

Board of Water Commissioners

Meeting Agenda

Monday, January 27, 2025 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meeting of 1/13
- Appoint one Commissioner to sign warrants while conducting meetings virtually

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Discussion of Additional PFAS Upgrades
- Review Draft Budget for FY '26 and proposed articles for 2025 Annual District Meeting Warrant
- Discuss Commissioners' Annual report
- Discussion of Power Purchase Options

NEW BUSINESS:

- Review Powdermill Place Water Connection Agreement
- Assignment of Lease at 104 Powdermill Road Rear

Present at Tonight's Meeting:

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

Finance Committee: John Petersen

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

Environmental Compliance Manager: Katy Orciuch

START OF MINUTES

Mr. Rosen opened the meeting at 7:01 pm.

Comments from the public

None at this time.

Approve minutes from the meeting of 1/13

Mr. Stuntz motioned to approve the minutes of 1/13/25. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Appoint one Commissioner to sign warrants while conducting meetings virtually

Mr. Rosen motioned to appoint Ms. Amir Lin to sign warrants until the next regularly scheduled meeting. Mr. Stuntz seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller reported to the board that no sample results are yet available. All three plants are in operation. January sampling will be conducted this week, with results available in February.

Discussion of Additional PFAS Upgrades

Mr. Mostoller has been in contact with the vessel manufacturer to nail down firm dates for delivery. The manufacturer doesn't believe they can be shipped sooner. Mr. Mostoller reported that the Bedrock Wells are on track for commission in May or June. This will ultimately depend on how MassDEP handles the approval process. There was a kickoff meeting with the instrumentation and controls contractor. Wright Pierce is set to work on both projects and will integrate both into the District's existing SCADA system network. The team on this project is going to begin work this week.

Originally South Acton was supposed to come online in late spring or early summer, but Mr. Mostoller warned this could be pushed to late summer or early fall. That is also the time Center Acton was slated to start so both projects have converged in timelines. The initial plan was to stagger the start dates which is becoming more of a challenge. The District will work with the contractors and engineers to artificially stagger the projects again, likely by asking one or both of the contractors to pause work at some point.

Mr. Mostoller informed the board that the PFAS Litigation has an upcoming filing date for the TYCO/BASF settlement on April 8th. Mr. Mostoller and Ms. McCarthy are both preparing for it. The initial escalator numbers from the Dupont/3M case have come in and are under review. Mr. Mostoller then informed the board that a future meeting will likely require an executive session because of the new CERCLA designation for PFOS and PFOA, which may broaden potential local responsibility.

Mr. Stuntz asked Mr. Mostoller about a Kelley's Corner Update. Mr. Mostoller informed Mr. Stuntz that the project is complete but there is an item under new business that concerns that area of Acton.

Mr. John Petersen asked if there is any insight into what might happen on the Federal level for PFAS MCL's. Mr. Mostoller had little speculation to offer but reminded everyone that even if the Federal government changes their regulatory limits, the District is still obligated to meet the state's regulations.

Review Draft Budget for FY '26 and proposed articles for 2025 Annual District Meeting Warrant

Mr. Mostoller presented another draft budget for FY '26. The only change from this draft and the last is an additional \$3,000 to the audit line item. The District solicited proposals and received no responses. Mr. Mostoller informed the board that the February 10th meeting will be a joint meeting with the Finance Committee where they can vote to recommend and approve the budget.

Moving on to the warrant articles, these have not undergone any changes since the last meeting. The only item in need of discussion is the \$100,000 borrowing for filter media. The reasoning behind this article is that if the District ran into a pressing need to fund a media replacement during FY '26, this would enable authorization. Mr. Mostoller added that due to project delays it is unlikely they will need media replacement in FY '26.

Discuss Commissioners' Annual report

Mr. Stuntz and Ms. Amir Lin were satisfied with the Commissioners' Annual Report. Mr. Rosen pointed out two small typographical errors.

Mr. Stuntz motioned to accept the Commissioners' Annual Report as drafted and to allow staff to make minor formatting or typographical changes to the report. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Discussion of Power Purchase Options

Ms. Orciuch shared a presentation with the board delving into the Districts power purchase options. Ms. Orciuch reported that she has been working with a non-profit consultant who helps municipalities find the best power options. Ms. Orciuch then reviewed the current account's set up, North and Center Acton are enrolled in the Acton Power basic plan which is about 27% green energy, South Acton is enrolled directly with Eversource and has similar renewable levels. The rest of the District accounts are enrolled in Acton Power Standard which has a higher renewable source level. South Acton also has solar credits.

Ms. Orciuch then reviewed the changes the District could make to their power purchase plans. The District could switch to Constellation and have increased savings. Ms. Orciuch then reviewed her calculations for the South Acton solar array, the cost savings with other power plans and their balance of renewable energy sources.

Mr. Rosen commented that Constellation looks like a better deal. Mr. Rosen wondered if South Acton would be able to enter in with Constellation at this time also. Mr. Mostoller added that the Town of Acton also uses Constellation for their power purchase opposed to enrolling in the Acton Power Choice program.

Ms. Amir Lin shared her thoughts, saying she also favored entering an agreement with Constellation, even though it is a slightly lower mix of renewables, the cost savings are clear. She added that if the District could enter into a 6-month agreement with the option to leave that would be an ideal trial run.

Mr. Stuntz agreed that it would be ideal to lock in for something longer than a month but shorter than a year. Mr. Rosen then commented on increased power expense when the new PFAS plants come online, and that he would be interested in getting all the plants and even headquarters in with Constellation.

The board then discussed this topic, highlighting the financial need for savings, and that the plants could be set to a lower renewable mix for cost savings, while the rest of the portfolio could be kept on the higher renewable mix plan. Mr. Mostoller thanked Ms. Orciuch for her work on this.

Mr. Petersen commented that the Finance Committee would be in favor of any cost saving measures to give the budget a break, and he agreed with Ms. Amir Lin's earlier point of mixing plans across the entire portfolio so as the whole the District can remain committed to renewables.

Mr. Mostoller and the board then briefly discussed the volatility of the energy market, and Mr. Mostoller asked the board for their guidance. Mr. Rosen recommended that they direct staff to try and aim for a plan with a good amount of green energy as long as there are still cost savings at the remaining facilities. Mr. Mostoller interpreted this as guidance to maximize savings while incorporating green energy as feasible to achieve a stable rate.

NEW BUSINESS:

Review Powdermill Place Water Connection Agreement

Mr. Mostoller informed the board that there is an update to this project, which has been in some form of negotiation for at least 9 years. The developer has stated that they are at the point where they would like to move forward with the permanent water connection as they make improvements in the public right of way. Mr. Mostoller expects the District to take in about \$1.3 million in fees from this project. One of the negotiation points is to allow the developer to deduct some costs to do work in the public right of way from the fees. The District has been trying to get the developer to install a new water main in that area to improve the service to the proposed development. The District has proposed an alternative to replacement of cleaning and lining the existing main with a similar process used in a previous projects. There is also ancillary work in the area that needs to be done, and Mr. Mostoller noted that cleaning and lining will not fix everything with that main, but will be more reliable. Mr. Mostoller reported that he met with Maynard because of the nearby terminus. Overall, there are several moving parts to this project, the costliest being the cleaning and lining and then the ancillary work.

Mr. Mostoller informed the board there is an ongoing discussion with the developer, and the current understanding is only a loose agreement, but Mr. Mostoller has laid out the rationale for work and to get the developer to perform and pay for the work.

Mr. Mostoller then asked the board to discuss the topic, noting there may be concerns about escalating costs of work and scope creep.

Mr. Stuntz commented that this kind of agreement should be carefully verified because it depends on a lot of trust. Ms. Amir Lin agreed with Mr. Stuntz that this is a project they should keep an eye on. She commented that she's pleased that Wright Pierce will provide oversight, but thought a legal review of the agreement would be helpful.

Mr. Mostoller commented that if the commissioners are on board with the project, they may authorize Mr. Mostoller and Mr. Holland to continue negotiations and finalize the agreement, or they can continue a dialogue with the board. He added that the developer is

looking to get this done quickly as vertical construction requires fire suppression in closer proximity than currently exists at the site.

Mr. Rosen expressed similar concerns to the other commissioners, and said he would like to see a more binding agreement written by the District.

Mr. Stuntz motioned for the board to direct Mr. Mostoller and Mr. Holland to draft an agreement for the Powdermill Place Water Connection. Ms. Amir Lin seconded the motion.

The board then discussed the open motion, the process, and timeline that they can accommodate.

Mr. Rosen amended the motion, that should Mr. Mostoller and Mr. Holland reach an agreement they believe is in the District's interests, that the board delegate Mr. Mostoller to sign for the commissioners. Ms. Amir Lin seconded the amended motion, and Mr. Stuntz accepted the amendment. The amended motion passed unanimously via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Assignment of Lease at 104 Powdermill Road Rear

Mr. Mostoller reminded the board that after nearly 11 years of negotiations, the board signed a lease with Baldco in August 2024 for the ongoing use of the AM radio towers at 104 Powdermill Road Rear. Baldco reached out requesting the lease be transferred to Money Matters Radio as the actual corporate entity operating the radio station. The lease as written does allow for a transfer, Mr. Mostoller confirmed he is in contact with the same representative, but there was some concern about the language of the lease and how that transfer could happen.

Ms. Amir Lin motioned for the lease between Baldco Inc and the District regarding 104 Powdermill Road Rear be transferred to Money Matters Radio Inc and that the Board authorize the District Manager, Matthew Mostoller, and District Counsel, Spencer Holland to facilitate this assignment including signing on behalf of the Commissioners. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Mr. Mostoller then had two additional items of New Business that were not anticipated.

The first new additional item regarded a water main break that happened Thursday January 23rd at 2:30 pm. Shut off was done by 4 pm, and this occurred on the Route 2 East bound ramp where Mass. Ave goes past Roche Brothers down to Piper Road. This section is served by an old water main that was not part of the Kelley's Corner improvement project, and the break was about 300 feet from the new main. The difficult location created a lot of

traffic, and the low temperatures led to some equipment failures and general slow progress. The break happened on a hydrant branch, which increased complication and made it a big replacement. Also, the crew had to wait for about 4 hours for the gas company to arrive on site to mark out the gas line, and because this is in MassDOT's jurisdiction, paving had to be completed before the road could be reopened. Mr. Mostoller extended his thanks to the crew for their work on this difficult break, and for coordinating with MassDOT. Mr. Mostoller also thanked the Acton Police Department and Highway Department for their assistance.

Mr. Rosen asked if this break caused any discoloration in the water. Mr. Mostoller affirmed that yes, they have been getting calls about discolored water related to the break.

Ms. Amir Lin asked if this break is a consequence of Kelley's Corner work. Mr. Mostoller replied it's possible, the break could have been caused by air in the line from the Kelley's Corner work, as they had many difficulties burping the air from the pipes in that location. Mr. Mostoller added that the cold temperatures could have also had a hand in causing the break.

As the last additional item of new business, Mr. Mostoller informed the board that Ms. Orciuch will be leaving the Acton Water District and returning to the Cambridge Water Department. He thanked Ms. Orciuch for all her work, especially on the District's solar credits and energy portfolio. Ms. Orciuch thanked Mr. Mostoller, the board, and the rest of the team in the district.

Mr. Stuntz motioned to adjourn the meeting. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Meeting Closed at 8:25 pm