

# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
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Commissioners Meeting  
Water Supply District of Acton  
Meeting Minutes  
June 2, 2014

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**Agenda:**

- A. Comments from Citizens
- B. Approve Minutes from the May 12<sup>th</sup> Meetings
- C. OLD BUSINESS:
  - 1. Update on Property Tax Abatement for 16 Knox Trail.
  - 2. Proposal for Amendment to the Groundwater Protection District (GWPD) By-law.
- D. NEW BUSINESS:
  - 1. Meeting with Massachusetts Senator Jamie Eldridge to Discuss Legislative Priorities Related to Improvements, Emerging Regulations, and Topics Related to Public Water Supply and the Environment.

The Board of Water Commissioners meeting was called to order at 7:30 p.m. on Monday, June 2, 2014 at the Acton Water District Office by Mr. Ron Parenti.

**Present at Tonight's Meeting:**

Commissioners: Ronald Parenti, Leonard Phillips (Chairman), and Stephen Stuntz  
District Manager: Chris Allen  
District Counsel: Mary Bassett  
Environmental Manager: Matthew Mostoller  
Commissioners Secretary: Lynn Protasowicki  
Finance Committee: Bill Kingman  
WLMAC: Barry Rosen, John Cipar & Paul Malchodi  
District Moderator: Richard O'Brien  
Town Selectmen: Janet Adachi, Chair

**A. Comments from Citizens**

No comments were made at this evening's meeting.

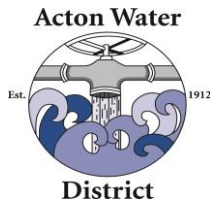
**B. Approve Minutes from the May 12<sup>th</sup> Meeting.**

Mr. Parenti moved to accept minutes of the meeting held on May 12, 2014 and Mr. Stuntz seconded the motion and it was unanimously approved.

**C. OLD BUSINESS:*****1. Update on Property Tax Abatement for 16 Knox Trail***

Enclosed in tonight's packets to the Commissioners is a copy of the Property Tax Abatement/Exemption Denial Notice for 16 Knox Trail, Acton (formerly Assabet Sand & Gravel, LLC). Mr. Allen informed the Commissioners that the Acton Board of Assessors denied the District's request for the abatement of the fiscal year 2014 real estate property tax in the amount of \$10,000. Mr. Allen proposed that he communicate with Steve LeDoux, Acton Town Manager, explaining that the District did not appropriate the funds for this year because they did not expect the request to be denied and that there is no time to pull together a Special Meeting to get

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voter approval for said appropriation. He is not sure why it was denied as no reason was given. Counselor Bassett stated that the taxes need to be paid before the District could appeal to the Appellate State Tax Board.

## 2. Proposal for Amendment to the Groundwater Protection District (GWPD) By-law.

Enclosed in tonight's packets to the Commissioners is a memo from Mr. Mostoller to the Commissioners regarding a draft scope for amending the Groundwater Protection District By-Law as well as a copy of the WLMAC suggested goals/topics that they see as important for discussion in regards to the Groundwater Protection District By-Law. Mr. Parenti mentioned that he attended the planning board meeting and that the group was very familiar with the situation and is receptive to the sub-committee. He mentioned that no one from the Planning Board that evening stepped up to be a representative for the sub-committee. Based on the meeting minutes, Mr. Derrick Chin will represent the Planning Board in the proceedings. Mr. Allen recommended that Mr. Mostoller head the sub-committee and guide the discussions. The District still does not know who will be a representative from the Acton Board of Health. Mr. Allen mentioned that Savas Danos, formerly the General Manager of Littleton Light & Water, has offered to assist in whatever manner necessary.

Mr. Mostoller mentioned that the District will be a proponent of any changes but will have no authority to implement or enforce the changes.

Counselor Bassett stated that we can control our Zone 1 & Zone 2 land but the District does not have the authority over Zone 3 property. Mr. Mostoller stated that by going through this process of making recommendations and changes to the by-law we are actively trying to better protect ourselves but again reiterated that the Town of Acton would need to enforce the by-law.

Mr. Phillips stated that he is just trying to understand that we are protecting ourselves for things that haven't occurred. Mr. Mostoller stated that this is the plan.

## Other Old Business:

Counselor Bassett provided to the Commissioners a copy of the final version of the "Right of Way with Exhibits" for the Town of Acton's request for entry to the property at 941 Main Street/Marshall Well site for the Bruce Freeman Rail Trail project. The request was for some clearing, grubbing, and re-grading alongside Main Street to make sight distance safe at the adjacent crossing of the rail trail over Main Street. Counselor Bassett mentioned that this is a one-day right of way and that the District has waived our right to compensation.

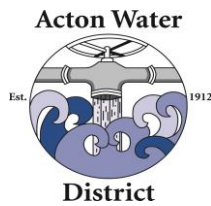
Mr. Malchodi mentioned that the Massachusetts Highway Department is pushing back on the Conservation Commission which could delay the bid process.

The Commissioners authorized the District Manager to sign the "Right of Way" document

## **D. NEW BUSINESS:**

### 1. Meeting with Massachusetts Senator Jamie Eldridge to Discuss Legislative Priorities Related to Improvements, Emerging Regulations, and Topics Related to Public Water Supply and the Environment.

Enclosed in tonight's packets to the Commissioners is a copy of a memo from Jen Pederson, Executive Director of Mass Water Works Association, regarding Senate Bill 2016. This bill was sponsored by Senator Eldridge to finance infrastructure improvements. It has passed the Senate, and is under review in the MA House of Representatives.



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Senator Eldridge informed the Commissioners that the Senate voted unanimously to pass a water infrastructure bill. He feels pretty confident that the bill will pass in the House of Representatives.

Under the new bill, Senator Eldridge commented that the water utility companies will be able to charge a fee to offset the increased costs for projects. Mr. Allen stated that the District will be doubling their debt impact fee to customers next year because of the large costs to build the South Acton Water Treatment Plant. He stated that the District has some freedom compared to a typical water department that may be under a DPW umbrella. Given the ability to change the impact fee (increase or decrease) depending upon projects approved by district vote. But, that might not be the case with other town water departments that may not have that option.

Mr. Phillips asked about unmetered water and leaks...how do we recover this type of water loss?

Mr. Parenti asked Senator Eldridge about withdrawals, healthy stream flow and fish counts, and the connection to water withdrawals. He stated that when fish counts go down the District is responsible. Where does this science come from? Senator Eldridge responded by saying that the Mass DEP mandates this. He noted that water levels in streams will impact fish populations. Mr. Mostoller explained to the Commissioners the USGS audit that took place in the month of August several years ago for the streams and rivers of the Commonwealth and that the DEP did on-site evaluations and monitored stream flows in Acton. Mr. Stuntz asked Senator Eldridge if there are credits on prior efforts. Senator Eldridge stated he will check into it. Mr. Parenti asked, "How is what we are doing impacting streams if we haven't changed? If the District withdraws the same amount of water and the streams are going down in quality, how is what the District doing impacting those streams?"

Senator Eldridge asked about pervious pavement. He wanted to know if there is a law in the Town of Acton for new parking lots to have this type of pavement installed. It is acceptable case-by-case, but there have been some concerns expressed. The major concerns being a direct conduit to the ground for any fluid spillage, vehicular, or otherwise; and the challenge of snow and de-icing operations. It is not a sustainable arrangement in the Northeast.

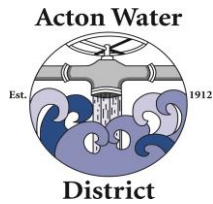
Senator Eldridge asked about green infrastructure vs gray infrastructure...what does it mean "green infrastructure" in a town like Acton?

Mr. Allen and the Commissioners gave a general overview to Senator Eldridge on the Town of Concord's land acquisition on Knox Trail in Acton. The Senator seemed generally up to date on what had transpired.

Mr. Malchodi asked the Commissioners if he could speak to Senator Eldridge as a citizen. His concerns are as follows:

1. Concerned about SWMI and the premise that all streams should have water in them. SWMI is missing the idea that river flow rates need to be appropriate for rainfall. Regulations should be concerned about rainfall.
2. The District is permitted to pump 1.9 million gallons of water per day. The District's permit is delayed again. He would like to have that water permit in place to protect our water.
3. District owns open space land. We can't open it to trail use. He would like the State to allow the Town of Acton to open this land for trail use.
4. Would like to see the asbestos pipes removed when they are replaced. Currently, they are retired in-place and filled with flowable fill
5. Dover Amendment – State legislators needs to fix this amendment so that it can't be used as a threat.

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6. The District purchased land at 16 Knox Trail but can't get access to the water withdrawal permit from the original owner. Can the Senator help to get this? The District has petitioned the previous owner to transfer the permitted withdrawal without success to date.

Mr. Mostoller stated that he understands the importance of housing development in Acton however there is a disconnect. By not having the new water permit this may cause some issues because one hand the Town is growing with new homes and on the other hand the District isn't sure if we'll be able to sustain the build-out. We don't have assurance that the water will be there given the uncertainty of the upcoming permit renewal in 2016.

Mr. Phillips made a motion to adjourn the Board of Water Commissioners meeting at 9:30 p.m. and was unanimously approved.