

City of Worcester, Massachusetts

Michael V. O'Brien
City Manager

Timothy J. McGourthy
Chief Executive Officer
Worcester Redevelopment Authority



WORCESTER REDEVELOPMENT AUTHORITY

Tuesday, March 12, 2013

12:00 P.M.

Union Station – CMRPC Conference Room

2 Washington Square

Worcester, MA 01608

Present:

Worcester Redevelopment Authority Board

Vincent Pedone
John Donahue
Steven Rothschild
Robert Thomas

City of Worcester

Timothy McGourthy, WRA Chief Executive Officer
Michael Traynor, Deputy City Solicitor
Erin Cahill, Financial Manager, Financial Manager, WRA
Jane Bresnahan, Executive Office of Economic Development

Other

Aaron Nicodemus, *Telegram & Gazette*

Pursuant to a notice given (attached), a meeting of the Worcester Redevelopment Authority was held at 12:00 P.M. on March 12, 2013.

1. Call to Order

Chief Executive Officer Timothy McGourthy called the meeting to order at 12:10 P.M.

2. Roll Call

Mr. McGourthy called the roll.

3. Minutes of the February 12, 2013 Meeting

Mr. McGourthy asked the Board to review the minutes. Mr. Thomas offered approval of the minutes with Mr. Donahue seconding the approval.

4. Discussion/Votes

a. Economic Development Overview

Mr. McGourthy presented the Board with an Economic Development overview and the role of the WRA going forward. A copy of the presentation is attached.

In response to questions, Mr. McGourthy gave an update on the South Worcester Industrial Park and a possible tax increment financing structure to cover the entire area as well as a Request for Qualifications related to property disposition to be released sometime in the fall. Mr. McGourthy noted the City Manager's commitment to strengthening WRA involvement with the Economic Development plans of the City.

The Board thanked Mr. McGourthy for the presentation. They suggested that the presentation be made available to a broader audience to see all the great things that are happening.

b. Strategic Planning

c. Developed Land

d. Undeveloped Land

Mr. McGourthy updated the Board on the ongoing construction on Franklin Street and Federal Street that will house Quinsigamond Community College's downtown presence. Mr. Rothschild inquired as to whether the QCC property will stay on the city tax roles. Mr. Rothschild referred to the recent transactions by UMass Medical School and its purchase of the Massachusetts Biotechnology Research Park. The Board discussed the issue of non-profit ownership and public support.

e. Union Station

Mr. McGourthy provided the Board with a copy of a letter to Amtrak requesting additional service to either Providence, RI or Hartford, CT.

Mr. Traynor updated the Board regarding the powers of the WRA as they relate to the Union Station Garage. The Union Station Urban Revitalization Plan does provide certain allowances as it relates to leasing. Mr. Traynor will provide additional information at the April meeting.

f. Responsible Employer and Inclusionary Participation Policy

Mr. Traynor reviewed with the Board a proposed amendment to Article II of the Responsible Employer and Inclusionary Participation Policy and a tracked changes document showing text that would be deleted and proposed new language. Mr. Traynor explained that the

amendment would incorporate the provisions of the revised REO as the responsible employer component of the WRA's Policy.

Mr. Donahue offered the following motion:

Voted that the Worcester Redevelopment Authority hereby amends the Responsible Employer & Inclusionary Participation Policy adopted September 14, 2004, is amended as follows:

Article II, Sections 1, 2 and 4 are hereby deleted in their entirety and the following sections 1 through 7, inclusive, are inserted in lieu thereof and the sections currently numbered 3 and 5 are hereby re-designated as sections 8 and 9, respectively:

“1. The W.R.A. hereby finds and determines that its funds are most efficiently and productively spent by awarding construction contracts to firms that include and enforce provisions requiring compliance with state laws governing the payment of prevailing wages, the provision of workers compensation coverage, and the proper classification of individuals as employees and not as independent contractors, as well as state law concerning health insurance coverage and state-certified apprenticeship programs. The W.R.A. hereby further finds and determines that as a consumer of construction services it is appropriate for it to exercise entrepreneurial discretion by requiring firms that are awarded such contracts to comply with this policy because a failure to comply is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in the City where most of such individuals reside.

2. As a condition to the award of a contract, whenever the W.R.A. is procuring construction services subject to the provisions of G.L. chapter 149 and chapter 149A the following shall be incorporated into the procurement documents and made part of the specifications and contract. Every person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

3. All bidders or proposers and all subcontractors and trade contractors, including subcontractors that are not subject to G.L. c.149, §44F, under the bidder for projects subject to G.L. c.149, §44A(2), and, proposers under G.L. c.149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an Invitation to Bid or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

a. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must comply with the obligations established under G.L. c.149 to pay the appropriate lawful prevailing wage rates to their employees;

b. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding maintain or participate in a bona fide apprentice training program as defined by G.L. c.23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Standards of the Department of Labor and Workforce

Development, regardless of whether or not the program qualifies as an employee welfare benefit plan under ERISA, and must register all apprentices with the Division and abide by the apprentice to journeyman ratio for each trade prescribed therein in the performance of any work on the project. This provision does not require the program to be an ERISA plan; the program need only have been approved by the Division of Apprentice Standards. All general bidders or proposers and all trade contractors and sub-bidders at every tier must submit with its bid or proposal an original, stamped Sponsor Verification letter from the Commonwealth of Massachusetts, Department of Labor and Workforce Development – Division Apprentice Standards, issued within the past 90 days, evidencing that at the time of submitting a bid or proposal, the bidder or proposer is currently an Approved Sponsor of Apprentices;

c. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all the employees on the project in accordance with G.L. c.152;

d. The bidder or proposer and all trade contractors and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. (G.L. c.149, §148B on employee classification);

e. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding certify that, at the time employees begin work at the worksite, all employees will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration, and shall ensure that all employees working at the worksite possess such qualifications at all times throughout the duration of their work on the project and furnish documentation of successful completion of the course;

f. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.

g. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign in/out logs shall be provided to the W.R.A. on a daily basis.

h. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the W.R.A. a certification that they are not debarred or otherwise

prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the City.

4. A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of G.L. c.149, §44F shall be awarded to a subcontractor that does not comply with the forgoing conditions.

5. All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects subject to G.L. c.149, §44A(2) or c.149A, shall comply with each of the obligations set forth in this policy for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

6. Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer who fails to comply with any one of obligations set forth in this policy for any period of time shall be, at the sole discretion of the W.R.A., subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project.

7. In addition to the sanctions outlined in subsection (6) above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c.149, §44F. Any contractor or subcontractor that has been determined by the City or by any court or agency to have violated any of the obligations set forth in this policy shall be barred from performing any work on any future W.R.A. projects for six months for a first violation, three years for a second violation and permanently for a third violation.”

Mr. Thomas seconded the vote, and it was voted 4-0 on a voice vote.

5. Other Business

a. Monthly Expenditure Report

Erin Cahill, WRA Financial Officer, reviewed with the Board the check detail and monthly comparison summary noting that between February 6 and March 6, 2013 expenses were \$86,063.11. Ms. Cahill advised the Board that there were two bills for snow removal at \$12,294.35 and \$26,437.50.

b. WRTA Monthly Update

The Board will be touring the project site – including the bus terminal and administrative offices – immediately following the meeting.

c. Theatre District Initiative

Mr. McGourthy included the Theatre District Master Plan Update in the Economic Development Presentation.

d. Tenant Updates

Maxwell's is currently behind on its rent due to the fact that the awning charge has been added to their bill. Mr. McGourthy noted that he will need to notify Maxwell's of the arrearage and the need to relocate Maxwell's storage from the Wormtown leased premises.

Erin Cahill notified the Board that Selim Lahoud is behind in rent dating back to October 2012. The Board has requested that a meeting be set up to define the outstanding arrears.

The tour of the surface parking lots will be taken after the April meeting.

Mr. Pedone requested that the Board change the meeting time in order to accommodate his work schedule. The Board agreed to look into alternative times.

There being no further business the meeting was adjourned at 1:25 P.M. The Board toured the WRTA site.

Respectfully submitted,

Timothy J. McGourthy
Chief Executive Officer