

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, April 11, 2022

**AGENDA**

- Swearing in of newly elected officials – Commissioner
- Annual appointment by District Clerk
- Board realignment

A. Comments from the Public

B. Approve minutes from the meeting of 3/28/22

C. Appoint one Commissioner to approve warrants while conducting meetings virtually

D. OLD BUSINESS:

1. Update on Solar Energy Projects

2. Land Lease with Baldco on District Property at 104 Powdermill Road-Rear

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

- Current sample data, if available

4. Annual Meeting Preparation – Review Articles and Motions

E. NEW BUSINESS:

1. Discuss Strategy for Replacement of Key Management Staff

F. EXECUTIVE SESSION: To consider the purchase, exchange, lease of real property at 549 Main Street as an open meeting may be 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 and was recorded. The meeting was called to order at 7:00 PM on Monday, April 11, 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

Finance Committee: Bill Guthlein

Commissioners Secretary: Lynn Protasowicki

**Public Attendees:**

Alissa Nicol, School Street

Ron Parenti

- **Swearing in of newly elected officials – Commissioner**

District Clerk was not present to swear in the newly elected official – Commissioner Barry Rosen

➤ **Annual appointments by District Clerk**

District Clerk was not present to swear in the appointments.

Mr. Rosen motioned to approve the annual appointments:

- District Counsel: Mary Bassett
- District Treasurer/Collector: Mary Jo Bates
- District Assistant Treasurer: Chris Allen
- Commissioners Secretary: Lynn Protasowicki

Mr. Stuntz seconded the motion, and it was approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

➤ **Board realignment**

Mr. Rosen motioned to nominate Mr. Stuntz as Chair of the Board. Ms. Amir-Lin seconded, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

**A. Comments from the Public**

Alissa Nicol: she is not able to attend the Annual Meeting on Wednesday night, but she did search for the warrant so that she could share it on social media. She struggled to find it on the website. She eventually found it. Even on the website it was difficult to locate. Was the warrant mailed with the quarterly bill? How are the Acton voters notified?

Chris Allen: electronic distribution; mail to those that request; gone more paperless / try to make it more evident on the website.

Counselor Bassett: warrant is posted at the Acton library, post office, window at the District office and town hall.

Matt Mostoller: it is not required to be mailed. Sent 4600 emails with direct link announcing meeting and warrant and remaining were direct mail with postcard.

Alissa Nicol: regarding renters in town; how are they notified about an annual meeting? Matt Mostoller: typically posted in the Acton Beacon two weeks prior to the meeting.

**B. Approve Minutes from the Meeting of 3/28/22**

Mr. Stuntz motioned to approve the meeting minutes of March 28, 2022. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Rosen, and Mr. Stuntz.

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

Mr. Stuntz motioned to appoint Barry Rosen as the Commissioner to approve warrants while conducting meetings virtually until the next meeting of the Commissioners. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Rosen, and Mr. Stuntz.

**D. OLD BUSINESS:**

1. Update on Solar Energy Projects

Peter Bay, Project Manager, is presented this evening.

➤ **Lawsbrook project-**

Peter Bay of EDF reported that we are close to operational at Lawsbrook. We are one day away from mechanically complete and just waiting to go through the commissioning phase. The town's electrical

inspector was on site yesterday and approved everything electrically. Certification of completion expected tomorrow. Between commissioning of project which takes 2-3 weeks and EverSource doing their last item checks, the project will be commercially operational sometime in early May.

Dates for ribbon cutting: either June 21<sup>st</sup> or June 22<sup>nd</sup>. Preference for 10AM but can do it at 2PM. He doesn't need an answer tonight but would like to get back to his marketing team later this week.

➤ Knox Trail project-

Team is thinking next week to start site construction. Seeing delays with equipment which is tied to the pandemic and supply chain issues. Expecting transformers will have the longest lead time; hoping to have them delivered by December. We have asked the transformer vendor to provide a letter attesting to that delay. So, if there were a delay we could get another month on our Solar Massachusetts Renewable Target (SMART) enrollment without any harm to project. Very late summer early fall construction. Deadline for Knox to be energized by January 23, 2023. Have not executed the Payment in Lieu of Taxes (PILOT) agreement with the Town of Acton but expecting to do that within the next couple weeks. We do owe the District the latest edits to the Power Purchase Agreement (PPA).

2. Land Lease with Baldco on District Property at 104 Powdermill Road-Rear

Mr. Allen stated that he and Mr. Mostoller had a site visit with Attorney Lou Levine and Jason Wolfe from Baldco who brought in a Licensed Site Professional (LSP) from RemServ. Had a good in-depth conversation; walked the site. The LSP will develop a plan and forward it to us. They did discuss complete removal of the material. It will cost millions of dollars to remove and dispose of the material. They are looking at comprehensive monitoring mixed with some material removal. Their LSP from RemServ committed to communicating with Matt Mostoller with their plan and will forward to District staff for review. Lease is currently extended until April 30<sup>th</sup>. They plan to attend the April 25<sup>th</sup> open meeting to update the Commissioners.

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

➤ Current sample data, if available

Mr. Allen stated that South Acton and Central Acton Water Treatment Plants are currently serving water to customers. The March sample for North Acton was at 18.2 Parts Per Trillion (PPT), South Acton was at 14.1 PPT, and Acton Center at 8.2 PPT; everything in compliance through first quarter of 2022.

Ron Parenti: has a comment that is relevant to the PFAS issue. He stated that he and Barry Rosen both are on the Water Resources Advisory Committee (WRAC) and the WRAC has recently combined \$40K that was assigned to committee for a water resources study with at \$100K with what the Town has to do a revitalization study for Rt. 2A. That money was earmarked to look at water quality and quantity effects if the Town is successful in bringing more businesses into the Rt. 2A corridor. He wanted to bring up some comments that he heard from Acton Selectboard and Town Manager that concerns him and wanted to bring it to the Board's attention. He heard from some members of Acton Selectboard that they are basically unaware of any serious water problems that the District is encountering, there is no water quality or capacity issues that the District is dealing with that the town officials should be concerned about. We have told them about the issues with PFAs and how difficult it is for the District to deal with. If the thresholds are lowered further that it will be very expensive for the District to implement treatment. When he spoke directly with Town Manager about the cost of treatment, the Town Manager commented to him that since the Water District is a separate entity and free to raise water rates, he didn't see how this impacted the town and that the town didn't need to be involved. Ron stated that it bothers him that there is separation between the two bodies and that town government has no interest in what the District is doing. He would like to see the WRAC write a position paper that helps both public and town government understand where the Water District currently stands on capacity and water quality.

Erika Amir-Lin: what is the timing on that position paper? Ron Parenti: WRAC doesn't meet for another 3 weeks. We won't be making any decisions as to what we will be doing as a Committee until we meet. He will be lobbying to the WRAC to make this position paper. He will be looking for District input on this paper.

Mr. Allen stated that he is disappointed to hear that some members of the Selectboard are uninformed or unaware of our PFAS issues, as during the request for allocation of the some of the American Rescue Plan (ARPA) Act funding for issues at the North Acton Water Treatment Plant and a request to pump more wastewater from the South Acton Water Treatment Plant to the Town's wastewater plant in an attempt to abate PFAS concentrations there, the impacts were clearly explained.

As the new Chairman of the Board of Commissioners, Stephen Stuntz will be the liaison between the District and the Selectboard.

#### 4. Annual Meeting Preparation – Review Articles and Motions

Mr. Allen stated this is the last open session prior to the Annual Meeting on Wednesday. He wanted to give Commissioners the opportunity to get any clarity or to answer any questions they may have on the articles.

Received today permission for emergency MA State Revolving Fund (SRF) financing for North Acton for construction of the PFAS filtration system there. So that has changed our philosophy a bit on the article. We crafted the article to borrow \$1M for either borrowing on the open market or borrowing through SRF. It now meets the requirement for SRF. The application is currently in process.

Additionally, the \$450K approved amount from Acton from ARPA, we are still trying to work on the logistics and nuances related to that with the Town Treasurer. The District's Engineer has provided a technical memorandum breaking down the project, fees which he will supply to Treasurer's office of the Town for proof of the project. They currently have it as a reimbursement so District would need to submit invoices and get reimbursed from Town for expended funds. After Mr. Allen had discussions with the District Treasurer and District Counsel they put together a proposed modification in Article 16. The modified article now allocates \$200K for South Acton pilot of PFAS and \$200k for the design of the PFAS system in North Acton and that should the \$200,000 for the design of the treatment facility in North Acton be fully reimbursed from the Town of Acton ARPA funds, then \$200,000 be appropriated for the piloting of filtration technology for the removal of PFAS at the Central Acton Treatment Plant.

Barry Rosen mentioned that there are leftover ARPA funds that we could apply for beyond the \$450,000 originally approved.

### **E. NEW BUSINESS:**

#### 1. Discuss Strategy for Replacement of Key Management Staff

Mr. Allen stated that this item was driven by the District Treasurer's retirement on September 30<sup>th</sup> and the District Manager's retirement on June 30, 2023 (expiration of the current contract)

Mr. Allen wanted to start the discussions; get the Commissioner's feelings on how they want to proceed/move forward with this. Do they want to set up a subcommittee, a working group, or hire consultant?

Ms. Bates stated that when they hired her as the District Treasurer there was no consultant. There was a job description and an advertisement posted in Mass Municipal Association Beacon and the Massachusetts Treasurer and Collector Association.

Ms. Bates stated that when the District Manager was hired they used a consultant, Tom Giroux, Municipal Management Consultant (not sure if he is still around). He reviewed resumes, background checks, etc. Erika Amir-Lin: did the consultant help with job description? Mary Jo: he did not.

Barry Rosen: stated that per an email with Counselor Bassett regarding the District Treasurers position, she suggested that one Commissioner should work with Mary Jo and Chris to review job description and get it posted, take those resumes that come in and review them, then narrow down the candidates to the ones that the Board wants to meet with. He suggests that for the District Manager's position we should use a consultant.

Mr. Stuntz stated that he is willing to work with Mary Jo and Chris to review their job descriptions and determine the best strategy for replacement of these positions moving forward.

This item will stay on the agenda to keep discussion going with next time discussing a timeline and whether to hire consultant, etc.

*Mr. Stuntz motioned to adjourn the open meeting at 8:18 PM. Mr. Stuntz seconded the motion, and it was approved unanimously by a roll call vote: Mr. Rosen, Ms. Amir-Lin and Mr. Stuntz. Mr. Rosen moved to enter into Executive Session at 8:20 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.*

**Next meeting: April 25, 2022**