

Board of Water Commissioners

Meeting Agenda

Monday, February 12, 2024 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meetings of 1/22 and 2/1
- 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
- Update on 549 Main Street
- Review Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant
- Discuss Annual Report

NEW BUSINESS:

- Update on District Financial Auditor

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.

Present at Tonight's Meeting:

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

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett, Spencer Holland

Environmental Manager: Alexandra Wahlstrom

Members of the Public: Bill Guthlein, Alissa Nicol, Ron Parenti, Carolyn Kiely

START OF MINUTES

Ms. Amir Lin opened the meeting at 7:02 pm.

Comments from the public

None at this time.

Approve minutes from the meetings of 1/22 and 2/1

Mr. Stuntz motioned to approve the minutes for January 22, 2024. Mr. Rosen seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin

Mr. Rosen motioned to approve the minutes of February 1, 2024. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Appoint one Commissioner to sign warrants while conducting meetings virtually

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

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller provided the Board with an update on the January sample data. North and South Acton were sampled on January 11th, North Acton was at 16.9 ppt, and South Acton was at 15.1 ppt. On January 25th Center Acton was sampled, and it came in at 6.4 ppt. February sampling started on February 7th. At this time both Center and South Acton are in operation.

Mr. Mostoller informed the Board that given the schedule for the North Acton project, he is unsure if North Acton will be in use at all in the month of February.

Ms. Amir Lin commented on this trend of low sample results. Mr. Mostoller responded that this is likely because December was especially rainy, which may have diluted the samples. Mr. Mostoller informed the Board that these sample results were sent to the PFAS Update email list earlier today.

Mr. Stuntz asked Mr. Mostoller about a question from the public that they had received, Mr. Mostoller responded that he is working on a response to those questions.

Ms. Amir Lin asked Mr. Mostoller about the speed of the lab processing times. Mr. Mostoller turned the question to Ms. Wahlstrom who replied that the turnaround time has been very quick lately, with an average of two weeks. While they hope this pace continues, Mr. Mostoller advised the Board that if lab processing slows, it could delay the DEP's final approval of North Acton.

Discussion of Additional PFAS Upgrades

Mr. Mostoller went on to provide an update on the PFAS projects. Regarding South Acton, they received MassDEP's approval of the proposed design with little feedback. One notable piece of feedback was

about permit conditions at the site for discharging into the lagoon. MassDEP noted that they have the ability to use the lagoon but that may change in the future, and may require a permit, ongoing sampling, or a complete halt on the lagoon discharge. Due to the broad and open-ended nature of this feedback Mr. Mostoller is reaching out to get more information on this.

For Center Acton the engineer is putting together a package for the work near the regulated wetland buffer areas, they don't believe the work will cross the buffer boundary. The items of pre-bid have hit the open market. The prefabricated building is out, the GAC vessels, and the VFDs for Center Acton, including the bedrock wells are out. The bidding will conclude at the end of the month and in March the full construction will be out for bid. Ms. Amir Lin asked about the timeline for awarding those bids. Mr. Mostoller responded they can expect those contracts to be awarded no later than June 15th.

Regarding North Acton they are making progress, and the majority of the work to be done is electrical. The VFD's arrived a week and a half ago, and earlier today they were scheduled to be hung on the walls. The preliminary date for the GAC delivery is February 26th, which they expect to be a weeklong process. The supplier, Suez, informed them that they expect their field service representative to be there during that week and the following week to do the commissioning of the filters. This project will have a progress meeting tomorrow morning where additional information on progress and schedules will be available. The engineer denied the 60-day contract extension, which they expect to be the focus of tomorrow's meeting. They found no validity behind the request for the additional time, and they are requesting substantial completion on February 29th. Substantial completion in this case means that water can run through the filtration system. There will be other start up activities, and there will be field trials, so final completion will be sometime in the spring when the GC can do the final grading and other outdoor work.

Mr. Rosen asked if the subcontractor is the source of delay. Mr. Mostoller responded that that had been a previous issue but now that the electrical is moving forward some of the GC's work has fallen behind but its not anything serious that can't be resolved. Mr. Mostoller informed the Board of their goal for having actual operation of the system in late March. Ms. Amir Lin asked if they were pushing to have the operation up before summer demand, Mr. Mostoller affirmed that that has been conveyed.

Update on 549 Main Street

Mr. Mostoller brought the Board up to speed on 549 Main Street. The aim was to have the CR finalized for February 1st, this deadline has not been met as there was some back and forth with the CR co-holders that delayed this finalization. Wednesday this week they will have a meeting and they can hopefully submit the necessary paperwork to the state on Thursday. However, because of this delay the permanent financing is in question, as they are not sure if there is enough time to meet the bonding obligations, turn around the CR, and get third party funds in house. Mr. Mostoller and Ms. McCarthy have been working through the available options and hope to resolve this after the meeting on Wednesday.

Ms. Amir Lin asked when the deadline is to apply for permanent financing. Ms. McCarthy explained that the deadline to begin that process has already passed.

Mr. Mostoller let the Board know that they are exploring options to request money from the MVP grant. One requirement of this is signage and education materials which Ms. Wahlstrom has been working on.

The costs of this signage are higher than anticipated so they are requesting the MVP grant to accommodate that increased expense.

Ms. Amir Lin asked if there is a proposed timeline to meet signage requirements, and if it is tied to funding. Mr. Mostoller responded that in discussions with one grant program, they'd be willing to be lenient if they know the materials are in progress or need to be installed, they're prepared to work in good faith. They will continue to be in discussion with the other programs about this.

Review Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant

Ms. Amir Lin directed the Board to continue their review of the FY '25 Budget and the proposed articles for the 2024 Annual District Meeting Warrant. Mr. Mostoller suggested that he review the final article, which concerns the changes to the District bylaws first. Mr. Mostoller explained that he wanted to share the intent of the article with the Board, though they are still in the process of finalizing the language and process. They expect at the February 26th meeting they will be ready to close the warrant. Ms. Amir Lin agreed to this, and Mr. Mostoller went on to explain the context of the proposed bylaw article.

Mr. Mostoller explained that the primary area of change is section 15, where they expect to strike much of the existing language and replace it with new language that matches what the state would consider a Model Bylaw as part of our amended Water Management Permit. Mr. Mostoller then went on to explain how Acton's unique separate bylaw restricting sprinklers affects this process. Mr. Mostoller then discussed additional changes to the bylaw to reduce seasonal and daily peak water use, water efficiency and conservation, and the outdoor water use section. He explained that some of the changes to update the language have caused them to update other areas, so they work better together. The nature of these changes is 3 sections of the bylaw that deal with restrictions, irrigation systems, and water conservation and efficiency and getting them to work together. Mr. Mostoller explained their work process thus far and shared some of the draft language on screen. Mr. Mostoller went through some of the specifics like the applicability of some definitions, the declaration of a state of water supply conservation and emergency, and the automatic summer restriction already in place. After walking the Board through that framework of the bylaw language changes, Mr. Mostoller asked the Board if they had any questions on this proposed article.

Ms. Amir Lin asked if these changes would bring the District into harmony with the state's standards. Mr. Mostoller answered that much of the language is similar to what is already in the bylaw and explained that one of the conditions of the pending Water Management Act permit is having a bylaw that matches the state's model bylaw in place by May 1, 2024.

Mr. Amir Lin then asked how this will be presented at the meeting. Mr. Mostoller replied that they are working on its presentation at the meeting, there will be text for the attendees to read, but they are also considering a recording of the specific language changes. The hope with recording the exact language is to save the Moderator time on reading all the specific changes to the bylaw language.

Mr. Rosen asked Ms. Bassett if the state requires bylaw articles to be read out in their entirety. Ms. Bassett said she is only aware of that being the custom for the District. Mr. Rosen then asked if it would be proper to ask the audience to waive any requirement to read out loud the language if the written text is sufficient. The Board, Ms. Bassett, and Mr. Holland then had a brief discussion about the presentation of this article and the changes to the bylaw language. At the end of this short discussion

the Board agreed that at least making a recording of the language changes would be useful to have on hand, and that they would check the specifics of using that type of recording to ensure compliance. The Commissioners thanked Mr. Mostoller for the update on that article.

Mr. Mostoller went on to highlight some changes to Article 20, which pertains to MassDEP required maintenance at Nagog Hill. The amount of that article increased from \$20,000 to \$30,000 with the additional \$10,000 coming from free cash. Assuming free cash is certified at the level we are reporting to the state, that would leave the free cash with just over \$100,000.

Mr. Stuntz asked what Mass DEP is requiring for the tank maintenance. Mr. Mostoller explained that they are requiring that the tank have means for regular chlorination, which it currently does not have. With the tank's current structure, regular chlorination would require hiring a crane service every time and incurring a \$600 charge for the crane service. Their proposal is to use the mixing system installed in 2020 and retrofit it to have a chemical injection system. There are, however, outstanding safety items on that tank that they are hoping to fix at the same time as other work so as to hire one company to do all the necessary work. Ms. Amir Lin asked if both parts of this maintenance will be cost saving in the future. Mr. Mostoller replied that though they are working to avoid the crane cost, the monthly chlorination will be an ongoing cost.

Ms. Amir Lin asked the Board if they wanted to discuss any of the proposed articles that they discussed at the previous meeting. Both Mr. Rosen and Mr. Stuntz said they were all set and would be happy to discuss the other proposed articles when they are finalized. The Board then briefly reviewed the timeline of finalizing the proposed articles in conjunction with the Finance Committee's next meeting, and the upcoming February 26th commissioners meeting.

Ms. Amir Lin then directed the discussion of the FY '25 Budget. Ms. Amir Lin asked Ms. McCarthy if there were any updates besides the additional \$10,000 for the Nagog Hill tank. Ms. McCarthy then provided an update for items in the budget that had changed slightly. The short-term debt had increased but when added to the long-term debt the net amount was the same. The changes in short-term debt were spurred by the change in financing for 549 Main Street. The renewal rate for health insurance came in lower than expected, they had originally factored for a 12% increase, but it came out to only be a 6.49% increase, so those numbers were updated. The figures for chemicals were also reduced. Overall, several items in the budget came down in price. Mr. Rosen asked if the GAC is part of the chemical section of the budget. Mr. Mostoller responded that those are under maintenance and operations as the chemical section is typically for consumable chemicals like chlorine. Historically we have appropriated funds for GAC replacement as it is a filter media.

The Commissioners had no further questions about the budget. The Board then briefly discussed plans to formally adopt the budget at the next meeting. The Finance Committee recommended the Board accept the proposed budget at the joint meeting on January 22, 2024, contingent on approving a rate increase to support the budget.

Discuss Annual Report

Ms. Amir Lin informed the Board that the first draft is included in the packet, and it was circulated the afternoon of this meeting. Mr. Mostoller added that if possible, they would be looking for the Board to approve the report this evening. The Board then engaged in a brief discussion about the draft of the

Annual Report. Mr. Stuntz commented that there was not much emphasis on solar in the report, or other environmental initiatives. The Board then discussed how environmental initiatives will be presented in the annual meeting as they relate to the 2021 articles about the challenges the District had in finding appropriate electric vehicles. Mr. Mostoller commented that in the 2023 calendar year there were not many big solar initiatives to discuss as some were from CY 22 or had much of the work done and reported in the previous Annual Report. Ms. Amir Lin commented that much of the Board's work in 2023 was on policy and long-term planning so those items took particular focus in this report. The Board then wrapped up their discussion.

Mr. Stuntz motioned to approve the Annual Report as submitted to the Board of Commissioners meeting on February 12, 2024, inclusive of any typographic edits. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Ms. Amir Lin asked if there was any pertinent old business. Mr. Mostoller reported that the Finance Committee has been diligently working on their report, and he expects that at their next meeting they may submit the report. Their report will provide the information necessary to explain the rate increase, and other capital spending that continues to evolve. Mr. Mostoller said he believes this will tie into the information in the Board's report and explain many of their decisions in the context of PFAS, inflation, and regulatory pressures. Mr. Mostoller informed the Board his own report will provide details on staff turnover and the people of the organization, and efforts to support, attract, and retain staff.

Mr. Rosen asked if the Finance Committee was still working on the presentation for the annual meeting to encapsulate the budget prior to the presentation of the Warrant Articles. Mr. Mostoller responded that the meeting on the 26th will have an agenda item to discuss this and that he has some of what Mr. Parenti has prepared thus far.

NEW BUSINESS:

Update on District Financial Auditor

Ms. McCarthy provided an update on this item. She was informed by Powers & Sullivan that on February 1, 2024, they merged with Marcum LLP. They are going to honor their standing agreement and informed Ms. McCarthy that it should be business as usual. Ms. Amir Lin asked if the agreement on fees will be honored, Ms. McCarthy affirmed that she was told they would honor their current fee agreement. Ms. Amir Lin asked if Ms. McCarthy had received any indication of how contract terms may change for next year, Ms. McCarthy responded that they have not gotten to that point yet.

Having no other new business or need for executive session the Board then decided to close the meeting.

Mr. Rosen motioned to adjourn this meeting of the Acton Water District Board of Commissioners. Mr. Stuntz seconded, and it was unanimously approved via roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

MEETING CLOSED 7:57