



Water Supply District of Acton

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Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, December 10, 2018

AGENDA

A. Comments from Citizens

B. Approve Minutes of November 19th and December 3rd, 2018 Meetings

C. OLD BUSINESS:

1. Review DRAFT Fiscal Year '20 Budget and Proposed Warrant Articles.
2. Update on Status of the District's Lease with Baldco, Inc.

D. NEW BUSINESS:

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

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

Present at Tonight's Meeting:

Commissioners: Ronald Parenti (Chair), Stephen Stuntz, Erika Amir-Lin
District Manager: Chris Allen
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Commissioner's Secretary: Lynn Protasowicki
Green Acton: Lucy Kirshner

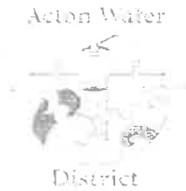
Citizens: Dr. John Blute - 11 Briar Hill Road

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, December 10, 2018 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

Lucy Kirshner spoke on Kim Kasten's behalf both members of Green Acton. They just wanted to make sure that the District was aware of the Littleton vs Concord lawsuit regarding Nagog Pond. The Commissioners responded that they were well aware of it and will be having an executive session at the end of tonight's meeting to discuss further.

Dr. Blute spoke and stated that he is developing an interest in the water in Acton. He has some questions: (1) has there ever been a study done in Acton school system looking at the levels of lead and other contaminants in the drinking fountains? Mr. Mostoller responded that yes, two years ago every faucet, drinking fountain and sink was sampled done through partnership with MassDEP, EPA and the school system.



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(2) Has the District ever looked at the levels of hormones in the water supply? Mr. Mostoller responded that not hormones specifically. Dr. Blute wanted to also know about medication disposal. Mr. Mostoller stated that in Acton it hasn't been looked at. Dr. Blute wanted to know why there hasn't been a concerted effort to look into hormones and medication disposal. Dr. Blute stated that he is just trying to understand if these issues have ever been discussed. Mr. Stuntz stated that in the past you couldn't test for hormones/medications etc. in the water system but there was no way to rid of the contaminant from the water but now there are new processes that can deal with it, and lab instrumentation that can detect minute concentrations of various contaminants, including.

(3) How is the District dealing with insecticides specifically glicophospates? Mr. Allen stated that land control and source protection would bode to those controls. Dr. Blute stated that if we are looking at Nagog Pond as another water resource shouldn't the District/Town of Acton be concerned about the orchards that surround it and whether they use insecticides on their crops. Mr. Mostoller stated that the District can scan for these types of contaminants but they are non-detect. Dr. Blute specifically called out a concern for the ingredients in Round-Up, a weed killer, due to a national class action lawsuit. Mr. Mostoller stated that he will look into this more, and it may be that this contaminant is currently part of our periodic Synthetic Organics screening required by MA DEP. Mr. Parenti stated that the District is required to test for certain things and other things aren't required.

B. Approve Minutes of November 19th and December 3rd Meetings.

Mr. Parenti motioned to approve the minutes of November 19, 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Mr. Parenti motioned to approve the minutes of December 3, 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. Old Business

1. Review DRAFT FY'20 Budget and Proposed Warrant Articles.

Enclosed in tonight's packets to the Commissioners is an updated draft budget for fiscal year (FY) '20 budget. Mr. Allen noted that this is the second pass at the DRAFT operating budget. He asked the Commissioners if they had any further questions related to the budget and at this time they did not.

Mr. Allen highlighted the following on the budget-

- Short Term Debt is rising due to the acquisition of 585 Main Street will offset any reduction in the Debt Fee from a drop in Long Term Debt
- Long Term Debt - is dropping but the fee will rise due to 585 Main Street (Item #1)
- Meters - Increase in this line item from \$60k to \$75k is to maintain sufficient inventory for new installations with multiple residential projects potentially being built in the coming FY.
- Revenue Projections FY '20 – there is a potential reduction of \$175K from Lights, Power and Fuel if the Knox Trail solar array is commissioned in the coming FY. And, should the Lawsbrook Road array be commissioned, the land lease revenue for this installation would bring approximately \$325K per year in revenue.

Warrant Articles:

Ms. Amir-Lin asked for clarification on Article #6: Storage Tank Improvements. Mr. Allen stated that this is for the Nagog Hill tank which needs some internal and external repairs, these improvements will be done in late winter/early spring 2019. He also mentioned that DN Tanks will be doing some superficial repairs on the Wampus Hill Tank as well while mobilized to Acton.



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Pending Projects:

Mr. Allen stated that the list of pending residential construction projects shows what the potential for impact fees of approximately \$1.9-million, and the majority will garner mitigation fees as well. He noted that most likely not all will come to fruition for the coming fiscal year, but wanted to inform the Commissioners, nevertheless, of the potential.

Mr. Allen stated that the Budget and Warrant Articles will need approval from the Commissioners by the end of January.

2. Update on Status of the District's Lease with Baldco, Inc.

Enclosed in tonight's packets to the Commissioners is a letter from the attorney representing Susan Armstrong, President and Owner of Baldco, Inc regarding the property at 104 Powdermill Road. The letter is in response to a letter from the District and addresses the issues at the property that the District brought to Mrs. Armstrong's attention. Counselor Bassett is trying to coordinate a site walk-through to confirm that all the issues outlined in the letter have been in fact addressed.

Mr. Allen noted that most of the encroachment is on Zone I land which is not owned by the District, but is Zone I per the Town's Groundwater Protection District Bylaw. The lease with Baldco is at 104 Powdermill Road Rear with access at 36 Knox Trail onto the property.

In January 2017, the District extended the lease for one year. Ms. Armstrong is now looking to renew her lease for a minimum of three years with the right to extend for an additional three years. Counselor Bassett stated that if she wants a long term lease it will need voter approval which would have to go onto the warrant for Annual District Meeting in March 2018. No action was taken at tonight's meeting. Counselor Bassett is waiting to hear back from Ms. Armstrong on the site visit and once that takes place the Commissioners can discuss the lease based on her ability to abate the trespass and remedy the land use and zoning violations.

Other Old Business:

1. Brewster Conant property at 585 Main Street, Acton – Counselor Bassett stated that today the District closed on the land sale of 585 Main Street, Acton. This was acquired from the Estate of Brewster Conant.
2. Kelleys Corner – Mr. Allen stated that he has a site meeting on 12/18/18 with the Mass Department of Transportation (MA DOT) project team. He learned that if the District wanted to replace the pipes at Main and Mass Ave, since it is "Non-qualifying work", it will cost the District approximately \$1.25million. When he meets with the DOT, Mr. Allen plans to impress upon them the need for updating the infrastructure on these State roads while the project is in progress. And, rather than the District having to appropriate funds in the coming years to update the piping, if it could possibly be included in the project scope, and subsequent funding.

D. New Business

No new business to discuss this evening.

Mr. Parenti moved to adjourn the open meeting at 8:16 PM and motioned to enter into Executive Session at 8:16 PM to discuss strategy with respect to potential litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have detrimental effect on the litigating position of the District and to reconvene in open session. Mr. Stuntz seconded the motion and it was unanimously approved by roll call vote.

Board of Water Commissioners
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EXECUTIVE SESSION MINUTES
December 10, 2018

Mr. Parenti moved that the Commissioners enter into executive session at 8:16 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, as an open meeting may have detrimental effect on the litigating position of the District. It was seconded by Mr. Stuntz.

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

Present:

Commissioners: Stephen Stuntz, Ronald Parenti, Erika Amir-Lin

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Attorney Bassett briefed the Commissioners on her conversations with Attorney Roeloffs. The two pending legal actions regarding Nagog Pond were discussed and it was determined that both cases had relevance for the District to take interest in.

Mr. Parenti Moved that District Counsel take appropriate legal actions to preserve the District's rights in both cases. Ms. Amir-Lin seconded the motion.

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

Mr. Parenti made a motion to adjourn the Executive Session and entered into open session at 9:29 pm. It was seconded by Ms. Amir-Lin and unanimously approved.

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

Mr. Parenti made a motion to adjourn the meeting at 9:29 pm. It was seconded by Ms. Amir-Lin and unanimously approved.