



Established

1996

SPRINGFIELD WATER AND SEWER COMMISSION

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Minutes of Meeting

March 13, 2024

The Springfield Water and Sewer Commission held a public meeting on March 13, 2024, in accordance with Chapter 2 of the Acts of 2023.

Chairwoman Otero called the meeting to order at 9:04 AM. and announced the Commissioners that are participating. Acting Secretary for the Commission Katie Shea called the attendance roll:

Daniel Rodriguez, Present
Vanessa Otero, Present
Matthew Donnellan, Present

Also Present
Joshua Schimmel, Executive Director
Norm Guz, Commission Counsel
Anthony Basile, Comptroller
Domenic Pellegrino, Director of Finance
Theo Theocles, Director of Legal Services
Attorney Bruce Leiter
Steve Fredrick, Director of Wastewater Operations
Katie Shea, Educational Outreach Manager/Acting Secretary to the Commission

Also Participating Remotely
Darleen Buttrick, Director of Engineering
Jim Laurila, Director of Water Operations
Christina Jones, Deputy Director of Water Operations
Steven Frederick, Director of Wastewater Operations
Ashley Demarey, Field Services Manager
Jennifer Boulais, Director of Human Resources
Rick Gomez, Director of IT
Raemarie Walker, Deputy Director of Finance
Jaimye Bartak, Communications Manager
Frank Zabaneh, Engineering Manager
Kimberly Clemons, Executive Administrative Assistant
Kristin Monfette, Safety Manager
Ryan Wingerter, Deputy Director of Field Services
Nicole Sanford, Water Resources Manager
Nicole Boland, Collections Manager

Business Matters

(non-agenda item)

Commissioners agreed to appoint Katie Shea as Acting Secretary of the Commission for the meeting held on March 13, 2024.

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

VOTED YES –

COMMISSIONER RODRIGUEZ

COMMISSIONER OTERO

COMMISSIONER DONNELLAN:

to approve Katie Shea as acting secretary of the Commission for the meeting held on March 13, 2024.

1. Approve the minutes of the meeting held on February 14, 2024, without reading, because copies were furnished to each member of the Commission for their review.

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

VOTED YES –

COMMISSIONER RODRIGUEZ

COMMISSIONER OTERO

COMMISSIONER DONNELLAN:

to approve minutes of the meeting held on February 14, 2024.

New Business

2. Consideration of Project Labor Agreement: Report by Executive Director.

Executive Director Josh Schimmel reported that there were updates to the ongoing discussions regarding the Project Labor Agreement (PLA) for the new West Parish Water Treatment Plant project.

Commissioner Otero reported that over the past several months the Commission has held discussions during the regular Board meetings regarding a PLA for the water treatment plant project. The Commission engaged in discussions with representatives of the Pioneer Valley Building and Construction Trades Council and the North Atlantic States Regional Council of Carpenters regarding the PLA because this is a critical infrastructure project and delays or work stoppages related to labor strikes could negatively impact the Commission's ability to meet strict financing deadlines and regulatory deadlines. It could also impact the Commission's ability to continue to provide drinking water service to the Springfield region.

Commissioner Otero added that the provisions of the PLA also help support the Commission's workforce development goals and WIFIA financing requirements that include goals related to women and minority workforce and disadvantaged business enterprise (DBE) opportunities.

Commissioner Otero stated that during the February Commission Board meeting, due to upcoming bid document deadlines, the PLA signatory unions were given a deadline to update terms of the agreement to provide added opportunities for DBEs and to further promote labor harmony. All signatory unions met the deadline except for one, which subsequently responded and assented to the agreement. Given these factors Commissioner Otero asked the Executive Director, the Legal Affairs Director, and Commission Counsel if it would be possible to add an addendum to the recently published bid documents without delaying procurement or construction of the project.

Commission Counsel Attorney Norm Guz reported that since the last Board meeting in February the Commission has received before this meeting an executed Project Labor Agreement from all signatory unions containing the increase of the DBE allowance to \$1 million.

Commissioner Rodriguez asked if adding an addendum to the bid documents to allow for the PLA would have any impacts on procurement or project schedule.

Director of Legal Affairs and Chief Procurement Officer Attorney Theo Theocles stated that by adding the addendum, the deadlines for sub-contractors and general bidders would be extended by a few weeks, but it would not impact final procurement and project deadlines, and this was confirmed with the outside engineers. The June 28, 2024 Notice to Proceed date would not need to be extended as a result of the bid dates being moved. The June 28th date, as outlined in the procurement and project schedule documents, is critical for meeting the construction schedule as well as SRF financing paperwork and debt forgiveness eligibility deadlines.

Commissioner Rodriguez asked if there would be enough time to review bid documents with the updated schedule. Atty. Theocles responded that yes, there would still be enough time to review bid documents and make appropriate procurement decisions. Commissioner Rodriguez noted that the updated schedule does not delay construction, however due to the updates it seems that there is no additional flexibility in the schedule.

Commissioner Rodriguez asked if adding the addendum would add any costs for bidding and procurement.

Mr. Schimmel responded that there would be no additional costs to bidding or procurement. Addendums to bid documents are typical in a project of this size and there is likely to be other addendums.

Commissioner Rodriguez stated that he agreed with Commissioner Otero's statements regarding the critical necessity of completing the water treatment project on time and in accordance with financing requirements and MassDEP regulations.

Commissioner Rodriguez added that his previous dissent in votes related to the PLA was not related to support, or lack of support, for unions and the union workforce. Completing the project and meeting the project schedule and requirements is most important.

Atty. Guz noted that a PLA does not prevent any contractor, both union and non-union, from bidding on a project, they just must meet bid document requirements and PLA requirements, if one has been adopted for the project. Additionally, the Commission was committed to providing opportunities for DBEs which is why it requested the union increase the DBE provision to \$1 million. This allows DBEs to bid on

contracts up to \$1 million and provides an exemption from some PLA provisions to those businesses. This does not prevent DBEs from bidding on contracts over \$1 million, but they would be subject to all terms of the PLA for those projects.

Commissioner Otero stated that the Commission has discussed that as part of this generational reinvestment in the region's water system the Commission could engage more diverse contractors and labor force, and adopting the PLA would help to achieve those goals.

Atty. Guz stated that to move forward with the consideration it should be noted that following February's meeting and the missed deadline by the unions, the Commission moved forward with issuing the bid documents as changing the bid advertising date was not possible. At that time the Commission understood that the March meeting was upcoming and if it was possible to reconsider the PLA without impacting the bidding or construction timeline it could be discussed. The reasons the Commission is reviewing the PLA, as discussed in previous meetings, is due to the benefits related to meeting goals related to a diverse and local labor force and to promote labor harmony.

Atty. Guz added that it is not a right of a public entity to enter into a PLA. There needs to be justification for entering the agreement and there is a test that the project and the contractors meet statutory requirements. The project meets the challenge of complexity. Many PLAs are adopted for school construction projects. This PLA is for a complex construction of a water treatment facility. Adding to the complexity of the project is a strict timeline to meet financing and regulatory guidelines, and to construct the new plant as quickly as possible to provide drinking water that meets current drinking water regulations.

Atty Guz stated that the reasons that he stated for approving a Project Labor Agreement for the West Parish Filter Project at the February 14th Board meeting remain today:

1. The draft ACO from DEP with a completion date for the project of September 30, 2028;
2. The deadlines in the WIFIA Loan documents for Substantial Completion of the Project;
3. The additional funding of the Project by SRF includes a completion date of August 2028;
4. The report from Hazen, the project engineer, based on 90% design, contains numerous construction-related timelines needed to be achieved in order to meet the above timelines for completions.

Atty. Guz stated that the *Callahan v. Malden* ruling, which first sets forth the tests for allowing a Project Labor Agreement to be upheld, stated that the timing, size, duration, and complexity (referred to as "the carefully choreographed dance") was met to assure the completion of the school project on time to meet the complicated transactions for the school project; therefore the completion of the West Parish Filter Project over a four-year period in order to meet the stated timelines and to provide drinking water that is in compliance with regulatory guidelines to the 250,000 people that the Commission serves, must also meet the test as set forth in *Callahan v. Malden*.

UPON MOTION DULY MADE BY COMMISSIONER OTERO AND SECONDED BY COMMISSIONER DONNELLAN

VOTED YES –

**COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

In consideration of the record set forth in the minutes related to a Project Labor Agreement

for the West Parish Filters Project and the vote of the Commission on January 11, 2024, the Executive Director was authorized to enter into negotiations with the Pioneer Valley Building and Construction Trades Council and the North Atlantic States Regional Council of Carpenters for the West Parish Filters Project, and as set forth in the minutes and vote of the Commission on February 14, 2024, the Commission authorized the Executive Director to enter into a Project Labor Agreement for the West Parish Filters Project in the form presented, except that Article 2, Section 8, would be increased to allow for Disadvantaged Business Enterprise to bid on projects of up to One Million Dollars and set a date of February 16, 2024 for all unions to accept, which was not achieved, and in consideration of the receipt of an authorized and executed Project Labor Agreement, in the form accepted by the Commission at its meeting in February, and that the Commission would remain able to meet the Commission's stated date of issuing a Notice To Proceed on the West Parish Filters Project in order for the Commission to have the ability to return to providing over 250,000 people and businesses water in compliance with applicable water regulations and that a Project Labor Agreement continues to be needed in this case to promote labor harmony in order to meet the timing and complexity of the West Parish Filters project, to authorize the Executive Director to assent to the form of the Project Labor Agreement provided to the Commission, and to issue an addendum to the existing bid documents stating that the West Parish Filters Project is subject to a Project Labor Agreement.

VOTED NO –

COMMISSIONER RODRIGUEZ

Commissioner Otero stated that due to her experience with workforce development and non-profit sectors she would like to help facilitate coordination between the Commission and the unions to promote job opportunities and recruit local residents for the apprenticeship programs that will work on the treatment plant project.

The Board voted unanimously to go into recess at 9:23 AM.

The Board voted unanimously to resume open session at 9:33 AM.

3. Financial Update: Report by Comptroller.

Comptroller Anthony Basile reported on February statements, which represent cumulative to-date financials. There was a cash flow ending balance of \$124 million, which includes a positive variance of \$5.8 million. It is expected that the number will fluctuate and usually decreases at the end of the fiscal year when payments are due.

The revenue budget is \$105 million.

There is a negative variance of approximately \$700,000. Customer usage is down but there are interest earnings that help make up revenue. The negative variance is less than 1% in overall revenue.

Over 99% of the revenue budget is expected to be collected. It is projected that 98% of the operating budget will be spent. The debt service is -\$75,000 due to a WIFIA interest payment.

There has been \$51.6 million expended in the capital budget, including spending on the clearweall backwash pump station project, the Locust Street project, and the start-up of the new water treatment plant project.

There is \$124 million in cash.

There is \$7.5 million in total outstanding receivables, with \$2.7 million over 60 days old.

There is \$986 million in assets, and \$716 million in liabilities.

4. Consideration of Utility Billing Credit Summary and Summary of Accounts Receivable for February 2024: Report by Director of Finance.

Director of Finance Domenic Pellegrino reported net billings of \$8 million, collections of \$7.9 million, with an accounts receivable balance of \$6.4 million.

There was \$2.7 million in outstanding receivables.

Mr. Pellegrino reported 198 credits in the amount of \$38,595.58.

Commissioner Otero commented that the Customer Assistance Program numbers highlight that the program is being utilized.

Mr. Pellegrino reported that over 500 CAP credits have been issued this fiscal year but the Commission continues to analyze CAP data and discuss program utilization with Valley Opportunity Council (VOC) to better understand the utilization of the program and the differences from fuel assistance.

Mr. Schimmel reported that CAP is still a relatively new program for the Commission and was adopted just a few years ago. The Commission continues to look at the numbers, have discussions with VOC, and further develop the program to meet the needs of customers.

Mr. Pellegrino added that in addition to CAP, and the state LIWAP program which is set to expire soon, customers may also receive assistance from WayFinders. The Collections team has learned that customers

must have a shutoff notice and must not be in an active payment plan to be eligible for WayFinders assistance.

Commissioner Rodriguez commented that the WayFinders stipulations are related to the funding source and requirements for an emergency situation in order to receive assistance.

Mr. Pellegrino stated that the Commission will continue to work with agencies like VOC and WayFinders and learn more about their assistance programs, requirements, and application requirements.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve credits in the amount of \$38,595.58 as presented.

5. Consideration of CIP Amendment 2024-12: Report by Director of Finance.

Atty. Guz requested that a motion be made to consider CIP Amendment 2024-13 as item five.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to consider CIP Amendment 2024-13 as item five of the Board meeting agenda.

Mr. Pellegrino requested the approval of this CIP amendment to transfer \$490,832.00 in funds from the CIP reserve account to the Provin Mountain Tank 2 & 3 Project. The project recently went out to bid and additional funds for the project are needed based on the received bid amounts.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve CIP Amendment 2024-13.

6. Consideration of Amendment No. 1 to Kleinfelder Task Order No. 39 under Contract R-21-01:
Report by Director of Engineering.

Director of Engineering Darleen Buttrick reported that this task order is for Kleinfelder to conduct a peer review of the West Parish Water Treatment Plant 100% design documents from Hazen.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to authorize the Executive Director to execute Amendment No.1 to Kleinfelder Task Order No. 39 under Contract R-21-01.

7. Consideration of Amendment No. 1 to Kleinfelder Task Order No. 30 under Contract R-21-01:
Report by Director of Engineering.

Ms. Buttrick reported that this task order with Kleinfelder is related to WIFIA program support including monthly spending forecasts. The expected completion date for this task order is January 2025.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to authorize the Executive Director to execute Amendment No.1 to Kleinfelder Task Order No. 30 under Contract R-21-01.

8. Consideration of Kleinfelder Task Order No. R-21-01_KLF_48 for Construction Phase Support Services for the West Parish Water Treatment Plant: Report by Director of Engineering.

Ms. Buttrick reported on construction phase support services for the West Parish Water Treatment Plant project. This task order includes support with administrative and coordination tasks.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to authorize the Executive Director to execute Kleinfelder Task Order No. R-21-01_KLF_48.

9. Consideration of Award of SWSC Bid No. 24-47, Provin Mountain Reservoirs No. 3-4 (Phase I):
Report by Director of Engineering.

Mr. Schimmel reported that the Commission opened bids for the Provin Mountain project after the agenda for today's meeting was posted. The update to item five of today's meeting was related to this project and the bids received being higher than projected. Due to the CIP amendment approval today, the Commission can move forward with the procurement process.

Atty. Theocles stated that the Commission is waiting on a final engineering estimate and award memo. Once the Commission receives that it can move forward with awarding the contract.

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

VOTED YES –

COMMISSIONER RODRIGUEZ

COMMISSIONER OTERO

COMMISSIONER DONNELLAN:

to authorize the Executive Director to execute the contract for Provin Mountain Reservoirs No. 3-4 (Phase I) upon receipt of the final engineering estimate and report.

10. Water and Sewer Updates: Report by the Executive Director.

Mr. Schimmel thanked the Board for their discussions today and stated that the Commission is continuing to move the water treatment plant project forward as quickly as possible, as is evident by the many votes today related to the project. Staff are working diligently to keep everything on schedule for timely completion of this generational reinvestment in the region's water system.

Mr. Schimmel presented the Public Communications and Educational Outreach Report.

Educational Outreach Manager Katie Shea reported that she and Communications Manager Jaimye Bartak have started to compile a report for the Commission that includes recent and upcoming public outreach events. Updates on construction of the new treatment plant is included in outreach materials and presentations. Upcoming outreach activities this spring include neighborhood council presentations, senior center presentations, educational and workforce development events, the mobile water station, and new water treatment video.

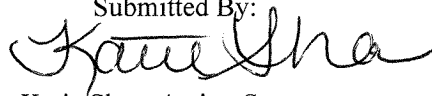
Commissioner Otero added that it would be beneficial to connect with community workforce agencies like the New North Citizens Council Youth Build Program on some of the Commission's educational and workforce development programs. Mr. Schimmel agreed and said the Commission will continue to enhance its outreach efforts.

Unanimously adjourned at 9:55 AM.

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

None considered.

Submitted By:

A handwritten signature in black ink that reads "Katie Shea". The signature is written in a cursive, flowing style.

Katie Shea, Acting Secretary

Exhibits Considered:

February 14, 2024 Meeting Minutes

Monthly Financial Report

2024 February Finance Director Report

Contracts Signed by Josh Schimmel

Cobble Reservoir Capacity Levels

CIP Amendment 2024-13

Amendment No. 1 to Kleinfelder Task Order No. 39 under Contract R-21-01

Amendment No. 1 to Kleinfelder Task Order No. 30 under Contract R-21-01

Kleinfelder Task Order No. R-21-01_KLF_48

Public Communications and Educational Outreach Report March 2024