

**MEETING OF THE MASSACHUSETTS  
CLEAN WATER TRUST  
BOARD OF TRUSTEES**

May 4, 2022  
1:30 PM

Location: Remote\*

**Minutes**

**Attendees:** James MacDonald, First Deputy Treasurer, Office of the State Treasurer, Designee  
Martin Suuberg, Commissioner of MassDEP  
Timur Yontar, Assistant Budget Director for Capital, Executive Office for  
Administration & Finance, Designee

**Also Present:** Susan Perez, Executive Director, MCWT  
Nate Keenan, Deputy Director, MCWT  
My Tran, Treasurer, MCWT  
Sally Peacock, Controller, MCWT  
Pam Booker, Accountant, MCWT  
Sunkarie Konteh, Accountant, MCWT  
Nicole Munchbach, Accountant, MCWT  
William Kalivas, Treasury Specialist, MCWT  
Rachel Stanton, Investor Relations and Communications Graphic Designer,  
MCWT  
Jonathan Maple, Senior Policy Analyst, MCWT  
Joshua Derouen, Senior Program Associate, MCWT  
Kailyn Fellmeth, Program Associate, MCWT  
Kathleen Baskin, Assistant Commissioner, MassDEP  
Maria Pinaud, Director of Municipal Services, MassDEP  
Andrew Napolitano, Deputy Communications Director, Office of the State  
Treasurer  
Mary Wilkins, Communications Executive Assistant, Office of the State Treasurer  
Frank Haggerty

**CALL TO ORDER:** The meeting was called to order by Mr. MacDonald at 1:30 p.m.

Item #1

**MOTION- VOTE**

**Acceptance and Approval of April 6, 2022 Minutes**

The motion was made by Commissioner Suuberg and seconded by Mr. Yontar and voted unanimously in favor of acceptance and approval of the minutes of the meeting of the Board held on April 6, 2022.

## **REPORT OF THE EXECUTIVE COMMITTEE**

Ms. Perez introduced Ms. Fellmeth as one of the Trust's new Program Associates. Ms. Fellmeth, along with Mr. Honey, will be helping the Trust with monitoring the use of American Rescue Plan Act (ARPA) and Bipartisan Infrastructure Law (BIL) funds as well as assisting with everyday program operations.

Ms. Perez said that BIL funds will be coming in the form of five grants, each with their own requirements. A memo on the use of BIL funds is being prepared as guidance from the EPA becomes available.

ARPA guidance is still in progress. Once it is finalized, the Trust can enter into an Interdepartmental Service Agreement with the Commonwealth.

### **Community Outreach**

Mr. Keenan said that with all the new sources of funding available, there has been outreach to communities across Massachusetts on a region-by-region basis. Outreach has involved holding meetings to inform communities about the uses and requirements for sources of funding. The meetings held so far have been recorded and will be posted to MassDEP's YouTube channel.

### **School Water Improvement Grant (SWIG) Program**

Mr. Maple said that after the second round of applications for the SWIG program opened in January, 70 preliminary applications were received. 34 of those applications were approved to proceed with the next application round. 10 applications were from entities that were ineligible for the program. 26 of the applications were from eligible entities but needed to be referred to MassDEP Drinking Water for necessary testing to be eligible to proceed the program.

11 applicants have completed both rounds of applications. Nine of them were public school districts. The other two applicants were private schools. Six of these applicants are to be issued grants upon approval at today's meeting.

### **Final 2022 Intended Use Plans (IUPs)**

Commissioner Suuberg said that he hopes to announce the publishing of the final 2022 IUPs in the near future.

Item #3

**MOTION- VOTE**

The motion was made by Commissioner Suuberg and seconded by Mr. Yontar.

Ms. Perez said that approximately \$15 million in callable bonds from Series 2012 A&B Bonds are scheduled to be defeased.

The motion was voted unanimously in favor of acceptance and approval of the following:

***Redemption of Series 2012A&B with Equity Funds***

1. That the Executive Director of the Trust is hereby authorized to redeem all or a portion of the Trust's outstanding Series 2012A&B Bonds and to apply funds in the Trust's equity funds in sufficient amount to accomplish such redemption.
2. That the Executive Director and such other officers of the Trust as the Executive Director may delegate are hereby authorized to perform all such further steps and actions as the Executive Director, determines to be necessary or convenient to accomplish the purposes of this vote, including, without limitation, buying and selling securities, transferring money from the Trust's equity funds, and executing and delivering any instruments, notices, certifications, instructions, or other documents related thereto.

Item #4

**MOTION- VOTE**

The motion was made by Commissioner Suuberg and seconded by Mr. Yontar.

Ms. Perez said that in 2009, a loan was issued to the Town of Falmouth with American Recovery and Reinvestment Act (ARRA) funds to finance its "Wind Turbine 2" green project. The loan was expected to be fully forgiven.

Wind Turbine 2 was operating until a court order led to it ceasing operation. Since the turbine was no longer operating, the loan could not be forgiven. In August 2017, part of Falmouth's obligation for this loan was forgiven by the Trust based upon the time the turbine had been operational and in compliance with the loan documents.

Now that Falmouth will be dismantling Wind Turbine 2, approval of this vote will allow Falmouth to pay part of its remaining obligation and cancel the loan.

Mr. Haggerty stated that in June 2009, Falmouth had a special town meeting to enter into a loan agreement.

It was then asked what authority Falmouth has to pay part of its obligation.

Ms. Perez said that Falmouth had a town meeting that authorized them to pay a part of its obligation with the dismantling of Wind Turbine 2.

Mr. Haggerty asked if Falmouth will be paying the Clean Water Trust in cash.

Ms. Perez said that Falmouth's payment will be returned to the Trust then the funds from the payment can be loaned out again for projects.

The motion was voted unanimously in favor of acceptance and approval of the following:

***Vote to Accept Lump-Sum Payment in Exchange for Cancellation of CWSG-09-36***

The Trust made a loan (the “Loan”) to the Town of Falmouth (the “Town”) under Loan Agreement No. CWSG-09-36 dated January 22, 2010 (the “Loan Agreement”), to finance the a wind energy facility (“Wind 2”). The Loan was made at a stated interest rate of 2% (with interim financing at 0%) and with a principal amount of \$4,865,000 (subject to principal forgiveness under certain conditions).

The Town constructed and began to operate Wind 2 in accordance with the conditions of principal forgiveness, but the Town was subsequently required by court order to cease operation of Wind 2; and Wind 2 is currently, and is expected to remain, dormant;

On August 2, 2017, the Trust voted to reduce the principal amount of the Loan to \$2,919,000 (forgiving the portion of the principal allocable to the period prior to the shut-down of Wind 2, while Wind 2 was demonstrating compliance with conditions to principal forgiveness), and to reduce the interest rate on the Loan to 0%.

The Town now intends to dismantle and remove Wind 2 and has asked the Trust to accept a lump sum payment of less than the outstanding principal in exchange for cancellation of the Loan.

1. That Trust hereby authorizes the acceptance of a lump-sum payment of not less than \$975,000 from the Town of Falmouth in exchange for the cancellation of the debt of the town to the Trust under Loan Agreement No. CWSG-09-36 dated January 22, 2010, as amended.
2. That the Executive Director and such other officers of the Trust as the Executive Director may delegate are hereby authorized to perform all such further steps and actions as the Executive Director determines to be necessary or convenient to accomplish the purposes of this vote, including, without limitation, cancelling bonds and/or interim loan notes, executing and delivering any instruments, certifications, instructions, or other documents related thereto.

Item #5

**MOTION- VOTE**

The motion was made by Commissioner Suuberg and seconded by Mr. Yontar and voted unanimously in favor of acceptance and approval of the following:

***School Water Improvement Grant (SWIG) Program***

*On January 8, 2020, the Board approved the establishment of a School Water Improvement Grant (SWIG) program to provide assistance in the form of grants (including, without limitation, an additional subsidy equivalent to a loan at an interest rate of zero percent and principal forgiveness, as provided in Section 6(c) of the Enabling Act) to eligible borrowers for the procurement and installation of point-of-use filtered water bottle-filling stations in eligible educational facilities where there are known lead exceedances (as determined by the Department of Environmental Protection).*

*The following vote approves the awarding of grants to recipients and in the amounts as specified in such vote, subject to the terms of the applicable grant agreement.*

***Approval of SWIG Program Grants***

That School Water Improvement Grants, numbered, to the grantees and in the amounts as follows are hereby approved, subject to the terms of the applicable grant agreement:

<b><u>Grant No.</u></b>	<b><u>Grantee</u></b>	<b><u>Grant Amount</u></b>
SWIG-22-01	Giving Tree School (Gill)	\$3,000
SWIG-22-02	Harbor City School (East Boston)	\$3,000
SWIG-22-03	Holyoke Community Charter School	\$24,000
SWIG-22-04	Lowell Public School District	\$9,000
SWIG-22-05	Medway Public School District	\$15,000
SWIG-22-06	Nashoba Regional School District	\$15,000

**OTHER BUSINESS:** None

**ADJOURN:** The motion was made by Mr. Yontar and seconded by Commissioner Suuberg and voted unanimously in favor of adjourning the meeting at 1:44 p.m.

**LIST OF DOCUMENTS AND EXHIBITS USED:**

1. Minutes, April 6, 2022
2. SWIG Update Form

**\*Location: Remote:** Notice is hereby given that the Wednesday, May 4, 2022 meeting of the Massachusetts Clean Water Trust's Board of Trustees will be held through remote participation in accordance with M.G.L.c.30A, §20, as modified by c.20 of the Acts of 2021 and c.22 of the Acts of 2022.

Those interested in attending the online meeting can do so by visiting <https://zoom.us/j/93515986199?pwd=Qm9TWE1PR3VMTUlkeUxVZlBaalA0dz09>. The Meeting ID is 935 1598 6199 and the password is 143459.

Alternatively, if you wish to participate just by telephone, call (646)558-8656 and then enter the attendee Access Code 935-1598-6199 followed by the pound (#) sign.

To ensure that the audio is clear to all attendees, unless you are actively participating in the meeting, please mute your audio. If you have technical difficulties joining the meeting, please email Joshua Derouen at [jderouen@tre.state.ma.us](mailto:jderouen@tre.state.ma.us)

**Please Note:** There will be no physical meeting at the offices of the Massachusetts Clean Water Trust.