices to get important information out to all employees regarding workplace health and safety. Mr. Schimmel added that approximately 15% of Commission staff were currently out with covid or isolating due to exposure.

Safety Manager Kristin Monfette reported that she has been working with Commission departments on hazard recognition in the field and injury prevention.

Atty. Theocles reported that he has been continuing to provide legal and procurement support across the Commission including the WIFIA quarterly report and the Locust Street Sewer Improvement Project front-end documents. Procurement has been challenging amid the hostile bidding environment.

Mr. Schimmel thanked all Commission staff for their hard work over the past few months amid the many operational challenges and covid challenges. Mr. Schimmel also thanked the Board for their support.

13. Consideration and/or action on any other matters that may come before the Commission at this meeting.

None considered.

The next Commission meeting will be Thursday, February 17, at 2:30 PM.

Vote to adjourn 11:37 AM.

Submitted By:

Katie Shea, Acting Secretary