

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, February 7, 2022

AGENDA

- A. Comments from the Public
- B. Approve minutes from the meeting of 1/22/22
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually
- D. Paul Malchodi for the Friends of the Bruce Freeman Rail Trail

E. OLD BUSINESS:

- 1. Request from Friends of Gardner Field for a Drinking Fountain/Bottle Filling Station
- 2. Per- and Poly-Fluoroalkyl Substances (PFAS)
 - Current sample data, if available
- 3. Update on Assabet #3 Well Project
- 4. Update on Central Acton Water Treatment Plant (CAWTP) Project
- 5. Approve Land Lease for Ground-Mount Solar PV Array at 16 Knox Trail

F. 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 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. The meeting was called to order at 7:00 PM on Monday, February 7, 2022, by Mr. Barry Rosen.

Present at Tonight's Meeting:

Commissioners: Erika Amir-Lin, Barry Rosen (Chair), Stephen Stuntz
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Commissioners Secretary: Lynn Protasowicki

Public Attendees: Paul Malchodi, Friends of Bruce Freeman Rail Trail

A. Comments from the Public

No comments this evening.

B. Approve Minutes from the Meeting of 1/22/22

Mr. Rosen motioned to approve the minutes of January 22, 2022. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

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

Mr. Rosen motioned to appoint Ms. 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: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

D. Paul Malchodi for the Friends of the Bruce Freeman Rail Trail

Paul Malchodi mentioned that he is on the Board of Directors for the Friends of the Bruce Freeman Rail Trail. The Friends has been around for 20 years.

Marcia Rasmussen of Concord suggested a connection between the rail trail and the School Street Fields.

He got involved in this and stated that there are two obvious ways to connect this rail bed to these fields.

He proposed two ways to do this (he posted map showing the routes he proposed):

The Blue Route comes out west of Nashoba Brook where the bridge over Union Turnpike is already coming down where there is a sloped berm. The berm was put in by the contractor in hopes of a ramp to be installed at a later date. From there run on prison land or Rt 2 right of way land. 10-foot-wide sidewalk to left of field. Then that's where the routes would divide. One would continue on the Rt 2 right of way. The Red Route - comes along School Street edge of field. The other way would be to head over the tractor path and stay adjacent of the tractor path and build the path behind the field. Build a consensus with Mass Highway and Town of Concord and Town of Acton to get funding from the state to build one of these two paths.

Paul Malchodi sent a note to Chris about this because it proposes an interesting long-term potential for the District which is that all the parcels are owned by the District (green dots – see map Paul used during his proposal). If the District were interested we could look at extending extend this connection all the way to Lawsbrook Road. Why would we want to go to Lawsbrook Road – Lawsbrook Road gets us closer to the Assabet River Rail Trail. The parcels south of Lawsbrook Road there could be a paved trail along Lawsbrook to Parker Street.

Something to think about for long term planning is can we connect to Lawsbrook Road? If we can that would require Water District participation. Paul Malchodi is suggesting that when the District is talking about the 5–10-year plan, would it be feasible to allow a non-motorized trail path across District land to connect to the School Street fields to Lawsbrook Road.

Paul Malchodi stated that he is going to have meeting with interested people in Concord within the next 4–6 weeks to talk about how we approach this and where we find the strongest groups supporting the two route proposals.

Steve Stuntz: he likes the idea and likes the trail on the backside of the fields and not on the streets. He likes the Red Route plan.

Erika Amir-Lin: what is the timeline in starting construction on this type of project? Paul Malchodi stated that he doesn't have an answer for that. It takes years. Ms. Amir-Lin stated that it's a timely request as we are updating our Master Plan and it will allow us time to discuss.

Barry Rosen: who is responsible for maintaining the trail? Paul Malchodi stated that the town is responsible for maintaining the trail within their town.

E. OLD BUSINESS:

1. Request from Friends of Gardner Field for a Drinking Fountain/Bottle Filling Station

Mr. Allen and Mr. Mostoller met with Melissa Rier, from Acton Park & Rec and Paul Swydan, from the Friends of Gardner Field and went over a few drinking fountain/bottle filling station options. They agreed upon the HAWS unit which costs around \$4,500. Mr. Allen stated that the District could either provide some money towards the unit or purchase the entire unit. The Rec Department will install the unit and would maintain it. The District will inspect the unit after it has been installed. Mr. Allen mentioned that the District did purchase a unit for Nara Park back in 2015.

Mr. Rosen is requesting that a unique piece of signage be added informing that the District sponsored this unit. Paul Swydan stated that he would be happy to take that up with the Town. He noted that a sign is being created that recognizes the donors to the field and will add the District to that sign.

Mr. Mostoller inquired as to whether this would be a direct donation to Town or to the Friends? Paul Swydan stated that whatever the District feels comfortable doing. The money that is raised will be going to Town anyway because they sign the contracts so probably easiest to give directly to Town. Mr. Rosen stated that the District will purchase the unit and will present it to the Friends.

Mr. Stuntz motioned to approve the District to purchase the HAWS drinking fountain/bottle filling station for the Gardner Field renovation project. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen

2. Per- and Poly-Fluoroalkyl Substances (PFAS)

- Current sample data, if available

Matt Mostoller: Our January results from North Acton Water Treatment Plant include 16.9 Parts Per Trillion (PPT) for treated and 21.8 PPT raw; we are seeing pretty stable numbers. Our January results for the South Acton Water Treatment Plant (SAWTP), the lab went past the hold time so had to resample on January 31st so won't see results for a couple weeks.

Chris Allen: since January 6th we have been discharging Clean in Place (CIP) waste from the SAWTP to the Wastewater Treatment Plant per Acton's approval. Yet to be determined on the impact on Assabet 1A will be.

He received the secondary agreement from the Town for \$450K from Acton's American Rescue Plan (ARPA) Act funds. They are having a consultant administer it. He has a document to execute. He is working with the District Treasurer to make sure that the certification he is signing off on are valid. It's like a grant program. We have to do a risk assessment with their consultant and fill out an to get authorization for the funds.

He and some of the District staff are having a Zoom meeting on Wednesday morning with the two Mass State reps' aides; Sena and Gouveia, to discuss potential funding for PFAS through State and ARPA.

3. Update on Assabet #3 Well Project

Chris Allen: We had a pre-construction meeting last Wednesday with N. Granese & Sons. Talked about logistics and he has to provide a proposed schedule. This may be impacted by long lead times ordering some components.

4. Update on Central Acton Water Treatment Plant (CAWTP) Project

Chris Allen: We did a certification inspection with Margo Webber, of Mass DEP. Water quality from plant has been good. We are waiting on certification letter to be able to pump to system. The engineer did a Fluoride trace study to determine regulatory disinfection parameters, and that memo will be sent to DEP tomorrow. We should have certification soon.

5. Approve Land Lease for Ground-Mount Solar PV Array at 16 Knox Trail

Peter Bay from EDF Renewables is present tonight for this discussion.

Enclosed in tonight's packets to the Commissioners is a copy of the solar land lease with WeBo Solar Partners, LLC. This is for the 4.88-acre parcel at 16 Knox Trail.

Mr. Stuntz moved to approve the Knox Trail land lease as presented this evening. Ms. Amir-Lin seconded the motion. Some discussion was made.

Barry Rosen: has two concerns with the lease. It is different than the Lawsbrook Road lease which is a land lease with payments to the Water District. For the Knox Trail lease, the Acton Water District is the lessor and the sole purchaser of power produced by the lessee, WeBo Solar Partners LLC. There is a small payment made to the District of \$47,000,000 per year for the land lease. Then the AWD pays a variable rate for the power produced by the solar array. The PPA contains a discussion of how the rates will be set and runs congruent with the land lease.

His first concern: as the sole purchaser of power, it is expected that there will sufficiently power to provide all the power requirement to the SAWTP should there not be sufficient power during the life cycle of the solar array the District may want to make changes. This could include inducing the current owner to upgrade or replace the panels or look for another power provider. Currently the way the contract is written is that this could only be done at the end of the lease or during the beginning of an extension period only if the extension period were deemed extended by mutual agreement. Currently they are not extended by mutual agreement; they are extended only by the lessee every 5 years.

His second concern: At conclusion of the lease there is a period that is allowed to dismantle of the project and materials disposed of. It can be done by the lessee or left to the AWD if the lessee does not dismantle it. If left to the AWD, it is up to the AWD to complete the dismantling and dispose of materials and invoice the lessee for any expenses incurred by the District. His questions include: Does the lessee have funds set aside during the term of the lease to provide for the cost of the dismantling and disposing of the solar array? Does the AWD have a security available for it should the lessee at the end of the lease not be able provide or be able to provide the dismantling and disposal? And can the AWD assure it will not have a \$250K expense at the conclusion of the lease?

Peter Bay: regarding the decommissioning – we don't have decommissioning bonds or instruments to provide assurance to folks that the array will be decommissioned fully. Maybe 50% of our projects have an instrument. The value of the material you are disposing from the site out ways the cost of removing it from the property. When we heard about this concern from the District, he got together with his CEO and some others and decided that EDF will put together a \$250K decommissioning bond. We just need to time it so that the bond is issued once the project is about to go into operation.

Barry Rosen: can one of our attorneys add the wording that at the initiation of producing power EDF will cover \$250K bonding to assure the decommissioning. Peter Bay stated that yes that is acceptable. Mary Bassett stated that she will update the lease to reflect that information.

Barry Rosen: why do you have the five-year renewals as solely done by WeBo Solar Partners rather than having it as a mutual thing where we (the District) are getting enough power and not 75% power at the end of 25 years? Peter Bay: the modules are warranted for 25 years, and they are warranted to degrade by a maximum of ½ percent per year. And there is a significant movement by manufacturers to extend their warranties to 40 years. And that is a result of them getting more confidence that they're going to be able to function at higher levels over that time period. It gives EDF more confidence that after year 25 we will

be able to assess is the project still operating as planned. If there looks like there is an issue the project company, Standard, will decide about whether or not it's worth operating anymore.

Mr. Stuntz moved to approve the amended lease to include the \$250,000 decommissioning bond. It was seconded by Ms. Amir-Lin as amended and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen

F. NEW BUSINESS:

Barry Rosen acknowledged that Mary Jo Bates, District Treasurer, is retiring at the end of September 2022.

It is with both sadness and joy that I read the letter of resignation of our treasurer Mary Jo Bates. I hope that MJ feels the same way. The Acton Water District, our residents and even our vendors and contractors have greatly benefited from the knowledge and organization that Mary Jo has brought to the District and its finances.

As usual, Mary Jo is a great planner and one who looks well ahead of things, so she provided the commissioners with a more than ample window of notice. As large as it is, it may take the commissioners that much time to locate and hire a new District Treasurer. Notice I did not say replacement because I do not think that the talent and expertise of Mary Jo with 21 years of service to the District can be duplicated in a single newly hired individual.

Of course, the District's commissioners have depended upon Mary Jo's advice and counsel for a long time—both past and present commissioners. I can tell you that as the newest commissioner, she has helped me understand the financial doings of the District over the last 3 years that I have served. As far as I am concerned, you have the AAA rating.

Mr. Rosen motioned to adjourn the open meeting at 8:45 PM. Mr. Stuntz seconded the motion, and it was approved unanimously by a roll call vote: Mr. Stuntz, Ms. Amir-Lin, and Mr. Rosen. Mr. Rosen moved to enter into Executive Session at 8:45 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, and not reconvene in Open Session..