

Board of Water Commissioners

Meeting Agenda

Tuesday, May 28, 2024 @ 7:00 PM

AGENDA

- Comments from the public

NEW BUSINESS:

- Discuss Pre-Bid of long lead time equipment
- Discuss bid results for Center Acton PFAS Upgrades
- Call Special District Meeting on June 13, 2024 at 6 PM
- Approve the Warrant article(s) for the Special District Meeting

Present at Tonight's Meeting:

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

Members of the Finance Committee: John Petersen

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Spencer Holland

Members of the Public: Kim Kastens, Ron Parenti, Bill Guthlein, Alissa Nicol

START OF MINUTES

Mr. Rosen opened meeting at 7:00

Comments from the public

None at this time.

NEW BUSINESS:

Discuss Pre-Bid of long lead time equipment

Mr. Mostoller shared on screen a copy of the project financing needs spreadsheet that was included in the meeting packet. He gave an overview of the equipment that had been pre-bid for both the CAWTP and SAWTP PFAS projects and explained that the District needs to pay some costs for the equipment during FY 24 and will be reimbursed by the SRF program during FY 25. He mentioned that Ms. McCarthy identified a potential hiccup with this process and both he and Ms. McCarthy have met with the SRF program and Ms. McCarthy

was also in touch with the DOR to get more information. Essentially, since the District is using its own funds and is going to be reimbursed after July 1st, this could result in an encumbrance to the District's Free Cash. A workaround has been identified; the District will need to receive reimbursement from SRF prior to September 30th and provide documentation to DOR during the Free Cash submission process that the funds have been received. This will likely be a non-issue, however, Mr. Mostoller and Ms. McCarthy wanted to bring this to the Board's attention. Both Mr. Stuntz and Mr. Rosen thanked Ms. McCarthy for her efforts in looking out for the District.

Discuss Bid Results for Center Acton PFAS Upgrades

Mr. Mostoller then shared on screen the document prepared by Wright Pierce for the Central Acton Water Treatment Plant PFAS Upgrades project. This document was also included in the meeting packet. Mr. Mostoller explained that at the 2023 Annual District meeting, voters approved an article for the CAWTP PFAS upgrades as well as an article for the construction of the two bedrock wells at 549 Main Street. These were originally two separate projects, however, after SRF initially only approve the PFAS project, the District requested that the SRF program combine the projects, which they agreed to do as they are closely related projects articulated in our PFAS corrective actions for this site. Additionally, PFAS design costs are now eligible to be rolled into the SRF loan at 0% interest. Mr. Mostoller then explained that the apparent low bid for the general contractor came in higher than the engineer's estimates. In meeting with the SRF program, he learned that SRF is amenable to increasing the loan amount as long as we obtain voter approval.

Ms. Amir Lin had a question about the bid and asked if there had been any discussion with the contractor about what made the construction costs come in higher? Mr. Mostoller responded that we don't have the detailed costs at this time. Overall, in this market bids are coming in higher, generally around 30% according to the Clean Water Trust. The SAWTP PFAS project also had bids that came in higher than the engineer's estimate, however, changes to the design had been made prior to bidding which resulted in a savings of \$977k for that project so in reality, the net additional ask of voters is \$1.5million for PFAS response actions. Another factor for the higher cost is there were only two bidders. There is lots of work out there and bidders aren't competitive. Also, it seems that larger firms aren't bidding projects of our size.

Mr. Rosen asked if we have any experience with WES Construction Corp. Mr. Mostoller does not have experience with this GC, however, Wright Pierce does have experience with them and spoke favorably of their work.

Mr. Stuntz asked how much we have lost on the bedrock well project. Mr. Mostoller said that without a statement of values available for this project we don't know how much of the cost is for the wells versus the building.

Mr. Petersen inquired about the bedrock well cost. He wanted to know how this is parsed out on the schedule presented. Mr. Mostoller responded that the costs are comingled on this schedule. Mr. Petersen then responded that we should map how we got from the original number to the new number for the Special District meeting. He would like to see the numbers collapse to 3 digits.

Mr. Mostoller responded that he hopes to receive the schedule of values in time for the Special District meeting.

Ms. Kastens then asked what the difference is between the \$2.5 million and the \$1.5 million Mr. Mostoller mentioned earlier. Mr. Mostoller responded that we have a \$977k surplus on the SAWTP project appropriation and a \$2.5 million deficit on the CAWTP project appropriation. These projects are also carrying contingencies and if we don't use these the actual amount borrowed will be less.

Mr. Petersen then advised against netting out the projects at the Special District meeting. Mr. Mostoller agreed and said he hopes we don't need to get into that level of detail.

Call Special District Meeting on June 13, 2024

Mr. Mostoller informed the Board that the Moderator and Clerk are available. This date provides the engineers with enough time to finalize their submission to SRF and allows us to post the Warrant for the required two weeks.

To inform voters of the Special District meeting we will be sending an email blast to those with email addresses on file, a mailer will be sent to those without email addresses, we will post on social media and the warrant will be posted on District website, physical locations in Town, and advertised in the Action Unlimited. Mr. Rosen suggested also requesting a link be added to the Town of Acton's website homepage that points back to our website.

Mr. Mostoller continued that he and Ms. McCarthy met with the Finance Committee this morning and they support the article for the Special District meeting if sufficient materials are made available.

Mr. Petersen then discussed what information he feels should be provided to the public to make sure they have an understanding of what they are voting on. He believes we should have materials available and we should approach this with the same formality that we do

for the Annual District meeting. He also discussed the 3 slides and the information they would contain that the Finance Committee would like to see.

Mr. Stuntz is happy to hear Mr. Petersen raise these points because we tend to assume the voters know everything we are doing.

Mr. Rosen stated that the Finance Committee in their presentation needs to be clear about how this will impact voters, when the impact will take place, the amount, etc.

Ms. Amir Lin stated we should revisit how we go about presenting this at the next BOC meeting. Mr. Petersen stated that the Finance Committee is happy to make the next meeting a joint meeting to go over logistics.

Mr. Rosen then asked for a motion to call the Special District Meeting.

Mr. Stuntz motioned to call a Special District Meeting for a single warrant article on June 13, 2024 to be held at 693 Massachusetts Avenue to discuss the need for additional funding for the CAWTP PFAS project. Ms. Amir Lin seconded the motion and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Approve the Warrant article(s) for the Special District Meeting

Mr. Stuntz motioned to accept the warrant for the Special District Meeting as presented for tonight's meeting. Ms. Amir Lin seconded and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

The next BOC meeting will be a joint meeting with the Finance Committee.

Additional New Business

Mr. Mostoller then informed the board of an agenda item that was not reasonably anticipated when the meeting was posted and has a June 1st deadline. Similar to other state grant programs, the board needs to grant authority the District Manager to file on behalf of the District for the Cyber Security Improvement Grant program offered by MassDEP.

Mr. Stuntz moved that the Board of Commissioners adopt the following resolution authorizing the District Manager, Matthew Mostoller, to file on behalf of the District for the Cyber Security Improvement Grant program.

AUTHORITY TO FILE

Whereas, Matthew Mostoller, after thorough investigation, has determined that the work activity consisting of: Cybersecurity Improvement is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is

necessary to apply for assistance; and Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (Chapter 21 and Chapter 29C) are authorized to make loans and grants to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects and Drinking Water Projects; and Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan or grant application. NOW, THEREFORE, BE IT RESOLVED by the Water Supply District of Acton Board of Commissioners as follows: 1. That Matthew Mostoller is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application; 2. That the purpose of said loan(s)/grant(s), if awarded, shall be to fund approved activities. 3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

The motion was seconded by Ms. Amir Lin and unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Ms. Amir Lin then asked about the project. Mr. Mostoller responded that applications are due June 1st for the FY 25 program. He anticipates a response will likely come in July and then the project will start in late summer and wrap up in March 2025.

Ms. Kastens commented that the packet on the website only included the agenda. Mr. Mostoller informed her that the additional materials were only circulated at the end of the day and would be made available on the website on Wednesday morning.

In other business, the MassDEP inspection of the NAWTP PFAS project will likely occur on Friday. Mr. Mostoller hopes to have an update for the Board at their next meeting on Monday, June 3, 2024 that PFAS free water has been flowing to the distribution through the weekend.

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

Meeting Closed at 7:49 pm.