

**Minutes  
Executive Committee Meeting  
Massachusetts Clean Water Trust**

**DATE:** April 25, 2017

**START TIME:** 1:35 p.m.

**PLACE:** State House Room 372

**NOTICE:** Due public notice given

**MEMBERS OF THE EXECUTIVE COMMITTEE –**

**PRESENT:** Sue Perez, Executive Director of the Trust  
Rachel Madden, Director of Finance & Administration of the Trust  
Steve McCurdy, Director of Program Development of the Trust

**ALSO PRESENT:** Bernard Greene, Senior Legal Counsel of the Trust  
Nate Keenan, Deputy Director of the Trust  
Jane Peirce, Department of Environmental Protection  
Kristen LaCroix, Chief Financial Officer, MassDEP  
Jenny Outman, Senior Counsel, MassDEP  
Martin Suuberg, Commissioner MassDEP  
Doug Fine, Assistant Commissioner for Water, MassDEP

**MINUTES APPROVED:**

September 21, 2016

October 12, 2016

November 30, 2016

December 21, 2016

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

1. DBE Fair Share Objectives. Ms. LaCroix and Ms. Outman attended the beginning of the Committee's meeting to discuss the selection of the fair share objectives for minority and women business enterprise utilization by Trust borrowers. The Committee noted that MassDEP took the lead in engaging the UMass Donohue Institute (the "Institute") to perform an availability analysis for the Trust and MassDEP. It agreed, therefore, that MassDEP should be the signatory on the letter to EPA presenting the fair share objectives. The Trust's Board, however, must approve the objectives. The Committee discussed the differences between the current objectives and the higher percentages that the Institute found based on the actual experience of borrowers. The Committee agreed that objectives based on project payments made over the years 2013 to 2016 were the appropriate objectives and agreed to submit fair share objectives that are 4.2% for minority business enterprises and 4.5% for women owned business enterprises. Mr. McCurdy said that MassDEP should request money in the fiscal year 2019 budget to do a full

disparity study.

2. Budget Amendment. Mr. Keenan reported on discussion with Rep. Carolyn Dykema (Dem. – 8<sup>th</sup> Middlesex) on her budget amendment to the Appropriation bill. Her amendment would authorize the Trust to use contract assistance for more than just debt service. It would permit contract assistance to be used for principal forgiveness, interest rate reduction, and other means of financial assistance. The amendment has passed the House.
3. Loan Data Base. Mr. McCurdy informed the Committee that MassDEP may have a small budget request to put their data base on all loans into the “Cloud” to increase efficiency in the use of the data.
4. Council of Infrastructure Financing Agencies. Mr. Keenan reported on meetings of the Council of Infrastructure Financing Authorities he attended. There was much discussion of the funding provided for the Water Infrastructure Finance and Innovation Act in December. \$17 million was provided as seed money that borrowers are expected to use to leverage loans. Such leverage is expected to result in over \$1 billion in loans.
5. Falmouth. Ms. Perez reported that Falmouth sent her a letter requesting a joint meeting of the Town, the neighborhood group that has filed a lawsuit against the Town, and the Trust to try to reach an agreement on the operation of the Trust financed Wind 2 wind turbine. The Town stated that it wants to discuss a possible curtailment of Wind 2 operations to satisfy the neighborhood group while meeting its obligations to the Trust. Wind 2 currently operates for 12 hours over 6 days of the week.
6. Lead in School Water Initiative. After the other business had been completed, Commissioner Suuberg and Assistant Commissioner Fine arrived to give the Committee a preview of the final report on the Assistance Program for Lead in School Drinking Water (“Program”). The Program assisted public schools and public early childhood education and child care facilities in assessing the level of lead and copper in their drinking water. Commissioner Suuberg shared the draft executive summary, which reported that 818 schools had been visited in 153 communities and a total of 55,919 samples had been taken from 31,832 fixtures in two rounds of testing. Approximately 72% of schools found problems in one or two fixtures and the schools promptly took corrective action. The final report will include the Program’s key findings, actions taken by schools, and recommendations for the future. Because of the high number of tests performed, they were able to reduce costs and the Program has approximately \$600,000 left over. Commissioner Suuberg would like to use this money for a continuing modified assistance initiative of technical assistance and laboratory help through the end of the year for schools that did not participate in the Program. The Committee discussed the Commissioner’s proposal and whether Board approval was necessary or whether the Trust can just extend the term of the Program. The Committee will seek

guidance from the Treasurer's designee on the Board and reach out to program counsel on whether we can use the excess funds for the Program through year end.

**LIST OF DOCUMENTS AND EXHIBITS USED:**

1. Proposed draft of Executive Summary of Report of the Assistance Program for Lead in School Drinking Water
2. Letter dated April 19, 2017 from Julian M. Suso, Falmouth Town Manager, to Susan E. Perez, Executive Director of the Trust, regarding Falmouth Wind 2

The meeting adjourned at 2:30 p.m.

**Approved:** May 10, 2017