

Minutes
Executive Committee Meeting
Massachusetts Clean Water Trust

DATE: March 18, 2015

START TIME: 1:30 p.m.

PLACE: 3 Center Plaza, Suite 430

NOTICE: Due public notice given

MEMBERS OF THE EXECUTIVE COMMITTEE –

PRESENT: Sue Perez, Executive Director of the Trust
Steve McCurdy, Director of Program Development of the Trust

ABSENT: Rachel Madden, Director of Finance & Administration of the Trust

ALSO PRESENT: Bernard Greene, Senior Legal Counsel of the Trust
Joe Delaney, Department of Environmental Protection
My Tran, Treasurer of the Trust
Nate Keenan, Program Manager of the Trust

MINUTES APPROVED:

November 19, 2014

October 8, 2014

SUMMARY OF DISCUSSIONS (INCLUDING DECISIONS MADE/ACTIONS TAKEN/ VOTES):

1. “Swap” of Unexpended Bond Proceeds – Series 17. Mr. McCurdy reported that DEP is working to identify those Series 17 loans for incomplete projects that need to be swapped for loans associated with projects that have been completed. Mr. Delaney said that he will obtain a schedule of remaining loans and that borrowers will be given a deadline of April 17 to provide DEP with the invoices showing that they had expended their entire loan proceeds.
2. Affordability Requirement of WRRDA. Mr. McCurdy reported that DEP has completed draft language for a portion of the affordability criteria it is writing. Affordability criteria to be used for additional subsidization are required by section 603(i) of the federal Water Resources Reform and Development Act (“WRRDA”).
3. Cape Cod Clean Water Section 208 Plan. Ms. Perez reported that the Trust received a letter from the EPA, signed by Curtis Spalding, the Regional Administrator, that was also sent to the Cape Cod Commission. The letter asked the Trust to certify that the IUP is in compliance with the Section 208 Plan. Mr. McCurdy noted that the recent approval of the settlement of the lawsuit filed by the Conservation Law Foundation requires EPA to update and enforce the Cape Cod Section 208 Plan that is intended to stop the flow of nutrients into the Cape Cod region’s bays and ponds. Only once the plan is updated can the Trust certify that the IUP is in compliance with the plan.

4. Lakeside Estates. The Committee discussed the request for financing received by Lakeside Estates, a trailer park in Mashpee, MA. The owner offered to give the Trust a mortgage on real property as alternative security under the Trust's Policy on Loans to Private Borrowers. He recently wrote to the Trust stating that he could not obtain a letter of credit, the preferred security for loans to private borrowers, on reasonable terms. Ms. Perez asked Mr. Greene to draft a response to the recent letter that lists the Trust specific costs of a loan, the federal requirements that accompany a Trust loan, and the additional requirements the Trust would impose with respect to a mortgage on real estate.
5. Architectural and Engineering Services. Mr. Delaney discussed with the Committee the requirement in Section 602(b)(14) of WRRDA that capitalization grant moneys used for certain architectural and engineering and other services be negotiated in accordance with 40 U.S.C. §11 or a similar state qualifications based requirement determined by the governor. Mr. Delaney said that he will draft a policy stating that borrowers should not use capitalization grant moneys to pay for architectural and engineering services.

LIST OF DOCUMENTS AND EXHIBITS USED:

The meeting adjourned at 2:25 p.m.

Approved: July 1, 2015