

Board of Water Commissioners

Meeting Agenda

Monday, March 25, 2024 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meetings of 3/9/2023 and 3/11/2024
- 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
- Interview with Politico E&E News reporter
- US EPA Lead & Copper Rule Improvements

NEW BUSINESS:

- Review Annual District Meeting
- Discussion of Proposed Town of Acton Zoning Bylaw Changes

EXECUTIVE SESSION: -- To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the District. 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

Finance Committee: John Petersen

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett, Spencer Holland

Environmental Manager: Alexandra Wahlstrom

Members of the Public: Terra Friedrichs, Kim Kastens, Alissa Nicol, Ron Parenti, Bill Guthlein, Jennifer Venne

START OF MINUTES

Ms. Amir Lin opened meeting at 7:01 pm

Comments from the public

None at this time

Approve minutes from the meetings of 3/9/2023 and 3/11/2024

Mr. Rosen motioned to approve the minutes of the March 9th, 2023, meeting. Mr. Stuntz seconded and it was unanimously approved via a roll call vote, Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Mr. Rosen motioned to approve the minutes of the March 11th, 2024, meeting. Mr. Stuntz seconded and it was unanimously approved via a roll call vote, Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Appoint one Commissioner to sign warrants while conducting meetings virtually

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

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller reported to the commissioners that earlier in the day an email update was sent to the PFAS email list, and the updated sample data was also posted to the website. South Acton results came in at 11.6 ppt, and Center Acton results came in at 6.2 ppt. North Acton is on and in the system. North Acton will be sampled later in the week. This is the first time all three treatment plants are in the system simultaneously in recent times. North Acton does not have the PFAS treatment installed yet, but the aim is for the PFAS system to be online in April.

Mr. Rosen asked if work can still be done on the PFAS equipment while the pumps are on. Mr. Mostoller responded that the plant is fully operational and construction is ongoing.

Discussion of Additional PFAS Upgrades

Mr. Mostoller indicated that there were two primary items of note. For North Acton, they continue to have issues with the treatment equipment provided by Veolia which they continue to work through. The General Contractor and District staff are assisting Veolia to get the equipment to reach the point where they can begin to put carbon into the system.

Mr. Stuntz asked if the carbon is on site. Mr. Mostoller replied it was, but a truck showed up and took the delivery back even though they were told the carbon had not been installed yet. There is no word from Veolia yet on this.

Mr. Mostoller estimated that if they are lucky on May 1st North will be fully in the system with PFAS equipment and have DEP approval.

Ms. Amir Lin asked if North Acton will have a similar schedule of going off and on like it did in the winter. Mr. Mostoller responded that that will depend on how fast the PFAS system goes in, the hope is to turn it on in March and have water running through PFAS treatment in April, so as to gradually increase output as we approach May.

The second item of notes is that the two pre-bid items, the GAC pressure vessels and the Building for South Acton, have been opened. It appears they do have an apparent low bidder, and both engineers recommend to award. These items do not have full DEP SRF approval yet, but Mr. Mostoller is asking the board for a motion to award as he doesn't believe waiting until April is in the District's best interests.

Mr. Rosen asked a brief question about the bids and if there is any relation to vendors from the North Acton Project. Mr. Mostoller reviewed the details of each vendor with the board.

Mr. Rosen motioned to recommend to award to Rubb, Inc. of Sanford Maine the contract for the Membrane Building at South Acton for the amount of \$623,958. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Mr. Rosen, Mr. Stunts, Ms. Amir Lin.

Mr. Rosen motioned to recommend to award \$1.43 million for eight GAC vessels from Aqueous Vets, LLC. of Redding California. Mr. Stuntz seconded and it was unanimously approved via a roll call vote, Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Mr. Mostoller informed the board that the South Acton electrical and HVAC subcontractor bids will be opened tomorrow.

Interview with *Politico* E&E News reporter

Mr. Mostoller informed the board that he accepted the opportunity to speak with Miranda Wilson, a Boston-based reporter for *Politico*. Ms. Wilson was doing an article on the costs communities are facing with PFAS and was particularly interested in Acton as there is not one lone responsible party assisting with the costs. This conversation happened a few weeks ago, and the article was recently published. Mr. Mostoller then provided details of his conversation with Ms. Wilson and told the board he is working to get the board a copy to read.

US EPA Lead & Copper Rule Improvements

Ms. Wahlstrom provided an update on the EPA Lead and Copper Rule service line inventory progress. They began work at the list of 73 locations to test the vac excavation and as of March 21st completed 51 locations from that list, 8 of which were in driveways, the rest were in lawns. Eight locations were not able to be completed due to large rocks, roots, because it was too deep for equipment to reach, or because it was too close to a septic system. The current rate of work is averaging about 10 a day, and they are scheduled to continue the work this week.

In the upcoming neighborhoods they expect to find goosenecks. Overall people have been receptive to the work, though with the heavy rains there have been calls about settling or wash-out

of the temporary restored holes. As expected, everything they found was copper, but they are very pleased with the work being completed and the speed of completion.

Ms. Amir Lin asked what size the excavations are, Ms. Wahlstrom replied they are about two ft by two ft. Ms. Amir Lin asked about the process for the next phase of work. Ms. Wahlstrom replied that they may briefly pause before the next phase to regroup and assess the pace, and to wait until after spring water main flushing is complete.

NEW BUSINESS:

Review Annual District Meeting

Ms. Amir Lin directed the board to discuss and review feedback from the Annual District Meeting on March 20th, 2024. Mr. Mostoller provided his insights, that all the articles passed, nearly unanimously except for one that only had two votes opposed. He noted that attendance was lower than he expected given the article on the cell tower.

Mr. Rosen then shared his thoughts on the Annual Meeting, noting the public comment on the exact salaries of Article 1 being listed in the warrant, equipment purchases being explained or shown to those in attendance, as well as explaining how financial Articles relate to the budget being passed.

Mr. Parenti provided three comments to the board about the Annual Meeting. He expressed support for the Finance Committee's presentation at the top of the meeting. He also noted a small procedural change in the Commissioner's verbal recommendations that could be made to make their annual meetings match the Acton Town Meeting format, which the public is more familiar with. Finally, Mr. Parenti noted some in attendance wanted the motion language projected on the screen, as is done at Acton Town Meeting.

Ms. Friedrichs appealed to the board to not sign off on the cell tower lease at Nagog Hill until the neighbors have been informed, as she believes if they are informed during the permitting process it will be too late for them to express meaningful input.

Ms. Kastens commented that the feedback from Annual Meeting about clarifying information about the Articles, could be addressed if the board pursued Mr. Petersen's earlier suggestion of putting a summary of Warrant Articles in plain language and distributing it at the Annual Meeting.

Mr. Petersen shared his feedback with the board. He noted several suggestions of import, the first that having the District's actions and direct motions captured in agenda language, proposed motions, and minutes, could enhance their communication strategy. He noted the structure of motions, and better explanations of the warrant would dispel many of the clarification questions they receive. He also commented that a handout covering the totality of the District's financial commitment, and a meeting score card similar to the Acton Town Meeting score card could aid in understanding complex financial articles.

Ms. Amir Lin thanked the board and everyone else who shared their input and feedback.

Discussion of Proposed Town of Acton Zoning Bylaw Changes

Mr. Mostoller provided background on this agenda item. Mr. Mostoller summarized that the Town of Acton has several proposed Zoning Bylaw changes, that in his view are aiming to make an easier

path for development, higher density, and mixed-use development. The three zoning articles are the Powder Mill Article, the South Acton Village Amendment, and the MBTA Zoning initiative. The board then opened discussion.

Mr. Stuntz first shared his thoughts on the state's requirements for the MBTA Zoning, and that since zoning is the responsibility of the Town, the District is usually expected to support the decision they come to.

Mr. Rosen shared his thoughts, noting that the type of development this zoning encourages tends to be high water users on the street level of multi-use projects, and there seems to be little consideration for the impact on water given to the proposals. Mr. Rosen expressed general concern towards the proposed zoning changes, and that these proposed zoning changes did not reflect good dialogue between the District and Town of Acton.

Ms. Amir Lin noted that just because the zoning is considered high density, does not mean the District cannot support it. She did pose a question about the wastewater provision, and questioned if major changes to infrastructure in these areas would be paid for by the developer to do the last mile, or if the District would be asked to support this. She asked Mr. Mostoller if these questions had been raised.

Mr. Mostoller replied that early on in the planning process he did participate in the dialogue, communicating the infrastructure constraints. Mr. Mostoller agreed with the comment that just because zoning allows that type of development, does not guarantee it will come to fruition. The District has a standing policy to evaluate proposed projects as they are submitted. He noted that given the current state of development timelines, these hypothetical developments could be six years out. Mr. Mostoller then continued to point out some nuances of the MBTA requirements, and said the District needs clarity on whether infrastructure obligations will be put on the developers or not.

The board then briefly discussed the proposed Powder Mill Place development, and when they had last communicated with that developer about infrastructure constraints.

Ms. Friedrichs shared her thoughts with the board. She asked if the board might consider these zoning changes not on a case-by-case basis, but as a consideration of long-term capacity. She then asked that the board take a position on the matter and share their thoughts with the Town of Acton so they can coordinate before major zoning changes are approved.

Ms. Friedrichs continued to share her thoughts, highlighting several key issues. She expressed concern at the effects increased density may have on water sources and that an impact study should be done on these proposed zoning changes. She added that if the District got involved in the conversation about these changes it would better inform the public's understanding of the proposed changes. She asked the commissioners to send their thoughts on the proposed changes in writing to the Selectboard, as it is her understanding that the Selectboard is not concerned about the effects on water capacity from these zoning changes.

Ms. Amir Lin asked Ms. Friedrichs when she thought the District should share their feedback on the issue, if it would be prior to Acton Town Meeting. Ms. Friedrichs responded that this could happen at any time, her concern is more focused on getting the process to slow down and consider the

impact of drawing developers to these types of projects in Acton. She clarified that her two major concerns are the effects of this on tenant displacement and water health.

Mr. Parenti then shared his thoughts on the topic. He agreed with Ms. Friedrichs on several points. Given that the District evaluates submitted proposals he questioned whose responsibility it would be to do this longer-term capacity planning, if this falls to the District or the WRAC committee. Mr. Rosen agreed that there should be more partnership between the District and the Town when it comes to this type of long-term planning and re-zoning, and what the development implications are. He also noted he understands the pressure the Town must feel with regards to the MBTA zoning.

Ms. Kastens shared her thoughts, expressing concern that the District plans on a case-by-case basis, and asked the board to communicate any warning signs about capacity and supply if the Town encourages development.

Mr. Mostoller clarified that the District does have a multipronged long-term planning process, but when it comes to the approval of connection permits, each one is evaluated on a case-by-case basis. He explained that the District just renewed their Water Management Act Permit, which included several long-term planning processes. When asked about communicating this information to the Town Mr. Mostoller responded that in the past the feedback from the Town on long-term capacity has been viewed only with regards to the Water Management Permit. He explained that if the District does not exceed the constraints of the permit, then the Town does not believe there to be a capacity constraint.

Ms. Nicol, Selectboard liaison to the Water District, asked Mr. Mostoller about how close to the water draw limit Acton is. Mr. Mostoller responded that they are not passing the limit as of now, but the State is not looking favorably on requests to increase draw limits as they have concerns about increased runoff, intensity of storms, and other factors that affect the recharge of the aquifer. Mr. Mostoller and Ms. Nicol continued this discussion noting that the Planning Board hearing on this topic operated on the assumption that there was available water capacity. Mr. Mostoller shared the specific numbers of the 2022 average day demand for water, noting changes in the number before and after PFAS. Mr. Mostoller continued to share information on the Districts Permit allocation, and the state's current stance on increased water draw, and the availability of water for new zoning.

Ms. Friedrichs commented on the affordable housing aspect of the MBTA Zoning requirement, and the current lawsuit underway to determine if this law is constitutional. She then pointed to several other communities who had done impact studies on similar work, expressed concern for the potential impact on water quality from these zoning changes, and urged for improved coordination between the Town and the District on zoning.

Ms. Amir Lin thanked everyone who participated for their input in the discussion.

EXECUTIVE SESSION

Ms. Amir Lin motioned to close the regular open meeting currently in session, and have the Commissioners enter an executive session pursuant to General Law chapter 30A section 21 9 to discuss strategy with respects to litigation as an open meeting may have a detrimental effect on

litigating position of the district; and to not reconvene in open session. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Meeting closed at 8:27 pm