

Board of Water Commissioners

Meeting Agenda

Monday, December 18, 2023 @ 7:00 PM

**AGENDA**

- Comments from the public
- Approve minutes from the meeting of 11/20 and 12/4
- Appoint one Commissioner to sign warrants while conducting meetings virtually

**NEW BUSINESS:**

- Representative of Verizon Wireless for site proposal for a land lease at the Nagog Hill Storage Tank
- Discussion of Water Management Act Renewal and Amendment
- Meeting Schedule January-June 2024

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
- Financing Agreement Amendments with CWT
- Update on 549 Main Street
- Review Draft Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant

**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: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Environmental Manager: Alexandra Wahlstrom

Finance Committee: John Petersen

Members of the Public: Jason Catalini, Kim Kastens, Ron Parenti

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.

## START OF MINUTES

Ms. Amir-Lin opened the meeting at 7:01 pm

### **Comments from the public**

Ms. Kim Kastens asked a question regarding the rate study discussion from a previous meeting. Ms. Kastens wanted to know if the rate study would become an affordability study and wanted more information on what that might mean.

Mr. Mostoller responded and confirmed to Ms. Kastens that he had received her email regarding this question and is in the process of crafting an appropriate response.

### **Approve minutes from the meeting of 11/20 and 12/4**

Mr. Mostoller informed the board that the minutes from December 4<sup>th</sup> were not ready to be included in the packet, so the board need only approve the minutes from November 20<sup>th</sup>.

Mr. Rosen motioned to approve the minutes from November 20, 2023. Mr. Stuntz seconded the motion, and it was unanimously approved via roll call vote; Mr. Stuntz, Mr. Rosen, Ms. Amir-Lin.

### **Appoint one Commissioner to sign warrants while conducting meetings virtually**

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

### **NEW BUSINESS:**

#### **Representative of Verizon Wireless for site proposal for a land lease at the Nagog Hill Storage Tank**

Mr. Jason Catalini was introduced as the representative to discuss the proposal for a land lease at Nagog Hill Storage Tank, located at 287 Nagog Hill Road. Mr. Catalini works for the tower company that for this proposal is working at the behest of Verizon Wireless. The proposal in question is for a monopole that will measure approximately 125 feet in height and will stand about 1000 feet away from the road. The lease area size is about 50 by 50 feet.

Mr. Catalini then discussed more details about the proposal, the intention to provide coverage north of Route 2, the possibility for the tower to accommodate multiple providers, and the relation to Public Lands Registration Act for the tower site. Mr. Mostoller responded to the topic of the Public Lands Registration Act and informed Mr. Catalini that the act may affect the lease receiver, but this would require closer attention to see if it would apply to this proposal. Mr. Catalini then explained possible solutions like seeking a waiver or making changes to the design to reduce the footprint to qualify for a waiver.

Mr. Catalini then discussed tower height relative to the height of the current water tank, along with the tree line. Mr. Catalini explained his company would manage the tower and then discussed his personal experience in the industry, the company's agreements with the major carriers, and the number of towers the company owns and has currently in development. Mr. Catalini emphasized that he believes the proposal is fairly straightforward and that he doesn't expect any issues with the topography.

Mr. Catalini then discussed some of the relevant financing, including the estimated rent for the tower at \$2,000 per month to be competitive with the market. Mr. Rosen asked how long a lease they were seeking, and Mr. Catalini responded ideally they would seek a 30-40 year lease, but that they would like to develop the site and would prefer a longer lease.

Ms. Amir-Lin asked if that rent estimation would be a base agreement that would then increase as providers join. Mr. Catalini responded that usually they provide a flat rate increase but that that kind of increase structure might be possible, but he would have to discuss it with his team.

Ms. Amir-Lin then asked about the de-commissioning process for the tower. Mr. Catalini explained that they may renew the lease at the end of the 40-year term, and that this kind of tower has a 40-year life expectancy, but that can be extended with proper maintenance. Mr. Rosen then asked about the structural capacity and nature of the tower, and Mr. Catalini responded with several details about the design and explained that the tower is designed so that if it were to collapse it would fall in sections at certain points.

After wrapping up that brief discussion, Mr. Mostoller informed Mr. Catalini that if the board is interested in continuing the dialogue about this proposal with Mr. Catalini, then they will put it on the warrant for the annual District meeting to get voter approval. If it gets voter approval then the next stages would likely be an RFP and other due diligence processes, however if it does not get voter approval then they will not move forward with it.

Mr. Rosen asked, assuming they get voter approval, what would be the estimated timeline. Mr. Catalini responded that if all goes well, they would like to begin the building process in about a year.

Mr. John Petersen had a question about coverage, asking if there is a monopole elsewhere in the District. Mr. Mostoller responded that there is another tower at the Great Hill Tank, and that there used to be a second tower but the company removed it. The board then discussed a similar proposal at the Wampus Hill tank that did not get voter approval.

Ms. Amir-Lin asked if power to the tower site would be done underground to minimize the need for tree cutting. Mr. Catalini responded that it is very likely power would be run underground but that he cannot speak for the utility companies. The board then continued a brief discussion about tree clearing and the installation of the monopole with Mr. Catalini.

Seeing no other questions the board thanked Mr. Catalini for his time, and he departed the meeting.

Ms. Amir-Lin asked the board for their initial impression of this proposal and if they would like to pursue this. Mr. Stuntz said that he would like to pursue this proposal. Mr. Rosen replied that he would like more information on financial details like the lease amount and yearly escalation.

Ms. Bassett responded to Mr. Rosen regarding the lease amount. She explained that if the District gets voter approval, they would put out an RFP and can look for the best proposal and can even write the RFP in a way that manages those financial details in a way the board is comfortable with.

Mr. Mostoller commented that this company approached the District, the Town, and the school District and out of all the sites of interest they decided on this proposed site and possibly one school District site of interest, so this may exemplify their interest in fixing coverage gaps in Acton.

Mr. Petersen commented that if the board comes up with a good financial agreement, then they should prepare for certain expected questions at the meeting, especially since similar proposals have been voted down in the past.

Ms. Amir-Lin agreed that it seems worth putting forward and after this brief discussion that the board is interested in pursuing this proposal. Mr. Mostoller asked what additional information the board would be interested in, and the board requested additional financial details, more information on the final site plan, and if possible, some sort of visual or example site of the conception to inform the public.

### **Discussion of Water Management Act Renewal and Amendment**

Mr. Mostoller provided the background on this item. This has had several extensions after it originally expired in 2011. They applied for a renewal of the permit in 2015 and then asked for an amendment to accommodate the Bedrock Wells in 2021. They now have a draft of the permit and Mr. Mostoller along with staff have been reviewing it in recent days. Mr. Mostoller then reviewed several details of the draft including the acknowledgement of the two Bedrock Wells, the new components of outdoor water use restrictions, the continuation of rebate programs, and the rate structure. Mr. Mostoller continued to review the background on the acceptance of mitigation, the Assabet Sanding permit, and the Kennedy and Marshall Basins. Mr. Mostoller informed the board they are working with the Geologist and Engineers on this and that they expect the draft permit to be released after the new year, and to be finalized by spring after a clarification of language.

The board then asked Mr. Mostoller some questions regarding the investment in PFAS in this item. Ms. Amir-Lin asked if the bylaw changes have to be put to the voters, which Mr. Mostoller affirmed it does. The board then briefly discussed the timeline for that process.

### **Meeting Schedule January-June 2024**

Mr. Mostoller discussed the draft meeting schedule for 2024 with the Board. The board then discussed their availability for several meetings in April, as well as the location of the annual meeting at the RJ Grey auditorium. The board agreed on the location for the annual meeting and then briefly discussed the continuation of remote zoom meetings set by the covid restrictions. Mr. Rosen briefly mentioned that he had been approached by a member of the public and asked about the District making meeting recordings available either on the internet or in a televised manner. Mr. Mostoller and the rest of the board briefly discussed the comment and concluded that it could be something for the board to look into in the future but it is likely not something they could prepare for this year.

### **OLD BUSINESS:**

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

##### **Current sample data, if available**

Mr. Mostoller presented the board with the sample data from December, and informed the board that both Center and South Acton were currently in use. Center Acton was sampled on December 5<sup>th</sup> and came in at 12.4 ppt. South Acton was sampled on December 6<sup>th</sup> and came in at 17.6 ppt which has been typical for that site. Given the trend for the month it does not appear that North Acton will be in operation for the month of December. Also given the sample numbers it seems likely they will be in compliance for the quarter.

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

Mr. Mostoller informed the board that they received the filter vessels for North Acton, as well as the concrete equalization tank. For the tank, however due to structural issues it did not pass the leak test, so they are working with the contractor and the engineer to resolve the issue.

They are scheduled to have a progress meeting on Wednesday, as December was supposed to be productive but has experienced some setbacks. They plan to discuss with the engineer how to get the contractor and electrician to stay on track.

January 27<sup>th</sup> is the set date for the substantial completion of all piping and electrical operating, and they have February 5<sup>th</sup> as a tentative date for the carbon delivery. The invoice for the carbon delivery has been received and in January the first lease payments will also be due.

Regarding Center Acton, Wednesday they plan to meet with MassDEP on the project.

Regarding South Acton, the engineer is in the process of finalizing the cost estimates, and they are getting the documents together for bidding once MassDEP approval has been received. South Acton will likely be put to bid first and then Center Acton will follow. The hope is to award contracts not later than June 15<sup>th</sup>. The board then briefly discussed the details of the bid process.

### **Financing Agreement Amendments with CWT**

Mr. Mostoller provided some background on this item. Mr. Mostoller informed the board that they never provided the CWT with updated language given the state of the discussion. Over a week ago they received a new request for the financing agreement that had removed the concerning language, and after much review, Ms. Bassett, Ms. McCarthy, and Mr. Mostoller were much more comfortable with executing the amendment. Ms. Bassett forwarded the new agreement to the PFAS Special Counsel and is awaiting feedback. Mr. Mostoller informed the board that other communities had similar issues with the language of the amendment and took similar action as the Acton Water District. They now await feedback from the counsels but if no issues are found then they will likely proceed to sign the agreement.

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

Mr. Mostoller reported a successful closing on December 7<sup>th</sup>. Since closing Mr. Mostoller reported they have been working to get the CR comments back from the state, and he and Ms. Bassett have been working with the Town of Acton to wrap up the necessary work. Mr. Mostoller informed the board they would not be formally introducing the property as open to the public until several more steps were completed, but they are in the process of planning a ribbon cutting ceremony and opening public access in the spring. Until that time the property will technically remain in limited access. Mr. Mostoller then reviewed the other unfinished details related to this item.

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

Mr. Mostoller re-introduced this item to the board as another opportunity to discuss proposed articles for the Annual Meeting Warrant. The two additional proposed articles from this meeting include the Cell Tower Lease presentation from Mr. Catalini, and the necessary bylaw changes driven by the Water

Management Act Renewal and Amendment. Mr. Mostoller told the board to expect some additional articles regarding housekeeping items, reports, and authorizations. The board then had a brief discussion on the grouping of consent agenda items. Mr. Mostoller suggested bringing the moderator into this conversation and suggested that the prioritization of discussion at annual meeting may negate some tactics of efficiency that the board may be looking for. Ms. Amir-Lin then brought up comments from the previous annual meeting about making a logical grouping of warrants that thematically makes sense. Mr. Mostoller informed the board that the Finance Committee is likely to take up the budget in the first week of January.

**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.

The board agreed that no executive session was necessary for this meeting.

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