

Board of Water Commissioners

Meeting Agenda

Monday, October 23, 2023 @ 7:00 PM

AGENDA

- **Comments from the public**
- **Approve minutes from the meeting of 10/2**
- **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
 - Bottled Water Rebate update
 - Financial impacts
- Discussion of District Counsel

NEW BUSINESS:

- Representatives of Powers & Sullivan for annual audit report
- Discussion of native meadow demonstration project

Present at Tonight's Meeting:

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

District Manager: Matthew Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: John Petersen

Environmental Manager: Alexandra Wahlstrom

Members of the Public: Ron Parenti, Kim Kastens, Christi Andersen, Jason Cole, Heather Morton, Alissa Nicol, Jim Powers, Laura Stone, Vladimir Kan, and Judi Kotanchik

START OF MINUTES

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

Ms. Amir Lin informed the Board that due to there being several agenda items that involve presentations and guest speakers, the agenda items will be completed out of their written order to be respectful of the guest's time. The following minutes are in chronological order as took place during the meeting.

Comments from the public

No Comment from the Public at this time.

OLD BUSINESS

PFAS: Current sample data, if available

Mr. Mostoller provided an update on PFAS. Currently the North and South Acton Plants are in operation. The September results are in for Center and South Acton. The Center Acton September sample, taken on September 25, was 9.7 ppt, and the South Acton September Sample, taken September 15, was 13.7 ppt. Both of these samples are considered normal for what they have been testing at recently. The sample for North Acton was taken on September 21st, however, due to an issue from the lab the sample will have to be re-analyzed. October sampling will be completed on October 24th. After the October sampling, the quarterly data set will be complete. Based on results from July and August there is a high likelihood that we will be out of compliance for North Acton and will have to send out another public notice.

Discussion of Additional PFAS Upgrades

Mr. Mostoller then provided an update on the North Acton PFAS project. The Clean Water Trust has reached out and are proposing \$316,000 in principal forgiveness. The District previously had a pending financing agreement amendment; the principal forgiveness will require additional amendment to the financing agreement. The latest amendment is under review and will be moving along the approval process in the coming days. As far as other updates, footings were poured on Friday, and the treatment equipment is now expected to arrive at the end of November. This delay is not of major concern but is an example of certain delays in the overall process. Mr. Mostoller informed the Board that he and the engineers are in conversation with Suez about payment, as Suez has not been paid yet, but they do have a contract in place. The VFD's and controls remain unresolved, and he is awaiting more information from the electrical subcontractor. At this moment they are unsure how this will impact the startup timing of the project.

Mr. Rosen asked Mr. Mostoller if the Massachusetts DEP has an alternative temporary VFD. Mr. Mostoller replied that the engineer is looking into it, but they did receive some pushback from the contractor. The latest thinking is we may be able to use an alternative product instead of dealing with a temporary solution, but they are still looking into the matter.

Regarding South and Center Acton, the District met the deadline for the SRF program. They recently had a very productive meeting with the engineer about Center Acton. They are looking to pre-purchase about \$1.2 million dollars of equipment to avoid delays that they have seen from North Acton. Mr. Mostoller is working with Ms. McCarthy on the necessary financial details for this.

Regarding South Acton they are in the process of planning a similar meeting with the engineer as they did for Center Acton. They are looking into the possibility of short-term borrowing to accommodate the pre-purchase of equipment for this project.

Ms. Amir Lin asked if the goal is to prebuy the equipment, Mr. Mostoller responded that yes, the aim is to have procurement for equipment before the larger construction procurement so the District can have the equipment on hand to streamline the process and have an extra lead time. Mr. Mostoller added that they are also considering having a single instrumentation and controls contractor aspects for the two projects, and both the engineers agree with that plan. They are looking forward to a future meeting to coordinate.

Mr. Rosen asked if after the primary delivery, if Suez will be supplying the GAC or if they will be purchasing it? Mr. Mostoller responded that Suez will be supplying it as part of their contract cost, though some information on refills remains unclear.

Bottled Water Rebate update

Ms. McCarthy provided an update on the Bottled Water Rebate program. For October of 2023 bottle water rebates totaled \$7,110, of that 139 customers received on bill credits, and that totaled \$6,165. For payments sent to tenants the total was \$945 and 21 customers. This month had 4 new applications but also dropped 3. Current total is 160.

Ms. Amir Lin asked how consistent the number has been, Ms. McCarthy said that in Quarter four of FY 23 it did go up a bit but now seems to be leveling out.

Financial Impacts (Presentation)

Mr. Mostoller opened this item by providing a short background on the genesis of the presentation. The Town of Acton Finance Committee had reached out previously to ask about expected financial impacts and cost considerations to the town regarding the evolving PFAS issues. After some back and forth with Christi Andersen the Board of Commissioners invited them to this meeting tonight so they may present the information with some additional context and provide an opportunity for questions. Mr. Mostoller thanked Ms. Andersen for her detailed questions in their previous communications as they informed the topics of this presentation.

Mr. Mostoller then gave the presentation which he prefaced by stating that this is a situation with many moving parts that are likely to change. Mr. Mostoller broke the factors contributing to PFAS cost considerations into the Clean Water Trust Loans, operating costs, debt repayment model, the MWRA Study, and projects like the temporary North Acton solution, and the Clapp/ Whitcomb Water Treatment Plant. Mr. Mostoller then went through a chart of how existing and proposed debts will likely affect the debt fee on the bills customers receive. Mr. Mostoller estimated that average users may see an increase from \$1.56 per day to \$1.73 per day, however the estimates may change with time. Mr. Mostoller then presented a chart that demonstrated the District's debts as loans come due and retire. Mr. Mostoller then provided an overview of the MWRA study and explained that if Acton does join the MWRA it will likely take a decade or longer to fully be realized.

Ms. Andersen thanked Mr. Mostoller for the presentation. Mr. Cole asked Mr. Mostoller if there is an expected timeline for deciding to join or not join the MWRA. Mr. Mostoller responded that the primary factor dictating the timeline of this decision is that the entrance fee for joining the MWRA is being waived until 2027. Mr. Mostoller explained that the rest of the timeline is unknown beyond that incentive, which might change as the situation evolves.

Mr. Cole then asked if the District had investigated alternatives to joining the MWRA. Mr. Mostoller responded that the District has more or less assessed all available in-Town resources, and they have done an exploration of additional local options. Of this exploration, a full cost analysis was not conducted so they are unsure about cost against the cost of the MWRA, which has not been fully developed. Mr. Mostoller hypothesized that the MWRA is likely the more expensive option of the two, but it may present other benefits to operations or in addressing the next treatment challenge after PFAS.

Mr. Cole then asked Mr. Mostoller that, according to his own calculations from the estimates given in the presentation, the average water user is going to see an increase in their water bill of about \$200 from 2019 to 2025. Mr. Cole wanted to know how that information was shared with the Select Board and if that cost was ameliorated with ARPA funds?

Mr. Mostoller responded that last fall the District did engage with the Select Board about ARPA funding. The District did ask for a larger share than what they received, some of those funds went to helping design the North Acton project which otherwise would have been delayed awaiting alternative funding authorizations.

Mr. Mostoller and Mr. Cole then had a brief discussion about the upcoming EPA standard that may aim for a virtually non-detect level of PFAS. Ms. Amir Lin added to this discussion that should a new regulation be instated, the District will have to comply, and that they will await regulatory guidance for lowering the PPT and any analytic detection necessary to sample. Mr. Mostoller added that it is technically feasible to meet a non-detect if the lab analysis is correct, but practically it will be a challenge, and it can be hard to know what those operating costs will be.

In the Zoom Chat Judi Kotanchik asked which well handles West Acton, Mr. Mostoller responded that South Acton Plant serves that area at this time.

In the Zoom Chat Judi Kotanchik also asked why the MWRA is waiving entry fees, and if it may be related to dealing with old pipe? She also asked for the PFAS testing levels, and if a Berkey water filtration unit would work on PFAS.

Mr. Mostoller responded in chat that the MWRA is exploring this expansion because they have excess capacity and are interested in selling water and reiterated the numbers from the previous report. Regarding PFAS regulation Mr. Mostoller responded to Ms. Kotanchik that regulators are aiming for a non-detect standard, but the current MCL for Massachusetts is 20ppt. Most consumer filters would be regulated to the current federal standard of 70 ppt performance criteria.

NEW BUSINESS:

Representatives of Powers & Sullivan for annual audit report

Jim Powers and Laura Stone from Powers & Sullivan presented an overview of the District's annual audit report. The report details are enclosed in the meeting packet. Ms. Stone provided a brief overview of their audit report which expressed their opinion on the District's finances. Broadly, Ms. Stone reported it was a very smooth audit, but they also expressed a list of recommendations for efficiencies as they have done in the past.

Mr. Rosen asked if the report reflected suggested adjustments made at the beginning of the process? Mr. Powers answered yes, those changes are reflected in the final report.

Mr. Rosen then asked if it might be possible to use resources from the land trust to finance the Main Street purchase. Mr. Powers responded that that is not in their purview and the question would be better suited for counsel.

Mr. John Petersen asked the representatives from Powers & Sullivan about the possibility of providing multi-year or long-term trends in these annual audits. After a brief discussion, Mr. Powers answered that if they believed it would be helpful, they would be able to create something like a 10 year analysis in these reports, Powers & Sullivan would just need clear guidance on what they are looking for. Mr. Powers recommended having a meeting about this topic in the spring if the board is interested in adding this to the report.

Mr. Stuntz added that the data for this kind of projection analysis likely already exists in other documents, it would probably be a matter of collecting and organizing the information. Mr. Rosen asked Ms. McCarthy and Mr. Petersen if this would be helpful for future budget decisions, and both said it would be helpful in the future.

The Board thanked Mr. Powers and Ms. Stone for their presentation and report on the audit.

Discussion of native meadow demonstration project

Mr. Mostoller introduced Heather Morton, who has expressed an interest in promoting native wildflower habitats. Mr. Mostoller explained that this is a topic that is not unique to the District, and they have done similar partnerships with the Garden Club and the Girl Scouts to promote Water Wise landscaping, which is similar to what Ms. Morton is proposing.

Ms. Morton then introduced herself to the Board and elaborated on the proposed project. Ms. Morton is interested in native meadows as a method to combat invasive plant species and support native insect populations. Her interest is in designing meadows that after 3-4 years of moderate maintenance will become low maintenance meadows. Her goal is to transform a 20 by 40ft area that she would garden into a more self-sustaining meadow. Ms. Morton has requested if she may do this on the District's property where it may be visible to encourage others in the community to consider native yards.

The Board and Mr. Mostoller had a brief discussion about the project. Mr. Mostoller highlighted it would fit with their land management goals along with their outreach and education programs.

Mr. Stuntz expressed support for the idea and encouraged a spot that would be visible. Ms. Amir Lin expressed support for the idea and elaborated that it compliments their water wise and conservation goals.

After a brief discussion about possible locations as well as current landscaping management, Mr. Mostoller said that he would continue to look for parcels where this would be possible. Ms. Morton stated that she is willing to fully donate the time and resources to this though if the Board is aware of other community partners who would be interested in this, she would appreciate the support.

Return to OLD BUSINESS

Approve minutes from the meeting of 10/2

Mr. Rosen motioned to approve the minutes of the October 2, 2023, meeting. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Appoint one Commissioner to sign warrants while conducting meetings virtually

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

Discussion of District Counsel

Mr. Mostoller updated the Board on the progress of finding new District Counsel. Mr. Mostoller had previously circulated the letters of interest to the Commissioners. The next phase would be moving forward with scheduling interviews. Mr. Mostoller informed the Board that he and Ms. Bassett would compile questions to ask applicants during the interview as a starting point. Mr. Mostoller recommended interviewing all applicants to adequately vet the applicants. Ms. Amir Lin agreed with the idea of interviewing all the applicants. Mr. Mostoller then suggested breaking up the meetings over two sessions, and after a brief discussion the Board expressed support for interviewing applicants in person.

The Board then discussed their schedule availability to start interviewing applicants. Considering their very limited availability, Mr. Mostoller proposed that a member of the Board could be assigned to represent the Board during the interviews, and then present their top candidates to the Board at the next meeting. Ms. Amir Lin then suggested the possibility of bringing that top candidate before the full Board.

The Board then discussed finding a time to interview the candidates. They agreed on reaching out to candidates to come in the morning of November 13th. After much discussion considering the District's needs and the backgrounds of the candidates, the Board decided to reach out to 2 of the applicants and invite them to come in for an interview the morning of November 13th starting at 8:30. The Board discussed this as a primary step, establishing that they may bring in the other candidates to interview at a later date.

ADDITIONAL BUSINESS

Mr. Mostoller informed the Board the EPA announced a proposed rule to ban TCE, which is of interest to the District given past issues with WR Grace. Ms. Amir Lin then informed the Board of the specific discharge and handling guidelines of this proposed rule.

Mr. Rosen brought up that the WRAC has been working on a paper written and approved by the Town to distribute in Acton about groundwater protection zones. Mr. Rosen informed Mr. Mostoller to expect the Town Manager to reach out regarding how to split the bill on the mailer. Mr. Mostoller said he will provide an update when he hears from the Town Manager.

Alissa Nicol commented that she will be in communication with the Town Manager in the near future and she can bring this item up for an update.

Mr. Rosen motioned to adjourn this meeting of the Acton Water District Commissioners. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Stutz, Mr. Rosen, Ms. Amir Lin.

Meeting Closed at 9:20 pm