

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, May 24, 2021

**AGENDA**

- A. Comments from Citizens
- B. Approve minutes from meeting of 4/26/2021
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

**D. OLD BUSINESS:**

- 1. Update on Per- and Poly-Fluoroalkyl Substances (PFAS) and Discussion of Organizational Strategy and Planning for Contending with PFAS in the District's Sources of Supply.
- 2. Discussion of Upcoming Kelley's Corner Water Infrastructure Improvement.
- 3. Drought Status and Status of Current Outdoor Water Use Restriction.

**E. NEW BUSINESS:**

- 1. Status of the Water & Land Management Advisory Committee (WLMAC) and Discussion of Reactivation of the Committee.

**Present at Tonight's Meeting:**

Commissioners: Erika Amir-Lin, Stephen Stuntz, Barry Rosen (Chair)

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Commissioners Secretary: Lynn Protasowicki

District Moderator: Bill Mullin

Finance Committee: Bill Guthlein

Citizens:

Kim Kastens

Ron Parenti

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. The meeting was called to order at 7:01 PM on Monday, May 24, 2021 by Mr. Barry Rosen.

**A. Comments from Citizens**

No comments tonight.

**B. Approve Minutes from Meeting of 5/10**

Mr. Stuntz motioned to approve the minutes of May 10, 2021. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Stuntz, Ms. Amir-Lin and Mr. Rosen.

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

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

## **E. OLD BUSINESS:**

### *1. Update on Per- and Poly-Fluoroalkyl Substances (PFAS) and Discussion of Organizational Strategy and Planning for Contending with PFAS in the District's Sources of Supply.*

Mr. Allen stated that the public notice for the recent Maximum Contaminant Level (MCL) violation at the North Acton Water Treatment Plant (NAWTP) of 21 parts per trillion (ppt) went out last week and the office staff has been dealing with some PR related questions via email and phone calls about the public notice and the status of PFAS in Town. Mr. Mostoller stated that the only update he has is on the April result for the Clapp-Whitcomb facility is that levels of PFAS are still non-detect. The GAC continues to be effective there removing PFAS. He mentioned a Boston Globe article in Sunday's paper regarding PFAS. He stated that the District just sent out 7,000 notices so that article didn't impact our public relations efforts significantly. There is a reference of small token of money that the State is allocating to impacted systems (\$2 million). One of the questions that the office staff has been getting is will Acton tap into that money.

Steve Stuntz: he felt that the letter was better written. He showed the article to his wife and she wondered why the federal level was not mentioned. Mr. Mostoller stated that the federal health advisory level is 70 PPT and its only covers two compounds, PFOA and PFOS. Mr. Stuntz asked what is the 200 PPT that they are referring to? Mr. Mostoller stated that the closest number we can get to 200 is 210 PPT being an advisory level in CT for not bathing in the water. He is suggesting going offline to discuss. Mr. Mostoller stated that DEP was trying to streamline the document and keep it to two pages. Both Ms. Amir-Lin and Mr. Rosen also stated that it was well written.

Ron Parenti: he responded to the author of the Globe article and gave him his perspective on things. His perspective was that the state made a huge mistake in setting the MCL at that level it has been currently set. He believes water providers all over the state are forced to spend huge sums of money on negligible improvement in public safety. He is hoping that Mass Water Works Association is working to convince the state that the level is not appropriate. He has read many articles written and many people are advocating for having the level pushed down to 1 PPT. In his opinion, communities will be spending lots of money for no benefit.

Matt Mostoller: coming up is MA legislature if convening a statewide PFAS working group. There could be opportunities to revisit. DEP made it largely clear that the legislation will not be less restrictive. It could change the dynamic going forward depending upon how this working group goes.

Mr. Rosen: We've had some problems with labs analyzing the samples we have submitted. Are we going to have them retest or are we going to wait for the next quarterly test? Do we have a better list of state approved labs that we can use?

Mr. Mostoller: we are on a monthly data sampling and don't have time to get new samples. If we have bad data, we would end up with one less sample to use. We are aware of the certified labs and we believe we are working with more of the capable ones. Some of these labs are small and can't take on more. There are logistical challenges due to their location. He stated that is makes him nervous to send to a warmer climate location (i.e. Florida) due to deliveries being slow.

Mr. Mullin: how many comments have you had over the last few days? The article today was about Wayland delivering bottled water and how are we different in our response? Matt Mostoller stated that there have been about a couple dozen comments (phone and email). Matt stated that his understanding with Wayland was a member of their Board Of Health (BOH) in Wayland is very concerned and falls in the camp that 1 PPT is too much, which is why they are providing bottled water. Mr. Allen stated that in

Acton we have a lot of source flexibility. Operationally we can change our pumping schemes whereas Wayland has one point of supply.

Kim Kastens: she saw that Boxboro has entered into state program where they can get their private wells tested. Will Matt be able to see that data since it would help out determining the special distribution of our region? Matt Mostoller stated that the answer will be dependent upon how DEP chooses to evaluate potential sources as it relates to Acton. We have informed DEP that we feel as though they should be assisting in source identification. They have created a hazardous waste site relative to PFAS in Acton. Their place holder to say that when resources are available the state will begin to investigate potential sources. If that goes forward, they will utilize some of that private well data. We as a District may not see that data. If we can partner with DEP on source identification we may benefit from that data.

Mr. Allen mentioned that there may be funds available for state grants. He reached out to administrator about the District reapplying since we were denied in the second round of grants in 2020. His recommendation will be to reapply for Assabet 3. That award could offset the funds that were recently appropriated from the Grace fund. Matt wasn't sure if that allows for capital costs so we should review the fine details.

Mr. Rosen: How to organize a PFAS working group to assist the District Manager in locating an immediate mitigation of PFAS solution?

Mr. Allen stated that there is a desire is to get a working group together. This working group would not be subject to open meeting law. This has been vetted through Counsel.

Barry Rosen: the working group needs to be operational and not strategic. The group would report back to District Manager Allen and must be his group. Agree to appoint a Commissioner to be on this committee. Steve and Barry nominated Erika and she accepted to serve as Commissioner on this group.

The group will include:

Commissioner: Erika Amir-Lin

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

Environmental Manager Matthew Mostoller

Finance Committee: Bill Guthlein

Mr. Allen has reached out to the Town Manager for his suggestion on someone who works for the Town that could participate in the group.

He spoke with Rich Protasowicki of Wright-Pierce on crafting a PFAS engineered treatability study.

Mr. Allen wants to start soon whether it is in person or via Zoom.

## 2. Discussion of Upcoming Kelley's Corner Water Infrastructure Improvement.

Mr. Allen provided an update on this item. He stated that there has been a lot of talk about this project for last several years. The planned water improvements there are "Non-qualifying work" which means that the Water District must pay for this aspect of the project as it is not included in the state project scope. \$500,000 appropriated for water main improvements was approved at the last District meeting. He posted the 75% design submission cost estimate - \$2.244 million is projected at this time. There has been a lot of volatility in the bidding market lately. The Plan is that it will go to bid in December 2021 and break ground in spring/summer 2022 (if timeline goes as planned). The price of Ductile Iron pipe was due increase 23%, which is a significant increase. The largest ticket number on this project is the 8"

temporary service pipe at \$721,000. He has spoken to the state's engineering firm and discussed the plausibility of keeping the current main in-service during construction. This may be possible. If affirmed, that would eliminate a large ticket item from bid.

We have done some appropriation toward this project. We currently only have about \$750,000 in funds for this. If we appropriate another \$500,000 at next year's Annual District meeting, we will then be at \$1.2M and still only halfway there. He spoke to Town Manager regarding the American Rescue Plan – can some of those monies be used for this project. He hasn't gotten a definitive answer. The Town of Acton is to get \$6.9 million from that Rescue Plan, and water infrastructure improvements are eligible for use of these funds. He will continue to speak with Town Manager on this.

Erika Amir-Lin: is there a possibility that we wouldn't get any bids? Mr. Allen stated that it's possible, but he has spoken to some contractors who have expressed interest in bidding on this. He likes the idea of the American Rescue Funds to help with this project would be great.

Barry Rosen: currently looking at up to \$2-2.5 million but by the time this project gets done it could be in the \$4+million range. The \$500K that we set aside is for pipe improvements, correct? Mr. Allen stated yes, it's a perennial appropriation. Mr. Rosen stated so we are basically delaying \$500K a year in other infrastructure improvements for this project. He thinks that we don't have to do any of this reconstruction if only Town moves forward on Kelley's Corner project. Why didn't the Town budget for this project? The Town owns some of the responsibility for this project and should be paying for part of this project. He is unhappy that we are setting aside \$500K for this project when that money should go to other priority water infrastructure improvements. He would like to start talking to the liaison to the District to help them understand the issue. There should be cost sharing between Town and District.

Erika Amir-Lin: what is the incentive for the Town to work with us? To do this the road has to be open anyway. Mr. Rosen stated that they still need to go out for bids. Ms. Amir-Lin stated what's the ask from the Town. What do you see as the direct path forward? Mr. Rosen stated he would like to open discussion with Town.

Steve Stuntz: the cost will be the cost whether the town picks up the cost or we do. We have the choice of not making improvements now and waiting. He doesn't know what the historical pipe breakage is in this area. Barry has a good point that this should be outside the \$500K line item. We certainly should discuss this with the Town. Does it need to be done now? The town can't afford everything all at once. Could the repairs be done later? He thinks that we should start the conversation with the Town. Erika agrees that if there is a chance to open the dialogue then go for it.

Mr. Allen stated that he doesn't see a path for us not to do this project. With the planned improvements to the surface features, our existing infrastructure is aged and failing. It would be a disaster if we had to make emergency repairs after all the planned improvements were complete.

Kim Kastens: always in favor of talking to the Town. Do you have any other idea who the other claimants are of the \$6.9 million? This new money would be easier to grab of slice of then to reallocate or re-budget for Kelley's Corner. Then be prepared to make the case as to why it is important compared to the other claimant's requests. Mr. Rosen agrees that this is a good point.

Bill Mullin: is this work be able to be bonded? Chris, yes but prefer to not impact the bond debt fee which would increase the quarterly charge per unit.

Mr. Mostoller: wants to address the question about what the frequency of pipe failures have been in this area. Over the past several years there have been a few significant ones including one near Roche Bros

and Starbucks on Massachusetts Avenue and the other near the old Kmart on Main Street. When we are talking about this project it is on our radar screen for replacement. And in regard to the term “shovel ready” – although it is “shovel ready” if it’s not being put out to bid until 2022 that may preclude it for qualifying it for the relief funds. Although it is ready to go it’s not being bid for a longer time period. Mr. Allen stated that in the literature that he has read the money needs to be spent by 2024.

### 3. Drought Status and Status of Current Outdoor Water Use Restriction.

Mr. Allen mentioned that the current drought status in our area is “normal”. The Massachusetts Drought Task Force meets monthly and will meet again in early June. If the current conditions persist, we will be in some sort of drought state again in June. Our current program allows one day a week for watering lawns dependent on location in town. We are currently in enforcement mode right now. We are seeing a relatively high level of non-compliance. We prefer to be in education mode vs enforcement mode. We don’t want to issue fines but when we have to, we will. As we move into Memorial Day the outlook is bad right now and there could be a complete ban on watering if conditions don’t improve.

Kim Kastens: one of the most powerful messages is for the District to start enforcing fines as a communications strategy.

## **E. NEW BUSINESS:**

### 1. Status of the Water & Land Management Advisory Committee (WLMAC) and Discussion of Reactivation of the Committee.

Mr. Rosen stated that if the decision is to reactivate the Committee then Jim Snyder-Grant will have the Town Selectboard appoint a Selectboard member to the WLMAC. The question is should we reactivate this Committee? Mr. Allen inquired as to whether the three standing members are able to still serve. They include Paul Malchodi, John Cipar, and Chuck Olmstead. Mr. Rosen was able to speak with John Cipar and he was interested in still being on the committee. Paul Malchodi was also still interested some time ago when we spoke. He mentioned that Chuck has health issues and may be moving out of town so not interested. The Committee needs five members and it takes three for a quorum.

Steve Stuntz: This discussion has come up several times. If there isn’t a real issue that we want them to focus on or a real need, then it’s not worth having the committee. If it’s real specific goals with technical questions that need answering, then it’s hard for anyone to take part and be interested. We need to decide what topic needs to be discussed. Mr. Allen mentioned that the most recent discussion was for the town’s Water Resources Advisory Committee (WRAC) and the WLMAC to collaborate on the town-wide water study.

Erika Amir-Lin: no one wants to be on a committee if there is no charge.

Barry Rosen is proposing the following possible topics for the WLMAC to work on:

- Water supply study
- Examining water supply issues
- Long range PFAS strategy
- Partnering with public water suppliers for regional supply

Ron Parenti: there is a lot of overlap between what WRAC is working on and what you have proposed for WLMAC. WRAC is currently short of 2 permanent members and two associate members. There are problems on the table that need to be addressed. He presented to the WRAC last week that the population projections have been way off the mark and that they should try to come up with a better job of projecting out to 2050. WRAC needs new members and if WLMAC does not start up again those people should be encouraged to join WRAC

Kim Kastens: thanks Ron for bringing up these topics and saw his presentation to WRAC. Any thought to merge the WLMAC and WRAC? Mr. Allen asked Counselor Bassett how that would impact the District by-law about WLMAC. Counselor Bassett stated that the by-laws are voted on by the District voters. If we were to reconfigure or call it something different or merge it formally it would have to be a by-law change at an annual or special District meeting. If the Commissioners wanted to abolish the WLMAC, it would have to go on a warrant article. She doesn't know how the town established the WRAC. Barry stated the WRAC was established by the Selectboard. It is a committee appointed by the Selectboard and is not established by charter or by-law. It was mentioned that Matt Mostoller represents the District on the WRAC. Erika mentioned that the WRAC would be looking to the District for their water study and when the WLMAC was reestablished it would be assisting the WRAC with the water study.

Bill Mullin: it's very hard to get volunteers and with an obtuse mission it will be more difficult. He will be happy to help recruit people. Needs to have a very clear mission with a specific time frame is essential to getting quality people. He would be happy to help to define the mission of the WLMAC. Sounds like WRAC is doing parallel work.

Kim Kastens: WLMAC give them sort of substantive role in 5-year master plan.

Barry Rosen: is suggesting that the first charge for WLMAC should be a long-term PFAS strategy.

Barry Rosen: has a job description with time commitment.

Steve Stuntz: we should hire people to do it not get volunteers. It's strategic planning. We talk about the resources and how the District is already stretched. He is advising that it will be an access of frustration as we won't find people who want to do the intellectual long-term thinking. If we believe in what needs to get done, then we should hire people and stop asking for the free help. Who is going to find these people for WLMAC? Barry Rosen stated that he would work on recruiting people and using his network in town. Steve stated that he knows how hard it is to find volunteers so if we believe that we need and want this information than we should pay someone for it and not ask for volunteers to spend their time for free to get us the answers.

Barry Rosen and Bill Mullin will get together to write a mission statement and add it to the job description and at the next District meeting present to Board. And then decide whether to go forward and start recruiting new members for WLMAC.

Other Business:

Associated Environmental Systems (AES) and Counsel contacted the District via a letter. Mr. Peter, owner of AES at 8 Post Office Square is not happy with reconstruction of the roadway. The letter stated that they didn't like the reconstruction. Mr. Allen and Counselor Bassett will sit down with Mr. Peter and his Counsel and try to come to an agreement. They didn't make any specific demands as to monetary compensation or what they want done.

*Mr. Stuntz motioned to adjourn the open meeting at 9:30 PM. Mr. Rosen seconded the motion and it was unanimously approved by a roll call vote: Ms. Amir-Lin and Mr. Rosen.*