

Minutes
Executive Committee Meeting
Massachusetts Clean Water Trust

DATE: June 14, 2017

START TIME: 1:40 p.m.

PLACE: State House, Room 327

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

MINUTES APPROVED:

May 3, 2017

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

1. Cape Cod Commission. Mr. Keenan reported on the meeting of the Trust and the Cape Cod Commission in May, which he characterized as productive. They discussed a budget amendment introduced by Senator Julian Cyr in May to establish a new entity with bonding authority to finance Cape Cod water projects, the Cape Cod Water Protection Trust, but it was withdrawn. It is believed that this proposal may be refiled as free-standing legislation. The Commission indicated that they would be sending additional comments to the Trust. They also plan to meet with Representative Sarah Peake and Senator Cyr. The Commission is also looking at alternative technology projects but says they are having some difficulties analyzing results of such projects because the relevant data is not available to them.
2. Barnstable County. Mr. Keenan reported that Barnstable County has requested that the Trust approve the use of interest earnings on its Title V funds for monitoring and data collection. The Trust has not responded yet.
3. 2017 Capitalization Grant. The Committee discussed preparation of the federal grant application. Mr. McCurdy reported that DEP has delivered form SF 424 (Application for Federal Assistance) to the Trust, but the Group of Projects list has not been completed.
4. 2016 Capitalization Grant. Mr. Keenan reported that the Trust may have to amend the Group of Projects for 2016 to meet reporting requirements of the Federal

Funding Accountability and Transparency Act of 2006 (FFATA). This is due to projects not moving forward or coming in at lesser amounts than expected and not including the FFATA procurement requirements for architects and engineers. FFATA provides for monitoring and public reporting of sub-recipient grants based on when contracts are signed.

5. Holyoke. Mr. Keenan reported that he reached out to Holyoke but has not heard anything back about their application for funding under the Water Infrastructure Finance and Innovation Act (WIFIA). The Town has submitted a letter of intent to use funding to add an anaerobic digester for food waste to its treatment plant. It was noted that funding under WIFIA would require that the Town obtain funding from other sources for 50% of the project cost.
6. Portigon. Ms. Perez reported on recent developments in the efforts of Portigon A.G., the successor German Company to WestLB, to terminate the subsidy fund left outstanding when the debt service reserve funds of the New Bedford 1998A Bonds were terminated in 2013. Portigon made an offer to terminate at a make-whole price that was short of what the Trust believes is adequate. The Trust will give Portigon a counter-offer. The subsidy fund is not associated with any bonds and is a part of the Trust's equity fund.
7. Additional Subsidies. Mr. McCurdy reported that DEP is working on language for the IUP that addresses additional subsidies and how borrowers can demonstrate their use of best practices. Once the language has been reviewed by the Commissioner it will be shared with program counsel for their review.
8. Budget. Mr. McCurdy reported that because so many things are uncertain with respect to the State budget, DEP will have to submit a continuing resolution budget for one-sixth of fiscal year 2018 based on last year's budget.

LIST OF DOCUMENTS AND EXHIBITS USED:

Group of Projects in Relation to the 2016 Grant Amount

The meeting adjourned at 2:20 p.m.

Approved: August 9, 2017