

Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton, MA
Monday, August 19, 2019

AGENDA

- A. Maureen Mara of Mara & Associates for Annual Audit Report
- B. Comments from Citizens
- C. Approve Minutes of July 15th Meeting

D. OLD BUSINESS:

1. Confirmation of Scheduling a Joint Meeting with the Town of Acton Selectboard
 - Proposed dates of Monday, September 9th
2. Follow-up Discussion of Alternative Water Rate Models
 - Item was introduced by the District's Finance Committee at the meeting on 5/20/19
3. Update from Land Court Hearing on July 11th-Concord vs. Littleton Water Department
4. Land Disturbance Permit at 28 Lawsbrook Road for the Proposed Lawsbrook Road Solar Array

E. NEW BUSINESS:

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

Present at Tonight's Meeting:

Commissioners: Stephen Stuntz (Chair), Erika Amir-Lin, Barry Rosen
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Commissioner's Secretary: Lynn Protasowicki
Finance Committee: Chuck Bradley (via phone)
District Moderator: Dick O'Brien
Green Acton: Lucy Kirschner, Kim Kastens

The Board of Water Commissioner's meeting was called to order at 7:30 PM on Monday, August 19, 2019 at the Acton Water District office by Mr. Stephen Stuntz.

A. Maureen Mara of Mara & Associates for Annual Audit Report

Maureen Mara provided the annual review of the audit which was completed a couple weeks ago. Enclosed in tonight's packet to the Commissioners are two reports: the full financial statement and the management statement (most highlighted from main report).

-Unsold Water Percentage: maintained past 3 years very good results.

-Net Pension Liability: Middlesex County Retirement System - data from 5 years; paying what district is paying for that liability keeps going up - went from \$3.3 million to \$3.7 million in last fiscal year. They are not billing their participants enough. Changed net return from 7.75% to 7.5%. Ms. Mara highlighted current assumptions.

-Other Post-Employment Benefits: has done Actuarial evaluations five times and these are now more accurate. How much does the District need to fund all its retirement benefits - ideally \$1.2 million and the District has almost \$1.2 million. It's 96% funded. She suggested to the Commissioners that the District needs to decide when to start using the fund to pay retirees

-Fund Balances: Free Cash - decreased by \$400K .It's lower than it has been since the past few years . The rate increase, effective July 2019, should take care of that. Also, there were several larger projects that did not break ground in FY 2019.

-District Investments: OPEB and Grace funds continue to have good growth. Substantial increase in value from 2015 to 2019.

-Warrant Ledger: She has suggested to Ms. Bates that the warrant ledger needs some structural enhancements. Ms. Bates agreed and will work with Bob Murch to make those changes.

Submitted free cash to get certified with the Department of Revenue; just waiting to hear on approval.

B. Comments from Citizens:

Kim Kastens of Green Acton spoke. She mentioned that Green Acton is trying to understand what is happening with WR Grace property, and what the future may be for water supply to that property. She heard from Chris Smith that he is waiting to get the final signature on the consent decree before they can start discussions on development. Mr. Stuntz mentioned that the Commissioners don't know what the Town's plans are for this property. Ms. Kastens stated that Green Acton is concerned and trying to understand what will happen there.

Mr. Stuntz mentioned that the Commissioners are interested in how the Town of Acton will react to the zoning of the land. It's zoned as T4 Zoning (Technology District) which allows 4 times the density (allows everything other than residential).

Mr. Allen mentioned that there is no water service to that property at this time.

C. Approve Minutes of July 15th Meeting:

Mr. Rosen motioned to approve the minutes of July 15, 2019. Mr. Stuntz seconded the motion and it was unanimously approved.

D. OLD BUSINESS:

1. Confirmation of Scheduling a Joint Meeting with the Town of Acton Selectboard

Mr. Allen received confirmation from Town Manager that the joint meeting with the Acton Selectboard will be held on Sept 9th at 8 PM and the District will have the open meeting at the library at 7PM.

2. Follow-up Discussion of Alternative Water Rate Models.

Mr. Stuntz stated that the Commissioners should not take final vote on this tonight because Bill Guthlein is not here. Since the Finance Committee was split on their decision on the alternative water rate models that Bill Guthlein had presented, it is up to the Commissioners to make final decision. This this time the Commissioners agree to keep the water rate model as is.

3. Update from Land Court Hearing on July 11th - Concord vs. Littleton Water Department.

Mary Bassett provided an update to the Commissioners regarding the Land Court Hearing on July 11, 2019 - Concord vs Littleton Water Department. Enclosed in tonight's packet is a copy of the docket entry when the parties went to court for cross motion for summary judgement. Concord wants the court to grant

them the right to get all the water from Nagog Pond and Littleton/Acton are attempting to keep the law "As is", maintaining their current rights to Nagog Pond per the 1884 statute.

Both parties admitted that they must apply to DEP for water no matter what the court rules. The court requested the Towns provide their views on this issue.

The losing party would need to appeal to Superior Court if unhappy with final judgement.

The judge wants both parties to show her the practical ramifications - why do I need to make this decision now. There is further brief scheduling. Probably no more court appearances.

Counselor Bassett will continue to confer with Jeff Roloeffs, Counsel for the Town of Acton.

4. Land Disturbance Permit at 28 Lawsbrook Road for the Proposed Lawsbrook Road Solar Array.

Mr. Allen provided an update to the Commissioners regarding the land disturbance permit at 28 Lawsbrook Road. He stated that the permit is needed for the access road to be widened. EverSource requires an access road to be 16 feet wide, and thus will need some modification in spots. He mentioned that he and the Developer went door to door to some abutters and spoke to those that directly abut the parcel to inform them of the project and answer any questions.

E. NEW BUSINESS:

Mr. Allen informed the Commissioners that he is working with Wright-Pierce on an asset management grant application from the state of MA. Deadline for the grant is due this Friday, August 23, 2019. We will know if we get the grant when the State Revolving Fund (SRF) Intended Use Plan (IUP) is published in January of 2020. Thus, any local appropriation needed for a grant match can be done at the Annual Meeting on March 18, 2020.

Mr. Stuntz moved to adjourn the open meeting at 8:20 PM. Mr. Rosen seconded the motion and it was unanimously approved.