



Established

1996

SPRINGFIELD WATER AND SEWER COMMISSION

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Minutes of Meeting

May 16, 2024

The Springfield Water and Sewer Commission held a public meeting on May 16, 2024, in accordance with Chapter 2 of the Acts of 2023.

Chairwoman Otero called the meeting to order at 9:00 AM. and announced the Commissioners that are participating. Secretary for the Commission Jaimye Bartak 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
Steve Fredrick, Director of Wastewater Operations
Raemarie Walker, Deputy Director of Finance
Jaimye Bartak, Communications Manager/Secretary for the Commission

Also Participating Remotely
David Hyder, Stantec
Darleen Buttrick, Director of Engineering
Jim Laurila, Director of Water Operations
Ashley Demarey, Field Services Manager
Jennifer Boulais, Director of Human Resources
Kimberly Clemons, Executive Administrative Assistant
Kristin Monfette, Safety Manager
Mike Olkin, Deputy Director of IT
Sara Tetrault, Payroll Manager
Nicole Boland, Collections Manager
Katie Shea, Educational Outreach Manager

Business Matters

1. Approve the minutes of the meeting held on April 18, 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 April 18, 2024.

2. Approve the minutes of the executive session on April 18, 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 executive session held on April 18, 2024.

Executive Session

3. Consideration of Employment Contract for Executive Director: Report by Commission Counsel.

AT 9:01 AM UPON MOTION DULY MADE BY COMMISSIONER OTERO AND SECONDED BY COMMISSIONER DONNELLAN

**VOTED YES –
COMMISSIONER DONNELLAN
COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ:**

to enter into executive session to discuss the Employment Contract for the Executive Director, a member of non-bargaining personnel. It was determined that public session would have a detrimental effect on the Commission's position in negotiation of the contract. It was announced that the Commission will come back into public session in approximately 45 minutes.

Item addressed in Executive Session.

4. Update on Litigation Pertaining to Wayne J. Griffin Electric, Inc., et. al. v. Springfield Water and Sewer Commission.

AT 9:49 AM UPON MOTION DULY MADE BY COMMISSIONER RODRIGUEZ AND SECONDED BY COMMISSIONER DONNELLAN

**VOTED YES –
COMMISSIONER DONNELLAN
COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ:**

to reconvene executive session to discuss pending litigation related to Wayne J. Griffin Electric, Inc., et. al. v. Springfield Water and Sewer Commission. It was determined that public session would have a detrimental effect on the Commission's position in litigation. It was announced that the Commission would come back into public session in approximately 45 minutes.

Item addressed in Executive Session.

**AT 10:34 AM UPON MOTION DULY MADE BY COMMISSIONER RODRIGUEZ AND
SECONDED BY COMMISSIONER DONNELLAN**

**VOTED YES –
COMMISSIONER DONNELLAN
COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ:**

to resume public session.

New Business

5. Financial Update: Report by Comptroller.

Comptroller Anthony Basile reported an ending cash balance of \$126.5 million, which represents a \$8.2 million increase in cash flows at this point in the year, attributable to the replenishment of SRF funding.

The revenue budget is projected at \$105.5 million this fiscal year, with a small variance of \$325,713. Water consumption is down 3%, resulting in a \$3.2 million variance. That revenue deficiency has been made up in through interest income, but the longevity of that situation is unknown.

The operations budget is expected to be expended at 98%, leaving a projected balance of \$2.3 million unexpended.

In the capital budget there is \$59 million in primary projects that are underway, including the wastewater ICIs and Locust Street. Expenditures dropped due to weather conditions slowing down construction at Locust Street.

There was \$5.8 million in receivables over 60 days old, a decrease from last month due to the shutoff program.

There was \$987 million in assets, including the OPEB trust fund, and \$713 million in liabilities, which is mostly outstanding debt and pension liability.

6. Consideration of O&M Amendment #3: Report by Comptroller.

Mr. Basile reported a request for a transfer of \$70,382.92 from the personal services account to the interest expense account to cover WIFIA drawdowns.

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

VOTED YES –

**COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ
COMMISSIONER DONNELLAN:**

to approve O&M Amendment #3.

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

Director of Finance Domenic Pellegrino reported net billings of \$7.6 million, collections of \$9.6 million, for a total receivables balance of \$4.6 million. The shutoff program began March 15.

There were 5,781 accounts with receivables over 60 days for a total of \$1.9 million.

There were 112 credits issued in the amount of \$17,796.23.

Commissioner Otero asked if applications for the CAP program have increased. Mr. Pellegrino responded yes, there were 72 credits issued during April, to bring the year-to-date total to 676. This totals \$122,714.76 in relief, though the program remains under-utilized.

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

VOTED YES –

**COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ
COMMISSIONER DONNELLAN:**

to approve credits in the amount of \$17,796.23.

8. Consideration of CIP Amendment 2024-17: Report by Director of Finance.

Mr. Pellegrino reported on a CIP amendment for the 42” conveyance pipe/valve project. Bids came in over-budget, so there is not enough appropriation to award the contract. The appropriation needs to be raised from \$23.8 million to \$31.3 million.

Commissioner Otero asked where the additional funding would come from. Mr. Pellegrino responded that it would come from WIFIA funding, while other projects in the WIFIA portfolio would be moved to bond sales. Commissioner Otero asked whether stabilization funds or capital reserves are options. Mr. Basile responded the stabilization funds are typically saved for unexpected operational impacts, and the capital reserves are set aside for specific capital projects.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve CIP Amendment 2024-17.

9. Consideration of TO#4 under Contract No R-21-01 with Brown and Caldwell for Residuals Management at West Parish Filters: Report by Director of Engineering.

Director of Engineering Darleen Buttrick reported on a contract for residuals management for West Parish Filters. The contract will include characterization sampling and market analysis. Bid documents will be produced by September 2024.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve TO#4 under Contract No R-21-01 with Brown and Caldwell.

10. Consideration of Award of SWSC Bid No. 24-66 Sewer Infrastructure Improvements FY24: Report by Director of Engineering.

Ms. Buttrick reported that bids were received for FY24 sewer improvements on May 1. The improvements include 4,000 feet of sewer lining. Insituform was the winning bidder of 2 bids. The project will be complete in December 2024.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to award SWSC Bid No. 24-66 Sewer Infrastructure Improvements FY24 to Insituform pending receipt of certificates.

11. Consideration of Award of SWSC Bid No. 24-67 Water Infrastructure Improvements FY24: Report by Director of Engineering.

Ms. Buttrick reported on a project to replace 1000' of water main on Liberty Street and Westford Circle. There were 2 bids. Jack Gonzalez and Sons is the recommended contractor. The project will be complete in August 2025.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to award SWSC Bid No. 24-67 Water Infrastructure Improvements FY 24 to John Gonzalez and Sons as presented.

12. Consideration of Award of SWSC Bid No. 24-01 42-inch PCCP Raw Water Conveyance Pipeline and EDV Facility: Report by Director of Engineering.

Ms. Buttrick reported on repairs to the interior and exterior of 9000' of the 42" pipeline and EDV. There were 2 bids, and the low bid was 26% above the engineers' estimate. The high bid prices are the result of the high risk and complexity of the project. Northern Construction was the lowest responsible bidder. The project will be complete in December 2025.

Commissioner Otero asked whether there was any way to mitigate the risk that is attributable to the increase. Mr. Schimmel responded that the litigation associated with the 42" valve failure affected the bidding in his opinion. Atty. Theocles added that both bids carry the same specialty sub-contractor, but both added a markup to the cost. Atty. Guz noted that the alternative would have been to replace the entire pipe at twice the cost, including a river crossing (and more permitting).

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to award SWSC Bid No. 24-01 Water Infrastructure Improvements FY 24 to Northern Construction.

13. WIFIA Quarterly Report Through March 31, 2024: Report by Director of Engineering.

Ms. Buttrick reported on the quarterly WIFIA report through March 31. There has been \$26 million of the WIFIA loan expended. The new West Parish Water Treatment Plant and 42" pipeline projects were advertised, as well as FY24 Water and Sewer improvements. The York Street Pump Station and Backwash Facility projects are going through final completion. Optimizing structures are being installed in Locust Street. Maintenance work at Provin Mountain will be complete in November. The Birnie Avenue water main replacement project will be complete by June 2025.

14. Consideration of Contracts with Atty. Liebel, Atty. Murphy, Murphy McCoubrey, Atty. Leiter, Atty. Chadwell, and Atty. Dupree for Legal Services: Report by Commission Counsel.

Atty. Guz provided an overview of each contract for legal services.

Attys. Liebel provides legal services for damages and insurance claims, including the PLA litigation. Atty. Stewart provides assistance to Atty. Liebel in these matters. The amount of contract would stay the same, but the hourly rate would increase by \$25/hour to \$215/hour.

Atty. Murphy's contract amount is the same, though there is a rate increase of \$20/hr. to \$195/hour. Some of the labor legal work has gone to Atty. Dupere lately as Atty. Murphy has not been available.

Atty. Chadwell provides legal services for workman compensation claims. The contract amount will remain the same, but the hourly rate for Atty Chadwell will increase by \$25/hr. to \$190/hour and the paralegal rate will rise by \$10/hour.

Atty. Leiter provides legal services for construction processes, construction damages litigation, and PLA litigation. The hourly rate is increasing by \$25/hr. to \$215/hour.

Atty. Dupere provides legal services on labor issues. His contract is for \$60,000 at \$250/hour, with the rate and terms the same as last contract.

Murphy McCoubrey provides general legal services to the Board. The contract amount will be the same, with an hourly increase of \$35/hr. to \$250/hour. Commissioner Rodriguez thanked Atty. Guz for his assistance and advice over the years.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to authorize the Executive Director to sign the legal services contracts as presented.

15. Consideration of Contract with Peter Karalekas for Professional Services: Report by Executive Director.

Mr. Schimmel reported that Peter Karalekas provides occasional consultation services on water treatment processes and regulatory compliance. Mr. Karalekas has contributed to the new water treatment plant design and decision-making.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve the contract with Peter Karalekas for Professional Services in the form presented.

16. Update on Comptroller Search and Selection Process: Report by Executive Director.

Director of Human Resources Jen Boulais reported that the search for the new Comptroller. The job posting was posted to the website, the Massachusetts Municipal Association job board, three state and regional water industry job boards, and Indeed. Ms. Boulais reported that the posting would close at midnight on Memorial Day. Applications are being reviewed as they arrive.

Ms. Boulais continued that the proposed screening committee would include the Executive Director, Finance Director, Comptroller, HR Director, Commission counsel, an external auditor partner, and Board member. The screening committee would make sure the candidates have supervisory/leadership skills. Initial interviews would be completed by June.

Mr. Schimmel noted it was important that the candidates have experience in Massachusetts due to the state's uniform municipal accounting system.

Commissioner Otero requested the metrics and interview questions that will have been used to evaluate the pool of applicants. Commissioner Otero emphasized that it is important to the Board to understand how the applicants' skills and experience are weighed by the screening committee, which has more direct experience and understanding of the needs of the Comptroller position.

Commissioner Rodriguez agreed, clarifying that three applicants should be brought to the Board for final interviews. Prior to that, the Board should be provided with the criteria used to evaluate the applicants, and why the final three are supported by the screening committee. The Board is delegating authority to the screening committee, but needs to understand the process that was used.

Commissioner Donnellan suggested using the same questions for all applicants. Mr. Basile commented that he viewed the must-have qualities for the position as possessing a working knowledge of how to manage an accounting office; thoughts on the future of this organization once they are in place; and an ability to adapt in the future.

Atty. Guz noted he will not serve on the screening committee due to his schedule in June. The screening committee would consist of the following: - Commissioner Donnellan, Josh Schimmel, Domenic Pellegrino, Tony Basile, Theo Theocles, Jennifer Boulais, and Tanya Campbell of Marcum.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve the members of the screening committee for the Comptroller position.

17. Discussion of Draft FY25 Budget.

Mr. Pellegrino reported that the 6.3% rate increase was incorporated into the proposed budget to the Mayor and City Council. The public hearing on the proposed FY25 budget is set for May 30 at 6 PM.

18. Parks Water and Sewer Billing: Report by Executive Director.

Mr. Schimmel reported finding more unmetered water usage by the Parks Department over the past few months. In order to provide the City more time to budget and adopt water conservation measures, Mr. Schimmel requested the Board consider waiving sewer charges for FY25 for the newly metered accounts. This would represent a \$300,000 - \$400,000 offset in FY25. Staff have recommended to the City that it appoint someone to monitor water usage for its facilities. Atty. Guz added that the Parks Department has 118 water/sewer accounts.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to approve Parks Department water billing as presented, commencing July 1, 2024.

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

Mr. Schimmel reported that union negotiations are ongoing.

Mr. Schimmel reported that threats to Commission infrastructure are increasing on Riverside Road. Issues there have been ongoing for decades and are related to the USACE flood wall. A loss of fill last week resulted in damage to one of the Commission's water pipelines. The pipe segments have been shut down, which increases risk in other areas of the system. Action from the City is requested. It is not clear where the ground material is moving to, but investigations have revealed the Commission's infrastructure is not the cause. Mr. Schimmel noted the City has jurisdiction over the floodwall and the USACE has expressed concern for years about deteriorating conditions.

Commissioner Otero asked if local residents should be made aware. Atty. Guz responded that if the floodwall is compromised, property owners in the North End would be required to buy flood insurance. Commissioner Rodriguez recommended doing investigations and reporting the results to the City. Mr. Schimmel responded that work has already been initiated.

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

None considered.

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

VOTED YES –

**COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO
COMMISSIONER DONNELLAN:**

to adjourn at 12:03 PM.

Submitted By:



Jaimye Bartak, Secretary

Exhibits Considered:

April 18, 2024 Meeting Minutes
April 18, 2024 Executive Session Minutes
Monthly Financial Report
2024 April Finance Director Report
Contracts Signed by Josh Schimmel
Cobble Reservoir Capacity Levels
O&M Amendment #3
CIP Amendment 2024-17
Public Communications and Educational Outreach Report April 2024
WIFIA Quarterly Report
Summary and Contracts for Atty. Liebel, Atty. Murphy, Murphy McCoubrey, Atty. Leiter, Atty. Chadwell, Atty. Dupree, Peter Karalekas
TO#4 under Contract No R-21-01 with Brown and Caldwell for Residuals Management at West Parish Filters
SWSC Bid No. 24-66 Sewer Infrastructure Improvements FY24
SWSC Bid No. 24-67 Water Infrastructure Improvements FY24
SWSC Bid No. 24-01 42-inch PCCP Raw Water Conveyance Pipeline and EDV Facility