

Water Supply District of Acton

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Commissioners Meeting
Water Supply District of Acton
Meeting Minutes
May 16, 2011

The regular bi-monthly meeting was called to order at 7:35 p.m. on Monday, May 16, 2011 at the Acton Water District Office by Mr. Leonard Phillips.

Present: Commissioners Leonard Phillips, Stephen Stuntz, and Ronald Parenti. District Manager Chris Allen, Environmental Manager Matthew Mostoller, District Counselor Mary Bassett, Commissioners Secretary Lynn Protasowicki, and Moderator Richard O'Brien. Finance Committee member David Butler. Barry Rosen representing WRAC and WLMAC.

A. Comments from Citizens

There were no comments from citizens this evening.

B. Approval of Minutes from May 2, 2011

Mr. Phillips moved to accept minutes of the meeting held on May 2, 2011 and Mr. Stuntz seconded the motion. The Commissioners were in favor of approving the minutes.

C. Old Business

Request for Abatement of 4th Quarter 2010 Water Bill from 50 Hayward Road

Enclosed in this evening's packet to the Commissioners is a letter from Mr. Chris Allen to Hong Lu, owner of 50 Hayward Road, Acton stating that the Board will abate the charges of his fourth quarter water bill only if the homeowner relocates the water meter inside the premises. On Tuesday, May 10th this was accomplished. At this evening's meeting, Mr. Allen recommends to the Board that the abatement be approved. The Board approved the abatement.

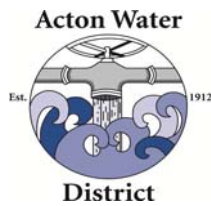
Update and Discussion of Boxborough Special Legislation and Inter-Municipal Agreement with the Town of Acton and the Town of Boxborough

Enclosed in this evening's packet to the Commissioners is an email from Mr. Frank Powers of the Town of Boxborough to Mr. Chris Allen stating that the Town of Boxborough voted unanimously to accept the new proposed legislation. As for the Inter-Municipal Agreement, Mr. Allen stated that he is awaiting execution by Ms. Selena Shaw, Town of Boxborough Administrator prior to signing the document.

Review and Approval of Request for Proposal (RFP) for Potential Telecommunications Site Rental at 12 Wyndcliff Drive/Wampus Hill Storage Tank

Counselor Bassett stated that at the last open meeting the Commissioners wanted to see in the RFP more clarification on the access road. She has updated the RFP in several areas to clearly define the responsibility of the bidder to construct an access road.

Mr. Phillips moved to execute the request for proposal for the potential telecommunications site rental at 12 Wyndcliff Drive/Wampus Hill Storage tank and Mr. Stuntz seconded the motion. The Commissioners were in favor of approving the request for proposal.



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Other Old Business

1. Approval of Executive Summary Minutes from May 2, 2011

Mr. Phillips moved to accept minutes of the executive meeting held on May 2, 2011 and Mr. Stuntz seconded the motion. The Commissioners voted to approve the executive minutes.

2. Mr. Matthew Mostoller wanted to remind the board of the WR Grace Superfund Site meeting that is being held on May 18th at 7 p.m. in the Town of Acton Library.

3. Counselor Bassett is still updating the "Rules & Regulations" and will send out the new draft when completed.

D. New Business

Execute Bond Rollover for Arlington Street Water Main Project

Mr. Phillips moved to award the note of \$180,000 to Eastern Bank at a rate of 1.05% and Mr. Stuntz seconded the motion. The Commissioners were all in agreement.

The Commissioners signed the agreement with Eastern Bank for the Arlington Street water main project.

Approve Reserve Fund Transfers of \$25,000 to 'Paving' and \$30,000 to 'Replace Old Mains' Accounts

In this evening's packets is a memo to the Commissioners from Mr. Allen outlining the reasons for the request for transfer of funds from Reserve Fund to Paving and Replace Old Mains accounts. The transfer from Reserve Account to Paving is \$25,000. The Transfer from Reserve Account to Replace Old Mains is \$30,000. Both transfers had been previously approved by the Finance Committee at a meeting on Wednesday, 6/11/2011.

Mr. Phillips moved to accept the transfer of funds from Reserve Fund to Paving and Replace Old Mains accounts and Mr. Stuntz seconded the motion. The Commissioners were all in agreement.

The Commissioners signed the appropriate documents accepting the transfer of funds from Reserve Fund to Paving and Replace Old Mains accounts.

Discussion, Review and Evaluation of District Manager's Performance

Mr. Stuntz stated that during his discussions with Mr. Allen and Counselor Bassett regarding the District Manager's performance it has been determined that Mr. Allen will put together for the June 6th open meeting a review of his goals and accomplishments from past and future. Mr. Stuntz has spoken to several of Mr. Allen's direct reports and has heard nothing but good things.

E. Executive Session

The Commissioners entered into Executive Session, by a roll call vote, at 8:30 p.m. and ended the Session at 9:00 p.m. They resumed the regular meeting to adjourn at 9:00 p.m. The motion to adjourn was made by Mr. Parenti, seconded by Mr. Stuntz and was unanimously approved.

Executive Session Minutes

Commissioners Meeting

Water Supply District of Acton

693 Massachusetts Avenue

Acton, MA 01720

Executive Session Minutes

May 16, 2011

The Commissioners voted unanimously by a roll call vote to enter into Executive Session at 8:30 pm to discuss pending or contemplated litigation as remaining in open session would prejudice the District position with respect to the matter. In attendance were Commissioners Len Phillips, Ron Parenti, and Stephen Stuntz, District Manager Chris Allen, District Environmental Manager, Matt Mostoller and District Counsel Mary Bassett.

District Counsel and staff briefed the Commissioners on the history of the ownership of the Assabet Sand & Gravel Co. (AS&G) and the District's relationship with the company. Review was made of the written leases granted by the District to AS&G and Town of Acton's special permitting process that allowed AS&G to remove sand and gravel from the District's abutting property. AS&G's continued encroachment on the District's property is problematic and the failure of the phased approach to have AS&G mitigate the encroachment was noted. The Commissioners discussed putting up a fence and the pros and cons of that plan and further discussed whether the District would get sued for putting up a fence or whether the District should or otherwise be compelled (by DEP) to file a trespass suit against AS&G. Matt and Chris agreed to attempt to interview the prior owner, Robert Greenough, and see if there were any verbal lease or license agreements with the District, as AS&G has always contended that it was using District land with the District's permission.

The Commissioners agreed that the District should get more facts regarding the use of a fence company, secure the statement of Robert Greenough and then determine how to proceed.

Mr. Parenti moved to adjourn the executive session and moved to reconvene in open session at 9:00 pm. The motion was seconded by Mr. Stuntz and on a roll call vote was unanimously approved.