

# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
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Commissioners Meeting  
Water Supply District of Acton  
Meeting Minutes  
March 29, 2010

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The regular bi-monthly meeting was called to order at 7:35 p.m. on Monday, March 29, 2010 at the Acton Water District Office by Mr. Ron Parenti.

Present: Commissioners Ron Parenti, Len Phillips, and Steve Stuntz, District Manager Chris Allen, Treasurer/Collector Mary Jo Bates, District Counsel, Mary Bassett, Environmental Manager Matthew Mostoller, Commissioners Secretary Lynn Protasowicki. Finance Committee members Dave Butler and Charles Bradley. Also in attendance: George Johnston representing ACES, and Paul Malchodi of The WLMAC

**A. Comments from Citizens**

There were no comments from Citizens at tonight's meeting.

**B. Approval of Minutes from March 8<sup>th</sup> Meeting**

Mr. Parenti moved to accept minutes of the meeting held on March 8, 2010 and Mr. Stuntz seconded the motion. The Commissioners were all in favor of approving the minutes.

**C. Old Business**

Amend Minutes of February 22, 2010:

Mr. Parenti moved to accept the amended minutes from the meeting held on February 22, 2010 and Mr. Stuntz seconded the motion. The Commissioners were in favor of approving the minutes as modified.

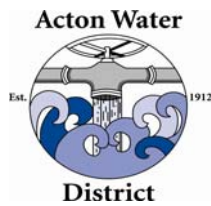
Update on Christofferson Well Replacement Investigation:

Mr. Allen informed the Commissioners that he met with Weston & Sampson on Friday, March 5<sup>th</sup> and was given an update and options as to how to move forward with the Christofferson well replacement investigation. Mr. Allen turned the discussion over to Mr. Mostoller.

Mr. Mostoller stated that on March 17<sup>th</sup> additional drilling was done and in turn viable well locations were found to support a well-field configuration however they continue to see elevated nitrate levels. During the meeting Weston & Sampson recommended that Acton do some investigation into the source of the nitrate issue both for the existing well and any future well configurations. This includes looking into areas near the septic systems of abutting properties, and the potential impact from the State's agricultural land on both sides of School St. Mr. Stuntz suggests that we notify the property owners of these activities.

Update on Survey for Assabet Property:

Mr. Allen informed that Commissioners that Assabet Sand & Gravel has been removing trees in the Knox Trail area that are seemingly on Acton Water land. He mentioned that Acton Survey &



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Engineering, who is handling the survey, has recently gone through the same situation in Lowell so, from a legal perspective, they are familiar with this type of encroachment issue. Much of the property is currently submerged due to the recent rains, so, the survey was only partially completed. AWD will receive a report of the degree to which Assabet Sand & Gravel is encroaching on our property when completed.

### Other Old Business:

Mr. Allen informed Mr. Phillips that he spoke with Steve Geisel of Lakos Separators on Friday, March 26<sup>th</sup> and finds the technology they are using to be interesting. Mr. Allen will provide the company with a list of our equipment to see if there is any potential for business. The supplier will provide Mr. Allen with a cost proposal prior to any system retrofits.

Atty. Bassett informed the Commissioners that she was attending a hearing on Wednesday, March 31<sup>st</sup> on the Jim Deming case. This will be an oral argument to see if the claim will be affirmed or overturned.

### **D. New Business**

#### Water Resources Advisory Committee for Town By-Law Discussion:

Due to Mr. Barry Rosen not being present Mr. Mostoller, having been staff support to the committee, brought the Commissioners up to speed on what the by-law is about. The proposed by-law is called Chapter U and is Article 30 on the Town Meeting warrant. Mr. Rosen wanted the Commissioners support on the by-law so that when he presented it at the town meeting he would have backing from the Water Commissioners.

There is a huge education piece to this by-law regarding both the protection of water resources and enforcement. It is estimated that 300 residents would potentially need permits for their sump pumps due to direct connections to drainage structures and indirect flow to the storm-water system. There will be a reporting requirement whereby the town will need to monitor water quality at common outfalls of the storm-water system. If the article does not pass, then the EPA could possibly fine the town for failure to comply with current and future storm-water regulations.

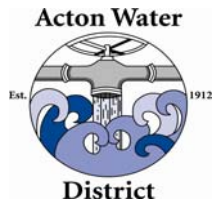
Upon discussion of the proposed Chapter U By-law, the Commissioners are in agreement with the overall intent of the by-law. The protection of water resources within the Town of Acton provided by this by-law is complimentary to the Water District's source protection efforts.

#### Discussion of North Acton Water Treatment Plant Dedication:

Mr. Allen suggested to the Commissioners that the ribbon cutting ceremony be held the week of May 2-8<sup>th</sup> since this is National Drinking Water Week. He proposed that they do the ceremony on Saturday, May 8<sup>th</sup>. Send invitations out to Board of Selectmen, Senator James Eldridge, Town Officials, Acton Water folks, etc. He mentioned that an Open House to the public could be scheduled for sometime in the summer.

#### Execute "Notice of Award" for Arlington Street Water Main Installation:

Mr. Allen informed the Commissioners that AWD received a total of twenty-four bids from General Contractors for the Arlington Street Water Main replacement project. The bids ranged from \$406,878.34 to \$757,000.30. The low bidder was Onyx Trans. Inc., 18 Wetherbee Street, Acton.



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Mr. Parenti motioned to award the project to Onyx Trans. Inc. and Mr. Stuntz seconded the motion. The Commissioners were in favor of accepting the award. The Commissioners signed the notice of award.

### Other New Business:

Atty. Bassett provided an update to the Commissioners on the WLMAC By-law. As requested at the last Commissioners meeting, she reviewed the District's by-law creating WLMAC. The question is whether the by-law requires the Commissioners to consult with the WLMAC before making decisions on matters relating to water and land management policies. The specific question centered on the word "requires". She informs the Commissioners that the WLMAC was neither a committee required by statute in general or for a specific purpose. The WLMAC is an advisory committee created by a District by-law to review and make recommendations in matters relating to water and land management policies.

She states that the wording of the by-law clearly intended to create the WLMAC as an advisory committee and then indicated those subjects that it intended the committee to advise on. The main objective of the by-law is to give the Commissioners the opportunity to appoint persons outside the elected process to assist them in determining policies. There is no language that the Commissioners are required to ask for an opinion from WLMAC as it determines policy.

### **E. Executive Session**

The Commissioners entered into executive session to discuss pending litigation, by a roll call vote, at 8:35 p.m. and ended the session at 8:50 p.m. They resumed the regular meeting to adjourn at 8:50 p.m. The motion to adjourn was made by Mr. Parenti, seconded by Mr. Stuntz and was unanimously approved.