



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

Board of Water Commissioners

Meeting Agenda

Monday, December 10, 2018 @ 7:30 PM

- **Comments from Citizens**
- **Approve minutes of November 19th and December 3rd meetings**

OLD BUSINESS:

- Review DRAFT FY '20 Budget and proposed Warrant Articles
- Update on status of the District's lease with Baldco, Inc.

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

Executive Session: To discuss strategy with respect to potential litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position of the District.

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Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, December 3, 2018

AGENDA

A. Review, approve and execute Order of Taking for 585 Main Street

Present at Tonight's Meeting:

Commissioners: Ronald Parenti (Chair), Stephen Stuntz, Erika Amir-Lin

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

The Board of Water Commissioners meeting was called to order at 6:30 PM on Monday, December 3, 2018 at the Acton Water District office by Mr. Parenti.

A. Review, approve and execute Order of Taking for 585 Main Street

Atty. Bassett presented the Commissioners with the Order of Taking for the Brewster Conant property at 585 Main Street. The award of damages for that taking will be \$1.095M per vote of the District at Special District Meeting. The closing is scheduled for December 10, 2018. The seller will provide the District a Title Insurance Policy as there is no clear title at this time, because of the age of the deeds and probate references in the chain of title.

Mr. Stuntz made a motion to approve and execute the Order of Taking. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Mr. Parenti moved to adjourn the meeting at 6:45 PM and it was unanimously approved.

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Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, November 19, 2018

AGENDA

A. Comments from Citizens

B. Approve Minutes of October 29, 2018 Meeting

C. OLD BUSINESS:

1. Update on Powdermill Place 40B Project.

D. NEW BUSINESS:

1. Review DRAFT Budget for Fiscal Year '20.
2. Accept and Execute Municipal Note for Purchase of 585 Main Street.
3. Summary from the First Public Forum on Creating an Agricultural Commission Related to the "Right to Farm" Community Designation.
4. Town of Concord's Land Court Filing Related to Nagog Pond Water Rights.

Present at Tonight's Meeting:

Commissioners: Ronald Parenti (Chair), Stephen Stuntz, Erika Amir-Lin
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Commissioner's Secretary: Lynn Protasowicki
Finance Committee: Dave Butler via phone, Chuck Bradley, Bill Guthlein
WLMC: Barry Rosen
Green Acton - Kim Kastens & Lucy Kirshner

Citizens: Terra Friedrichs

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, November 19, 2018 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

No comments tonight.

B. Approve Minutes of October 29th Meeting:

Mr. Stuntz motioned to approve the minutes of October 29, 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. Old Business:

1. Update on 2-4 Powdermill Place 40B Project.

Per the request of Mr. Parenti, Mr. Allen provided an update on the Powdermill Place 40B project here in Acton. Mr. Allen reminded the Commissioners that this project was discussed in an open meeting in

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March/April 2017 when the developer was looking for water supply. The District agreed to supply water to the entire development. The project was delayed due to determination of who would handle the waste water (either Acton or Maynard). Mr. Allen stated that originally, Maynard was supposed to take 100% of waste water but now it seems that the proponent is asking Acton to take it .

Enclosed in tonight's packet to the Commissioners is a copy of a letter from REMSERV to the Acton Town Manager and Board of Health and to the Maynard Town Manager and Board of Health providing full disclosure of the contamination of oil and hazardous materials at 2-4 Powdermill Road and actions they will take. There is also a copy of letter in tonight's packets that was sent in October from the District to Vincent Cuttone, EXVAC LLC, who is the owner of the Powdermill property making sure the license site professional is aware of the existing MCP guidance on testing for 1,4 dioxane at hazardous waste sites. In addition, the District is requesting that monitoring wells be installed during cleanup of the site to allow sampling the groundwater to determine if any contamination is migrating toward the District's south Acton wells. Also enclosed is a copy of letter from MassDEP to EXCAV regarding their responsibility of site cleanup at this property.

Mr. Allen attended a site meeting in August with Acton town officials, and there was a change in the design – originally, there was supposed to be an irrigation well, but that may change depending upon cleanup of the property. Mr. Mostoller stated that the water needs to be a potable source whether it's to be used for both pool and irrigation system. This alteration to the proposed water demand may require that the proponent submit an amendment to their "Water Impact Report", required by District regulations, and originally submitted back in March of 2017.

Ms. Kastens asked, how much water will the development use? Mr. Mostoller stated they we don't know because original estimates didn't include outdoor watering use.

D. New Business:

1. Review DRAFT Budget for Fiscal Year '20.

Mr. Allen highlighted a few areas of the DRAFT budget for fiscal year 2020.

- Short term debt increase is related to 585 Main Street
- Long term debt dropping
- Slight increase in meters to maintain enough inventory to support new projects that will require meters (page 3)
- Under Information Reports - negotiating with Water Smart for a renewal of the agreement that expires in June of 2019 . Mr. Allen mentioned that 31.7% of customers have registered for this service and we now have 4,000 customer emails. The plan is to renew the agreement with this 3rd party as the program has paid significant dividends in customer engagement, education and bill paying options.

Ms. Kastens asked, what are demand fees? Mr. Allen stated that the District charges the customer to connect a new service to the piping system.

Mr. Allen highlighted a few of the warrant articles including:

- Mitigation fund - there will be a Bi-annual leak detection survey of the entire piping system where funds will be drawn from mitigation fund. Typically, these funds are appropriated from Surplus Revenue. Funding this type of activity is an appropriate use of Mitigation funds.
- New mains in Indian Village - The annual appropriation of \$500k will constitute the final payment to pay off the short-term borrowing.
- Treatment M&O to come from the WR Grace Receipt Reserved for Appropriation Account.

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Ms. Bates stated that without voter approval the District cannot spend more than \$100K in Mitigation funds from the account that was established in 2018.

Mr. Allen highlighted the list of pending projects that have the potential for \$1.9 million in demand charges. These projects are known to us, but have not been formally applied for.

Deduction based on electrical demand of South Acton Treatment Plant - -\$175K from Lights, Power & Fuel (not included in any numbers). If the array is commissioned expeditiously, it may qualify for SMART Block 1, thus maximizing the lease revenue, potentially generating \$325k annually.. Since this array is yet to be commissioned, and progress has been slow, the timing is currently unknown.

Mr. Allen will discuss the draft budget again at December 10th meeting and then would like the Commissioners to approve the budget by the second meeting in January. This allows enough time to publish the warrant and Annual Report for the Annual District meeting to be held on Wednesday, March 20th at the Acton Public Safety Facility.

Mr. Rosen, Chairman of the Water & Land Management Advisory Committee (WLMAC), worked on a spreadsheet that looked at cost and debt. He compared the District to 20 other water suppliers, some of whom get water from MWRA. He stated that, at the time, the most expensive was Lexington, but now the District is more expensive than them. Should we look at a regional solution for water supply? He stated that the District may want to re-examine its financial model, and funding of its Capital Improvement Plan. Mr. Parenti stated that if we want to consider connecting to MWRA for the future we should start looking at this, it is worth discussing. He asked Mr. Rosen to put together a presentation for a future open meeting to summarize his findings.

2. Accept and Execute Municipal Note for Purchase of 585 Main Street.

Mr. Allen stated that the District is borrowing money for the purchase of 585 Main Street. The bid was awarded to Century Bank & Trust Company for the municipal note of \$1,095,000.00 at a rate of 2.5%.

Mr. Stuntz moved to accept the municipal note for purchase of 585 Main Street, Acton. Ms. Amir-Lin seconded the motion and it was unanimously approved.

3. Summary from the First Public Forum on Creating an Agricultural Commission Related to the "Right to Farm" Community Designation.

Mr. Allen mentioned that there is a push in town to become a "Right to Farm" community. There was a public forum held on 11/15 which Commissioners Parenti and Amir-Lin attended. Mr. Parenti stated that he found the public forum very informative. He was initially concerned because it makes it more difficult to file nuisance suits but apparently it doesn't override anything the District does. Ms. Amir-Lin stayed for the presentation and the audience Q&A. She stated that there is an exploratory committee who visited surrounding towns that have an Agricultural Commission; these are all the towns who border Acton except for Maynard who is mainly industrial. She did state that during the forum water resources was never discussed; and other Commissions not involved in water resource. The Acton Agricultural Commission is interested in having a conversation with the District. She noted that the District should stay present and visible. The Agricultural Commission will have another forum in January.

Ms. Amir-Lin mentioned that she was asked by a farmer, "Does the District do pesticide regulation within our jurisdiction?" Mr. Mostoller stated no, we do not.

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4. Town of Concord's Land Court Filing Related to Nagog Pond Water Rights.

Concord is taking legal action against the Littleton Electric Light & Water Department asking the Land Court to rescind all water rights given to Littleton by the Act of 1884. Mr. Allen stated that neither the District, nor the Town of Acton are named as a defendant in this lawsuit.

Counselor Bassett stated that Littleton has to either file an answer or file a motion to dismiss.

Mr. Stuntz asked should the Town of Acton rights to the Act of 1884 get turned over to the District because the Act was in place before the District was formed. Counselor Bassett said no, explaining that the District enabling act did not convey or allocate all water in the Town of Acton to the District; it gave the District power to purchase land etc. and with state permits, to construct and operate a water supply system.

Ms. Kastens asked Counselor Bassett why this is in Land Court and not in the Supreme Judicial Court. Counselor Bassett stated that this will probably be one of Littleton's arguments.

Ms. Amir-Lin would like to know how the District should approach this. Mr. Stuntz stated that the District should continue to support the Acts of 1884 and support the Town of Acton. The District needs to find out what the Acton Selectmen want. Mr. Allen stated that he will stay in contact with LELWD's General Manager and Littleton Town Counsel, Tom Harrington. Ms. Amir-Lin will stay in touch with Janet Adachi, Acton Selectmen and liaison to the District, to discuss the potential for a working group to discuss this topic and bring any recommendations to the respective boards.

Other Old Business:

1. Mr. Allen informed the Commissioners that the field pilot studies for Conant Wells 1 & 2 are complete using the Greensand Plus technology and biological filtration technology. The Engineer, Wright-Pierce, is writing the report which should be ready early in 2019, just after the New Year.

Mr. Parenti moved to adjourn the meeting at 9:25 PM and it was unanimously approved.

BALDCO, INC. Lease

CUSHING & DOLAN, P.C.

ATTORNEYS AT LAW

TOTTEN POND ROAD OFFICE PARK

375 TOTTEN POND ROAD, SUITE 200

WALTHAM, MA 02451

TEL. (617) 523-1555

FAX (617) 523-5653

EMAIL: LCUSHING@CUSHINGDOLAN.COM

WWW.CUSHINGDOLAN.COM

*LEO J. CUSHING
KEVIN N. DOLAN

OF COUNSEL
MARSHALL S. DAVIS
^BRYAN S. MACCORMACK

*ALSO ADMITTED NEW HAMPSHIRE BAR
**ALSO ADMITTED PENNSYLVANIA BAR
***ALSO ADMITTED RHODE ISLAND BAR
****ALSO ADMITTED ARIZONA BAR
*****ALSO ADMITTED NORTH CAROLINA BAR
^ALSO ADMITTED FLORIDA BAR
ALSO ADMITTED DISTRICT OF COLUMBIA BAR

*ANN M. CUSHING
GLEN F. SUTHERLAND
**TODD E. LUTSKY
CAITLIN E. CONRY
****PAMELA R. TANKLE
CATHERINE E. ALOISI
ROSS A. KRAJEWSKI
***KYLE G. MUNNS
THOMAS J. MCKINNON
KEVIN T. WILLIAMSON
ASHLEY A. GIGNAC
MARILYN J. GENTILOTTI
KATHRYN M. BARRY
JENNA R. WOLNETZ
BRENDAN M. MCGRORY
****WILLIAM A. MORGAN
PATRICIA WEISGERBER

November 20, 2018

Mary E. Bassett, Esq.
Of Counsel to McWalter, Baron & Boisbert, P.C.
30 Monument Square
Concord, MA 01742

RE: **Baldco, Inc. Property at 36 Knox Trail, Acton, Massachusetts**

Dear Attorney Bassett:

Please be advised that this law firm will be representing Baldco, Inc. ("Baldco") with regards to the above-referenced matter. This letter is in response to your letter dated November 12, 2018. Each paragraph below corresponds to the numbered paragraph in your lettered referenced above.

(1) With regards to the two screeners, a water truck, trailers, snowplows, tailing piles, concrete blocks, earth materials, sand and garbage which were observed by the District, on the Baldco parcel, have been removed. The three trailers on the north side of the property are in the process of being removed by Dexter & Harpell, Inc. (a/k/a "D&H Loam"). See Exhibit 1.

(2) D&H Loam has removed all materials on the northern parcel of the Baldco property and the material is now on the other side of the surveyor property line markers and on D&H Loam property. See Exhibit 2

(3) With regards to the tailing piles observed by the District, there is no longer any ongoing use by D&H Loam on the parcels leased by Baldco from the Town of Acton. D&H Loam does have some equipment located on the easement, which is on the property owned by Baldco. Baldco has requested that all equipment and material be removed from the easement. It is our understanding that D&H Loam will remove any and all property from the easement area. There is no longer a water truck on the Baldco property. See Exhibit 3.

(4) On the southerly portion of the property, all materials have been removed from Baldco property onto the property of D&H Loam. See exhibit 4.

Mary E. Bassett, Esq.
Of Counsel to McWalter, Baron & Boisbert, P.C.
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(5) With regards to the southerly area marked as a "no use" area, D&H Loam has a current active easement to use that area to access their own property and move their trucks. See Exhibit 5.

The easement has been in existence since 1993 and said easement is recorded at the Middlesex Registry of Deeds, Book 23269, Page 482.

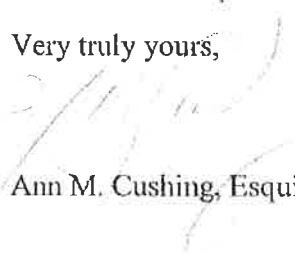
My client has in good faith, instructed D&H Loam to remove the equipment and materials from property leased by Baldco from the Town of Acton. Since your letter of November 12, 2018, most, if not all, equipment, tailings and other materials have been removed from the property leased from the Town of Acton by Baldco.

It is my client's desire to renew her lease with the Town of Acton and she would like a lease of a minimum of three years with a right to extend an additional three years. Please forward to this office the new lease agreement for me to review on behalf of my client.

Should you have any questions or need additional information, please do not hesitate to contact me.

Thank you.

Very truly yours,



Ann M. Cushing, Esquire

AMC:mcc

cc: Susan Armstrong, President

FY 2020 Budget and Estimated Revenue

	Actual FY 2018	Budget FY 2019	4 month actual	Budget FY 2020
EXPENSES				
Accounting	0	2,000		2,000
Audit	15,000	16,000	16,000	16,000
Auto Maint & Fuel	46,957	50,000	18,244	50,000
Backflow/Cross Conn	0	1,000	-	1,000
Short Term Debt		100,000	-	350,000
Long Term Debt	1,527,860	1,514,128	938,053	1,512,816
Chemicals	60,200	75,000	31,444	75,000
Computer Maintenance	13,080	16,000	4,463	16,000
DEP Withdrawal	598	6,500	-	6,500
Employee Education	13,683	17,500	3,956	17,500
Engineering	30,562	55,000	914	35,000
Health/Life Insurance	335,482	385,000	116,115	397,000
Hydrants	10,000	10,000	-	10,000
Information Reports	44,632	45,000	26,616	45,000
Insurance	77,221	82,000	82,000	86,000
Laboratory Analysis	40,907	50,000	14,025	50,000
Legal	37,483	40,000	10,600	40,000
Lights/Power/Fuel	350,000	375,000	120,520	375,000
Maintenance & Operations	456,381	325,500	116,992	325,500
Middlesex Retirement	203,213	222,170	218,063	247,600
Meters	39,912	60,000	48,934	75,000
Office Supplies	16,438	20,000	5,027	20,000
OPEB Expense	100,000	100,000	-	100,000
Paving	37,844	50,000	40,160	50,000
Petty Cash	600	1,000	300	1,000
Postage	16,948	20,000	3,917	20,000
Reserve Fund	0	100,000	60,000	100,000
Salaries & Wages	1,262,056	1,404,000	435,026	1,460,000
Telephone	16,000	20,000	5,326	20,000
Total	4,753,057	5,162,798	2,316,695	5,503,916
REVENUE				
Water Revenue	2,778,178	2,707,074	1,104,124	2,783,489
Service Fee	517,500	516,540	259,410	518,820
Debt Fee	1,552,500	1,515,184	760,936	1,833,164
Total Water Revenue	4,848,178	4,738,798	2,124,470	5,135,473
Fire Protection Sprinklers	40,140	40,000	38,259	40,000
Rent/Lease	121,449	102,000	35,914	120,000
Repairs/Installation	55,155	60,000	20,495	50,000
Cross Connection	23,560	22,000	13,076	22,000
Demand Fees	281,200	200,000	25,750	200,000
Total Other Revenue	521,504	424,000	133,494	432,000
Total	5,369,682	5,162,798	2,257,964	5,567,473
Mitigation Fee	127,430	0	60,790	

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FY 2020 Budget Total	5,503,916			
Warrant Articles	Free Cash	Mitigation	Grace	Bond
Carbon Replacement	0			
Residuals Management	100,000			
Clean Rehab Wells	90,000			
Replace Old Mains	25,000			
Emergency Main Breaks	25,000			
Treatment M&O			100,000	
New Mains/Debt	500,000			
Filter Cartridge Replacement	100,000			
Leak Detection		15,000		
Tank Rehab	45,000			
Acton Center Treatment Plant				10,000,000
Total	885,000	15,000	100,000	10,000,000
		Total all appropriations	6,503,916	
	Free Cash	Mitigation	Grace	
Current Balance	1,319,943	197,810	2,134,664	MKT
Balance after appropriations	434,943	182,810	2,034,664	
Funding needed from Revenue			5,503,916	
REVENUE:	FY 2018 Actual	FY 2019 Projected	FY 2020 Projected	
Water Rates	2,778,178	2,634,455	2,783,489	
Service Fee	517,500	518,820	518,820	
Debt Service Fee	1,552,500	1,677,518	1,833,164	
Total Water Revenue	4,848,178	4,830,793	5,135,473	
Fire Protection Sprinklers	40,140	40,000	40,000	
Rent/Lease	121,449	112,000	112,000	
Repairs/Installation	55,155	50,000	50,000	
Cross Connection	23,560	24,000	22,000	
Demand Fees	281,200	409,900	447,300	
Total Revenue	5,369,682	5,466,693	5,806,773	
Potential Surplus to add to Free Cash FY 19		303,895		
	Potential Surplus to add to Free Cash FY 20		302,857	



Services	6,721		
Units	8,647		
	per unit per quarter		
Debt Fee	53.00	1,833,164	
Service Fee	15.00	518,820	
			1,483,600
Revenue Projections FY 19	Through 12/31	2,849,471	1,260,200
	Jan	1,064,774	1,064,774
	Apr	1,022,219	1,022,219
	Cross Connect	10,600	4,830,793
	Repairs	30,000	
	Demands	409,900	Anthem & First Village & PO Crossing & 446 Ma
	Rent 9 months	81,045	
		5,468,009	
Revenue Projections FY 20	Demands	447,300	Avalon & Dover Heights
		901,700	Powdermill Place
	Solar Lease Revenue	325,000	SMART Block 1 ??
	Lights Power & Fuel	-175,000	
Pending Projects		Demand	Mitigation
Anthem Village	14 SF Units	103,600	
First Village	17 Units	125,800	
Post Office Crossing	6 SF Units	44,400	
Avalon Bay	86 Units	305,300	
446 Mass Ave	30 Units	106,500	
Dover Heights	40 Units	142,000	
Powdermill Place	254 Units	901,700	
34 Elm Street	3 SF units	22,200	
Genevieve Lane	8 SF units	59,200	
Piper Lane	40 Units	142,000	
		1,952,700	





Water Supply District of Acton

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P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

December 10, 2018

Proposed Warrant Articles for 2019 Annual Meeting (FY 20)

1. Appropriate **\$100,000.00 from the WR Grace account** for Maintenance & Operations (M&O)
2. Appropriate **\$100,000 from Surplus Revenue** for North Acton Residuals Disposal
3. Appropriate **\$90,000.00 from Surplus Revenue** for Clean & Rehab Wells
4. Appropriate **\$30,000.00 from Surplus Revenue** for Replace Old Mains.
5. Appropriate **\$35,000.00 from Surplus Revenue** for Emergency Main Breaks
6. Appropriate **\$45,000.00 from Surplus Revenue** for Storage Tank Improvements
7. Appropriate **\$500,000.00 from Surplus Revenue** to pay down short-term debt related to the Indian Village and Littlefield Road water main improvement
8. Appropriate **\$85,000 from Surplus Revenue** for the replacement of filter cartridges at the North Acton Water Treatment Plant

Total from Surplus Revenue = \$885,000.00 (Currently Surplus Revenue = \$1.32-million)

Total from WR Grace = \$100,000.00 (Currently WR Grace = \$2.5-million)