

Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, February 25, 2019

AGENDA

A. Comments from Citizens

B. Approve Minutes of January 28, 2019 Meetings

C. OLD BUSINESS:

1. Progress Update on Proposed Solar Installations at Lawsbrook Road & Knox Trail.
2. Progress Update on Solar Micro-Grid Feasibility Study.

D. NEW BUSINESS:

1. Review Proposed Water Rate Increase.

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: Chuck Bradley via phone
District Moderator: Dick O'Brien
WLMAC: Barry Rosen
Green Acton: Lucy Kirshner

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, February 25, 2019 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

Lucy Kirshner of Green Acton spoke. She stated that she has a question to ask and suggestion to make. She mentioned that at the last Green Acton meeting the group was reviewing the Articles for the Special District meeting and they wanted to understand what mitigation is and have further understanding of the \$9M for water treatment plant. She suggests to the Commissioners that at the Special District meeting that there will be further explanations on these for citizens to make an informed vote on the articles. Mr. Allen assured Ms. Kirshner that there will be more information at the Special District meeting as the engineer will be present to discuss the water treatment plant.

Her question to the group as related to how articles are created – “Lucy asked if citizen petitions could be presented for inclusion in the warrant?” Mr. Allen stated that it's the same procedure as the Town of Acton. Mr. Stuntz stated that the commissioners are open to citizen petitions and if they were brought to a

meeting before the warrants were closed (usually late December) we would probably include them without having to go out and get signatures.

B. Approve Minutes of January 28, 2019 Meeting:

Mr. Stuntz motioned to approve the minutes of January 28, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. OLD BUSINESS:

1. Progress Update on Proposed Solar Installations at Lawsbrook Road & Knox Trail.

Mr. Allen reminded the Commissioners that solar arrays project started over a year and half ago (2017) whereby they hired a third-party developer EDF Renewable, to construct, operate, and maintain the solar arrays. Enclosed in tonight's packets to the Commissioners is an email that Mr. Allen sent to Senator Jamie Eldridge and Representative Jen Benson regarding the solar arrays project and the solar micro-grid feasibility study. The email outlines the two projects, mentions the reasons for the delays, and asks for any advocacy on the District's behalf to get "these two projects moving again". The unexplained delays have been extremely frustrating.

2. Progress Update on Solar Micro-Grid Feasibility Study.

Mr. Allen provided an update to the Commissioners on the solar micro-grid feasibility study. He stated that the project is progressing very slowly; Stop & Shop has been unresponsive, so they have been disqualified from the study. Involved will include the District, the Town of Acton's Sewer system, and *de maximis*' 1,4-Dioxane remediation system at 16 Knox Trail. The grantor, MA Clean Energy Center (MA CEC) had gone through several transitions in the project management team. Got update from consultant, McLeod Energy Group, the technical specifications are being formulated with the new study participants.

Peripheral to the permitting of the solar arrays, Mr. Allen mentioned that the District has asked the Town to rezone 16 Knox Trail (currently Powdermill District) and 585 Main Street (currently Residential 8/10) for Agriculture/Recreation/Conservation (ARC). Mr. Allen will attend tomorrow's public hearing of the Town of Acton Planning Board to support the board's petition to the Selectmen for an article on the Town Meeting Warrant to complete the re-zoning of the two parcels.

Mr. Stuntz questioned whether this is considered as "Spot zoning". Mr. Mostoller mentioned that this is not considered spot zoning, but will establish consistency with the rest of our land holdings.

Other Old Business:

Update on West Acton Sewer Group: Mr. Parenti mentioned that he attended their last meeting. He shared the map that Mr. Allen gave to him, which displayed the potential well site at the Flannery/O'Toole property off Massachusetts Avenue. He expressed his concerns to the group about the inaccurate comments being made about how septic systems are impacting our drinking water supply. They are debating about adjusting the area to make it larger. Mr. Parenti stated that it will be difficult to convince the neighborhoods with functioning septic systems to connect to sewer.

Mr. Rosen mentioned that they are having a public forum on March 14th. He had a discussion with Paul Campbell, Town of Acton Engineer, about a brochure being sent out to the neighborhoods in West Acton. He told Mr. Campbell that the information in this brochure is misleading and inaccurate. He mentioned that Mr. Campbell is aware of the inaccuracies and was going to bring it up with the group. Mr. Parenti stated that he will try to attend this next forum. Mr. Parenti asked Mr. Rosen to send him this brochure if he has a copy of it.

D. NEW BUSINESS:

1. Review Proposed Water Rate Increase.

Enclosed in tonight's packets to the Commissioners is a copy of the proposed water rate increase. Mr. Allen stated that after four months of work on this, the Finance Committee did recommend approval of the water rate increase as proposed.

The proposed rate increases include:

Residential - up 6%

Commercial - up 16%

Municipal – up to 6%, Municipal rate is a flat rate, and all metered sales are at the base rate.

The last rate increase was in 2015, and prior to that it was in 2010. The District has typically been on a 3-year increment for rate increases. Recent strategies, i.e., the implementation of the Bond Debt Fee, have allowed longer time periods to elapse between increases.

Ms. Amir-Lin inquired as to what percentage of our residents fall into the “up to 1500”. Ms. Bates stated that it is somewhere between 4500 and 5000 units fall into that block.

Mr. Allen stated that this is the easiest model to insure we meet our debt payments, with a fixed Debt Fee. The per-unit rate of metered sales ensures that we accumulate enough cash to sustain our annual operating budget, and commission the necessary capital improvements to maintain a viable, sustainable water supply system.

Mr. Stuntz motioned to approve the proposed water rate increase. Mr. Parenti seconded and it was unanimously approved.

The new water rate increase will go into effect in July 2019 water bills.

Mr. Parenti moved to adjourn the open meeting at 8:10 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. Mr. Stuntz seconded the motion and it was unanimously approved by roll call vote.

Board of Water Commissioners
693 Massachusetts Avenue
Acton, MA 01720
EXECUTIVE SESSION MINUTES
February 25, 2019

Mr. Parenti moved that the Commissioners enter into executive session at 8:11 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

Finance Committee: Charles Bradley (Mr. Bradley was joined by conference call and dropped off the call at 8:15 PM)

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Mr. Allen discussed the correspondence that Attorneys Bassett and Roeloffs prepared reviewing strategic issues going forward with the case. The Supreme Judicial Court case has been dismissed leaving the Land Court case the only pending legal matter. Mr. Parenti asked if our strategy needed to be changed and Attorney Bassett indicated not at this time.

Attorney Bassett discussed the procedure for the Land Court case including the seating of a new Judge. It is not anticipated that the case will alter course when the new Judge is presiding. A ruling is not expected on the motion to dismiss and motion to intervene scheduled for March 14th. The judge will hear arguments and write a decision after. Discussion occurred around the legal process and the permit process surrounding utilization of water from Nagog Pond.

Mr. Mostoller reported that the District had not received any public feedback on the Press Release but could not speak for the Town of Acton.

Mr. Parenti made a motion to adjourn the Executive Session and entered into open session at 8:45pm. 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 8:46 pm. It was seconded by Mr. Stuntz and unanimously approved.