

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, January 23, 2023

AGENDA

A. Comments from the public

B. Approve minutes from the 1/9

C. Appoint one Commissioner to sign warrants while conducting meetings virtually

D. OLD BUSINESS:

1. Per- and Polyfluoroalkyl Substances (PFAS)
 - Assabet 3 Update
 - PFAS Pilot Update
 - NAWTP PFAS Update
2. Review Draft Budget for FY '24
3. Review Proposed Articles for 2023 Annual District Meeting Warrant

E. NEW BUSINESS:

1. Citizen Petition for Rate Study Warrant Article

EXECUTIVE SESSION:

- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.

Due to the Covid-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was not held at the Acton Water District Office; instead, the meeting was held via Zoom Webinar and was recorded. The meeting was called to order at 7:00 PM on Monday, January 23, 2023, by Mr. Stephen Stuntz.

Present at Tonight's Meeting:

Commissioners: Erika Amir-Lin, Barry Rosen, Stephen Stuntz (Chair)

Assistant District Manager: Matthew Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: Bill Guthlein

Commissioners Secretary: Lynn Protasowicki

Public Present:

Kim Kastens, Mike Geis, Joe Robb, Ron Parenti, Chris Allen

A. Comments from the Public

Kim Kastens: the open space and recreation plan workshop last week had water protection prominently featured and looks like water will make it up to the high-level goals to protect Acton's critical environmental resources including ground and surface water, wildlife endeavors and habitats and ecosystems. That change seems to be very strongly supported from several influential communities and organizational groups. They will next be working on the open space parcel ranking.

Kim Kastens stated that in the public comments section at the January 9th meeting her comment for the Commissioners to please consider a water rate study was missed so she wanted to make sure that her comment was recorded.

B. Approve minutes from the 1/9 Meeting

Mr. Rosen motioned to approve the meeting minutes of 1/9/2023. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

C. Appoint One Commissioner to Sign Warrants While Conducting Meetings Virtually

Mr. Rosen motioned to appoint Erika Amir-Lin as the Commissioner to approve warrants while conducting meetings virtually until the next meeting of the Commissioners. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

B. OLD BUSINESS:

1. Per- and Polyfluoroalkyl Substances (PFAS)

Matthew Mostoller provided the update. No new sampling results are available.

- **Assabet 3 Update**

Still waiting on Mass DEP's approval.

- **PFAS Pilot Update**

This is underway at Acton Center. It's been going on now for two weeks. Everything seems to be going well. A major sampling event for the test will take place this week.

- **North Acton PFAS Update**

Received approval to put the North Acton PFAS retrofit out to bid. That document has been circulated in the Central Register, the Lowell Sun, and on COMMBUYS. We will have a bid opening in March.

2. Review Draft Budget for FY '24

Christine McCarthy updated the budget to show what the actual water bills for January were. She also updated the budget based on the Warrant Articles of what the available free cash will be after all the appropriations are approved.

She did get a quote from health insurance. We had factored in an 8% increase for health and dental. It looks like the average for health will be a 5.6% increase (it may go up by 10%) and the dental may go down by 3% (it could go up by 2%). This would be fiscal 2023 not 2024.

3. Review Proposed Articles for 2023 Annual District Meeting Warrant

There was a quick review of the proposed articles.

Article 11 – Christine McCarthy stated that we have gone over the Fiscal ‘23 budget for Lights, Power and Fuel by \$35,000 and that’s just covering some of the December bills. Hopefully by appropriating the \$150K it will help us get towards the end of the Fiscal year. The Finance Committee voted to recommend a reserve fund transfer for \$75K. Matthew Mostoller stated that the Commissioners will be taking up that request at the February 6th meeting.

E. NEW BUSINESS:

1. Citizen Petition for Rate Study Warrant Article

Matthew Mostoller stated that we have not received the formal petition with voter’s signatures. This is an informal presentation of the idea.

Enclosed in tonight’s packets to the Commissioners is a copy of this proposed article requesting a water rate study.

Kim Kastens stated that she has been circulating this overview to stake holders including the Green Acton Water Committee, the Acton Water District Finance Committee, and the Town Water Resources Advisory Committee and is now bringing it to the Water Commissioners for their input. She provided an overview of what the water rate study should include and why.

She mentioned that she recently wrote two articles for Green Acton about the relationship between water pricing, environmental justice, and conservation. And recognizing that there is a very large amount of debt on this warrant and a large amount of potential debt in the future.

Steve Stuntz: there is a difference between our users and takers. The people we bill are not necessarily the people who are using the water because it’s the property owners. Our frustration has been with the landlords and what they do with the water bill after they receive it. Kim Kastens: that is interesting – do you think there is a place in this study to look at that? Steve: that’s what is great about a study you can put a lot of things into it, and we know that some landlords upcharge the water bill. The problem is it does not flow through to the end user. Kim attended the monthly meeting of Housing and Climate Justice for Acton and they did talk about landlords and how they are not getting the PFAS information from them. As renters they are imperfectly connected to the water district. Erika Amir-Lin: what she has heard is that these renters don’t have control over when there are leaks because its older faucets and toilets and they don’t know how they are using their water. Information is restricted and the ability for tenants to improve their water usage is restricted. That is part of the piece that is much bigger than the District itself. Maybe the Town gets involved in this.

Steve Stuntz stated that our customers are not necessarily the end user. Erika Amir-Lin stated that we don't have jurisdiction over this. It's great to say we want to incentivize but we don't have jurisdiction over what they do in their buildings. Counselor Mary Bassett stated that there is a lot of state law between landlords and tenants. And she believes that its illegal to add any surcharge. Landlords are allowed to pass through the actual cost.

Kim Kastens: she will put in a sentence about understanding more about what our legal mechanisms under MA law to incentivize landlords and make sure renters are fairly charged. She is happy that we are having this conversation because it hasn't been mentioned in her discussions.

Erika Amir-Lin: what is the timeline? Kim Kastens: she needs 10 signatures and those need to be approved. And she would like Counselor Bassett to look at the article. Her goal is to have the signatures and another updated version to the Commissioners for their February 6th meeting.

Counselor Bassett stated that we would not include the summary in the article. She suggests having that as a separate page available for people to read before they vote. Kim will be able to speak at the Annual Meeting about it.

Bill Guthlein: should the study be funded? Steve: it will have to be funded but it will need to be part of a budget. As we fund the master plan it could be part of that plan. Erika Amir-Lin stated or a separate funding mechanism.

Barry Rosen: do you have some idea of how big a problem this is? It indicates that it's for folks who are having trouble paying their water bill. It seems to be directed towards a specific audience. Kim Kastens: it first started at incentivizing conservation. She sees a juggling act that incentivizing conservation pulls in one direction and keeping a reliable revenue stream pulls from another direction and not overburdening low volume water users who tend to be low-income water users pulls in yet another direction. She sees a complicated conundrum and how to make all these things happen at the same time which seems to be a complicated puzzle that is not going away. It's not solving one problem for one group of people it's solving a problem of contradictions and conundrums of different desires pulling in different directions. It's not about one group of water users. Barry Rosen stated that he isn't sure what we are really helping, or what changes are going to help solve all of these issues at one time.

Mr. Stuntz motioned to adjourn the open meeting and move into Executive Session at 8:00 PM to discuss the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

Next Meeting: February 6, 2023