

Water Supply District of Acton

693 MASSACHUSETTS AVENUE
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Commissioners Meeting
Water Supply District of Acton
Meeting Minutes
December 5, 2011

The regular bi-monthly meeting was called to order at 7:35 p.m. on Monday, December 5, 2011 at the Acton Water District Office by Mr. Leonard Phillips.

Present: Commissioners Leonard Phillips (Chairman), Stephen Stuntz, and Ronald Parenti. Chris Allen, District Manager; Mary Jo Bates, District Treasurer/Collector; Mary Bassett, District Counselor; Matthew Mostoller, Environmental Manager; Lynn Protasowicki, Commissioners Secretary; David Butler & Chuck Bradley, Finance Committee Members; and Barry Rosen representing both WLMAC & WRAC.

A. Comments from Citizens

Mr. George Johnston representing ACES was interested in knowing the status of the new South Acton Treatment Facility. Mr. Allen stated that the proposed pilot study was submitted to the MassDEP on December 11, 2011 and informed the group that everything is on schedule based upon the proposed existing engineering budget. Mr. Allen stated that there was a reclassification of the Christofferson Well and that they are now looking at connecting the School Street & Assabet wells however they are not sure how this will impact the existing budget. Piloting will cost more money to tie-in both sites. The new treatment facility will use membrane technology. The new treatment facility is targeted to go on-line by September 2014.

B. Approval of Minutes from November 14th Meeting

Mr. Phillips moved to accept minutes of the meeting held on November 14, 2011 and Mr. Stuntz seconded the motion. The Commissioners were in favor of approving the minutes as amended.

C. New Business

Request for Transfer from Reserve Fund to Legal Accounts.

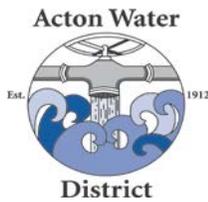
Mr. Allen informed the Commissioners that they had just adjourned the Finance Committee meeting prior to this open meeting tonight. Mr. Allen stated that during the discussion they talked about the new South Acton Water Treatment Facility and what costs will be incurred. He stated that Ms. Bassett gave an overview of the status of the Assabet Sand & Gravel pending litigation and what legal costs will be incurred. Mr. Allen informed the Commissioners that the request for transfer is due in part to the increased litigation costs between Acton Water District and Assabet Sand and Gravel. The amount requested to transfer is \$50,000. Mr. Phillips moved to accept the transfer and Mr. Stuntz seconded. The Commissioners were all in favor of transferring \$50,000 to cover legal costs.

Review and Discussion of Proposed Budget for Fiscal Year 2013.

Enclosed in tonight's packets to the Commissioners are the proposed budget for fiscal year 2013 and the proposed warrant articles for the 2012 annual meeting. Mr. Allen informed the Commissioners of the following increases in the 2013 budget:

1. Legal – this account doubled due to the Assabet Sand & Gravel pending litigation.
2. Maintenance & Operations – this account increased to support increasing costs of materials and services that are normal deductions from this account.
3. Meters – this account increased due to continuing phasing out of the old Trace meters and purchasing and replacing of the new Orien meters.

All documents referred to in meeting minutes are available for inspection at the office of Acton Water District, 693 Massachusetts Avenue, Acton, MA 01720 (978) 263-9107.



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4. Other Post Retirement Benefits – this new account addresses the funding required to pay the unfunded liability for health insurance for current employees after they retire.

Mr. Phillips asked how the District is addressing the fuel increase. Mr. Allen explained that the new South Acton treatment facility is being engineered for maximum energy efficiency and Leadership in Energy and Environmental Design (LEED) certification; Future vehicle purchases will be higher efficiency vehicles (hybrids, or other alternative); alternate energy use (i.e. solar energy) in future new treatment facilities is a technology being examined; and working on optimizing operating efficiency of all existing systems using hydraulic modeling (i.e. when to pump, when to rest sources, etc); and working on new flow meters to become automated. Mr. Phillips stated that this is all great information to add to the annual report.

Mr. Phillips inquired as to if there would be a presentation on alternative energy. Mr. Allen stated that he will approach Wright-Pierce or Renewable Energy Development Partners to come in and make a presentation to the board.

There was an overall 2 1/2 % increase in the 2013 fiscal year budget.

Other New Business:

Counselor Bassett stated that the lease at Great Hill Monopole expires in 2013. The lease is currently \$1,660 per month. The District received a letter from AT&T asking if they could pay less per month and be charged \$1,500 versus the \$1,660 they are being charged. The Commissioners said no to the rent adjustment. As the time for renewal gets closer, Counselor Bassett will prepare an RFP and require no less than \$1,700 per month in rent payments for that site.

D. Old Business

Update and Discussion of Pending Litigation for Encroachment of Assabet Sand & Gravel on District Land Off High Street in South Acton.

Enclosed in the Commissioners packets is the defendants response to the MassDEP letter and Counselor Bassett's "Motion to Strike" the same regarding the pending litigation for encroachment of Assabet Sand & Gravel on District land off High Street in South Acton. Counselor Bassett informed the Commissioners that the court has not ruled on the preliminary injunction. Wright-Pierce is having their hydrogeologist review the defendant's activities in the Zone I and will provide a response for submission by Counselor Bassett to the court. There is a hearing next week that Counselor Bassett will attend regarding the "Motion to Strike" and the filing of the District's further documentation in support of the motion for a preliminary injunction.

Water & Land Management Advisory Committee (WLMAC) for Approval of Member Job Description for Current Committee Vacancy.

Mr. Rosen asked the Commissioners if they received and reviewed the job description for the WLMAC member vacancy. Mr. Rosen stated that WLMAC is looking to use as a general job description. The Commissioners were happy with the job description and thought it was written well. The job description will be posted onto the AWD web site.

Currently, no one has expressed interest in the WLMAC vacancy.

Mr. Phillips moved to adjourn the meeting and Mr. Parenti seconded the motion. The meeting adjourned at 8:45 p.m.

Executive Session Minutes

Commissioners Meeting

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Executive Session Minutes

December 5, 2011

The Commissioners voted unanimously by a roll call vote to enter into Executive Session at 9:15 p.m. 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 and Ron Parenti, District Manager Chris Allen, Environmental Compliance Manager, Matt Mostoller and District Counsel Mary Bassett.

Attorney Bassett updated the Commissioners on the status of the case. The District has is still waiting for ruling on the motion for a preliminary injunction. The DEP has not wanted to get too involved but expects the District to vigorously pursue the case-in-chief as well as the motion for a preliminary injunction. The District is having Wright-Pierce give an opinion on the flow of groundwater to show the threat to the District's wells by the activities of AS&G and a further hearing is scheduled.

Mr. Stuntz moved to adjourn the executive session and moved to reconvene in open session at 9:30 pm. The motion was seconded by Mr. Parenti and on a roll call vote was unanimously approved.