

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
November 4, 2019

AGENDA

- A. Comments from Citizens
- B. Approve Minutes of September 23rd & October 7th Meetings

C. OLD BUSINESS:

1. Certification of Free Cash/Surplus Revenue for Fiscal Year (FY) '21
2. Variance for 8 Post Office Square - Site for New Central Acton Water Treatment Plant
3. Article 97 Legislation Related to Solar Arrays at Lawsbrook Road & Knox Trail

D. NEW BUSINESS:

1. Future of the Water & Land Management Advisory Committee (WLMAC)

Executive Session: To discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position off the District.

Present at Tonight's Meeting:

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

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Commissioner's Secretary: Lynn Protasowicki

Green Acton: Kim Kastens

WLMAC: John Cipar

The Board of Water Commissioner's meeting was called to order at 7:30PM on Monday, November 4, 2019 at the Acton Water District by Mr. Stephen Stuntz.

A. Comments from Citizens:

Kim Kastens thanked the District for the letter of support for the meeting she recently attended with the EPA Administrator in Washington DC. She mentioned that EPA suggested reaching out to Brian Olson who oversees Superfund in EPA Region 1. She did that, and they are working on a date and time for a meeting. Matt Mostoller received a letter from the local EPA Superfund site manager, Chris Smith, regarding new samples for WR Grace. She met with Matt Mostoller and Cheryl Ball, Acton Health Director, to come up with some items for discussion with Brian Olson. They determined that there is a need for better mapping of 1,4 dioxane at WR Grace site. The Commissioners ask to please keep them posted.

B. Approve Minutes of September 23rd & October 7th Meetings:

Mr. Rosen motioned to approve the minutes of September 23, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Mr. Rosen motioned to approve the minutes of October 7, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. OLD BUSINESS:

1. Certification of Free Cash/Surplus Revenue for Fiscal Year (FY) '21.

Mr. Allen informed the Commissioners that the District received approval from the Massachusetts Department of Revenue on the free cash certification. It was approved for \$870,376 for Fiscal Year 2021.

2. Variance for 8 Post Office Square - Site for New Central Acton Water Treatment Plant.

Enclosed in tonight's packets to the Commissioners is a copy of a letter that Mr. Allen sent to the Town of Acton Zoning Board of Appeals. The letter is a request for a variance at 8 Post Office Square which going to be the site for the new Central Acton Water Treatment Plant. The variance request is due to not having adequate frontage of 20-feet per the Zoning Bylaw. Mr. Allen further informed the Commissioners that he'd requested a waiver of the \$250 fee for the Variance application. The Acton Board of Selectmen are voting on this request tonight at their regular scheduled meeting.

3. Article 97 Legislation Related to Solar Arrays at Lawsbrook Road & Knox Trail.

Enclosed in tonight's packets to the Commissioners is a draft copy of the Article 97 legislation. Mr. Allen mentioned that Jen Sulla, Deputy Counsel for the Executive Office of Environmental Affairs (EEA) reviewed this legislation and it meets all EEA's criteria.

There was a question about what is considered a "disposition" which is written in the legislation. Counselor Bassett stated that a long-term lease would be considered a disposition. Mr. Allen stated that this is a requirement of the SMART program which is why it's called a disposition.

Mr. Rosen had questions that he emailed Mr. Allen asking for clarification on Article 97. Mr. Allen forwarded those questions to Spencer Holland, Associate for Mirick O'Connell and special counsel to the District, who responded. That email with questions and answers is enclosed in tonight's packets to the Commissioners.

Mr. Stuntz moved to authorize that the District proceed with the proposed Article 97. Mr. Rosen seconded the motion and it was unanimously approved.

D. NEW BUSINESS:

1. Future of the Water & Land Management Advisory Committee (WLMAC).

Mr. Rosen shared with the Commissioners a copy of the bylaws that defines what the WLMAC's role is. He mentioned that one of the charges of the WLMAC is to review land use of the District which has not been done very often and should be a consideration. From an email, Mr. Rosen received from Bill Guthlein, District Finance Committee, Bill thought that after reading the District's Master Plan that Wright-Pierce, the District's engineering consultant, suggests that the District should seek other potential water sources to meet future demand. Per Mr. Rosen, Bill Guthlein has recommended that the WLMAC examine other possible sources of supply.

Per Mr. Rosen, Bill Guthlein would like to help with the financial analysis on each of those sources identified and which ones would make sense and WLMAC would do the technical perspective and regulatory perspective (advantages and disadvantages).

Ms. Amir-Lin asked if we are charging a rate that our customers can bare comfortably? Or, are we charging a rate that is so low that's its comfortable for the customer, but we aren't meeting our financial obligations?

In relationship to the town-wide water resources study, John Cipar stated that the WLMAC looked at both supply and demand in their water study in 2007; the District is the supplier and it makes sense to have WLMAC look at the different options; the WLMAC should have ongoing meetings with the town's Water Resource Advisory Committee (WRAC).

Mr. Stuntz suggest that the WLMAC meet and draft up what they want to work on so that the Commissioners can approve. WLMAC and WRAC could collaborate on the water study.

Mr. Allen mentioned that re-appointments of the WLMAC may need to be done, as some of the terms of members may be expired. Current membership consists of John Cipar, Commissioners' appointee, Charles (Chuck) Ohmstead, District Moderator appointee, and Paul Malchodi, Town of Acton Selectboard appointee. Typical membership is five, thus some additional members should be added. Mr. Rosen mentioned that there is some interest in serving among the Acton citizenry. He stated that he would "connect" Mr. Cipar with the person who expressed interest in learning about the WLMAC.

Mr. Stuntz moved to adjourn the open meeting at 8:22 PM and motioned to move into Executive Session at 8:22 PM to discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position off the District and to reconvene in open session. Ms. Amir-Lin seconded the motion and it was unanimously approved by a roll call vote.

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Mr. Stuntz moved that the Commissioners enter into executive session at 8:25 pm, pursuant to MGL, Ch. 30A, sec. 21A (3) to discuss strategy with respect to potential litigation in the case of Town of Concord vs. Town of Littleton and Town of Littleton vs. Town of Concord, as an open meeting may have detrimental effect on the litigating position of the District. It was seconded by Ms. Amir-Lin.

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

Mr. Stuntz also moved that the after the executive session that the Board reconvene in open session.

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

District Treasurer: Mary Jo Bates

Attorney Bassett briefed the Commissioners on the Nagog Pond Lawsuits. The Judge has ruled in Concord's favor. Littleton has appealed the decision. The Town of Acton will appeal the decision. The District will continue to provide technical support to the Town of Acton through the appeal process. Carolyn Kiely of Green Acton has summarized the decision on the Green Acton website.

Mr. Stuntz made a motion to adjourn the Executive Session and entered into open session at 8:37pm. It was seconded by Ms. Amir-Lin and unanimously approved.

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

Mr. Stuntz made a motion to adjourn the meeting at 8:39 pm. It was seconded by Ms. Amir-Lin and unanimously approved.