

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, September 23, 2019

AGENDA

- A. Comments from Citizens
- B. Approve Minutes from September 9, 2019
- C. OLD BUSINESS:
 - 1. Follow up Discussion from Joint Meeting with the Acton Selectboard
 - Any follow-up items or discussion stemming from the joint meeting held on September 9th
 - 2. Request for Meeting with the Town of Acton's Finance Committee
- D. NEW BUSINESS:
 - 1. Certify the District Manager to Act as the District's Agent to File the Applications and Execute Agreements for Funding of the Acton Center Water Treatment Plant (ACWTP) through the Massachusetts Clean Water Trust.
 - 2. Execute Bonds
 - Borrowings for the Acton Center Water Treatment Plant (ACWTP) engineering and re-financing of the bond for purchase of 585 Main Street

Present at Tonight's Meeting:

Commissioners: Stephen Stuntz (Chair), Erika Amir-Lin, Barry Rosen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Commissioner's Secretary: Lynn Protasowicki
District Finance Committee: Bill Guthlein
WRAC: Ron Parenti

The Board of Water Commissioner's meeting was called to order at 7:30 PM on Monday, September 23, 2019 at the Acton Water District by Mr. Stephen Stuntz.

A. Comments from Citizens:

No comments from citizens tonight.

B. Approve Minutes from September 9, 2019:

Mr. Rosen motioned to approve the modified minutes of September 9, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. OLD BUSINESS:

1. Follow up discussion from joint meeting with the Acton Selectboard

➤ Any follow-up items or discussion stemming from the joint meeting held on September 9th

Mr. Parenti spoke. He was disappointed that not a lot was said at the meeting. The WRAC was looking for direction from both the Board of Water Commissioners and the Acton Selectboard. Ron lobbied hard to move forward with what the Town voted on which is the water resources study. This study will be different from the District's master plan. The WRAC is preparing a list of questions for various people

who are part of town entities including the Board of Commissioners. WRAC will want to know what new wells are planned, capacity of these wells, when coming online, etc. WRAC will want to know if the District should consider looking at different water sources including MWRA and Nagog. Mr. Rosen is disappointed as well with the joint meeting. He was at BOS meeting when Jon Benson asked for the meeting with the District. He stated that Mr. Benson explained that the BOS had a number of questions to ask the Board of Commissioners regarding the WRAC study, what the BOS expects to get out of it, and what position the Water District was taking on the study. Ms. Amir-Lin also expected the BOS to have more to say. They wanted to initiate a discussion and discuss more about the WRAC study. Mr. Rosen stated that he is not sure why they wanted the meeting; he didn't feel anything was accomplished.

Mr. Stuntz stated that Mr. Benson's question is does the District support the study?

Mr. Parenti mentioned that one of the issues that the WRAC is running up against is no one on the WRAC is knowledgeable in planning. The WRAC will need some professional guidance which is why they have been talking about a \$50K study, to cover consulting costs. WRAC will do as much as they can and develop a statement of work.

Ms. Amir-Lin wanted to know what the financial situation of the WRAC is currently with regards to the proposed water study? Was there any money promised from anyone? Mr. Parenti stated that the Board of Commissioners has talked about contributing. But have not heard any commitment from Acton BoS. Ms. Amir-Lin wanted to know if the BoS said anything additional? Mr. Parenti stated that no they have not, and that WRAC will do everything they can do without needing the money right away. We probably won't hear anything until after the December 10th special Town meeting. Ms. Amir-Lin commented that she believes that there is a role for the Town to play when it concerns drinking water in Acton and she would like them to step up in that role.

2. Request for Meeting with the Town of Acton's Finance Committee.

Mr. Stuntz stated that this item came from a discussion that he had with Christine Russell, who is on Acton's Finance Committee and he asked her to tell us (meaning the District) what you don't know; and explain the big picture of what the District is doing. FinCom is not interested in meeting with the District until after their December Special Town Meeting. Mr. Stuntz will work on firming up a date for the meeting and topics of discussion.

D. NEW BUSINESS:

1. Certify the District Manager to act as the District's agent to file the applications and execute agreements for funding of the Acton Center Water Treatment Plant (ACWTP) through the Massachusetts Clean Water Trust.

Barry moved to certify the District Manager to act as the District's agent to file the applications and execute agreements for funding of the Acton Center Water Treatment Plant through the Massachusetts Clean Water Trust. Ms. Amir-Lin seconded the motion and it was unanimously approved.

2. Execute Bonds.

- Borrowing for the Acton Center Water Treatment Plant (ACWTP) engineering and re-financing of the bond for the purchase of 585 Main Street

Mr. Stuntz moved to award the bid to borrow for the Acton Center Water Treatment Plant (ACWTP) from Newburyport Five Cents Savings Bank in the amount of \$1.4 million which is to be used for the

engineering and re-financing of the bond for purchase of 585 Main Street, Acton. Mr. Rosen seconded the motion and it was unanimously approved.

Other Business:

1. Mr. Stuntz wanted to know what the correct procedure is for adding something to the agenda. Does he send the request to Chris Allen first or should it be a discussion at the meeting they are in for the next meeting? Counselor Bassett stated that you could ask to put something on at the meeting for the next meeting or send the email to Mr. Allen, either way is fine. Mr. Rosen would like to put on the next agenda, the "Future of WLMAC".

2. Counselor Bassett spoke regarding the solar array project. Recently an issue has come up regarding Article 97 which is now applicable because the vendor is in the Smart program. State's saying we are changing the use of our property. What conditions will the state allow us to take our property out of public use and allowing this other use. In the last 30 days, there has been a meeting with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) and the attorney for EDF to talk about what the legislation needs to say. One of the things it says is that they will expect the District to put lease proceeds into an account for the future use to replace property. We aren't getting any income from Knox if Knox is in the program. Second issue: the draft of legislation and how the District could put some of the lease proceeds into an account? Counselor Bassett asks, but how much? 1% or 90%? These are two questions that need to be discussed. Counselor Bassett suggests that the District needs an additional counsel to consult with on this issue. We need someone that knows Article 97, has worked with the EEA, and who has done negotiations on behalf of municipalities. Based upon a recommendation from Margaret Campbell, Counselor Bassett contacted Mirrick/O'Connell (Worcester). They will charge \$325/hour vs. the \$425/hour that they typically charge. She received an engagement letter from them but needs approval from the Commissioners for the District Manager to hire them. The Board discussed and reached consensus that it would be in the best interests of the District to hire our own attorney expert in Article 97 rather than to rely on the EDF attorney. This attorney would work with Counselor Barrett.

Mr. Stuntz moved to approve the Water District Manager hiring outside counsel of Mirrick/O'Connell of Worcester who will work on the District's behalf regarding Article 97. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Mr. Rosen moved to adjourn the open meeting at 8:10 PM. Ms. Amir-Lin seconded the motion and it was unanimously approved.