



*Established*

*1996*

## SPRINGFIELD WATER AND SEWER COMMISSION

POST OFFICE BOX 995  
SPRINGFIELD, MASSACHUSETTS 01101-0995  
413-452-1300

### Minutes of Meeting

April 14, 2021

The Springfield Water and Sewer Commission held a virtual meeting on April 14, 2021. The virtual meeting was held in accordance with Governor Baker's *Executive Order Suspending Certain Provisions of the Open Meeting Law*, G. L. c. 30A, § 20, dated March 12, 2020.

Chairman Dan Rodriguez called the meeting to order at 9:06 a.m. and announced the Commissioners that are participating remotely. Secretary for the Commission Jaimye Bartak 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 Fuqua, Director of Wastewater Services  
Steve Frederick, Deputy Director of Wastewater Services  
James Richardson, Director of IT  
Jim Laurila, Director of Water Operations  
Bob Stoops, Chief Engineer  
Frank Zabaneh, Senior Engineer  
Dave Szymczakiewicz, Senior Project Manager  
Kristin Monfette, Safety Manager  
Stephanie Douglass, Human Resources Manager  
Katie Shea, Educational Outreach Specialist  
Jaimye Bartak, Secretary for the Commission  
Rhonda Pogodziński, AECOM

### **Business Matters**

1. Approve the minutes of the meeting held on March 18, 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 OTERO**

**VOTED YES –  
COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ**

**COMMISSIONER OTERO:**

to approve the minutes of the meeting held on March 18, 2021.

**New Business**

2. Financial Update: Report by Comptroller.

Comptroller Anthony Basile reported that we are three-quarters through the fiscal year. We ended the quarter with a cumulative cash balance of \$113.6 million.

The expenditures in the operating budget are projected to be at 96% of the budget by the end of the fiscal year. This is a decrease over what was reported last month, by one percent.

There was \$30 million in capital spending through March, leaving a balance of \$124 million in various project accounts authorized on the books unspent, most of which is for the York Street Pump Station project.

The revenue budget is expecting a positive variance of 2.7%. There is \$1.056 million not collected, which is a reduction from approximately \$3-4 million in previous months. There was \$1.7 million in revenues to be billed, but some of this might be carried over as receivable (uncollected/outstanding).

There was \$39 million in unrestricted revenue, which represents 35% of the overall cash. There was a \$2.5 million decrease in the overall balance of receivables.

There was \$609.4 million in assets, \$419 million in liabilities, \$4.7 million in OPEB assets. The OPEB trust has generated overall a 17.6% return, including \$700,000 this year, for a total of \$1.051 in returns. The results are satisfactory but allocations in the OPEB trust are still being re-evaluated.

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

Director of Finance Domenic Pellegrino reported billing of \$6.6M. There was an increase in collections of \$9.2 million for March. There is \$5.3 million in outstanding receivables.

Commissioner Rodriguez asked whether shutoffs are being implemented. Mr. Pellegrino responded that normal operations are in place but shutoffs have not yet been posted. Advisory letters have been sent to all customers with outstanding balances, and late fees were reinstated in March. Receivables have gone down but are still 40% higher than last year.

Commissioner Otero noted that receivables have also gone down likely in part to stimulus checks and the boost in unemployment checks.

Mr. Pellegrino reported that receivables over 60 days are also reducing, from \$3.6 million to \$3.3 million among 5,357 accounts. Commissioner Rodriguez asked how many payment plans are active. Mr. Pellegrino responded 420.

Mr. Pellegrino continued that over 60 day receivables are 100% higher than last March. The average balance of outstanding receivables is \$620; it is usually \$350. There were 64 CAP credits issued in March, and overall, the CAP program has issued roughly 373 credits for \$47,056.

Mr. Pellegrino reported that there were 187 credits issued in March for \$28,134.45.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve credits in amount of \$28,134.45 as presented.

4. Consideration of CIP Amendment 2021-14: Report by Director of Finance.

Mr. Pellegrino reported a proposed transfer of \$10,000 from the intake dam rehabilitation project to the watershed acquisition land account for the potential purchase of watershed land.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve CIP Amendment 2021-14.

9. Consideration of Increase of Appropriations to York Street and Connecticut River Crossing Project: Report by Commission Counsel and Director of Wastewater Operations.

Taken out of order before item 5.

Director of Wastewater Operations Bill Fuqua reported that an increase in appropriations is necessary to account for additional time and work associated with the environmental permitting of the river crossing portion of the project. Permitting was initiated with state and federal agencies last year in order to maintain Administrative Order schedules, but the permitting timeline delayed the project for a construction season. This required the negotiation with the subcontractor once the environmental permits were in place. Most of the cost increases relate to extensions of labor and overhead into a second construction season, which is slated to start in June of 2021. Of the increase, \$10 million is for additional time and labor and extended overhead, and the rest is the cost of equipment and contingencies.

Mr. Schimmel commented that overall project costs would likely not be much different had permits been in place earlier, but a different project would have been bid. The methodologies required by permitting agencies are challenging. The Clean Water Trust is willing to cover these costs. The project was well managed but permitting agencies could not meet their timelines and the permitting requirements are different than expected.

Commissioner Rodriguez commented that the timelines were reasonable for permitting agencies to meet and that he was disappointed that not meeting them led to such a large cost increase.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

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

That \$137,585,000 is appropriated for the purpose of financing the construction of additional pumping and conveyance capacity serving the York Street area and the Connecticut River Interceptor collection area to reduce CSO activation frequency and volume and provide redundancy of critical infrastructure (the “ York Street Pumping Station / Connecticut River Interceptor 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 \$137,585,000 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.

5. Consideration of CIP Amendment 2021-15: Report by Director of Finance.

Taken out of order after item 9.

Director of Finance Domenic Pellegrino reported on a requested increase of appropriations for the York Street Pump Station and Connecticut River Crossing Project in the amount of \$15,085,000.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

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

to approve CIP Amendment 2021-15.

6. Consideration of Amendment to Contract with Attorney Liebel: Report by General Counsel.

Commission Counsel Norm Guz reported on the contract for the lawyer for claims against the Commission and also for claims with the insurance company for the 42" pipeline. The contract amendment will provide for an increase of \$15,000 to reach the end of the fiscal year.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve Amendment to Contract with Attorney Liebel.

7. Consideration of Amendment to Contract with Murphy McCoubrey: Report by General Counsel.

Mr. Guz reported on an amendment to increase the value of the contract with Murphy McCoubrey to \$140,000, an increase of \$15,000, in anticipation of costs through the end of the fiscal year.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve the Amendment to Contract with Murphy McCoubrey.

8. Consideration of Vote to Sign WIFIA Loan with Project Schedule: Report by General Counsel.

Commission Counsel Norman Guz reported that the closing on the WIFIA loan is anticipated at the end of July. Once the final loan amount is agreed upon, a final bond resolution will be presented for a vote. A term sheet is necessary to begin setting up a loan agreement.

Mr. Schimmel explained that the project list is built with the flexibility to reduce projects in case other key components go up in price. Priority projects are West Parish Filters and the reservoir projects. If federal infrastructure funding is established, WIFIA would not need to be utilized. Likewise, if SRF offers a better borrowing structure than WIFIA, borrowing would shift to that.

Commissioner Otero asked if it can be explained to the public how much the WIFIA loan reduced the rate increase. Mr. Schimmel responded that it will be explained in the budget hearing.

Mr. Guz explained that part of the WIFIA loan closing process is the WIFIA loan benefits summary, which will be in-hand in the beginning of June.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

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

That for the purpose of financing the approved WIFIA projects related to the improvement of the water and wastewater facilities owned by the Commission, as set forth in the attached Exhibit A, as may be amended by the Executive Director, (the “WIFIA” Funded Eligible Projects) including without limitation all eligible costs thereof as defined in 33 U.S.C. sec. 3906, as may be amended; that the Executive Director and the Finance Director are authorized to borrow up to \$251,570,596 and issue bonds therefore under Chapter 40N of the General Laws, that the Executive Director and Finance Director are authorized to borrow all or a portion of such amount from the United States Environmental Protection Agency, an agency of the United States of America, pursuant to 33 U.S.C. 3901-3914, as may be amended, (WIFIA); and in connection therewith to enter into a term sheet and a loan agreement and/or a security agreement with WIFIA and otherwise to contract with WIFIA with respect to such loan and for any federal aid available for the project or for the financing thereof; to expend all funds available for the project and to take any other action necessary to carry out the project..

10. Consideration of Amendment No. 1 for AECOM, Kleinfelder, Stantec, Tighe & Bond, and Wright-Pierce: Report by Commission Counsel.

Mr. Guz reported on a number of amendments to contracts with on-call engineering companies. A requirement of WIFIA is to ensure contractors have EEO, EO, lobbying restrictions, civil rights, and foreign purchasing policies in line with federal requirements. The contract amendments will bring contractors in compliance with WIFIA.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –  
COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ**

**COMMISSIONER OTERO:**

to amend contracts related to engineering services in the form presented and to authorize the Executive Director to sign.

11. Consideration of Appropriation and Authorization for Borrowing from the Clean Water Trust for the Nutrient Removal Upgrade Project: Report by Director of Wastewater Operations.

Director of Wastewater Operations Bill Fuqua reported that the initial capital improvements for the nutrient removal upgrade project at the Springfield Regional Wastewater Treatment Facility were authorized by the Massachusetts Department of Environmental Protection as eligible for funds in the Clean Water State Revolving Fund intended use plan.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

Whereas, Springfield Water and Sewer Commission, after thorough investigation, has determined that the work activity consisting of: financing the design and construction of improvements to the biological nutrient removal system, main electrical system and rack room ventilation system at the Springfield Regional Wastewater Treatment Facility in order to improve treatment system performance and reliability (the "Nutrient Removal Upgrade and Related Facility Improvement Project") is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (the "MassDEP") and the Massachusetts Clean Water Trust (the "Trust") of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

**NOW, THEREFORE, BE IT RESOLVED** by Board of Commissioners as follows:

1. That the Executive Director, Springfield Water and Sewer Commission is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

12. Consideration of Vote to Authorize Application for Consideration of Appropriation and Authorization for Borrowing from the Clean Water Trust for the Locust Transfer Station Construction Project:  
Report by Director of Wastewater Operations.

Director of Wastewater Operations Fuqua reported that the Locust Transfer Project (LTP) will construct a conduit from the Main Interceptor Sewer to the main river crossing at the new York Street Pump Station. The LTP will allow for the inspection and rehabilitation of the old 1974 crossing. The project is currently in the preliminary design phase.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

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

Whereas, Springfield Water and Sewer Commission, after thorough investigation, has determined that the work activity consisting of: financing the construction of a conduit to connect the Main Intercepting Sewer with the new Connecticut River crossing and to install flow optimization structures to reduce combined sewer overflow to the Mill River (the “Locust Transfer and Flow Optimization Project”) is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (the "MassDEP") and the Massachusetts Clean Water Trust (the "Trust") of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to



municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners as follows:

1. That the Executive Director, Springfield Water and Sewer Commission is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

13. Consideration of Agreement with CPower for Energy Management Services: Report by Director of Wastewater Operations.

Mr. Fuqua reported on an incentive program offered by energy service providers to allow access to incentives during peak energy demand periods. By reducing demand at the wastewater treatment plant, a small incentive would be earned on an annual basis, but it would also set peak demand for next year's energy bill, resulting in larger savings. SUEZ is willing to shed load and shut off equipment as needed to achieve incentives.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

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

to authorize the executive director to enter into energy management services with CPower for a 3-year period as presented.

14. Consideration of Contract CA-21-09 for Water Main Replacement at Narragansett Street and Massachusetts Avenue: Report by Senior Project Manager.

Senior Engineer Dave Szymczakiewicz reported on a contract for the design of a water replacement project on Massachusetts Avenue and Narragansett Street in Springfield. Four price proposals came in under the estimate.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve Contract CA-21-09 for Water Main Replacement at Narragansett Street and Massachusetts Avenue as presented.

15. Consideration of Job Description for Safety and Training Coordinator: Report by Safety Manager.

Mr. Schimmel reported that the Commission has a health and safety plan for the first time. This position would be entry-level to assist the existing safety manager with coordinating training and field visits. The starting salary would be \$50,000-\$55,000.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve the Job Description for Safety and Training Coordinator.

16. Consideration of Job Description for Payroll and Accounting Specialist: Report by Human Resources Director.

Mr. Schimmel reported there was a retirement in payroll on short notice. The job description has been updated. The starting salary is \$50,000 - \$60,000 and the position will assist in accounting as well.

**UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSIONER LEONARD  
COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO:**

to approve the Job Description for Payroll and Accounting Specialist.

17. Consideration of Appeals Process: Report by Executive Director.

Mr. Schimmel reported on potential considerations to revise the process of appeals before the Board. Mr. Schimmel suggested the Board could consider designating Commission counsel to hear appeals.

Commissioner Rodriguez responded that he found value in the ability for ratepayers to have their case heard by the Board since it is the only official interaction with ratepayers directly.

Commissioner Otero noted that she understood the reasoning but acknowledged that some appeals can be uncomfortable if they require questioning the position of the staff, and that not all parties will be satisfied. Commissioner Otero also acknowledged the amount of work and interaction that led to the appeal appearing before the Board, and that there may be a better way to address them. Commissioner Rodriguez commented that appeals will always be uncomfortable by design.

Mr. Pellegrino noted that the Appeals Committee does its best to look out for the customer and to consistently and fairly follow the Rules and Regulations. The appeals that cannot be resolved are those that end up before the Board. Mr. Schimmel thanked Commissioners for the discussion and noted staff will provide an update on alternative strategies in the coming months.

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

Mr. Schimmel reported that Cobble Mountain Reservoir is at 95% capacity, despite low rainfall amounts. The state has recently moved the region into a Level 1 drought. Staff continue to follow the Water Management Act issue.

Mr. Schimmel reported on a Massachusetts Safety Training grant of \$123,050 from the Department of Industrial Accidents. The funding needs to be spent by June.

**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 to sign the safety grant with the Commonwealth of Massachusetts as presented.

Mr. Schimmel reported that Covid protocols are still in place. Approximately 60-70% of the staff is vaccinated. The vaccine will not be mandatory but will include an incentive, similar to practices at other utilities.

Mr. Schimmel reported that staff are engaged in securing water/sewer bill assistance for low-income customers that was recently appropriated in the federal Covid relief bills. The funding needs to be spent by October, but states are waiting on the federal Department of Housing and Human Services for guidance. Other utilities have resumed shutoffs. Commission postings for shutoffs may resume in June for shutoffs in July.

Mr. Schimmel reported that another public notice about HAA5 was released. The exceedance was due to the locational running annual average.

Mr. Schimmel reported that the main focus of Administration staff is securing the WIFIA loan and ensuring engineering contracts are in compliance with WIFIA.

19. Update on 42-inch Bypass and Plunger Valve: Report by Executive Director.

No update.

20. Update on Appeal of Final NPDES Permit by USEPA: Report by Executive Director.

No update.

21. Consideration of Land Acquisition for Water Supply Protection Purposes: Report by Water Resources Manager.

**AT 10:41 AM UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND  
SECONDED BY COMMISSIONER OTERO**

**VOTED YES –**

**COMMISSION LEONARD**

**COMMISSIONER OTERO**

**COMMISSIONER RODRIGUEZ:** to enter into executive session to discuss potential land acquisition. It was determined that holding the discussion in public session could be detrimental to the Commission's position in negotiations for the purchase of land. It was announced that public session will not resume at the end of executive session.

22. 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 Wednesday, June 23 at 9 AM.

Submitted By:



Jaimye Bartak, Secretary