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## SPRINGFIELD WATER AND SEWER COMMISSION

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### Minutes of Meeting

February 14, 2024

The Springfield Water and Sewer Commission held a public meeting on February 14, 2024, in accordance with Chapter 2 of the Acts of 2023.

Chairwoman Otero called the meeting to order at 1:01 pm. 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

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

### **Business Matters**

(non-agenda item)

Commissioners agreed to appoint Katie Shea as Acting Secretary of the Commission for the meeting held on February 14, 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 February 14, 2024.

1. Approve the minutes of the meeting held on January 11, 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 January 11, 2024.

2. Approve the minutes of the executive session held on January 11, 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 January 11, 2024.

**New Business**

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

Executive Director Josh Schimmel reported that for the past several weeks the Commission has been negotiating with the labor unions and the Pioneer Valley Building and Construction Trades Council on an agreeable Project Labor Agreement (PLA) for the new West Parish Water Treatment Plant project that is scheduled to go to bid this month.

Commission General Counsel Attorney Norm Guz reported that after serious discussions by all parties the Commission and the Pioneer Valley Building and Construction Trades Council were able to address project labor items and draft an acceptable PLA for consideration, with the exception of the provision related to women and minority workforce and disadvantaged business enterprise (DBE) opportunities.

Atty. Guz stated that as part of the negotiation process the Commission reviewed previous PLAs including the Holyoke Soldiers Home project and looked at provisions related to labor harmony and DBEs. As part of the Holyoke Soldiers Home project a provision for DBEs to bid on projects of up to \$1 million was included in the PLA. The unions proposed a DBE provision of up to \$500,000 for the West Parish Water Treatment Plant PLA.

Atty. Guz reported that as part of negotiations, to make the PLA amenable for the West Parish Water Treatment Plant project, the Commission requested the DBE provision to be \$1 million, consistent with the Holyoke Soldiers Home project, to allow more opportunities for women and minority owned businesses to participate in the bidding and construction of the plant. The Commission also stated that all unions that would be involved in the construction of the plant would need to be signatories of the PLA to promote labor harmony, which is one of the main tenets of a PLA. Currently, the PLA the Pioneer Valley Building and Construction Trades Council has agreed to only the \$500,000 provision for DBEs and assent from all signatory unions has not been provided.

Atty. Guz added that the Commission required that in the PLA in part because of need for labor harmony to meet specific timelines and project goals related to SRF and WIFIA financing as well as with MassDEP for project completion. The updated provisions would also support project goals for women and minority owned businesses and a 25% local labor goal for the project.

Commissioner Otero asked if information was available on the number of DBEs that have utilized the provisions in the Holyoke Soldiers Home PLA.

Commission counsel Attorney Bruce Leiter, who has worked on the PLA negotiations, noted that the Soldiers Home Project is being bid in phases and final data on project bidders is not yet available.

Mr. Schimmel reported on previous projects the Commission looked at regarding local employee participation and DBEs. Projects included the Commission's York Street Pump Station and Connecticut River Crossing Project, which did not have a PLA and was completed in fall 2023. The project exceeded goals for local employees and DBEs that were awarded project bids.

Commissioner Otero asked if DBEs could bid on projects over the threshold outlined in the PLA.

Mr. Schimmel responded that the DBE provisions are intended to make project bidding more accessible for businesses that might not otherwise consider bidding on the project by providing some exceptions to the PLA terms. DBEs can participate in the bidding process on projects over the DBE threshold, but would be required to follow all terms of the PLA.

Commissioner Otero stated that a key purpose of entering into a PLA for the West Parish Water Treatment Plant project was to ensure opportunities for women and minority owned business enterprises and to promote labor harmony. She asked when the project was going to bid and if a brief extension on

the PLA negotiations was possible to allow the Pioneer Valley Building and Construction Trades Council and signatory unions the opportunity to increase the DBE provisions to \$1 million and to provide evidence that all signatory unions assent.

Director of Legal Affairs Attorney Theo Theocles stated that advertising for the bid begins on February 21, 2024, and the bid is scheduled to be available on February 28, 2024.

Atty. Guz recommended a deadline of Friday, February 16, 2024, at 4:00 PM for the unions to agree to the Commission's terms of the PLA to allow time for bid documents to be updated and to avoid delays of the procurement of the project.

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

**VOTED YES –**

**COMMISSIONER OTERO  
COMMISSIONER DONNELLAN:**

to authorize the Executive Director to enter into a Project Labor Agreement for the construction of the new West Parish Water Treatment Plant in form as presented, except for Article 2, Section 8 of the proposed PLA, under which the provision for Disadvantaged Business Enterprise to bid on projects would be increased from \$500,000 to \$1 million. Additionally, in order for the Commission to accept the terms of the PLA, all unions must accept all provisions of the PLA. Evidence of these updated provisions and acceptance by all signatory unions must be provided to the Commission by 4PM on Friday, February 16, 2024.

**VOTED NO –**

**COMMISSIONER RODRIGUEZ**

The Board voted unanimously to go into recess at 1:23 PM.

The Board voted unanimously to resume open session at 1:30 PM.

**4. Financial Update: Report by Comptroller.**

Comptroller Anthony Basile reported that due to the Board meeting being held earlier in the month than is typical, January financials were not available in preparation for the meeting. Updated financials will be presented at the March meeting.

**5. Consideration of Utility Billing Credit Summary and Summary of Accounts Receivable for January 2024: Report by Director of Finance.**

Director of Finance Domenic Pellegrino reported net billings of \$7.5 million, collections of \$8.5 million, with an accounts receivable balance of \$6.4 million.

There was \$2.5 million in outstanding receivables.

Mr. Pellegrino reported 245 credits in the amount of \$43,376.94.

Commissioner Otero asked if the 382 year-to-date total for Customer Assistance Program (CAP) credits issued included credits from the Valley Opportunity Council (VOC) water bill assistance or just the Commission's CAP.

Mr. Pellegrino stated that the report only included what the Commission has issued so far in FY24 for CAP credits, but that the Commission could inquire with VOC regarding additional assistance customers may be receiving through their programs to provide an overall report on assistance programs to the Board.

**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 \$43,376.94 as presented.

Mr. Pellegrino presented a sample contract for Printing, Folding, Stuffing and Mailing of Water and Sewer Bills. The current contract expires on March 31, 2024 and a new RFP for the service is currently out to bid, with final bids due today, February 14, 2024.

Mr. Pellegrino requested that the Board approve the vendor contract as presented to be updated with the final selected vendor once the procurement process is complete. This will allow the Commission time to award and on-board the vendor prior to the April 1, 2024 start date of the new contract and avoid delays in printing and mailing April bills.

The current contract is \$236,000 and it is expected that the new contract will exceed \$250,000. The contract costs include labor for printing, folding, and stuffing the bills, as well as postage for mailing monthly bills.

Commissioner Rodriguez asked if this contract pertained to paper bills only and would not impact the e-bill system.

Mr. Pellegrino stated that this contract was for paper bills only. The Commission maintains a separate contract with the e-bill and online payment vendor.

Commissioner Otero commented that it would be beneficial to further explore online bill pay or cell phone app options.

Commissioner Rodriguez added that online bill pay or cell phone app options could also help reduce postage costs.

Mr. Schimmel responded that the Commission could review online platform options during the next RFP process for the online payment system vendor.

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

**VOTED YES –**

**COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO  
COMMISSIONER DONNELLAN:**

to approve the contract for Printing, Folding, Stuffing and Mailing of Water and Sewer Bills as presented, to be updated once a vendor is selected through the procurement process for RFP 24-28.

6. Capital Projects Update: Report by Director of Engineering.

Director of Engineering Darleen Buttrick reported on the quarterly status of capital projects and presented the WIFIA quarterly report for the fourth quarter of 2023. Through this period the Commission has expended \$218 million of the WIFIA Loan Agreement.

Ms. Buttrick discussed project highlights including that two major projects, the York Street Pump Station and Connecticut River Crossing Project and the Backwash Facility at West Parish Filters were completed in the fourth quarter of 2023. Upcoming projects going to bid in the first quarter of 2024 include the West Parish Water Treatment Plant and the 42-inch Transmission Main and Energy Dissipation Valve Project.

7. Consideration of Sixth Amendment to the Service Contract with Veolia: Report by Commission Counsel.

Atty. Guz reported on an amendment to the service contract with the Commission's contracted wastewater operator, Veolia. Since Suez, who initially was awarded the wastewater contract, was bought by Veolia, the guarantor of the contract is Veolia Water Operations USA, Inc. which is the parent company of Veolia North America, Inc. The amendment would update the contract to reflect Veolia North America, Inc. as the guarantor. Veolia is a large multinational company, and this would allow the Commission to receive more pertinent information and financial documents related to the Veolia subsidiary, Veolia North America, Inc., that is operating the Commission's wastewater plant.

**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 Sixth Amendment to the Service Contract with Veolia as presented.

8. Consideration of Authorization to Borrow from the MA Clean Water Trust by the Commission in the Sum of \$15,000,000 for Replacement of the West Parish Water Treatment Plant Project: Report by Commission Counsel.

Atty. Guz requested approval for financing from the MA Clean Water Trust for the West Parish Water Treatment Plant Project. This approval would authorize the Executive Director to enter into an agreement with the MA Clean Water Trust to borrow up to \$15 million from the Trust for the project, at 0% interim financing, and transitioning to a bond.

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

**VOTED YES –**

**COMMISSIONER RODRIGUEZ  
COMMISSIONER OTERO  
COMMISSIONER DONNELLAN:**

That \$325,261,000 has been appropriated for the purpose of financing the West Parish Water Treatment Plant (“Replacement of West Parish Water Treatment Plant 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 \$15,000,000 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.

9. Consideration of Retention of Trif & Modugno, LLC for Legal Services: Report by Director of Legal Affairs.

Atty. Theocles reported that Attorney Rory Farrell, who has been representing the Commission in the ongoing 42-inch Raw Water Conveyance Project litigation, is now working with a different law firm, Trif & Modugno, LLC. The new agreement would retain the legal services of Trif & Modugno, LLC and Attorney Farrell for the 42-inch litigation. Attorney Farrell has handled the 42-inch litigation, and it is most advantageous for the Commission to continue with his legal services for the remainder of the case.

The Commission will also retain its relationship with Attorney Farrell's previous firm, and that firm's attorneys that have worked on the 42-inch litigation.

**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 enter into a contact for the legal services of Trif & Modugno, LLC with Attorney Rory Farrell assigned to the Commission's 42-inch Raw Water Conveyance Project litigation.

10. Consideration of Authorization of Contract Amendment for Verrill Law Group for PLA Negotiation/Legal Assistance: Report by Director of Legal Affairs.

Atty. Theocles reported that previously a contract not to exceed \$25,000 was awarded to Verrill Law Group for legal services related to the PLA negotiations. The requested amendment would increase the amount of the contract with Verrill Law Group up to, but not to exceed, \$50,000 for ongoing legal assistance related to the PLA.

**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 Amendment not to exceed \$50,000 for Verrill Law Group.



11. Consideration of MOU with Springfield Public Schools for Innovation Career Pathway Program:  
Report by Educational Outreach Manager.

Educational Outreach Manager Katie Shea presented on a proposed partnership between the Commission and Springfield Public Schools and Springfield Renaissance School's Innovation Career Pathway.

Innovation Career Pathways is a program through the Department of Elementary and Secondary Education and the Office of College, Career and Technical Education and is designed to connect student learning to an industry sector that is in demand in the region.

As part of Renaissance's Innovation Career Pathway program in Environmental Science the Commission would serve as an industry partner and support the Environmental Science Pathway Program by providing expertise on career pathways in the water sector, helping to facilitate connecting activities such as career speakers, approved site visits to Commission facilities, and expedition or capstone activities.

This MOU formalizes the partnership of the Commission as an industry partner for Renaissance School's Innovation Career Pathway in Environmental Science.

Commissioner Otero discussed the value of incorporating educational pathways including College Now/Dual Enrollment courses, and the Drinking Water Treatment Training Courses, which the Commission collaborated to bring to the community colleges, into career education and workforce developmental programming for high school students and early career individuals.

**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 enter into the MOU between the Commission and Springfield Public Schools in support of the Springfield Renaissance School's Innovation Career Pathway in Environmental Science as presented.

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

Mr. Schimmel reported that Cobble Mountain Reservoir is nearly full at 95%.

Mr. Schimmel reported that the Commission presented to the City Council Health and Human Services Subcommittee last week. There was good discussion at the meeting about the ongoing exceedance of the drinking water standard for the disinfection byproduct (DBP) haloacetic acids (HAA5) and the steps the Commission is taking to address the issues, which includes optimizing the water treatment process on a daily basis and advancing the construction of the new West Parish Water Treatment Plant, which will permanently address exceedances for DBPs.

Mr. Schimmel added that the Commission recognizes the complex and required language included in the quarterly HAA5 Public Notification provided to all customers in their bills. The Commission continues to update communications as much as possible, and also engages in conversations with customers through outreach and presentations at neighborhood council meetings and senior center events. Additionally, the Commission is able to distill information for customers when they call or email the Commission regarding DBPs.

Mr. Schimmel reported that to help communication efforts related to DBPs, water treatment plant construction, and the complexities of the water system the Commission is working on a new video to share with customers.

Commissioner Otero discussed that DBPs are a complex issue and any updates that would help to further refine the message for customers would be helpful.

Mr. Schimmel reported that the Commission was recently notified by the Department of Energy and the Grid Deployment Office (GDO) that the Cobble Mountain Hydro Station Unit 3 Modernization Project was selected to enter into negotiations to receive \$5 million in federal funding. This is a critical project for the Commission as the Hydro Station is an integral part of the raw water conveyance system, while also generating green power which is sold to the grid. The Commission is currently in the conceptual design phase of the Hydro Station upgrades and will continue to advance that project while also entering into negotiations with the GDO for the funding terms.

Mr. Schimmel added that while the Commission has been engaged in the planning process to complete necessary upgrades to the Hydro Station, staff became aware of green energy federal funding opportunities that the project may be eligible for through the Department of Energy. Staff were successful in receiving this competitive selection by the GDO for \$5 million, which is the maximum amount awarded through this program. This is a significant funding award for the Commission, which until now has primarily received grant funding in the form of debt forgiveness.

Commissioner Otero commented that green jobs are a growing industry, and the Hydro Station upgrades will provide opportunities in that sector.

Commissioner Rodriguez congratulated Commission staff for submitting a successful application for the GDO funding program, and also for identifying and securing new funding opportunities.

**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 enter into negotiations with the Department of Energy and the Grid Deployment Office regarding funding through the Hydroelectric Efficiency Improvement Incentives for the Cobble Mountain Hydro Station Modernization Project.

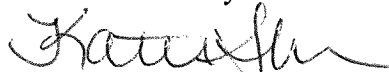
The next meeting will be on March 13, 2024 at 9 AM.

Unanimously adjourned at 2:09 PM.

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

None considered.

Submitted By:



Katie Shea, Acting Secretary

Exhibits Considered:

January 11, 2024 Meeting and Executive Session Minutes  
2024 January Finance Director Report  
Contracts Signed by Josh Schimmel  
Cobble Reservoir Capacity Levels  
Sample Contract for RFP NO. 24-48  
Capital Projects Quarterly Status Report Q4-2023  
Sixth Amendment to the Service Contract with Veolia  
Trif & Modugno, LLC Legal Services Letter  
MOU for Springfield Public Schools  
Department of Energy Hydroelectric Incentives Program Letter