



Water Supply District of Acton

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

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Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, January 28, 2019

AGENDA

A. Comments from Citizens

B. Approve Minutes of December 12, 2018 Meetings

C. OLD BUSINESS:

1. Review and Approve FY '20 Budget and Annual Meeting Warrant.
2. Updated from Second Public Session on "Right to Farm Community" Held on 1/23/19 and Discussion of Proposed Town Meeting Warrant Articles and DRAFT Bylaw.
3. Review and Approve the Commissioners Annual Report for 2018.

D. NEW BUSINESS:

1. Discussion of Proposed Public Sewer System Expansion in West Acton.

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 detrimental effect on the litigating position of the District.

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
District Moderator: Dick O'Brien
WLMAC: Barry Rosen and John Cipar

Paul Campbell, Town of Acton Engineering Dept.

Citizen: Michael Geis, 8 Tuttle Drive

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, January 28, 2019 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

No comments from citizens this evening.

B. Approve Minutes of January 14, 2019 Meeting:

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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Mr. Parenti motioned to approve the minutes of January 14, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

OLD BUSINESS:

1. Review and Approve FY '20 Budget and Annual Meeting Warrant.

Enclosed in tonight's packets to the Commissioners is the current draft of the FY '20 budget and annual meeting warrant. Mr. Allen pointed out one revision to the line item on the budget for the Engineering expense was raised back to \$55,000. The reason for this is due to the Kelly's Corner project ramping up in March/April of 2019, and the District is funding the design for the water main improvements in the project scope. Mr. Allen mentioned that the bid for the water main will go out in late 2021 and construction is projected to start in 2022.

Mr. Stuntz motioned to approve the FY '20 budget as presented. Mr. Parenti seconded the motion and it was unanimously approved.

Mr. Allen informed the Commissioners that there were a few changes in the Articles on the Annual Meeting Warrant. He stated that the District Finance Committee was concerned about the amount appropriated from the WR Grace Fund.

Reallocated the appropriations as follows:

Article 6: originally had \$100,000 coming out of M&O but will now come from Surplus Revenue.

Article 15: took the \$650,000 that was allocated for engineering work on the Acton Center Water Treatment Facility and proposed appropriation of \$200,000 from the WR Grace Receipt Reserved for Appropriation Account (WR Grace Fund). It will be pushed out to Calendar Year 2020. And, then moved articles so that

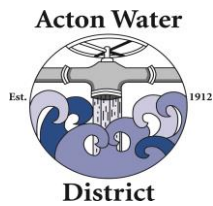
Article 16: has \$450,000 in short-term debt for engineering work on the Acton Center Water Treatment Facility. To buffer Article 16 a new article was created – Article 18: to transfer to the WR Grace Receipt Reserved for Appropriation Account the unexpended balance of \$80,000 which was from Article 8 of the Annual Meeting of March 27, 2018 for the piloting of treatment technologies for the Conant I & II wells after the completion of the project.

Mr. Stuntz motioned to approve the Annual Meeting Warrant as presented. Mr. Parenti seconded the motion and it was unanimously approved.

2. Update from Second Public Session on "Right to Farm Community" Held on 1/23/19 and Discussion of Proposed Town Meeting Warrant Articles and DRAFT Bylaw.

Ms. Amir-Lin and Mr. Parenti attended this public session. Ms. Amir-Lin stated that she asked the group for clarification on Section 4: Disclosure Notification specifically the line that states "...buyers and occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances." in the Acton Right to Farm By-Law

She did not receive a satisfactory answer from the group so she emailed Bettina Abe, Acton Conservation Assistant, who is forwarding Ms. Amir-Lin's question onto the Town Manager and Town Counsel. Ms. Amir-Lin mentioned that this disclosure notification section seems to be standard language with other towns. She thinks it may not need to be included, and could be deleted. Ms. Amir-Lin hopes to have an update soon and will share the response once she receives. Mr. Parenti mentioned that he doesn't see an issue with what they are doing here and that it has no impact on the Water District.



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Mr. Allen inquired as to whether there were any questions or concerns brought up about agriculture impacting water sources and any questions about fertilizer use. Mr. Parenti mentioned that there were some questions about fertilizer and wells and how owners who have wells might be concerned about fertilizer use. Ms. Amir-Lin mentioned that someone had raised the question - Can Agricultural Committee regulate pesticides in town? The answer was no. The committee could work with town to propose bylaws but by themselves they don't have authority. She suggests that when Agricultural Committee is created it will be good for the District to be involved.

3. Review and Approve the Commissioners Annual Report for 2018.

Mr. Stuntz motioned to accept the Commissioners Annual Report for 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Other New Business:

Mr. Allen stated that at the last meeting Dr. Kastens addressed how the Acton/Boxborough Regional School District (ABRSD) is looking to build a new school at the current site of Gates School. And she is advising the Water District to discuss with ABRSD water conservation options.

Mr. Allen informed the Commissioners that Matt Mostoller did reach out to John David (JD) Head, Director of Facilities and Transportation of ABRSD and those discussions have begun. Mr. Mostoller mentioned that the types of water conservation options ABRSD should be looking at include more efficient urinals, design elements for the hot water system, and HVAC design to name just a few, as these are great ways for savings. Mr. Allen stated that they will keep the Commissioners posted as discussions continue.

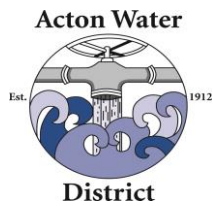
NEW BUSINESS:

1. Discussion of Proposed Public Sewer System Expansion in West Acton.

Mr. Parenti asked to put this item on the agenda because he has heard claims being made that septic systems are impacting our drinking water; that septic systems are endangering our water supply. And he wants to have this discussion to set the record straight.

Mr. Parenti introduced Mike Geis, who has been a friend of his for many years, and who has also heard these claims from other folks in town. Mr. Geis mentioned that about 10 years ago the Town pushed hard to run sewer lines through his neighborhood on Tuttle Road. He and his neighbors were told that all their septic systems were nearing the end of their useful life and that data from test wells indicated that their systems were polluting the District's water supply. They found this to be untrue based upon their own research and they voted to block the sewer extension. He and some of his neighbors have been attending the recent planning meetings for sewerage West Acton and are hearing these claims that septic systems are endangering the water supply. He mentioned to the Commissioners that from 1993-2009 the Town hired local citizens to collect water samples from several of the Town's streams to help measure E.coli levels. He presented this data to the Commissioners.

Mr. Geis stated that he is here on behalf of some of his neighbors who would like to hear what the District has to say on this topic. Mr. Parenti stated that what concerns him is that any statements concerning water supply and drinking water contamination from septic systems should be brought to the attention of the District and it has not been brought up. Mr. Geis asked the District whether looking at the E.coli data presented is a concern to their water supply. Mr. Allen stated that nitrates impact water supply, and are regulated with a Maximum Contaminant Level (MCL) of 10 Parts-per-Million (ppm). At the Lawsbrook well in South Acton on the Acton/Concord town line, the nitrate levels are rising due to the impacts from residential septic systems. At the Flannery O'Toole site off Massachusetts Avenue (Un-permitted potential well site) the nitrates levels rose



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during test pumping some years ago. Any bacteria or total coliform that shows up in testing of raw water is inactivated or removed by our treatment plants. Water that is filtered, and/or treated with Chlorine for disinfection typically is microbe free. We do test sources and the distribution system twice per month to confirm the absence of bacteria.

Mr. Mostoller wouldn't use this data set to draw conclusions. Using surface water to address source protection - we have done it before because we know there are connections between surface water and wells. Mr. Mostoller stated that some of the information is useful but shouldn't use these slides as an alarm. People need to be careful about statements saying water resources are being impacted not drinking water sources. Acton treats all groundwater as potential drinking water. We don't have enough of analysis in this area to understand what kind of activities are going on here. Mr. Parenti, "should we get involved in these discussions?" Mr. Mostoller, "yes, we do have some commentary on it."

Mr. Parenti commented that if there was a possibility that if a large portion of the Town were sewered, would that have an impact on recharge? Mr. Mostoller stated that water imbalances occur if you discharge to rivers or oceans. There are minimal issues with recharge if there was 100% sewerage. There would need to be multiple discharge points.

Mr. Parenti stated how much should the District get into these discussions about sewerage in town? If we are thinking about a treatment facility in West Acton and there are some nitrates in that area then we may want to have discussions with the town. Ms. Amir-Lin would agree with that.

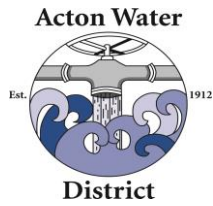
Paul Campbell, Town of Acton Engineer, mentioned that he is town representative on the West Acton Sewer Committee. He presented to the Commissioners a map/summary that identifies areas in town that need improving water quality. And the main area that has the highest priority right now is West Acton Center. This map was part of a report that was required by MassDEP.

Ms. Amir-Lin asked Mr. Campbell about the time frame of those discussions with Acton/Boxborough Regional School District and West Acton for sewer? He mentioned that the School District is looking to have the new Gates School open by fall 2022 which means that the Town would need to have the process for a sewer design started this year. The Town is seeking approval for a survey and feasibility study at this year's Town Meeting for the purpose of aligning with the school timeline and to further study the project feasibility. Ms. Amir-Lin inquired as to if the new school doesn't get built what then happens? Mr. Campbell stated that though there is no hard deadline to get sewerage done, the West Acton Committee is currently studying project feasibility with and without providing sewer to the school property. The funding request for survey and a feasibility study could proceed if the school project goes forward and is approved by the Selectmen/Acton Sewer Commissioners.

Mr. Parenti stated that he just wants the residents to have the correct information to make an informed decision for voting purposes.

Other New Business:

Mr. Allen informed the Commissioners that the District received a tax bill for 585 Main Street looking for 3rd and 4th quarter real estate taxes. The bill is for \$5.62. Counselor Bassett stated that the District has never paid a real estate tax bill. The Commissioners agree that the tax should be abated. Counselor Bassett will continue to pursue the abatement with the Town of Acton Assessor.



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Mr. Parenti moved to adjourn the open meeting at 8:40 PM and motioned to enter into Executive Session at 8:41 PM 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 detrimental effect on the litigating position of the District and to reconvene in open session. Ms. Amir-Lin seconded the motion and it was unanimously approved by roll call vote.

Board of Water Commissioners
693 Massachusetts Avenue
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EXECUTIVE SESSION MINUTES
January 28, 2019

Mr. Parenti moved that the Commissioners enter into executive session at 8:40 pm, pursuant to MGL, Ch. 30A, sec. 21A (3) to discuss strategy with respect to potential litigation in the case of Town of Concord vs. Town of Littleton and Town of Littleton vs. Town of Concord, as an open meeting may have detrimental effect on the litigating position of the District. It was seconded by Ms. Amir-Lin.

Roll call vote: Mr. Stuntz, aye, Mr. Parenti, aye, Ms. Amir-Lin, aye.

Mr. Stuntz also moved that after the executive session that the Board reconvene in open session.

Roll call vote: Mr. Stuntz, aye, Mr. Parenti, aye, Ms. Amir-Lin, aye.

Present:

Commissioners: Stephen Stuntz, Ronald Parenti, Erika Amir-Lin

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Attorney Bassett briefed the Commissioners on the Docket Entry for the Land Court case. It was noted that the Judge in this case will be retiring prior to any rulings. Concord has objected to the District intervening in this case. A reply will be drafted for the February 1st deadline which Attorney Bassett discussed the major points to be addressed. It was noted that this would not set a precedent until an Appellate Court rules to uphold the decision.

Ms. Amir-Lin and Mr. Allen discussed the working group with the Town of Acton. A Press Release is being drafted for joint release by the Town and District.

Attorney Bassett then briefed the Commissioners on the Supreme Judicial Court case. The next steps being rulings on Concord's motion to dismiss and Littleton's motion to consolidate the two cases. A discussion about ownership versus regulation as it relates to water rights occurred.

Mr. Parenti moved that District Counsel take appropriate legal actions to preserve the District's rights in both cases. Ms. Amir-Lin seconded the motion.

Roll call vote: Mr. Stuntz, aye, Mr. Parenti, aye, Ms. Amir-Lin, aye.

Mr. Parenti made a motion to adjourn the Executive Session and entered into open session at 9:17 pm. It was seconded by Mr. Stuntz and unanimously approved.

Roll call vote: Mr. Stuntz, aye, Mr. Parenti, aye, Ms. Amir-Lin, aye.

Ms. Amir-Lin made a motion to adjourn the meeting at 9:18 pm. It was seconded by Mr. Parenti and unanimously approved.