

Board of Water Commissioners

Meeting Agenda

Monday, October 2, 2023 @ 7:00 PM

AGENDA

- **Comments from the public**
- **Approve minutes from the meeting of 9/11**
- **Appoint one Commissioner to sign warrants while conducting meetings virtually**

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Discussion of Additional PFAS Upgrades
 - North Acton PFAS Loan Agreement Amendment
- Discussion of District Counsel
- Request from Town of Acton Finance Committee

NEW BUSINESS:

- Certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the Center Acton Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust.
- Certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the South Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust.

EXECUTIVE SESSION: -- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District. To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the District.

Present at Tonight's Meeting

Commissioners: Erika AmirLin (Chair), Barry Rosen, Stephen Stuntz

District Manager: Matthew Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: Ron Parenti

Members of the Public: Kim Kastens, John Petersen

START OF MINUTES

Ms. Amir Lin opened the meeting opened at 7:00 pm.

Comments from the public

Kim Kastens asked the Board about the financing for the Powder Mill Place Project, as she had attended a Sewer Commissioners Workshop where it seemed as though the financing from that project would play a big role in future decisions regarding the Town Sewer system.

Mr. Mostoller responded that the District has not heard back from the developers since early summer but was under the impression that the Fire Protection Engineer for the developers was completing work on the project.

Approve minutes from the meeting of 9/11

Mr. Rosen motioned to approve the minutes of the September 11, 2023 meeting. Mr. Stuntz seconded the motion and it was unanimously approved via a roll call vote; Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Appoint one Commissioner to sign warrants while conducting meetings virtually

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

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS) Current sample data, if available

Mr. Mostoller reported that they have not received the analysis back from their September samples, which were taken on September 15th, 21st, and 25th. Both Center and South Acton are currently in service, and both were in compliance with state standards for the month of August. October sampling will take place this week, likely on Friday October 6th.

Discussion of Additional PFAS Upgrades

Mr. Mostoller provided an update on the North Acton PFAS Upgrades, reporting that the electrician has been on site for the past few weeks completing subsurface work. The contractor recently poured the concrete for the duct banks and is preparing the pads for the equipment that is scheduled to arrive either at the end of October or beginning of November. Currently the engineers are trying to work through issues with the Variable Frequency Drives, but they have the pumps, and should have the electrical equipment soon. They need more information from the

electrician on the temporary VFD's, as there may be a better solution. The rest of the project is coming along nicely.

Mr. John Petersen asked a question regarding PFAS sampling. He asked if the lab tends to retest a sample that generates a high result. Mr. Mostoller responded that the original sample is usually not retested for low or high sample results, if proper procedure is followed. However, a resample may be completed to better understand the conditions at a source.

Regarding Center and South Acton, they are working with the respective engineers on the projects to meet the SRF deadline of October 13th. Both projects are expected to be at the required 30% design for the October 13th deadline. They continue to make progress on both projects and plan to be set up to pre-bid materials and equipment with long lead times when possible and do a full bid package in the spring.

Ms. Amir Lin asked when the Board will know more fully about the pre-bid. Mr. Mostoller responded that they will need to be further along into the design to understand how to best approach the pre-bid items.

North Acton PFAS Loan Agreement Amendment

Mr. Mostoller reported that there is no update regarding this agenda item, they are simply awaiting information from neighboring communities who are in the same situation as Acton at the moment. They have also not heard any update from the Clean Water Trust regarding this amendment.

To close out the PFAS agenda item, Mr. Mostoller reported that they are pulling together information for the MDL and will have updated information hopefully at a later meeting.

Mr. John Petersen asked what the Commissioners are hoping the Finance Committee to review in terms of the evaluation of the terms for the settlement.

Ms. Amir Lin responded that the Board has no direct ask of the Finance Committee at this moment as they are awaiting more information on what the final offer might be.

Discussion of District Counsel

Mr. Mostoller reported that the ad had been posted, and today was the deadline for applicants to submit letters of interest. As of this meeting they have received 5 responses, 4 from firms, 1 from a solo practitioner. The District is familiar with some of the respondents, others they have no previous knowledge of, but all respondents operate in the municipal realm.

Mr. Mostoller reminded the Board that in previous meetings they decided for this October 2nd meeting to decide if they were going to pursue an active search for applicants or begin the review process of applicants.

Ms. Amir Lin voiced support for moving into the review process. Both Mr. Stuntz and Mr. Rosen agreed with moving towards the review process. Mr. Rosen added that if they begin the review process as soon as possible, they could possibly reach the final 2 candidates for the position.

The Board then discussed how to advance in the review process. Ms. Bassett told the Board she would favor talking with all 5 candidates. Mr. Stuntz suggested that staff and the District Manager could screen the candidates and report back to the Board on their screening. Mr. Mostoller responded saying he had already had direct communication with 4 of the 5 applicants. Mr. Mostoller then suggested that he may circulate the applicant materials to the Board for review, then from that the Board can decide on how to proceed in the review process. Ms. Amir Lin agreed with this suggestion, especially given the number of applicants.

Mr. Rosen asked if the applicants all had their own websites; Mr. Mostoller was unsure at the moment, and Mr. Rosen expressed his desire to read an example of an applicant's brief or website to better understand their work and experience, as done in previous searches. Mr. Mostoller said that later in the process they could ask candidates to submit additional materials, but once the Board has the materials, they can find the applicants' websites on their own easily enough.

Mr. Stuntz asked if the materials included their billing rates, and Mr. Mostoller affirmed that most applicants provided billing rates, which were all around the same amount with no outliers.

Mr. Mostoller did inform the Board that there was a 6th firm interested in applying, but that they did not, likely because they serve a neighboring community and wanted to avoid any conflict of interest.

The Board decided that there would be an off-cycle meeting to discuss applicants after Commissioners had time to review applicant materials.

Request from Town of Acton Finance Committee

The Town of Acton Finance Committee reached out to Mr. Mostoller again asking for information about PFAS and for a meeting with the District, echoing their request made back in August. The first time they reached out, Mr. Mostoller responded with the requested information along with an explanation about the uncertainties about prices and cost due to the evolving nature of PFAS. Mr. Mostoller did not receive a reply to that message in August until this message reiterating the same request. Mr. Mostoller asked the board how they would like to proceed.

The Board discussed how to proceed. Mr. Rosen stated that he would not like to set up a separate meeting but rather extend them an invitation to the regular meeting, put the discussion early on the agenda, and have the District's Finance Committee present to understand the Town's questions and concerns. Mr. Stuntz and Ms. Amir Lin agreed with this, and Ms. Amir Lin

suggested it might be helpful to have some sort of short presentation to formally highlight the information previously provided and explain the information further.

John Petersen provided comments, agreeing with Mr. Rosen on inviting them and putting them on the meeting agenda. He added that if a presentation is made, providing it in the meeting packet would be helpful. He asked Mr. Mostoller about some particulars of the communication with the Town Finance Committee, and Mr. Mostoller provided a brief overview of the particular nature of the correspondence.

Mr. Rosen commented that he believes the Town Finance Committee is trying to collect information for a specific task, the Board continued a brief discussion about the request. At the end of the discussion the Board settled on inviting the Town Finance Committee to a regularly scheduled meeting to discuss the information, but at the same time reiterating that the previously provided information is a good representation of what the Commissioners expect for future expenses.

NEW BUSINESS:

Mr. Mostoller explained that both new business agenda items are standard motions for their SRF, which do not require signatures but will be certified by the Clerk.

Certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the Center Acton Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust.

Mr. Rosen motioned to certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the Center Acton Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the South Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust.

Mr. Rosen opened a motion but quickly withdrew to motion as amended below.

Mr. Rosen motioned to certify the District Manager to act as the District's Agent to File the Applications and Execute Agreements for Funding of the South *Acton* Water Treatment Plant PFAS Upgrades through the Massachusetts Clean Water Trust. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

EXECUTIVE SESSION: -- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District. To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the District.

Ms. Amir Lin motioned to close the regular open meeting currently in session, and have the Commissioners to enter an executive session pursuant to General Law chapter 30A section 21A(6) to consider the purchase, taking or value of real property, and General Law chapter 30A section 21A(3) to discuss strategy with respects to litigation if an open meeting may have a detrimental effect on litigating position of the district; and to not reconvene in open session. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Open Meeting Closed at 7:48 pm.