

Board of Water Commissioners Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton MA
Monday, October 5, 2020

AGENDA

A. Comments from Citizens

B. Approve minutes from meeting of 9/14

C. OLD BUSINESS:

1. Appoint one Commissioner to approve warrants while conducting meetings virtually
2. Update on land lease with Baldco for 104 Powdermill Road-Rear
3. Update on proposed solar project on Lawsbrook Road
4. Update on the Central Acton Water Treatment Plant (CAWTP) project
5. Update on Per- and Poly-Fluoroalkyl Substances (PFAS)

D. NEW BUSINESS:

1. Seasonal water main flushing begins on Monday, 10/5, in Acton Center
2. Continuation of the outdoor water conservation program beyond October 1st

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

Present at Tonight's Meeting:

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

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Commissioners Secretary: Lynn Protasowicki

District Finance Committee: Bill Guthlein

Attendees:

Kim Kastens, Green Acton

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 a video conference using Zoom. The meeting was called to order at 7:00 PM on Monday, October 1, 2020 by Ms. Erika Amir-Lin.

A. Comments from Citizens

Kim Kastens. (1) About a year ago she attended a meeting at US Environmental Protection Agency (EPA) headquarters in Washington DC put together by the Center for Health Environment Injustice that was a series of meetings that was supposed to happen every quarter

but canceled because of Covid-19. Last week she attended one via Zoom. In her comments she thanked the EPA for the progress they've made around 1,4-Dioxane around the WR Grace site; she asked for more transparency and stake holder involvement around planning for reuse of the WR Grace site; and she asked for more testing for Per- and Poly-Fluoroalkyl Substances (PFAS) around super fund sites. She mentioned that Chris and Matt helped her on how to ask for those. She got some positive progress. She heard from Chris Smith of EPA and WR Grace are planning a stake holders meeting in Jan/Feb and, also will give us access to 1,4-Dioxane data from the August 2020 sampling campaign by December. And Steve Cook said he will forward the PFAS request to Region 1. She feels that it's good to keep concerns in the eyes of headquarters and looks forward to having some kind of stake holder or community involvement meeting around the re-use of WR Grace land. Green Acton has a few concerns including open space, solar panels, nature of what will get built on that property. She will share her written notes with the Commissioners and staff from this meeting. (2) Tonight, at the Acton Board of Health meeting there is an agenda item regarding an aquifer special permit application for the Twin Schools. She was wondering if the District was asked to comment on that or if they any concerns about it? As she understands the issue is that septic system is too close to wells. Chris stated that Terra Fredrichs had just made him aware of it via email. Matt gave it a quick review. Based upon on existing wells it doesn't appear based on regional ground water flow that it is a major problem. Kim: if it is about an aquifer shouldn't they have asked for comments from District. Is that not a standard part of the process? Chris: not in his experience. Kim: would you it like to to be? If Green Acton Water Committee put through a request asking that the District be involved in aquifer issues. Chris: yes, that would be helpful. (3) Green Acton and League of Women Voters are sponsoring a PFAS educational panel discussion on October 14th via Zoom.

B. Approve Minutes from Meeting of 9/14/2020

Ms. Amir-Lin motioned to approve the minutes of September 14, 2020. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, Ms. Amir-Lin.

D. OLD BUSINESS:

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

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

2. Update on Land Lease with Baldco for 104 Powdermill Road-Rear.

Mr. Allen mentioned that there are copies of emails in tonight's packets to the Commissioners from Lou Levine, attorney for Baldco, Inc. and Jason Wolfe, the owner's representative. Mr. Allen spoke with Kristen Guichard at the Acton Planning Department. She has received all the letters from Counselor Bassett to the owner and the entire drone aerial surveillance library to review. He spoke to her last week about some of the history. She will plan to do a site visit. Baldco plans to install a property line fence which was supposed to have started over this past weekend. He did not confirm that it had started. Mr. Stuntz asked will Matt or Chris go to the site visit? Mr. Allen stated that we have not been invited. We have been there a number of times. He is a bit hesitant. The owner seems to be relying on the District to express their concerns and take the lead. The District has expressed their concerns about the materials on the site, the

encroachment, the abatement, etc. We could attend the site meeting if Commissioners want that. Mr. Rosen asked Mr. Mostoller if the District has a need to determine what those materials are that are sitting on the property. Mr. Mostoller stated that there is concern with the nature of the materials, but also the change in the permeability due to the filling in of the land as well. Mr. Rosen asked how would you suggest we determine that? Mr. Mostoller stated that the nature of the material is outside the town being involved from a Bylaw, Zoning, Wetlands perspective. Mr. Allen stated that this was a major topic of conversation with Kristen. She has historical aerial photography that demonstrates progression of the material filling of the land.

Counselor Bassett: didn't the District engage Tom Tidman several years ago with him and walk the property. Matt stated that he has been out on the property a few times with Tom Tidman. The first time was when Mr. Dexter was trucking in agricultural organics which had a very strong odor. Mr. Dexter chased us down and tried to get them to not return. Tom Tidman was concerned because it was pretty ripe material and strong odor. Another time he visited with Tom there was concerns about the wetlands. Wetlands where the buffer zone was encroached on and there was mapping done (wetlands delineations) in this area that was land filled. Chris: he is familiar with what is going on at this property and he has been invited to visit the site again.

Mr. Rosen: I know that they are looking for a 20-year lease to which I am not inclined. I would lean very heavily toward making them provide performance which would mean moving materials out of there, understanding what the materials consist of, getting the fence installed, and no further trespass. I would suggest that in the new lease that we put a clause which states that if the District determines that there has been a trespass again that the District can terminate the lease. Counselor Bassett stated that the only leverage we continue to have is that we aren't entering into a lease until we get all these issues resolved. That is our best leverage but yes, we can include a that information in the new lease.

Mr. Rosen: doesn't have a good feeling about a 20-year lease. He would prefer a 3-5-year lease.

Mr. Stuntz stated that we have until March to see if there is any progress. Mr. Rosen stated that we have until January (when we have to freeze the warrant for the printing) actually to see what happens. March is when the District holds the Annual Meeting where the voters could vote on this new lease should it be an article on the warrant.

Ms. Amir-Lin stated that we need to see all these action items completed before we even consider entering into a lease with them. Question in front of the Commissioners tonight is do we want someone on staff to attend the site visit. Steve: leave it up to the staff to make that decision. Barry: his concern is knowing what is in the debris. Doesn't think using Matt's time or Chris's time is valuable to attend the site visit. Chris: during past site visits, Mr. Dexter has assured us that the material is clean, but has not provided any proof of that. He stated that the District will not attend, and he will wait to hear back from the Kristen and Baldco.

Ms. Amir-Lin stated that she saw that Lou Levine requested to be on the agenda at the next District meeting so we can have him join us. At that point maybe there will be follow up on the site visit.

3. Update on Proposed Solar Project on Lawsbrook Road.

Mr. Allen provided an update on the proposed solar project on Lawsbrook Road. Chris, Matt, Mary Jo and Counsel had a discussion around the draft lease for the solar array and then had a meeting with EDF Renewables and their team. We talked about some of the items in the lease including concerns around the pilot, land management practices, and proposed limitations on landowner. They have the draft and are editing it. They will send back to us for review. Steve: have they finished their PILOT discussions with the town. Chris: no, in fact, they haven't even started discussions after the Special Town Meeting vote.

4. Update on the Central Acton Water Treatment Plant (CAWTP) Project.

Mr. Allen provided an update on the Central Acton Water Treatment Plant project.

Contract 1: working on foundation, and leak testing of tanks; construction is moving along on schedule. Conduit schedule had a snag, but it was remedied. Waterline replaced roof on existing Conant II pump station. Demo on it to be converted into residual storage and metering station is pending and should commence around November 1st. Thereafter, the Conant II station will be unavailable until the plant is commissioned around this time next year, 2021.

Contract 2: contractor completed lining on Main Street of the existing 6" & 8" pipes. Contractor will need to reconnect segments in the launching and retrieval pits. Changeover of 12" ductile main at Post Office Square still needs to happen. No concrete schedule to get that done; this should occur by the end of October.

Kim Kastens: is there an interval of time when water from Conant I and/or II won't be available to town. Mr. Allen stated that Conant II it will be unavailable for duration until plant is operational. November 1st until next summer early fall. Conant I – will be switched over closer to when the plant is complete in 2021.

5. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).

Mr. Allen provided an update on Per- and Poly-Fluoroalkyl Substances (PFAS). The pilot is ongoing in North Acton. Trying to work through the operational challenges. Assabet II is ready to go. Just waiting on DEP to give us the go ahead, which should be soon.

Mr. Mostoller stated that recent sampling at the North Acton Water Treatment Plant indicated that there was some PFAS reduction. We are waiting to see if the piloting sampling results become available. The Commonwealth is picking up tab on that for 4th quarter compliance sampling. The treated water was coming out at 14 parts per trillion (ppt) with the raw water levels at 27 ppt. Definitely appeared to be a reduction of the concentration across the membrane filters.

Mr. Allen stated that the DEP put out notification that the Maximum Contaminant Level (MCL) is effective October 2nd and subsequent schedule thereafter so obligations to sample among public water supplies in the state are coming due within the next year. Mr. Mostoller stated that it does have an enforceable MCL based on an average of results and tentatively the District will be in violation of the MCL. How quickly the DEP acts on that is to be seen.

Kim Kastens: so now that there is an MCL does the cost for testing become the responsibility of the District vs MassDEP and if so, how much will it cost to the District. Mr. Mostoller stated that

the past year it has been a combination of the District and MassDEP. Our 4th quarter/one round will be covered by MassDEP. Each sample costs around \$225. We are getting ready to do 36 samples which is about \$8100 per quarter.

D. NEW BUSINESS

1. Seasonal Water Main Flushing Begins on Monday, 10/5, in Acton Center.

Mr. Allen mentioned that seasonal water main flushing started today in Acton Center. Flushing will take place from 8:00AM-8:00PM, Monday through Thursdays, during the month of October. We won't be flushing on Monday, 10/12, due to the Columbus Day holiday.

2. Continuation of the Outdoor Water Conservation Program Beyond October 1st.

Mr. Allen mentioned that the District will continue with the outdoor water conservation program beyond October 1st. Per the State we are still classified as in severe drought conditions.

Typically, the outdoor water conservation program expires on October 1st but due to the severity of the drought, we are extending the program indefinitely. Lawn irrigation will be permissible with hand watering only using a spring loaded nozzle.

E. EXECUTIVE SESSION

Ms. Amir-Lin motioned to move into Executive Session at 7:55 PM 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 and to not reconvene in open session. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote. Mr. Rosen, Mr. Stuntz, Ms. Amir-Lin

Board of Water Commissioners
Executive Session
Monday October 5, 2020
Via ZOOM video conference
Acton, MA 01720

Mr. Stuntz moved that the Commissioners enter into executive session at 7:55 pm, pursuant to MGL, Ch. 30A, sec. 21A (6) to consider the purchase, exchange, lease or value of real property, and that an open meeting may have detrimental effect on the negotiating position of the District. It was seconded by Ms. Amir-Lin.

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

Present:

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

District Treasurer: Mary J. Bates

Mr. Allen informed the Commissioners that he has been unable to come to an agreement on the utility easements needed for the CAWTP. Post Office Square, LLC asked for compensation in the amount of \$25-30K. Although \$50K was appropriated at the last District Meeting, Mr. Allen spoke with Gail Mann, of G&M Valuation, who did a back of the envelope calculation and arrived at approximately \$10K. Attorney Bassett described the eminent domain taking process for the easements, which could be completed in 30 days after notice to the owners.

After discussion, Mr. Rosen made a motion to continue negotiations and if unsuccessful, to proceed with the eminent domain taking of the easements at Post Office Square LLC/533 Main Street and Post Office Square Acton LLC. Ms. Amir-Lin seconded the motion and it was unanimously approved by a roll call vote:

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

Mr. Rosen made a motion to adjourn the Executive Session at 8:30 pm. It was seconded by Ms. Amir-Lin and unanimously approved by a roll call vote:

Roll call vote: Mr. Stuntz, aye, Mr. Rosen aye, Ms. Amir-Lin, aye.