

**EXECUTIVE COMMITTEE OF THE
MASSACHUSETTS CLEAN WATER TRUST**

Meeting Minutes

Meeting Date: Wednesday, September 8, 2021
Time: 1:30 PM
Location: Remote
Notice: Due public notice given
Attendees Sue Perez, Executive Director, Trust
Maria Pinaud, Director of Program Development, Trust
Timur Yontar, Director of Finance & Administration, Trust
Also Present Nate Keenan, Deputy Director, Trust
Sally Peacock, Controller, Trust
Jonathan Maple, Policy Analyst, Trust
Joshua Derouen, Program Associate, Trust
Keelan Baldwin, Intern, Trust
Robin McNamara, Deputy Director of Municipal Services, MassDEP
Ashraf Gabour, Program Manager, MassDEP
Gregory Devine, Section Chief, MassDEP
Michael Celona, Drinking Water Specialist, MassDEP
Jessica Sirbiski, Drinking Water Analyst, MassDEP

SUMMARY OF DISCUSSIONS

	<u>Open the Meeting:</u> Ms. Perez opened the meeting after confirming the attendees present.
1.	<u>Minutes:</u> The Committee approved meeting minutes from the 7/28/2021 meeting of the Executive Committee.
2.	<u>Enforcement of Davis-Bacon Requirements:</u> Mr. Keenan said that the Department of Labor contacted the Trust a few weeks ago after receiving a complaint about a Davis-Bacon Act violation from someone working on a State Revolving Fund (SRF) financed project. The Department of Labor determined that no further action was needed since federal awards did not finance the particular project. The Project Regulatory Agreements for all SRF projects state that Davis-Bacon Act requirements are applicable. Mr. Gabour said that MassDEP inspections of projects look to ensure compliance with the Davis-Bacon Act. Since Massachusetts is a prevailing wage state, wages typically exceed those set by the Davis-Bacon Act, and violations are not usually an issue. Davis-Bacon Act compliance is assured by the engineering consultant, who then assure that subcontractors comply.

	<p>The particular complaint that the Department of Labor contacted the Trust about has been resolved.</p> <p>Ms. Pinaud said that violations of the Davis-Bacon Act may result in consultants becoming ineligible to work on SRF financed projects.</p>
3.	<p><u>Ongoing pre-qualification of engineering firms for the Asset Management Planning (AMP) Grant Program:</u> Mr. Keenan said that two firms that had previously been on the prequalified list of engineering firms had contacted the Trust and MassDEP after noticing that they were not on the new prequalified list.</p> <p>There was a total of three firms that were removed from the prequalified list due to a lack of response. Firms responding to the RFR were sent an e-mail after the Trust's Board of Trustees approved the new prequalified list to inform them if they were selected or not. The three firms that were removed from the pre-qualified list were not sent an e-mail.</p> <p>Ms. Perez suggested that Mr. Derouen notify these three firms and provide information as to how they can be reinstated to the prequalified list.</p>
4.	<p><u>School water testing and the School Water Improvement Grant (SWIG) Program:</u></p> <p>First Round of SWIG</p> <p>Mr. Maple said that 19 grants have been closed. 12 other grants have submitted closeout paperwork, but the school districts were informed that they needed to re-sample bottle filling stations to comply with program requirements.</p> <p>The remaining six grants were awarded to districts that have yet to submit closeout packages to the Trust.</p> <p>Fitchburg has asked for an extension because asbestos was discovered in walls during bottle filling station installation. Many of the bottle filling stations need electrical lines run to the existing locations. Fitchburg has also requested to install bottle filling stations they were awarded in different schools than originally intended. This may be allowable and may require quarterly report.</p> <p>Quincy and Salem have been sent final sampling requests to complete their closeout packages. The other three districts have not submitted closeout packages nor responded to the Trust's e-mails asking for updates. Ms. Perez and Mr. Celona said that reaching out directly to the superintendents of the districts that have not been responding and sending out letters should be the next steps.</p>

	<p>Expanded School Water Improvement Grant (ESWIG) Program</p> <p>Mr. Maple said that the Trust is working with its program counsel on making sure that all subrecipient monitoring requirements have been determined before the ESWIG program is launched.</p> <p>Mr. Maple and Mr. Celona said that a quality assurance plan is being developed to ensure that quality data is being used in compliance with EPA grant requirements</p> <p>Mr. Maple said that a better timeline for the start of ESWIG can be determined after outreach has started. Outreach could begin as soon as January by sending e-mails out to schools likely eligible to participate, creating infographics, and posting information on social media.</p> <p>If all goes according to schedule, ESWIG grants could be awarded in Summer 2022.</p>
5.	<p><u>Loan forgiveness for 2020 Intended Use Plan (IUP) projects:</u> Mr. Gabour said that MassDEP is nearly done compiling a list of new loans eligible for loan forgiveness. The list so far has all eligible 2020 IUP loans and one 2021 IUP carryover project for which contracts have been awarded.</p> <p>Extensions beyond the June 30, 2021 deadline to have executed contracts to be eligible for loan forgiveness have been granted to four 2020 IUP projects. Although Project Regulatory Agreements (PRAs) have yet to be issued for these four projects, there are estimated dollar amounts available for the Trust's Board of Trustees (Board) to vote on.</p> <p>Ms. Perez said that projects that have executed contracts should be approved for loan forgiveness at the October Board meeting. The Board vote for the loan forgiveness amounts for the four projects granted extensions can wait until PRAs for those projects have been issued. All loan forgiveness press releases should wait until loan forgiveness amounts are approved for the four extension projects.</p> <p>Mr. Keenan and Mr. Derouen said that they have edits to make to the list MassDEP compiled. The edits will be finalized in time for the October Board meeting.</p>
	<p>Other Business (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting)</p> <p>None</p>
	<p><u>Adjourn the Meeting:</u> Ms. Perez requested a motion to adjourn the meeting. Ms. Pinaud moved the motion. A roll call was held, and all members approved the motion.</p>

LIST OF DOCUMENTS AND EXHIBITS USED:

1. 2020 Intended Use Plan Loan Forgiveness Estimates

Minutes Approved: October 13, 2021