

Board of Water Commissioners & Finance Committee

Meeting Agenda

Monday, December 4, 2023 @ 7:00 PM

- Comments from the public
- Approve minutes from the meeting of 11/20 and 11/29
- Appoint one Commissioner to sign warrants while conducting meetings virtually

NEW BUSINESS:

- Review Draft Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
- Current sample data, if available
- Discussion of Additional PFAS Upgrades
- PFAS Public Notice
- MassDEP Filter Study
- Update on 549 Main Street
- Order of Taking
- Authorize to District Manager to Execute Closing Documents
- Town of Acton's Open Space and Recreation Plan (OSRP)
- WRAC Groundwater Protection Mailing

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.

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 Zoom Webinar and was recorded. The meeting was called to order at 7:04 PM on Monday, December 4, 2023, by Ms. Amir-Lin.

Present at Tonight's Meeting:

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

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: Bill Guthlein (Chair), Ron Parenti, John Petersen

Members of the Public: none present

### **START OF MINUTES**

Ms. Amir Lin opened the Meeting of Acton Water District Board of Commissioners at 7:04 pm

Mr. John Petersen opened the Meeting of the Acton Water District Finance Committee at 7:06 pm with Mr. Ron Parenti Present. Mr. William Guthlein arrived late to the meeting at 7:24 PM.

### **Comments from the public**

No Comment from the public at this time.

### **Approve minutes from the meeting of 11/20 and 11/29**

Mr. Rosen motioned to approve the minutes from November 29, 2023. Mr. Stuntz seconded, and it was unanimously approved via roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Ms. Amir Lin informed the Board that they would vote to approve the minutes of November 20, 2023 at a later date so they can be included in the packet.

### **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. Rosen, Mr. Stuntz, Ms. Amir Lin.

Due to the late arrival of Mr. Guthlein from the Finance Committee, Ms. Amir Lin decided to break from the order of items as listed on the agenda and begin discussing the items under old business until Mr. Guthlein's arrival.

Mr. Mostoller informed the Board that on Friday, December 1st, they discovered a previously unknown interconnection with Concord. Mr. Mostoller explained that this is considered a non-event for the District as they were the supplier in this situation. This did, however, cause some issues in water quality for Concord and both systems are working with MassDEP to respond. Because this was an unknown interconnection, they are both still working to map out the piping.

Ms. Amir Lin asked if Concord was also unaware of this connection. Mr. Mostoller responded that yes, both Towns were unaware, this connection was not listed in either Town's plans.

### **OLD BUSINESS:**

#### **Per- and Polyfluoroalkyl Substances (PFAS)**

##### **Current sample data**

Mr. Mostoller informed the Board that all November sample results are in. North Acton and South Acton were sampled on November 7<sup>th</sup>. North's results were 21 ppt, and South's results were 15.8 ppt. Center Acton was sampled on November 15<sup>th</sup>, and the results were 10.8 ppt. Both Center and South Acton are running, they will begin December sampling this week.

Currently they are evaluating whether they should leave the North Acton Plant off for December as they did last year.

### **Discussion of Additional PFAS Upgrades**

Mr. Mostoller updated the Board on the equipment delivery from the last meeting. Due to an issue with the crane rental the equipment delivery was delayed and will occur tomorrow December 5<sup>th</sup>. Mr. Mostoller explained that they will begin making payments to Suez at the end of the month for that equipment.

Ms. Amir Lin asked if the target end date was still January. Mr. Mostoller responded that January is still the ideal end date, however it will be dependent the contractors staying on the proposed schedule and whether they subsequently receive approval from MassDEP in a timely manner.

### **PFAS Public Notice**

Mr. Mostoller informed the Board that the public notice of their third quarter PFAS MCL violation reached most mailboxes last Wednesday. A copy of the notice is enclosed in the packet. It was sent via postcard, and was emailed to about 400 people who are also subscribed to their PFAS updates, and to condos and apartments served by the District. So far, they've had minimal response with maybe only a dozen calls and emails.

### **MassDEP Filter Study**

Mr. Mostoller wanted to bring this to the attention of the Board. Back when PFAS became a known issue many members of the public called to inquire about filters in their home and their efficacy at reducing PFAS. The state conducted a study on several filters and the results have just been released.

Most filters at this time are unable to remove PFAS at low levels, however there are some stand out filters like one particular GE fridge filter. This information could be very useful for water users, so they plan on making the document available on the website and referring customers to it for filter guidance.

Ms. Amir Lin asked if the information could also be sent out to the email list for PFAS, Mr. Mostoller replied that in the next update they will share the information.

Mr. Mostoller also reminded the Board that today was one of the opt out dates for the MDL, the next date will be December 11, 2023.

### **NEW BUSINESS:**

#### **Review Draft Budget for FY '25**

With the arrival of Mr. Guthlein at the meeting, the Board switched to new business as Ms. McCarthy and Mr. Mostoller introduced the Draft Budget presentation.

Mr. Mostoller thanked Ms. McCarthy for her work on the draft budget and informed the Board that some materials in the industry are experiencing a volatile cost. They have done their best to minimize the impact of these costs when able, however this will also be the first year that they incur costs from PFAS directly into the operating budget. Mr. Mostoller then highlighted some other cost increases such as the lease for the North Acton Water Treatment plant PFAS filters, Maintenance and Operation costs,

and the new incoming District Counsel. Mr. Mostoller then turned the meeting to Ms. Amir Lin for discussion.

With regards to PFAS operation costs, Ms. Amir Lin asked Mr. Mostoller if the District could estimate some costs based on what other communities in the area are spending. Mr. Mostoller responded that they know part of the cost for PFAS operation, but some of the cost will be dependent on the replacement cycle of the filters. Mr. Mostoller explained that they expect to fine tune the PFAS operating costs over the next 2-3 fiscal years as they begin to experience the costs firsthand.

Mr. Rosen asked several questions about the specific part of the budget where GAC would be listed, then he asked if the lights, power and fuel line item anticipates the solar arrays supplying full power again. Mr. Mostoller clarified where the GAC was listed, and that for the lights, power and fuel line item, the draft budget lists it higher than they expect it to be, but they are still taking the time to better understand how the net metering credits are impacting the monthly electric bill.

Mr. Parenti provided comments on how to present the long-term debt profile prediction and the impact of PFAS on it for members of the public at the Annual Meeting. Mr. Rosen and Mr. Stuntz agreed with Mr. Parenti's suggestion.

Mr. Petersen asked Ms. McCarthy about new long-term debt for FY25, Ms. McCarthy clarified that two of the PFAS projects would require debt service in FY26. Mr. Petersen also provided his insight into how this information should be presented in the Annual Report, providing information on previous years to assist with context. Mr. Mostoller responded that he will be contacting everyone regarding the timeline for the Annual Report in the next two weeks as they usually begin that process after budget discussions commence. Mr. Mostoller then provided an overview of the typical timeline for this process.

Mr. Petersen then asked about the specifics of the repair line item, if it consists primarily of labor costs and if it is typical to bring in contractors for repairs.

Mr. Mostoller explained how staff labor on private property and the water system are accounted for in the budget. Mr. Petersen asked a follow-up question about vacancy assumptions in the salary line item. Mr. Mostoller explained that they assume full staff and carry one additional employee to cover overtime or additional part-time help needs that may arise. Mr. Mostoller and Mr. Petersen then had a similar discussion about the legal line item and its costs over recent years, the carbon replacement cycle estimates, and the possibility of carrying a 'cushion' in appropriations for these evolving costs. Mr. Petersen then brought up the topic of a reserve fund to assist in managing volatile and unknown costs.

### **Proposed articles for 2024 Annual District Meeting Warrant**

Mr. Mostoller and Ms. McCarthy presented some of the proposed financial warrant articles, many of these items are fairly routine and expected items, the only new one is the article for the EPA's Lead and Copper Rule which the EPA finalized last week. They also have 2 transfers of funds that were previously authorized but not fully used, those will be used to supplement the 2021 Annual Meeting vehicle replacement, which has run into issues due to sharp price increases and a lack of inventory. Mr. Mostoller then continued to provide background on each of the warrant articles, explaining if the cost was expected, and why it is considered necessary. Some highlights of these include funding for cleaning and rehabbing wells, funding for emergency main breaks, PFAS filters, larger water main projects, a

vacuum truck or trailer, vehicle replacement, repairs to the Kennedy Well Field, a roof replacement for the office, and upgrades at the Nagog Hill tank required by MassDEP.

Ms. Amir Lin opened the Board to discussion and questions on these items. Mr. Stuntz asked if there was funding support available from the state regarding the new Lead and Copper rule. Mr. Mostoller responded that there may be grant funding available and staff are working to see if they are eligible to apply, but the details of that are not clear at this time. Mr. Mostoller then explained how they have estimated the cost per service line, and that FY26 would hopefully see the end of this work. Mr. Stuntz asked if staff would be completing these service line replacements. Mr. Mostoller explained that they would bring in a contractor who would be dedicated to this as they do not have enough staff to efficiently run the replacement program. Mr. Mostoller also explained that they are working with a database and they feel pretty certain of where the service lines that need replacement are.

Mr. Rosen asked, regarding the new vehicles, if there is enough in the budget to have the vehicles be EV or hybrids, as this is likely to come up at the Annual Meeting. Mr. Mostoller explained that they were encouraged in 2021 to evaluate non-combustion engine vehicles but much of what has been offered to them is not cost effective as many EV rollouts have been for high end models which Mr. Mostoller doesn't believe is a justified added expense. Larger issues in the automotive inventory and the market in general will likely make it much more difficult to acquire the appropriate vehicles as EV or hybrid options. Ms. Amir Lin commented that it may be helpful to layout those difficulties at the Annual Meeting as this comment is likely to come up.

Mr. Parenti asked about the background of the new EPA Lead and Copper rule. Mr. Mostoller explained that the rule as it's written is not focused on materials but rather service lines and knowing what every service line is made of. The new rule says that instead of repairing or replacing a portion of a line, as was customary 20 years ago, the whole line needs to be replaced with completely compliant materials. Mr. Mostoller explained that gaps in record-keeping over the years is one of the challenges posed by the new rule.

Mr. Guthlein asked if it is premature to pencil in the water supply study, given the context of their conversations about the Master Plan, the MWRA, and the water rate study. Mr. Mostoller explained the intended purposes of each study and the desired timeline. Given the timelines for evaluating the MWRA, they believed it was appropriate to begin setting aside funding in the coming fiscal year. Mr. Guthlein asked how they arrived at the listed price, and Mr. Mostoller explained that he had reached out to some consultants to survey their thoughts on estimated costs of similar work. Mr. Guthlein expressed some hesitancy at the pace of this, to which Ms. Amir Lin responded that in their previous discussions on these topics, the Board expressed a desire to better understand the actual costs of water supply alternatives. Ms. Amir Lin explained that because the fee for joining the MWRA is waived only until 2027 the Board wanted to move quickly on this item. The rate structure study would likely be impacted and informed by what the water source is so with that in mind, understanding the MWRA supply option was of priority to the Board.

Mr. Petersen then provided his insight into the topic and suggested that when the information is presented at Annual Meeting, rounding the numbers to eliminate the specific cent amounts listed may make it easier for the public to comprehend the spreadsheets. Mr. Petersen also suggested that with the office roof replacement, they should prepare for questions about solar panels on the roof. Mr. Petersen asked if that is reasonable. Lastly Mr. Petersen commented that in light of the difficulty in acquiring EV or

Hybrid vehicles for the District, if the District presented a section that explained the comprehensive list of green and sustainable practices the District is undertaking, it may better inform the public.

Mr. Mostoller thanked Mr. Petersen for his insight into those items, he believes that the roof is likely not large enough to attract a third-party solar installation. Mr. Stuntz and Mr. Mostoller then discussed previous conversations about solar and other roofs on the campus.

Mr. Amir Lin asked the Board to share any final thoughts about the agenda item before they return to old business. Mr. Petersen commented that in the Lead and Copper section, limiting the use of industry specific jargon may assist in public understanding at the Annual Meeting. Mr. Mostoller indicated that Ms. Wahlstrom would be presenting additional information on this rule in January to better inform all parties on what it means for the District.

## **RETURN TO OLD BUSINESS**

### **Update on 549 Main Street**

Mr. Mostoller updated the Board on 549 Main Street. They continue to work towards getting the conservation restriction approved, they recently spoke with Town Counsel and the Town Manager and expect to respond to the state this week. They are working with the seller to ensure the separation of the CR and closing to protect certain things on the property the seller wanted to protect like the maintenance of open meadow and that the parking area is appropriately located. On Thursday of this week, they plan to meet with the attorneys to sign the closing papers, and everything looks to be in good shape. Mr. Mostoller thanked Ms. Bassett and her team, as well as staff and Ms. McCarthy for all their hard work on this.

Ms. Bassett then provided a brief overview of 549 Main Street legal items and the work being done by her office. Ms. Bassett then walked the Board through the procedure, explaining how a 'friendly taking' after closing will work, as well as the order of taking, and the benefits of using this eminent domain procedure in taking care of any pre-existing unknown claims and assisting with the title insurance policy.

Mr. Mostoller then confirmed with Ms. Amir Lin that the plan date will be listed as November 28, 2023. Mr. Rosen also commented on a typo noticed in the document on line 9, where it should be "Acton" it read "Action", Ms. Bassett then corrected the typo to read "Acton".

### **Order of Taking**

Ms. Amir Lin motioned that the Commissioners of the Water Supply District of Acton take by eminent domain the property known as 549 Main Street, Acton, and to award damages in the amount of 4,900,000 dollars and to execute an order of taking as follows; whereas the Water Supply District of Acton under authority of article 18 of the official warrant of the annual meeting, as unanimously voted on March 15, 2023, the Special Acts of 1912 Chapter 326, as amended, and Chapter 40 and Chapter 79 of the General Laws, and by all the laws enabling, did by eminent domain take, in fee simple, that certain parcel of vacant land containing 56.85 acres, more or less, now or formerly owned by Pheobe M. Conant and Patricia D. Popov as Trustees of the Brewster Conant Trust-2017, under a declaration of trust dated July 27, 2017, situated on Main Street and Brook Street in Acton Middlesex County, Massachusetts, being known as Parcel C, but is shown as Parcel 2A on a plan entitled "Plan of Land in Acton Massachusetts, Middlesex County, for Water Supply District of Acton" dated February 13, 1995, drawn

by Stamski and McNary incorporated, recorded with Middlesex South District Registry of deeds, as plan number 1168 of 1995 in Book 25911, Page 35. Said lot 2A is also shown as lot 2A containing 56.85 acres, more or less, on a new plan recorded herewith entitled, "Plan of Land Main and Brook Streets, Acton Massachusetts, prepared for Water Supply District of Acton" dated November 28, 2023 drawn by Goldsmith, Prest & Ringwall, Inc. with all the trees thereon, and all groundwater sources of supply therein, for the purpose of protection and conservation of groundwater aquifers and recharge areas, for water supply, well protection, and development, watershed protection purposes, and for the purpose of collecting, storing, holding, purifying, and treating water, conveying the same to other parts of the district, and for all things pertinent to its duties as a Massachusetts water district, for damages sustained by Pheobe M. Conant and Patricia D. Popov, Trustees of the Brewster Conant Trust- 2017, or its successors, in title by reason of the aforesaid taking, and in accordance with the provisions of General Laws Chapter 79, Section 6, as amended, an award has been made. The Water Supply District of Acton reserves the right to amend the award, or to increase the amount of damages to be paid, at any time prior to payment thereof, where good cause is shown. This will be dated at Acton Massachusetts on the Fifth day of December 2023.

Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

#### **Authorize to District Manager to Execute Closing Documents**

Ms. Amir Lin motioned to authorize the District Manager, Matthew Mostoller, to act on behalf of the Commissioners in conducting the closing of 549 Main Street, all as authorized by District vote, and to sign and endorse all instruments, and deliver all documents, with respect to the District's purchase of said property, including but not limited to, closing disclosures, HUD ALTA or other settlement statements, and any or all other required closing documentation.

Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

Ms. Amir Lin thanked Mr. Mostoller, Ms. Bassett, and Ms. McCarthy for their efforts on this project.

#### **Town of Acton's Open Space and Recreation Plan (OSRP)**

Mr. Mostoller introduced the Town of Acton's Open Space and Recreation Plan update to the board and explained that the previous plan had expired in 2021. This does not affect the District's land purchases but it does affect the Town's purchases. On Wednesday night at 6:00 there will be a public hearing on the plan which Ms. Amir Lin plans to attend to represent the District, as the Town discusses updates to their priority list.

One area of concern for the District is the survey that was conducted where water was ranked as of high concern in the survey results and whether that has been translated into the document and parcel ranking. Mr. Mostoller explained that there are some overlapping parcels that match priority parcels that the District has identified. Also, one data point that the Town used in ranking selection was drinking water supply protection, Mr. Mostoller believes that this is a short-sighted metric that gave highest ranking for MassDEP Zone I land which is around 400 ft of a well head. Mr. Mostoller explained that he believes using this metric takes points away from more valuable and vulnerable land that qualifies as Zone II that deserves a higher rank for protecting land not already required to be controlled by the

District. Mr. Mostoller believes it is important for the District to provide their insight into this metric so that the town can have a more precise ranking.

Mr. Mostoller encouraged the Board to look over the documents the Town has provided on this. Ms. Amir Lin encouraged fellow Commissioners to send her any of their own comments.

Mr. Mostoller briefly highlighted a parcel of land near the North Acton Treatment Plant that he believes the Town is also interested in. Mr. Rosen provided his brief comments on the documents about the survey, agreeing with Mr. Mostoller on previous points.

Ms. Amir Lin will provide feedback from the meeting at a later date.

#### **WRAC Groundwater Protection Mailing**

Mr. Mostoller provided an update on this mailing. It reached most mailboxes on Saturday though there is one zip code that they believe has not received it yet. The final cost of this for the District came out to be just under \$2,200.

Mr. Parenti motioned to adjourn the meeting of the Finance Committee at 8:43 PM. Mr. Petersen seconded the motion and it was approved via a roll call vote; Mr. Petersen, Mr. Parenti. Mr. Guthlein was absent from the vote as he dropped off the meeting at 8:18 PM.

**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.**

Ms. Amir Lin motioned to close the regular open meeting currently in session and have the Commissioners enter an executive session pursuant to General Law chapter 30A section 21a6 to consider the purchase, taking or value of real property, as an open meeting may have a detrimental effect on the negotiating position of the public body, and to not reconvene in open session.

Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote; Mr. Rosen, Mr. Stuntz, Ms. Amir Lin.

**Open Meeting Closed at 8:44 PM**