



Established

1996

SPRINGFIELD WATER AND SEWER COMMISSION

POST OFFICE BOX 995
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Minutes of Meeting

September 23, 2021

The Springfield Water and Sewer Commission held a virtual meeting on September 23, 2021. The virtual meeting was held in accordance with Chapter 20 of the Acts of 2021.

Commissioner Rodriguez called the meeting to order at 10:03 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 Fuqua, Director of Wastewater Services
Darlene Buttrick, Director of Engineering
Nicole Sanford, Water Resources Manager
Kristin Monfette, Safety Manager
James Richardson, Director of IT
Bob Stoops, Chief Engineer
Frank Zabaneh, Senior Engineer
Ryan Wingerter, Deputy Director of Field Services
Stephanie Douglass, Human Resources Manager
Theo Theocles, Director of Legal Affairs/Chief Procurement Officer
Joe Kruzel, Facilities Manager
Dave Szymczakiewicz, Senior Project Manager
Mark Berman, Engineer/Project Manager
Peter Murphy, Human Resources Attorney for the Commission
Katie Shea, Educational Outreach and Communications Specialist/Acting Secretary

Business Matters

1. Approve the minutes of the meeting held on June 23, 2021, without reading, because copies were furnished to each member of the Commission for their review.

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

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

to approve the minutes of the meeting held on June 23, 2021.

2. Approve the minutes of the meeting held on July 29, 2021, without reading, because copies were furnished to each member of the Commission for their review.

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

**ABSTAIN-
COMMISSIONER OTERO**

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

to approve the minutes of the meeting held on July 29, 2021.

Old Business

3. Election of Board of Commission Chairperson and Vice Chairperson for Fiscal Year 2022.

Commissioner Rodriguez nominated Commissioner Otero to serve as Commission Chairperson for Fiscal Year 2022.

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

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

to elect Commissioner Vanessa Otero as Commission Chairperson for Fiscal Year 2022.

Commissioner Otero nominated Commissioner Rodriguez to serve as Commission Vice Chairperson for Fiscal Year 2022.

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

**VOTED YES –
COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ**

COMMISSIONER OTERO:

to elect Commissioner Daniel Rodriguez as Commission Vice Chairperson for Fiscal Year 2022.

4. Consideration of SACE Contract: Report by Executive Director.

Executive Director Josh Schimmel reported that the Commission successfully negotiated a new contract with the SACE union.

Attorney Peter Murphy, who represented the Commission in the SACE union negotiations, reported that the contract was in-line with other collective bargaining agreements across the state. Atty. Murphy commended the work of the leadership team, including Mr. Schimmel, Human Resource Manager Stephanie Douglass, Comptroller Anthony Basile, and department directors and deputy directors for their work on negotiating the contract.

Mr. Schimmel added that this is a fair contract for both sides that will help the Commission with employee management, and will provide cost of living adjustments, and a Covid bonus for the labor force. The attendance bonus included in previous union contracts will be eliminated, to be replaced by a retention bonus.

Commissioner Otero asked if the Covid bonus was considered Covid pay. Mr. Schimmel responded that the Covid bonus was for members of the bargaining unit only and was a combination of a Covid bonus and a signing bonus. There is no Covid bonus for non-bargaining employees. Unlike some local municipalities, the Commission did not receive any ARPA funding, which some municipalities may be using for Covid bonuses. Mr. Schimmel added that he has been in contact with EPA and MassDEP on advocacy efforts to help ensure that any future Covid relief or infrastructure funding can flow to independent agencies like the Commission.

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

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

to approve the SACE contract as presented.

New Business

5. Financial Update: Report by Comptroller.

Comptroller Anthony Basile reported that the ending cash balance was \$99.2 million. It is typical to experience a decrease in cash this time of year due to pension and debt payments that occur in July.

Mr. Basile reported that 26% of the operating budget had been spent through August. It is projected that 97% of the total operating budget will be spent. The Commission has been aggressive in recruiting new employees to fill job vacancies, but some positions remain unfilled.

There was \$12.3 million in capital spending, with the York Street Pump Station and Connecticut River Crossing Project being the largest expenditure at \$7.5 million. The project averages \$4 million in expenditures per month.

Revenues are projected to total \$102.5 million by years end which represents a \$1.7 million shortfall when compared to the revenue budget. The projected revenue shortfall is the result of the combination less water and sewer usage as the result of the wet summer months and true ups due the Towns for FY21 wastewater billings.

There was \$99.2 million in total cash at the end of August that includes \$16.5 million in unrestricted cash. There was \$8.7 million moved to the reserve account, which was a bond requirement due to the WIFIA loan.

There was \$7.1 million in receivables not including credits at the end of August, \$3.8 million of which was over 60 days.

There was \$594.5 million in assets and \$413.7 million in liabilities, including long-term debt.

Commissioner Otero asked if the shutoff program has been effective in reducing receivables. Mr. Schimmel responded that the Commission started implementing shutoffs on Monday, September 20. The Commission has been notifying customers numerous times, going back to last fall, regarding outstanding balances, and payment plan options available to avoid shut-off. From an operational standpoint Commission crews have been handling the shut-off program well and have also been quickly responding to calls from the Customer Service Department when payment has been made to turn the water back on.

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

Director of Finance Domenic Pellegrino reported billing of \$7.8 million. There were collections of \$9.7 million for August. There was \$6.2 million in outstanding receivables.

Mr. Pellegrino reported that receivables over 60 days are also declining, from \$8.1 million in July to \$6.2 million in August among 6,182 accounts. Shut-off postings in July and August may have contributed to the decrease.

Commissioner Rodriguez asked if the Commission would only be able to implement the shut-off program for approximately one more month, as shut-offs do not occur November-March. Mr. Pellegrino confirmed that was correct.

Commissioner Rodriguez commented that it was nice to see the Commission receive national press coverage following the WIFIA event, including a *U.S. News and World Report* article, which quoted Commissioner Otero as part of the story on the WIFIA funding announcement.

Mr. Schimmel reported that other utilities resumed shutoffs earlier this summer and the Commission was appropriate in its timing. Around this time in 2018 there were 290 properties eligible for shutoff compared to 2,400 properties eligible in 2021. Mr. Schimmel commented there is still a long way to go in getting customers current with their water and sewer bills, but this is a start.

Commissioner Otero asked when customers receive the final demand notice and are posted for shutoff, when does the shutoff take place. Mr. Schimmel responded that once a property is posted the shutoff

takes place at least 15 days later. Customers have been notified ten times or more since the beginning of 2021 with letters and notices advising them that they had an outstanding balance and were eligible for shutoff. The letters mailed to customers also included information about payment agreements and other assistance options. Properties were posted for shutoff in July to provide advance notice to customers. Properties were re-posted in August or September and shutoff 15 days later.

Mr. Schimmel added that in August the Commission requested a meeting with Way Finders and City of Springfield officials. The City has provided some Covid relief funding to Way Finders to support their utility bill assistance programs. The Commission has built a strong relationship with Way Finders, and they have been helpful in working with customers facing shut-off. Way Finders also provided informational flyers, which Commission crews attach to the shutoff door posting.

Mr. Schimmel reported that customers with the highest outstanding balances were posted for shutoff first. The Commission generates a list of 20-25 accounts per day for shutoff.

Mr. Pellegrino reported that it is predicted that the over-60-day balance will decrease as customers continue to pay off their account balances. Based on historical trends, there may be an uptick again in the over-60-day balance once the shutoff program ends for the season. Overall, there are positive trends compared to this time last year.

Commissioner Rodriguez asked how many customers could potentially be shutoff based on the current capacity of Commission crews. Mr. Pellegrino responded that based on the capacity of crews and the total number of properties eligible for shutoff, all 2,400 eligible accounts may not be reached this season. Customers also continue to contact the Commission to request a payment agreement and our Customer Service team works with them to establish a payment agreement to avoid shutoff.

Commissioner Rodriguez asked if it would be possible to add additional crews to the shutoff program to increase capacity so that more customers can be notified of their delinquent accounts. Mr. Schimmel responded that Customer Service and Field Services leadership have discussed this and can reassess again. There are second-shift crews that work as part of the shutoff program.

Commissioner Otero asked if there were any specific reasons for the second-shift crews. Mr. Schimmel responded that typically the Commission tries to turn on the water as soon as payment is made, even after normal business hours, utilizing the second-shift crews.

Commissioner Rodriguez commented that because some customers have several thousand dollars in outstanding balances it may be more difficult for them to come up with the funds to pay off the account and get turned on. Mr. Schimmel responded that the Commission is still allowing payment agreements for customers that previously defaulted. The Customer Service team continues to work with customers as much as possible.

Mr. Pellegrino reported that there were \$10,738.83 in utility billing credits in July 2021 and \$26,605.88 in August 2021.

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

**VOTED YES –
COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ**

COMMISSIONER OTERO:

to approve July 2021 credits in amount of \$10,738.83 as presented.

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

VOTED YES –

**COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO:**

to approve August 2021 credits in amount of \$26,605.88 as presented.

7. Consideration of R. H. White Construction Contract CA-21-10 WPF Coagulant Storage and Chlorine Piping: Report by Project Manager.

Project Manager Mark Berman reported that there were two bidders for the West Parish Filters Coagulant Storage and Chlorine Piping Project. The project includes construction of ACH storage tanks, roof improvements, transfer pumps, an emergency auto wash shower, and other improvements. The lowest authorized bidder is R.H. White. The contract value is \$1,239,000. Mr. Berman recommended authorizing the Executive Director to execute the contract with R.H. White.

Commissioner Leonard noted that the bid submitted by R.H. White was approximately \$500,000 less than the other bidder. Commissioner Leonard asked if there should be any additional review to ensure they can complete the project at the cost presented in the contract.

Mr. Berman responded that R. H. White met all criteria for the contract and is a reputable company to complete the work at fair cost.

Atty. Guz added that the new Director of Legal Affairs and Chief Procurement Officer, Theo Theocles, was involved in this bid and reviewed the form of the contract, and that it included WIFIA language since it will be financed through the WIFIA program.

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 execute Contract CA-21-10 for Coagulant Storage and Chlorine Piping at West Parish Filters to R.H. White.

8. Consideration of Amendment No. 1 to Borges Construction Contract CA-21-09: Report by Project Manager.

Senior Project Manager Dave Szymczakiewicz reported that due to supply chain disruptions the Commission and contractors are experiencing challenges procuring materials to complete construction projects. Borges Construction is unable to obtain the necessary materials to complete water main replacement projects on Massachusetts Avenue and Narragansett Street and are requesting an amendment to extend the contract completion date to June 30, 2022, for substantial completion, and September 30, 2022, for overall project completion.

Mr. Schimmel added that there continues to be supply chain disruptions across the Commission and across the state for a variety of materials and other project schedules may be impacted in the future.

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 amend contract CA-21-09, with Borges Construction, to extend the project completion deadline, as presented.

9. Consideration of Contract CA-22-01 for Woody Vegetation Control at Borden Brook, Cobble Mountain and Cherry Valley Dams: Report by Senior Engineer.

Senior Engineer Frank Zabaneh reported that this contract is for vegetation clearing at Cobble Mountain, Borden Brook and Cherry Valley dams. Due to the high amounts of rainfall this summer there is a significant amount of vegetation to be cleared ahead of Phase 1 Dam Inspections, scheduled for November. Gleason Johndrow was the lowest bidder at a cost of \$148,000 and will complete the work in October and November ahead of the dam inspections.

Commissioner Rodriguez asked if Commission staff would be on-site during the maintenance activities and vegetation removal on the dams. Mr. Zabaneh responded that the Commission staff would have proper oversight of the vegetation removal project.

Atty. Guz stated that because the contract was below \$250,000, no Commission vote was needed.

10. Consideration of Pioneer Valley Planning Commission FY22 CT River Clean-up Grant: Report by Director of Wastewater Operations.

Director of Wastewater Operations, Bill Fuqua reported that the Commission had been awarded a MassDEP grant, administered through the Pioneer Valley Planning Commission, for CSO clean up projects. The Commission has been successful and receiving funding from this program on an annual basis in the past.

The Commission was awarded a grant of \$495,000 for CSO abatement work in Fiscal Year 2022 to be applied to the York Street Pump Station Project.

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

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

to accept the FY22 Connecticut River CSO Clean-up Grant funding and authorize the Executive Director to sign the grant agreement.

13. Consideration of CIP Amendment 2022-02: Report by Director of Finance.

(Taken out of order after item 10.)

Mr. Pellegrino reported that this CIP Amendment is to transfer the \$495,000 Connecticut River CSO Clean-up Grant, which was just approved, into the appropriate account. This will reduce the overall amount of the York Street Pump Station Project funded by the SRF.

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

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

to approve CIP Amendment 2022-02.

11. Consideration of Kleinfelder Task Order No. 5 Collection System Cleaning and Assessment: Report by Director of Wastewater Operations.

Mr. Fuqua reported that this Kleinfelder Task Order for \$1,287,500 is for the second round of cleaning and assessment of collection system pipes as part of the Wastewater Collection System Asset Management and Maintenance Program. High-risk pipelines and siphons will be targeted.

Mr. Schimmel added that the Board has supported the Wastewater Collection System Asset Management and Maintenance Program since 2012. It took more than 8 years to assess the entire wastewater system, which is over 500 miles of pipe, as part of the first round. The Commission now has video of every section of the collection system and can use this assessment to identify maintenance areas. This fiscal year the Commission will restart the years-long process to assess the entire system again.

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

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

to approve Kleinfelder Task Order 05 Collection System Cleaning and Assessment as presented and authorize to the Executive Director to sign.

12. Consideration of CIP Amendment 2022-01: Report by Director of Finance.

Mr. Pellegrino reported that the Commission was recently approved for a \$33.6 million loan from the Clean Water Trust for four infrastructure renewal projects at the Springfield Regional Wastewater Treatment Facility. As part of this amendment appropriations from items 1, 2, and 3 in the Wastewater Treatment CIP Project Account will be transferred to item 4. The consolidation into one item is necessary for the Clean Water Trust financing, as MassDEP approved the loan as one item.

Commissioner Rodriguez asked Mr. Pellegrino if CIP amendments and transfers such as this one will affect the spending schedule. Mr. Pellegrino responded that the spending schedule on capital projects can change depending on actual project roll outs.

Commissioner Otero asked what, if any, impacts a change in spending schedule could have, noting that in a situation such as this, the funding was previously appropriated. Mr. Pellegrino responded that a change in spending schedule matters when the project is finalized, as that is when debt service increases occur. With this particular project related to CIP Amendment 2022-01, the debt service increase will not occur until 2024.

Mr. Schimmel added that debt service on projects from a few years ago affect current water and sewer rates, and these projects will affect rates in a few years. Mr. Schimmel suggested planning a capital meeting with Board members this upcoming spring. Commission Otero agreed that the capital meetings are beneficial.

Atty. Guz added that these specific projects related to the CIP amendment are part of the Initial Capital Improvements as part of the service contract with wastewater operator Suez.

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

VOTED YES –

COMMISSIONER LEONARD

COMMISSIONER RODRIGUEZ

COMMISSIONER OTERO:

to approve CIP Amendment 2022-01.

14. Consideration of Consulting Agreement with Competitive Energy Services: Report by Facilities Manager.

Facilities Manager Joe Kruzel reported that under this agreement Competitive Energy Services would serve as the Commission's energy broker and perform several tasks including soliciting rates from energy suppliers, evaluating quotes and terms, and auditing the 15 largest electrical accounts to ensure the Commission is paying for energy costs appropriately. Competitive Energy Services has been the Commission's energy broker for 2.5 years and have provided valuable services to the Commission.

Commissioner Otero commented that she remembered previous Competitive Energy Services agreements presented before the Board, and asked if they continue to be valuable to the Commission. Mr. Schimmel responded that Competitive Energy Services has provided a good service and is a value-added benefit.

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 an agreement for energy management consulting services with Competitive Energy Services, as presented, for a period of up to 3 years, based on the terms of an energy supplier contract.

15. Consideration of Clean Water Trust Funding for the Nutrient Removal Upgrade and Related Facility Improvements at the Wastewater Treatment Plant: Report by Director of Wastewater Operations.

Mr. Fuqua reported that as mentioned earlier in the CIP discussions, the consolidation of four initial capital improvement projects at the wastewater treatment plant into one account was completed for administrative purposes. The Commission has acquired a loan from the SRF to fund the wastewater treatment facility upgrades project. The upgrades will be designed and built concurrently over the next several years. The project includes replacing crucial electrical infrastructure and upgrades to the aeration system for NEPDES compliance well into the future

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

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

That \$33,692,134 has been appropriated for the purpose of financing the Nutrient Removal Upgrade and Related Facility Improvements at the Waste Water Treatment Plant (the “Nutrient Removal Upgrade and Related Waste Water Treatment Facility Improvements 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 \$33,692,134 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.

16. Consideration of Authorization to Accept DWSP Grant for the Purchase of the Hull Property in Blandford: Report by Water Resources Manager.

Water Resources Manager Nicole Sanford reported on plans to move forward with the purchase of the Hull Property, located off Gibbs Road in Blandford, for the purpose of source water protection. The property is 12 acres. The Board of Commissioners had previously voted to authorize the Executive Director to enter negotiations with the landowner and make an offer for the parcel in Blandford.

Ms. Sanford reported that the Commission successfully negotiated the purchase of the land and entered into a Purchase and Sale agreement with the property owner, William Hull, on June 22, 2021, for \$95,000. A \$5,000 check was submitted with the Purchase and Sales Agreement.

The Commission was awarded with a Drinking Water Supply Protection Grant for this land acquisition and will be reimbursed \$47,500.00 for the land purchase if grant requirements are met.

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 purchase 12.1 acres of land located on Gibbs Road in Blandford as identified as Lot 403-0-6.4 (6.098 acres) and Lot 403-0-6.5 (6.003 acres) on Town of Blandford Assessor's Map, and which is part of the parcel recorded in Book 23128 Page 420 at Hampden County Registry of Deeds, and to appropriate \$90,000 from the Commission Capital Projects Watershed Protection Acquisition account 626-000-004-0003 for said purchase; and to authorize the Executive Director to take all actions necessary to seek funding and enter into any contracts for the project under the DWSP grant (Chapter 312 of the Acts of 2008, § 2A, 2200-7017 and Chapter 209 of the Acts of 2018, § 2A, 2000-7072). The Commission shall hold and manage the property for water supply protection and land conservation purposes under M.G.L.c.40, §39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution.

17. Consideration of 43rd Supplemental Resolution Authorizing the Issuance of Bond Anticipation Notes Series F and Series G: Report by Commission Counsel.

Atty. Guz reported that this resolution would be for the issuance of bond anticipation notes to be used to fund the Clear Well and Backwash Pump Station Project at West Parish Filters. The total cost of the project is \$25.8 million. The maturity date of the bond anticipation notes is 2024.

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

VOTED YES –

**COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ
COMMISSIONER OTERO:**

to approve the 43rd Supplemental Resolution authorizing the issuance of bond anticipation notes Series F and Series G and to authorize the Executive Director to issue the bond anticipation notes as presented.

18. Consideration of Contract for Legal Services Related to Hydroelectric Power Generation and FERC Licensing and Regulations: Report by Executive Director

Mr. Schimmel reported that the Commission is seeking legal and regulatory assistance related to energy production, the existing Cobble Mountain Hydropower Station, potential for in-line hydroelectric power generation, and FERC regulations related to these facilities. There are many nuances to FERC regulations and the Commission needs advice and support from experienced legal professionals in this area. The Commission is currently planning for upgrades of the hydropower station and the potential for in-line hydropower generation. This planning process will maximize potential of future uses of the current hydropower station.

Mr. Schimmel explained that the Commission is in the process of a establishing a contract for these legal services, but has not finalized an agreement with an attorney. A potential attorney has been identified, and is highly recommended by other utilities as having expertise in hydropower and FERC licensing. This is a time-sensitive matter as planning for the hydropower station project is ongoing, and it would be in the Commission's best interest to formalize a contract in the next few weeks. Mr. Schimmel explained that the request is to authorize the Executive Director to enter into a contract up to \$75,000 for legal services related to hydroelectric power generation and FERC licensing.

Commissioner Rodriguez commented that it was good to hear that the Commission was doing this study, and planning ahead, prior to taking Cobble Mountain Hydropower Station offline.

Atty. Guz added that these legal services are important as the Commission plans for the development of in-line hydropower technology as well as the 42-inch raw water conveyance pipe reconstruction. There maybe some exemptions under FERC that will be explored more with the new contracted attorney.

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 enter into a contract for up to \$75,000 for legal services related to hydroelectric power generation, the 42-inch conveyance pipe, and FERC licensing and regulations.

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

Mr. Schimmel thanked the Commissioners for their participation in the WIFIA funding announcement, which was held on September 16th. The event took much planning but went well and was a great way to kick-off the WIFIA program. Mr. Schimmel also thanked the Finance, Engineering, and Water Operations teams for their work on the WIFIA application and securing the low-interest loan.

Mr. Schimmel reported the shutoff program had recently resumed after being suspended for more than one year due to the pandemic. The Commission has established a relationship with Way Finders to refer customers facing shutoff to their utility assistance programs. The relationship is going well, and there may be opportunity to continue to build upon it and expand outreach in the future.

Mr. Schimmel reported that in August there was a partial dam failure at the lagoon at West Parish Filters. The partial failure occurred amid Hurricane Henri after exceptionally high rainfall in July and August of this year. Commission staff responded quickly and effectively to address the situation. The Office of Dam Safety oversaw the response and found it to be exceptionally professional. It is expected that the Commission will be issued a consent decree from the Office of Dam Safety.

Deputy Director of Water Operations Christina Jones reported that Tighe and Bond has been working closely with the Commission on the partial dam failure. Tighe and Bond prepared an after-action report, with recommendations for managing the dam, that was submitted to the Office of Dam Safety on September 1. The Commission is currently implementing all the recommendations and will continue to do so. The Commission anticipates there will be future assessments of the dam and reconstruction or maintenance options.

Mr. Schimmel added that the Office of Dam Safety has been very helpful. The Commission has already been planning projects to address solids build-up in the lagoons, which could be factored into future plans and needs related to long-term dam maintenance or reconstruction.

Mr. Schimmel reported that Cobble Mountain Reservoir is just under 95% full.

Mr. Schimmel introduced Theo Theocles, who recently joined the Commission as the Director of Legal Affairs and Chief Procurement Officer. Mr. Theocles stated that he joined the Commission three weeks ago and is excited to join the leadership team in this role. He will help with improving procurement strategies and enhancing protections, especially related to the new WIFIA projects.

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

Addressed in executive session.

**AT 11:33 AM UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND
SECONDED BY COMMISSIONER RODRIGUEZ**

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

to enter into executive session to discuss current litigation related to the 42-inch bypass and plunger valve project. It was determined that holding the discussion in public session could be detrimental to the Commission's position in existing litigation. It was announced that public session will not resume at the end of executive session.

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

(Taken out of order after item 19.)

None considered.

The next Commission meeting will be Wednesday, October 20, 2021, at 1:00 PM.

Submitted By:

A handwritten signature in cursive script that reads "Katie Shea".

Katie Shea, Acting Secretary