

Board of Water Commissioners  
Meeting Minutes  
693 Massachusetts Avenue, Acton MA  
Monday, May 6, 2019

**AGENDA**

**Comments from Citizens**

**Approve Minutes of April 22, 2019 Meeting**

**OLD BUSINESS:**

1. Baldco Lease on District Land Off Knox Trail
2. Property Tax Bill for 585 Main Street

**NEW BUSINESS:**

1. Discussion of Commissioner Emeritus
2. Outdoor Water Restrictions for 2019
  - The District's calendar triggered outdoor water conservation program begins on May 1<sup>st</sup> and expires on October 1<sup>st</sup> each year, under typical conditions.

**Executive Session:** To discuss strategy with respect to 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.

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**Present at Tonight's Meeting:**

Commissioners: Stephen Stuntz (Chair), Erika Amir-Lin, Barry Rosen  
District Manager: Chris Allen  
District Treasurer: Mary Jo Bates  
District Counsel: Mary Bassett  
Environmental Manager: Matt Mostoller  
Commissioner's Secretary: Lynn Protasowicki  
Finance Committee: Bill Guthlein  
Green Acton: Lucy Kirshner

Citizens: Ron Parenti and Mike Geis

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, May 6, 2019 at the Acton Water District office by Mr. Stephen Stuntz.

Mr. Rosen motioned to elect Stephen Stuntz as Board Chair. Ms. Amir-Lin seconded the motion and it was unanimously approved.

**Comments from Citizens:**

Mike Geis asked if he could get from the District the average water use of the customers living in the Spencer, Tuttle, Flint neighborhoods. Mr. Stuntz that yes he could get them as they are public record. Mr. Allen asked Mr. Geis to send him an email for this request.

**Approve Minutes from April 22, 2019**

Mr. Stuntz motioned to approve the minutes of April 22, 2019 as amended. Ms. Amir-Lin seconded the motion and it was unanimously approved.

## **OLD BUSINESS:**

### 1. Baldco Lease on District Land Off Knox Trail

Mr. Allen provided an update to the Commissioners regarding the radio tower lease for Baldco. The lease was in arrears since 2006 but is now paid up. Baldco owners are currently working with the District and Dexter Harpel owner of DH Loam (DH Loam is the company encroaching on the property where this radio tower is located) As of Feb 2017, Baldco does not have an approved lease; they are a tenant at will.

Counselor Bassett stated that Baldco wants a new 20 year lease. The District hasn't moved on that lease until they abate some of these trespass issues. Mr. Stuntz inquired as to what the District expectations are. Mr. Mostoller indicated that the District's expectations haven't changed since the last site meeting in July 2018 when we stated that we wanted DH Loam to stop encroaching on the Baldco property.

Mr. Rosen inquired as to whether the plot lines are demarcated. Counselor Bassett stated that the District required Baldco to have a survey completed which the District reviewed in July 2018. In December 2018 the District visited the property and only some of the clean-up was done. Mr. Rosen inquired as to whether there is anything that can be left on the property. Counselor Bassett stated that we need to be clear on this issue because we have not been clear on exactly what needs to be removed. Mr. Rosen asked if we know what's in the ground or what can leach into the well? Mr. Mostoller replied that we don't know anything specific.

Mr. Allen mentioned that there has been some progress and but not up to par with where we want it to be. Does the Board want to extend the lease? Mr. Stuntz suggested that they continue as tenant at will. Counselor Bassett stated that it is better to have a signed lease especially if there are issues down the road at least with a lease there are standards and procedures for the tenant to adhere too. She would recommend the lease. Mr. Stuntz suggests add something to the lease? Mr. Rosen suggests adding a time line. Ms. Amir-Lin suggests presenting them with our expectations.

Counselor Bassett and Mr. Mostoller will meet and set the expectations to include with the lease and will report back to the Commissioners for their approval.

Mr. Stuntz made a motion to extend the lease through March 31, 2020, Ms. Amir-Lin seconded the motion, and it was unanimously approved.

### 2. Property Tax Bill for 585 Main Street

Mr. Allen provided an update to the Commissioners on the property tax bill for 585 Main Street, Acton. The District received quarter 3 and 4 tax bills at the beginning of 2019. Mr. Allen approached the Board of Commissioners in January to see if the District should move forward on requesting an abatement. Counsel worked with the Town and was successful in getting the abatement of these two tax bills.

## **NEW BUSINESS:**

### 1. Discussion of Commissioner Emeritus

Mr. Stuntz asked for this topic to be put on the agenda to be discussed. The idea behind the Commissioner Emeritus is to not lose the knowledge and experience of long-standing Commissioners. This would be an advisory role.

Ms. Amir-Lin asked what would qualify as the term of service. Mr. Stuntz suggested a minimum of at least three terms (9 years). She inquired as to whether this would be a voted position or an informal situation. Mr. Rosen inquired as to whether this position would need to be added to the District by-laws. Counsel Bassett couldn't find anything in the by-laws about a Commissioner Emeritus so this new role would need to be written and formalized.

It was suggested the WLMAC would be a good entity for a Commissioner Emeritus to be a part of. Now that Mr. Rosen is a Commissioner and no longer on the WLMAC there should be a representative from WLMAC attending Board of Commissioner meetings. There should be further talks about how to keep WLMAC current and connected to the Water District.

Mr. Stuntz suggested that Mr. Rosen let the WLMAC know about this discussion that took place and invite them to the June meeting to discuss further with the Board of Commissioners.

2. Outdoor Watering Restrictions for 2019.

Mr. Allen Informed the Board that per the State mandate on our Water Management Act Permit, the District's water restrictions started May 1st and run through Oct 1st. The District used social media, town websites, signs, etc. to get the word out that water conservation program is now in effect.

Mr. Rosen was wondering if we could remind people about back flow device installation on their irrigation systems. Mr. Allen stated that the District does require them and it's in the by-law. Last year random audits were done and found that the irrigation systems that were audited were in compliance.

**Other New Business:** The May 20<sup>th</sup> open meeting will be a joint meeting between the Finance Committee and the Commissioners. The Finance Committee wants to propose to the Commissioners the idea of redesignating the WR Grace Fund to a stabilization fund and a recommendation to modify the water rates to a more variable rate structure and eliminate fixed charges.

*Mr. Stuntz moved to adjourn the open meeting at 8:20 PM and motioned to enter into Executive Session at 8:21 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. Ms. Amir-Lin 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  
May 6, 2019

Mr. Stuntz moved that the Commissioners enter into executive session at 8:20 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, 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, yay, Ms. Amir-Lin, yay, Mr. Rosen, yay.

Present:

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Attorney Bassett the Joint Defense Agreement with the Town of Acton. This allows the District Executive Privilege to discuss matters relating to this case.

Attorney Bassett discussed whether the case was ripe for declaratory judgement.

Mr. Rosen asked about the Land Court versus Supreme Judicial Court cases.

The issue of water registration rights versus legislated water rights was discussed.

The filing timelines and interests of the various parties was reviewed.

Mr. Stuntz made a motion to adjourn the Executive Session and entered into open session at 9:10 pm. It was seconded by Ms. Amir-Lin.

Roll call vote: Mr. Stuntz, yay, Ms. Amir-Lin, yay, Mr. Rosen, yay.

Mr. Rosen made a motion to adjourn the meeting at 9:11 pm. It was seconded by Mr. Stuntz and unanimously approved.