

# Water Supply District of Acton

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

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Commissioners Meeting  
Water Supply District of Acton  
Meeting Minutes  
January 14, 2013

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**Agenda:**

- A. Comments from Citizens
- B. Approve Minutes of December 10<sup>th</sup> Meeting
- C. OLD BUSINESS:
  - Update on State Revolving Fund (SRF) Funding of the South Acton Treatment Plant Project.
  - Discussion of Scheduling, Location, Content, and Format of Potential Future Meeting with Local Legislators.
  - Discussion of Scheduling a Future Meeting with the Town of Acton Board of Health (BOH).
  - Review and Discussion of Budget and Warrant Articles for FY 2014.
- D. NEW BUSINESS:
  - Discussion of Input for the 2012 Annual Report.
  - Discussion of Request for Proposal (RFP) for Renewal of Wireless Lease at 211 Main Street/Great Hill Tank.
  - Request that the Board Vote to Allow AWD Committees to Allow Remote Participation of Members Only During Their Meetings According to the Requirements of the Massachusetts Open Meeting Law (OML).
  - Discussion of DRAFT Master Plan Update.
- E. Executive Session: For Discussion of Pending Litigation

The regular bi-monthly meeting was called to order at 7:40 p.m. on Monday, January 14, 2013 at the Acton Water District Office by Mr. Ronald Parenti.

**Present at Tonight's Meeting:**

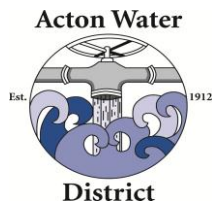
Commissioners: Ronald Parenti (Chairman), Leonard Phillips, and Stephen Stuntz.  
District Manager: Chris Allen  
Treasurer/Collector: Mary Jo Bates  
Environmental Manager: Matthew Mostoller  
District Counselor: Mary Bassett  
Commissioners Secretary: Lynn Protasowicki  
Finance Committee Member(s): David Butler  
WLMAC: Paul Malchodi and Greta Eckhardt

**A. Comments from Citizens**

There were no comments from citizens.

**B. Approval of Minutes from December 10<sup>th</sup> Meetings**

Mr. Parenti moved to accept minutes of the meeting held on December 10, 2012 and Mr. Phillips seconded the motion. The Commissioners voted in favor of approving the minutes.



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## **C. OLD BUSINESS**

### Update on State Revolving Fund (SRF) Funding of the South Acton Treatment Plant Project.

Enclosed in tonight's packets to the Commissioners is the Project Approval Certificate from the Massachusetts Department of Environmental Protection for the new South Acton Water Treatment Plant. Mr. Allen informed the Commissioners that the project was approved for funding of \$12,000,000 at a 2% interest loan.

### Discussion of Scheduling, Location, Content, and Format of Potential Future Meeting with Local Legislators.

Mr. Allen informed the Commissioners that he emailed in November State Senator Jamie Eldridge, and State Representatives Jennifer Benson and Cory Atkins inviting them to take part in a public meeting forum to discuss aging water infrastructure, financing upgrades and capital improvements for the Water District. Enclosed in tonight's packets to the Commissioners are response emails from State Representative Jennifer Benson and Senator Jamie Eldridge regarding dates and days that would work for their schedules. He is still waiting to hear back from State Rep Cory Atkins.

Mr. Allen asked the Commissioners if they should keep the meeting separate from the Annual meeting or as part of that meeting. He stated that, to date, the office hadn't heard many complaints from water takers since the implementation of the debt service fee. He feels as though the District has diligently informed the water takers through the website, Water Words and bill stuffers of the reasoning behind the debt service fee. Mr. Parenti stated that while spending time getting signatures at the transfer station he asked residents if they feel the impact of the debt service fee and the residents all stated that they hadn't noticed it. The big question remains if we hold an open public forum then how many residents would attend? Mr. Allen stated that he wants the meeting to be a worthwhile event for these State Legislators to attend.

Mr. Allen will email the State Legislators asking for available dates in the spring particularly the March 20<sup>th</sup> Annual Meeting date. He will propose an approximate 8 PM start after the business of the District is complete. The decision to hold separate meeting or as part of the Annual Meeting is still open for discussion. Once Mr. Allen hears back from State Legislators the Commissioners can make the final decision.

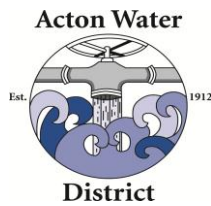
### Discussion of Scheduling a Future Meeting with the Town of Acton Board of Health (BOH).

Mr. Allen brought up to the Commissioners the discussion of scheduling a future meeting with the Town of Acton Board of Health. He stated that when the group met with the BOH in fall 2012 they determined that the two Boards should meet on occasion throughout the year and that the February 2013 meeting would be the next one that the Water Commissioners would attend at the BOH meeting. Mr. Allen will correspond with Doug Halley, Town of Acton Health Director, to schedule the meeting and to set an agenda. The Commissioners and Mr. Allen confirmed that some of the topics for discussion should be private wells connecting to the public water supply; relief on impact fee; and DEP credit on withdrawal limits.

Mr. Malchodi suggested new connections either waive or reduce impact fee. Mr. Stuntz would like to know how many individual wells there are versus apartment building wells. Ms. Bates will provide that information. She stated that the impact fee is \$5,040 and that there is one person on a monthly payment plan due to a financial hardship. Mr. Phillips stated that this type of delayed payment sets a precedent and should be looked at further; and what is the mutual benefit between water taker and Water District.

### Review and Discussion of Budget and Warrant Articles for FY 2014.

Enclosed in tonight's packets to the Commissioners are copies of the FY 2014 Budget and Warrant Articles. Mr. Allen informed the Commissioners that he and Ms. Bates met with the Finance Committee this afternoon. The big topic of discussion was the appropriation of \$600,000 from WR Grace Receipt Reserved for appropriation



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account for the design of the South Acton Water Treatment Plant. Mr. Allen stated that the Finance Committee would like to see this financed instead of using the WR Grace Fund. He stated that other than that change the Finance Committee voted to approve the budget as amended.

Mr. Parenti moved to accept the Finance Committee recommendations of the fiscal year 2014 budget and Mr. Stuntz seconded the motion. All were in favor of approving the fiscal year 2014 budget.

Mr. Parenti moved to accept the warrant articles as amended and Mr. Stuntz seconded the motion. All were in favor of approving the warrant articles for fiscal year 2014.

## **D. NEW BUSINESS**

### Discussion of Input for the 2012 Annual Report.

Mr. Allen stated that per the Commissioners recommendation the 2012 annual report will have charts from the Master Plan. Mr. Parenti confirmed that the report will be black & white, the Commissioners summary is one-page long; and figures projected town growth. Commissioners would like a chart that shows water use per individual. Mr. Parenti asked the Commissioners if there was anything specific to include in the one-page summary. Commissioners will work off-line and discuss.

Mr. Allen stated that the commissioners' input needs to be finalized by January 28<sup>th</sup>.

### Discussion of Request for Proposal (RFP) for Renewal of Wireless Lease at 211 Main Street/Great Hill Tank.

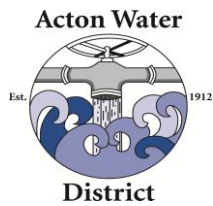
Counselor Bassett informed the Commissioners that she is currently working on the Request For Proposal (RFP) for a renewal of the wireless lease at 211 Main Street/Great Hill Tank. Enclosed in tonight's packet is the email that Counselor Bassett sent to Ms. Bates and Mr. Allen regarding her recommendation for a "minimum bid" requirement in the RFP. She recommends \$25,000 per year. Ms. Bates stated that CPI of 3% would be the only increase the current rent of \$20,205.96 by \$600. The Commissioners agreed to set the minimum bid at \$21,000.

### Request that the Board Vote to Allow AWD Committees to Allow Remote Participation of Members Only During Their Meetings According to the Requirements of the Massachusetts Open Meeting Law (OML).

Mr. Malchodi informed the Commissioners the reasons behind Barry Rosen's request that the Board vote to allow AWD Committees to allow remote participation of members only during their meetings according to the requirement of the Massachusetts OML. He stated that Mr. John Cipar will be working in New Mexico for the next few months and would still like to participate in WLMACs discussion of the District's long range plans and master plan. Counselor Bassett stated that she emailed Mr. Rosen the Massachusetts Open Meeting Law (OML) for him to review. She stated that per the OML a quorum must be present at the meeting site along with the chairperson or acting chairperson. All participants must be able to hear each other or if video, be able to see and hear each other. And that any votes taken must be roll call.

The Commissioners agreed that Mr. Cipar and WLMAC members can participate remotely according to the OML. Counselor Bassett will write-up as a District policy so that it can be reviewed yearly.

Mr. Parenti moved to accept the new policy subject to the new written policy and Mr. Stuntz seconded the motion. All were in favor of approving the new written policy.



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## Discussion of DRAFT Master Plan Update.

Mr. Allen stated that he had already been given Mr. Stuntz comments and Mr. Phillips also provided his comments. Mr. Parenti stated that the report appeared good and thorough but would like to have a table which lists all the recommendations by Wright-Pierce. Mr. Allen stated that this is in there and is called the Capital Improvement Plan (CIP). Mr. Phillips stated that Chapter 6 on the regulatory review read too much like "boiler plate" instead of what AWD typical results are. Mr. Phillips commented that he would like to see it related more to Acton then generalized. He also would like to have a table of acronyms added and to have the word spelled out first before the acronym is used. Mr. Stuntz was happy with the report and stated that it takes a lot of effort to pull together.

Mr. Mostoller stated that there is lack of specificity and is concerned with the assumptions that are made to achieve goals. He stated that the issue of capacity is not true and hasn't been true for a long time. He believes that portions of the report of based on theory not on real/actual information.

Mr. Malchodi of WLMAC stated that the group is in the process of reviewing the Master Plan and would like to provide their feedback and recommendations at the next open meeting on January 28<sup>th</sup>.

## **E. EXECUTIVE**

Mr. Parenti moved to go into Executive Session at 9:05 p.m. to discuss threatened and pending litigation as an open meeting may have a detrimental effect on the negotiating position of the public body, and then to reconvene in open session. Mr. Phillips and Mr. Parenti approved.

The Commissioners resumed regular session at 9:40 pm. Mr. Parenti made a motion to adjourn at 9:40 pm. Mr. Phillips seconded the motion and it was unanimously approved.

**Executive Session Minutes**

Commissioners Meeting  
Water Supply District of Acton  
693 Massachusetts Avenue  
Acton, MA 01720

Executive Session Minutes  
January 14, 2013

The Commissioners voted unanimously by a roll call vote to enter into Executive Session at 9:00 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, Steve Stuntz 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. Avidia Bank has intervened in the case and states that it intends to foreclose on the property. The Bank wants to meet with the District and it was agreed to propose a meeting for 1/25/13. The court has not ruled on the motion for reconsideration of the motion for a preliminary injunction. The bank has filed a motion to extend discovery, which the District opposes as it will further delay the case. The District is still interested in pursuing a purchase of the Assabet Sand property. The "no trespassing" signs will be reviewed and will be replaced if missing or damaged.

Mr. Stuntz moved to adjourn the executive session and moved to reconvene in open session at 9:40 pm. The motion was seconded by Mr. Parenti and on a roll call vote was unanimously approved.