

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, May 9, 2022

AGENDA

- A. Comments from the Public
- B. Approve minutes from the meeting of 4/25/22
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

D. OLD BUSINESS:

- 1. Land Lease with Baldco on District Property at 104 Powdermill Road-Rear
- 2. Per- and Poly-Fluoroalkyl Substances (PFAS)
 - Current sample data, if available
- 3. Strategy for Replacement of Key Management Staff

E. NEW BUSINESS:

- 1. Discussion of Annual Town Meeting Article #53 – Non-binding Resolution – Protecting Acton’s Potable Water

EXECUTIVE SESSION: To consider the purchase, exchange, lease of real property at 549 Main Street as an open meeting may have a 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 7:01 PM on Monday, May 9, 2022, by Mr. Stephen Stuntz.

Present at Tonight’s Meeting:

Commissioners: Barry Rosen, Stephen Stuntz (Chair)
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Finance Committee: Ron Parenti
Commissioners Secretary: Lynn Protasowicki

Public Present:

Kim Kastens
Terra Friedrich

A. Comments from the Public

Kim Kastens: Green Acton Water Committee will have another water education forum on Wednesday June 9th on Acton’s water cycle. Matt Mostoller, Alex Wahlstrom and Erika Amir-Lin will be speaking and answering questions at the forum.

Q1: inquiring about the Powdermill Development folks regarding their water needs. Have you made any progress with them? Interested in the funding of the wastewater treatment system which Green Acton has

been following. Chris Allen: no, they have not contacted the District office since the open meeting that they attended.

Q2: inquiring about the brown water in Indian Village area. She didn't know much about manganese, so she read up on it. Found out its problematic for infants younger than 1 year. She was surprised that the District did not ask him if he had a youngster than 1 year and give them different guidance. Chris: he followed up with Mr. Bishop, and he hasn't responded.

B. Approve Minutes from the Meeting of 4/25/22

Mr. Stuntz motioned to approve the meeting minutes of April 25, 2022. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen and Mr. Stuntz.

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

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

D. OLD BUSINESS:

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

Chris Allen stated that we did receive an email from Baldco, and he forwarded it to the Commissioners. There has been some progress made on a development of a plan regarding assessment and removal of material on 104 Powdermill Road-Rear. Matt Mostoller did reply to Tom Simmons of RemServ. There is some two-way dialog to developing the plan. Jason Wolfe made commitment to us as we required. We are pleased that there's some progress, but more work is needed. Counselor Lou Levine, Tom Simmons and Jason Wolf are all present tonight if Commissioners have questions.

Matt Mostoller stated that he reviewed initial plan. Good faith effort in moving forward. He did provide his concerns to Tom Simmons and Tom gave feedback. We will continue to work with the team to develop a plan to protect our interests and that is reasonable with the Baldco team.

Attorney Louis Levine stated that Tom Simmons from RemServ has been working on the project for the past month. The general plan is to implement some level of testing, install some monitoring wells and proceed from there. His understanding is that this process to get results will take 4-6 months. If more needs to be done after that time period they will review. He would like to extend the lease for one year and continue to develop the plan and execute.

Barry Rosen: he noticed that in the plan, REMSERV would prefer not to drill down to the berm. Wouldn't drilling through the berm and pulling a sample of the material give us a better idea as to what is in the various layers? Tom Simmons stated at this point we would have to lay out a grid and sample at a variety of locations within the material and we felt that the money would be better spent at checking the ground water that may be impacted. A targeted approach would be better suited. Barry Rosen: concerned that over time whatever is in the berm will leech down into the ground and over time we may find out that it was bad stuff that would have wanted to remove immediately. That's why a core sample would be a good idea. Tom Simmons responded the material has been in place for a while now and according to the person that placed it there it is all large granular stuff (ex. gravel, boulders, cobbles). Few fine grain materials mean less absorptive capacity for the fill if there is contamination in there it will travel rather rapidly/easily through the coarse grain materials to the water table.

Matt Mostoller stated that we believe that there are more than just tailings in the mix. Having watched the berm grow over time we did see more than just tailings in portions of it. Tom Simmons did understand that from their meeting that you had observations that you tend to disagree with the expression of the virgin nature of the fill material.

Attorney Lou Levine: happy to report back to the Board in a future meeting. Steve Stuntz: Matt and Tom will continue to work out the plan. Barry Rosen: wants to see the final plan before we commit to a year lease. Tom Simmons: Chris and Matt need to agree upon location, accessibility issues, logistics, etc.

Chris Allen: a conceptual plan that we are coming to a consensus. Continue the discussion at the next open meeting on May 23rd.

Matt Mostoller: we still need to talk about how to evaluate the data that is generated and the step that come after that. Based on our last site meeting we were under the agreement that we still weren't looking for all the material to remain. It was to parse out what was there and prioritize what was to be removed. There is still a lot to discuss, and May 23rd is ambitious. Attorney Levine agrees with Matt that May 23rd is ambitious to have any information available. Matt is comfortable to push out another month before they come back and present. Steve would like to push this off to that Erika Amir-Lin can be present. We will continue to have it on the May 23rd agenda even if there is not much to discuss.

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

- Current sample data, if available

Chris Allen: South Acton and Central Acton Water Treatment Plants are providing water to customers. North Acton and West Acton are idle.

Two pilot study proposals went to MassDEP for South Acton and Central Acton. The plan is to conduct these studies consecutively, with South Acton first beginning in June/July.

No sample results to report tonight.

3. Strategy for Replacement of Key Management Staff

Mr. Stuntz stated that he was reminded by Mary Bassett that one of the original goals that the Board gave Chris Allen when he hired the Environmental Manager was to hire an individual capable of replacing him. Chris has outlined his management plan in a memo to the Board. He is promoting Matt Mostoller to Assistant District Manager and Matt will be Acting District Manager when Chris is out of the office. When Chris retires at the end of his contract, the Board will vote on the new District Manager. Mr. Stuntz stated that this plan is well within the scope of Chris' management authority.

On the issue of Mary Jo Bates replacement, the staff will be working to providing the Board with choice among at least 3 candidates for that role. Hopefully, those choices will be available to the Board by the end of the summer.

Other Old Business:

Steve Stuntz has been thinking about some comments from our Annual District meeting.

- The first was the update on our Master Plan. It seems that the name leads to expectations from some town committees about what it means. So maybe we should rename it to our Asset Management Plan. We then could do the demographics and needs assessment as a separate project. If we agree I would like Erika Amir-Lin to lead the effort. Should we change the name of the Master Plan to Asset Management Plan? Barry Rosen: good idea to change the name. It's a tactical plan of our assets.
- The second was the request that we do full life cycle costing for our vehicles. I would like to ask the Finance Committee to setup that procedure.

- The next thought that came from somewhere is: with all our involvement in solar why are we not putting solar on this office building? I think we should ask our solar partners to give us a proposal of such a nature so everyone will clearly see our commitment to solar. Chris Allen: he has spoken to Peter Bay of EDF Renewables about this and they don't deal with that this type of project, only larger industrial solar installations. We need to look at local supplier to do that.

Terra Friedrich: loves solar panels at the District office and would suggest a solar generator; had question about land lease with Baldco. Steve explained it is multiple radio towers.

Kim Kastens: thank you for considering solar energy and for looking at the life cycle costs of the AWD vehicles. She has a Master Plan question – is the Master Plan a requirement or best practices by MassDEP. Is that true? And are there guidelines for what you need to include in it? Chris Allen: it's more of a recommendation from regulators. We have had a Master Plan for many years and update it every 5 years. Changing the name will not change the scope of the plan. Kim Kastens: she just wanted to make sure that nothing got left out with the change and to include climate change in the plan. And a mechanism to get public input to the plan.

E. NEW BUSINESS:

1. Discussion of Annual Town Meeting Article #53 – Non-binding Resolution – Protecting Acton's Potable Water

Terra Friedrich presented this Article – Protecting Acton's Potable Water – to the Board with an explanation of the Article. She is asking the Board to recommend this article. (Slides are included with the hardcopy Board Packet on file at the District)

Terra attends many of the different town Committee meetings and when it comes to water she always asks if they have consulted with the WRAC or Water District. They always respond that no they haven't and it's not their job. She stated that in Concord all the water planning is part of all the land use planning. It's disturbing when she sits in meetings and see silos operate and that's it's always someone else's job. It's important for governing bodies to remind people of priorities. She is asking the Commissioners to move to recommend this and vote to do so.

Barry Rosen: tonight's presentation/explanation was better than how it is written in the Town's warrant article. The mission is to be certain that the Town Selectboard understands that the Town's people believe that water is the major priority here. We need to think of water when developing, redeveloping, water should be considered right away and the effects on demand and water quality. Would be in full support of this if the article is presented this way.

Steve Stuntz: agrees with Barry. We have to make the statement that we need to make it clear what our priorities are and that all the committees should be looking at this when they approve any changes. We need to be clear on what we are supporting. In favor of reading a supporting commentary that the Commissioners have drafted and approved. Since Erika is not present they don't want to make the decision tonight.

Counselor Bassett stated that the District's mission in its enabling act is to provide potable water to the entire town of Acton. That's our only mission is to provide potable water and fire protection.

Terra Friedrich: the present members make the decision on what the statement will say and then the staff who are not subject to open meeting laws would then be tasked with drafting the statement and send around for comment and then that comment goes back to staff.

Barry and Steve both agree that the mission statement to supply quality potable water to the Town of Acton and to do that to the best of our availability and to enable us to do that to the best of our availability, we need the Selectboard and its Committees and Town staff to consider water as a high priority when they are examining development and redevelopment and the effects it could have on the quality, quantity, and demand of the town's water supply.

Steve Stuntz moved that we vote to make a statement at the Town meeting about the importance of potable water and the importance the committees have on effecting that on their decision-making process. Barry seconded the motion, and it was unanimously approved by a roll call vote: Barry Rosen and Stephen Stuntz.

Mr. Stuntz motioned to adjourn the open meeting at 8:06 PM. Mr. Stuntz seconded the motion, and it was approved unanimously by a roll call vote: Mr. Rosen and Mr. Stuntz. Mr. Rosen moved to enter into Executive Session at 8:06 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: May 23, 2022