

Commissioners Meeting
Water Supply District of Acton
Meeting Minutes
February 13, 2012

The regular bi-monthly meeting was called to order at 7:35 p.m. on Monday, February 13, 2012 at the Acton Water District Office by Mr. Leonard Phillips.

Present: Commissioners Leonard Phillips (Chairman), Stephen Stuntz, and Ronald Parenti. District Manager, Chris Allen; District Treasurer/Collector, Mary Jo Bates; District Counselor Mary Bassett; Environmental Manager, Matthew Mostoller; Commissioners Secretary Lynn Protasowicki. Finance Committee Member(s): Bill Kingman and Bill Guthlein. Barry Rosen representing both WLMAC & WRAC.

A. Comments from Citizens

No comment from citizens at tonight's meeting.

B. Approval of Minutes from January 23rd Meeting

Mr. Phillips moved to accept minutes of the meeting held on January 23, 2012 and Mr. Stuntz seconded the motion. The Commissioners were in favor of approving the minutes.

C. OLD BUSINESS

Discussion and Decision on 4th Quarter 2011 Water Bill Abatement Request from Homeowner at 253D School Street on.

Mr. Jesus Villasenor and Mrs. Maria Quisumbing of 253D School Street were present at tonight's meeting.

Mr. Allen informed the Commissioners and the homeowners that the missing pit meter that serviced the Villasenor home had been found in a box in one of the Acton offices. Mr. Allen contracted Regan Supply & Testing Service for testing the meter, and the results proved within the specification. Enclosed in tonight's packet are the results from Regan Supply & Testing.

Mr. Phillips stated that now we have from the authority and confirmation of how much water went through the meter and that the meter read accurate.

Mr. Villasenor asked the question, how much water flowed through meter? He presented to the Commissioners the following information:

126,265 last read

359,868 claimed water use

486,133 expected reading

495,650 test report

The Commissioners and Mr. Allen agreed that those numbers are correct. Mr. Villasenor stated that their average water bill before the leak had been 1500 cubic feet so how from the time the readings stopped did they use 200 times more water than they used. He asked, "How did they not detect the leak?"

Mr. Phillips is not in dispute that the amount of water went through the meter. In retrospect, Mr. Phillips feels that the District should have followed-up with the homeowner after several estimated bills were mailed. Because of this unprecedented situation, the District has put new procedures in place to follow-up with the homeowner, if possible, if after several estimated bills and notices to the homeowners, the homeowner fails to follow-up with the District.

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.

Mr. Allen reviewed with the Board the new procedures regarding estimated water bills: (1) water bill now has a line that clearly indicates that the water bill is estimated and that they need to call the Water District both on the bill and on the stub that is returned with payment; (2) after the customer receives two estimated readings they will receive a phone call from the office staff informing the customer that their account is being estimated, and their water meter requires replacement; and (3) the office staff will also send out a separate letter informing the customer of the problem.

Mr. Villasenor asked a hypothetical question: if AWD came on a Tuesday and read meter and it read OK and then on Wednesday there was a leak that let out 2 million gallons of water in a quarter, what would the District do? Mr. Stuntz stated that the Board doesn't answer hypothetical questions but did state that most likely, a leak of that magnitude, would create a sink hole, the customer would have low volume and the water may potentially contain dirt so the customer would, most likely, report the problem right away.

Mr. Stuntz stated that 98% of the water customers in Acton have their water meter in their homes and if there was a leak, you would hear it. He said that the AWD takes responsibility if the leak is on public property but if the leak is on private property it's the owner's responsibility to have it fixed.

Mr. Phillips went through each of the facts presented in this abatement request. He stated that the Commissioners have addressed each of these issues (below) to come up with a reasonable, rationale, and fair decision.

The District has a precedent to abate when the homeowner replaces a pit meter with an in-building meter.

- A. Board will always abate when pit meter is replaced.
- B. New procedures are in place regarding estimated water bills.
- C. Homeowners repaired the leak at their own cost.
- D. Homeowners approached the District to resolve the water bill.

Mr. Parenti suggested that the District share the responsibility with the homeowners in paying their water bill because, although each bill to the homeowner indicated that it was an estimated bill and the homeowner should contact the District, the District should have contacted the homeowners early on. The Commissioners agreed that \$6,448.76 is what the homeowners should pay. That is 2/7 of the total of the 7 estimated water bills representing a savings of approximately \$16,000.

The homeowners decided to still think about replacing the water main line.

D. NEW BUSINESS

Update and Discussion of MA Drinking Water State Revolving Fund (DWSRF) Application Decision for the South Acton Water Treatment Plant Project.

Mr. Allen informed the Commissioners that Wright-Pierce filed the application with the state for approval of State Revolving Fund (SRF). The result was Acton ranked #1 on the Intended Use Plan (IUP). The State approved \$6,000,000 for IUP. By June 30, 2012 the Commissioners need to vote to appropriate \$8,900,000 or other amount for financing the construction and all related costs of the new water facility at School Street and Assabet well sites in South Acton. Mr. Allen proposed that a special meeting take place prior to this June deadline, but after the pilot study is complete. Most likely this meeting would be sometime in late May, or early June.

Mr. Allen informed the Commissioners that after the piloting program begins they will have a better idea of where we stand and a more accurate projection of the cost to construct the new water treatment facility. He mentioned that the SRF funds get reallocated as town IUP approved projects get dropped off but that

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there is no guarantee that we will get additional money. He informed the Commissioners that the State of MA is favoring projects that will be energy efficient, have renewable energy and alternative energy components, and/or meets EPA's definition of a Green Project which the South Acton water treatment facility will. Counselor Bassett asked if Wright-Pierce would be able to quantify the project for the Board. Mr. Allen will invite a Wright-Pierce representative to an upcoming open meeting to present the proposal of the new water treatment facility.

It was decided that no special meeting would be held at the annual meeting. Discussions are still on the table and will be brought up at future open meetings.

Other New Business:

Mr. Stuntz inquired as to when there is no snow on the ground, as is the current state we are in, how does that impact water levels. Mr. Mostoller stated that when water levels go low state gets involved. He stated that there is a water management act permit that has stream flow measures. The state will dictate what the town should do for a water ban. Mr. Phillips asked Mr. Allen is he has any idea as to the state of the aquifers. Mr. Allen stated that they are actually slightly higher levels than at this time during the past two years and that we will have better indication at the end of March, when typically there is snow melt.

E. EXECUTIVE SESSION

Mr. Phillips moved to go into executive session to discuss threatened or pending litigation as an open meeting may have a detrimental effect on the negotiating position of the public body, and then to reconvene in open session. The motion was seconded by Mr. Stuntz and roll call vote was unanimously taken to go into executive session for the stated purpose.

The open meeting reconvened, and Mr. Phillips moved to adjourn the meeting and Mr. Parenti seconded the motion. The meeting adjourned at 10:10 p.m.

Executive Session Minutes

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Water Supply District of Acton
693 Massachusetts Avenue
Acton, MA 01720

Executive Session Minutes
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The Commissioners voted unanimously by a roll call vote to enter into Executive Session at 9:15 p.m. to discuss pending or contemplated litigation as remaining in open session would prejudice the District position with respect to the matter. In attendance were Commissioners Len Phillips and Ron Parenti, District Manager Chris Allen, Environmental Compliance Manager, Matt Mostoller and District Counsel Mary Bassett.

Attorney Bassett and the Commissioners discussed the court's ruling on the motion for a preliminary injunction. Counsel contacted the DEP to request that it get involved and actually intervene in the case, but DEP counsel says that DEP will get involved but expects the District to vigorously pursue the case-in-chief. DEP is taking "administrative action" against AS&G. The District has to comply with the court order and Chris and Matt are determining how to proceed.

Mr. Stuntz moved to adjourn the executive session and moved to reconvene in open session at 9:48 pm. The motion was seconded by Mr. Phillips and on a roll call vote was unanimously approved.