

Worcester Redevelopment Authority

Vincent A. Pedone
Chairman

Peter Dunn
Chief Executive Officer



WORCESTER REDEVELOPMENT AUTHORITY

Friday, December 11, 2020

9:00 A.M.

City Hall, Levi Lincoln Chamber

Worcester, MA 01608

Present:

Worcester Redevelopment Authority Board

Vincent Pedone, Chair
David Minasian, Vice Chair
Jennifer Gaskin
Michael Angelini
Sumner Tilton

Staff

Peter Dunn, Chief Development Officer
Jennifer Beaton, Deputy City Solicitor,
Erin Taylor, Budget Director
Alexis Delgado, WRA Finance Manager
John Odell, Energy & Asset Management
Jane Bresnahan, Office of Economic Development
Amanda Cornwall, Office of Economic Development
Greg Ormsby, Office of Economic Development
Robert Stearns, City Auditor

Pursuant to a notice given (attached), a meeting of the Worcester Redevelopment Authority was held at 9:00 A.M. on Friday, December 11, 2020.

Chair Pedone announced that all votes will be roll call.

1. **Call to Order**

Mr. Dunn called the meeting to order at 9:01 A.M.

2. **Roll Call**

Mr. Dunn called the roll – Mr. Pedone, Mr. Minasian, Ms. Gaskin, Mr. Tilton and Mr. Angelini.

3. **Approval of Minutes:** November 13, 2020

Chair Pedone asked for a motion to approve the minutes.

Mr. Tilton made a motion to approve the minutes, Mr. Minasian seconded the motion.

The minutes were approved 5-0 on a roll call.

New Business –

1. Report regarding Auditor report – solvency for WRA

Mr. Dunn provided a follow-up regarding the discussions related to the recent Auditor report and questions Mr. Tilton had regarding potential liability for Board Members. In speaking with Ms. Beaton as well, Mr. Dunn referenced MGL Chapter 258 – the City indemnifies all employees and volunteers. With respect to the WRA Board, the enabling statute MGL Chapter 121B under Section 13 it also provides liability for officers, employees and agents and the authority. Mr. Tilton asked if there is a limit. Ms. Beaton advised there is a \$100,000.00 cap for the City and we agree to indemnify uncompensated volunteers which includes the WRA for tort claims. Chapter 121B Section 13 provides that the members of the WRA Board members and officers are not liable in contracts, also torts and essentially because the Board acts and votes as a body, there are no individual actions per se by any Board members. Obviously this does not include intentional torts. Mr. Tilton there is no D&O (Directors & Officers Liability coverage), Ms. Beaton advised the Board would fall under Section 13, which includes a remedy against the agency in a contract and we do not have directors or officers on any of our boards. Mr. Tilton clarified he was not thinking about contractual liability, but was more concerned with the fact that the WRA is running a balance sheet that's insolvent and would the Board be negligent in not doing our job and would like to be sure that the Board members are indemnified with that. Ms. Beaton advised yes. Ms. Beaton said she would be happy to provide copies of both statutes and summaries. Mr. Tilton asked about the cooperation agreement. Ms. Beaton advised there is a cooperation agreement, which is the financial mechanism to transfer money from the City to the WRA that is the operative contract and part of the city's line item budget. Mr. Tilton asked if there is anything in the cooperation agreement that states the subject we are discussing. Ms. Beaton advised it does say that we are operating at a debt and refer to Finance. Mr. Tilton when you send the excerpts from the general laws you could also include the cooperation agreement referencing the operating debt. Ms. Beaton there is a cooperation agreement for Union Station and a separate one for the Downtown Urban Revitalization Plan and will forward both to the Board. Ms. Beaton will provide the documents to the Board members.

2. APC Change Order 6 in the amount of \$3,050.22

Mr. Dunn explained this is the closeout of the buildout of the Cannabis Control Commission project. The net result including credits is a small change order. Chair Pedone asked if this is finalizing all the work that was completed. Mr. Odell confirmed that is correct. Mr. Tilton asked when will the CCC move in? Mr. Odell said they had moved into the space but moved out due to the pandemic and are predominantly working remote. It is still to be determined when they will return on a regular basis.

Mr. Angelini offered the following motion to:

Voted that the Worcester Redevelopment Authority hereby authorizes its chair or vice-chair to execute Change Order No. 6 to the Owner Contractor Agreement between the Worcester Redevelopment Authority and APC Development Group

Inc., relative to the Cannabis Control Commission headquarters project at Union Station in the total not to exceed amount of Three Thousand, Fifty Dollars and Twenty Two Cents (\$3,050.22).

Mr. Tilton seconded the motion.

The item was approved 5-0 on a roll call.

3. Authorize Execution LiRo Engineers, Inc. Amendment 2 in the amount of \$199,990.00

Mr. Dunn advised LiRo is the firm that was discussed at the last meeting regarding work at the Ballpark and Summer Street being referred as Container Park. This Amendment is for the garage site and had not executed a contract for inspection services and represents the numbers when we enter construction for the garage. Mr. Dunn expressed appreciation to Mr. Ormsby, our staff as well as Skanska as the original estimate was quite higher and they worked with LiRo to refine the scope and reduce the number significantly. Mr. Dunn reminded the Board that this work is being funded by the MassWorks Grant which is being used for the garage construction. Mr. Minasian inquired as to the garage and if the job has been awarded for construction. Mr. Dunn advised the garage is being built by the Joint-Venture Gilbane Hunt and will be working on the various trade packages. Mr. Dunn asked Mr. Ormsby to confirm the status of trade bids. Mr. Ormsby said a precast contractor has been identified. Gilbane Hunt has brought on the precast contractor Manafort who are on site daily for site work, which is WL French. Filed sub trades will be submitting their bids on Friday of next week and wrap up contractor and subcontractors. Mr. Ormsby with respect to our recent big milestone, we are starting with pressure injected footings starting next Tuesday December 15, 2020 which will start the foundation process.

Mr. Angelini offered the following motion to:

Voted that the Worcester Redevelopment Authority hereby authorizes its chair or vice-chair to execute Amendment 2 to the contract with LiRo Engineers, Inc. in the not-to-exceed amount of One Hundred Ninety Nine Thousand, Nine Hundred Ninety Dollars and No Cents (\$199,990.00) for professional engineering services relative to materials testing and inspection services for the Canal District Ballpark Project.

Mr. Minasian seconded the motion.

The item was approved on a 5-0 roll call.

4. Canal District Ballpark Project workforce diversity and inclusion report.

Mr. Dunn reported that Danielle Skilling, from Gilbane-Hunt, Joint Venture, is unable to attend. Mr. Dunn provided the Board with highlights and updates. The report is consistent with last month's report: 22% people of color, 22% Worcester residents, 6% woman and slight percentage increase to MWBE contractor awards.

5. Financial Update Report

- a. Report on Prior Month's Executed Contracts and Payments**
- b. Report on Downtown Urban Revitalization Plan Expenditures**

Mr. Dunn presented the financial report. It has been consistent with the trend over the last several months, the majority of the expenditures since the last Board meeting were relative to the Ballpark with the largest amount going to the Joint Venture – Gilbane Hunt - \$8.6 Million; Walker Consultants the design firm for the garage - \$554,000, DAIQ the designer for the Ballpark is \$550,000 approximately. Total expenditures from last month is \$9.8 Million almost entirely related to the Ballpark with some other minor expenditures.

6. Status Reports:

Union Station – Vendor & Maintenance Performance

Union Station – Miscellaneous Renovation Projects

Urban Revitalization Plan

Midtown Mall

Great Wall

Mr. Dunn informed the Board that they are working on a Request for Proposals for the Union Station Café space. The former owner notified the Board that they were not renewing their space. Mr. Dunn informed the Board a few inquiries have been received which indicates there is interest in the space. We are expecting to have the RFP out in January and have the space ready for next season and light at the end of the tunnel with the COVID-19 situation and the vaccine rolled out and when the MBTA restores service. At the last meeting a discussion took place regarding MBTA cuts were about to make to include specifically weekend service, after 9:00 p.m. on weekdays. As a group, the Economic Development Coordinating Council comprised of Mass Biomedical Initiatives, Chamber of Commerce, Worcester Business Development Corporation wrote an advocacy letter to the General Manager of the MBTA along with Secretary Pollack expressing that while it is necessary, but hopefully only temporary, and not only restore service but expand service. The correspondence also noted the investments being made with the new center platform project and will work collaboratively with them. Earlier this week I was asked to participate in the City Council's Public Service and Transportation Subcommittee, Chaired by Councilor Rosen. Councilor Rosen discussed similar concerns about the cuts of those services and will work on advocacy with the City Council.

Mr. Minasian inquired about other space within Union Station and the garage retail space on the first floor. Chair Pedone inquired about Mr. Giordano's space. Mr. Dunn informed the Board there will be communications with Mr. Giordano owner of Luciano's, there is no surprise that he is behind on rent as a result of the COVID-19 impact. We will engage with Mr. Giordano to see what the plan will be moving forward and getting current on the rent. Mr. Dunn stated a vacancy exists across the Grand Hall the former Byblos space. There have been no significant inquiries for that space but remain open to conversations. Mr. Dunn does not see anything forthcoming in the short-term. Regarding the garage space retail area conversations have been suspended. We were in discussions working with the brewery Soul Purpose, a division of Greater Good. They have two different lines of beer that they manufacture and has been impacted by the pandemic and wants to make sure the company is stabilized before continuing the conversations. Chair Pedone you discussed Luciano's Restaurant being behind in rent which is understandable and what mitigation to help Mr. Giordano through the pandemic process. Mr. Dunn there is no specific plan yet we need to meet and speak with him and understand what he is experiencing and what his plans are moving forward. Chair Pedone would like the item brought on the agenda for the next meeting to discuss ideas

from the Board. Chair Pedone expressed that Mr. Giordano's business has had no income in the past six months. Mr. Angelini suggested that we ask Mr. Giordano for a proposal. Chair Pedone I believe he's had conversations with the Administration. Mr. Angelini requested that the Board receive and update on the Administration's discussions. Mr. Dunn stated he personally have not had conversations with Mr. Giordano, but that is the intent. Mr. Dunn informed the Board that the Great Wall received their permanent certificate of occupancy, they have not submitted any type of application for a liquor license and will inform the Board when they do apply. Mr. Dunn also spoke with Felicio Lana and he informed that he is preparing tweaks and minor work to the design of the façade from comments received from members of the public. He is looking to break up some of the glass and shared an updated rendering showing the glass where it intended to be and some of the original art deco style stone which brings an aesthetic element to incorporate. He continues to have discussion with potential tenants and has signed a lease or close to signing a lease for a tenant inside the Mall on the first floor.

Mr. Angelini inquired about the Fixed Guideways Funded Capital Projects executed contracts and payments and are they submitted for Board approval? Mr. Dunn advised that is the backup materials related to the final closeout and change orders for APC. Mr. Angelini asked if this is for the train funding, flagpole, etc. I would like to be assured of that. Mr. Odell advised APC has done work for us in two areas in conjunction with two major projects and inadvertently sent you the package for both projects as opposed to just the CCC project. What you see is work that was done for miscellaneous renovations and included a number of subprojects under the header miscellaneous renovations. Mr. Odell stated that backup included was not necessary and not included in the vote that was taken today and the project has almost closed out with one change order will be needed to be done. Mr. Odell the payments have been approved in prior meetings. Regarding Nault Architects, Mr. Angelini inquired as to whether the contract is bid. Mr. Odell advised the bids are approved through the Designer Selection Board where multiple architects compete for City services and is based on what will be the best service and price is negotiated afterwards, not a traditional city or municipal bid process. They are used for three years and then is repeated every three years. Mr. Odell we did not replace the flagpole and was repaired. The \$10,000.00 was part of the work that they designed to replace the flagpole and the final cost for the replacement and the structural work that needed to be done. There services were stopped and payment for the work done to date. We had anticipated the costs to replace the flagpole be much less than what it ended up to be. There was serious structural work which ended up making the cost prohibitive the work was stopped and we went with a repair option but services were incurred that need to be paid for. Mr. Angelini inquired about the billing that is being received. Mr. Odell detailed backup is sent with every invoice the tasks along with the hours which is also used with the FTA. Mr. Angelini inquired as to what funding source Mr. Odell confirmed FTA funding which is 80% funded through FTA grant funds and 20% through WRA and the City.

7. Adjournment

There being no further business, Mr. Dunn called the roll to adjourn the meeting, the meeting adjourned at 9:33 A.M.

Respectfully submitted,

Peter Dunn
Chief Executive Officer