

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, December 20, 2021

AGENDA

- A. Comments from the Public
- B. Approve minutes from meeting of 12/6/2021
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

D. OLD BUSINESS:

- 1. Peter Bay of EDF Renewables with Update on Solar Projects and Request for Additional Lease Term
- 2. Per- and Poly-Fluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Any updates or discussion from the PFAS Working Group
- 3. Review of Draft Budget for Fiscal Year 2023(FY'23)
- 4. Summary of Proposed Articles for the 2022 Annual Meeting Warrant

E. NEW BUSINESS:

- 1. Acton's Open Space & Recreation Plan
- 2. Request for a Drinking Fountain/Bottle Filling Station for Gardner Field

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. The meeting was called to order at 7:00 PM on Monday, December 20, 2021 by Mr. Barry Rosen.

Present at Tonight's Meeting:

Commissioners: Erika Amir-Lin, Barry Rosen (Chair), Stephen Stuntz
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Commissioners Secretary: Lynn Protasowicki
Finance Committee: Chuck Bradley

Public Attendees:

No public attendees tonight.

A. Comments from the Public

No comments this evening.

B. Approve Minutes from Meeting of 12/6/2021

Mr. Stuntz motioned to approve the minutes of December 6, 2021. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

C. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually

Ms. Amir-Lin motioned to appoint Mr. Rosen as the Commissioner to approve warrants while conducting meetings virtually until the next meeting of the Commissioners. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

D. OLD BUSINESS:

1. Peter Bay of EDF Renewables with Update on Solar Projects and Request for Additional Lease Term.

Peter Bay provided an update on the solar projects and discussion .

-Lawsbrook Solar Projects: 70% complete with module installation as of 12/10/2021 and to be fully completed by early January 2022. Much of the underground conduit is completed and is getting ready to wire the modules. Significant progress on installing the utility poles. EverSource completed their work on the site. Mechanically completed in January. Goal of energizing the project by February 24th.

-Knox Trail: no photos. One remaining item due is the EPA comfort letter. Does not know when they will receive from them. The other outstanding tasks include: a meeting with EverSource to stake out poles for the interconnection and EDF will ask for a schedule for construction work and a plan of when they will close their work out. EDF has not made any progress on the tax agreement with the Town of Acton. A meeting is being scheduled.

-Lease Extension Request: Peter stated that companies like to see the flexibility scheduled out for 40 years. Major equipment manufacturers are being pushed to extend their warranties longer. EDF is requesting to add another 5-year extension option to each project's leases; up to 35 years. For Knox it is in a different program for selling power than Lawsbrook. As we have gone down the path to altering the Lawsbrook power contract with the District, attorneys brought it to their attention that the net metering agreement does not have a sunset date to it. For the net metering program at Lawsbrook, there is no requirement to end the contract by a certain date. The District could extend the economics that we are currently talking about with the District beyond the 20-year term. EDF believes it would be make most sense to make it co-terminus with the lease in terms of extensions. If the District is able to do that, it would afford the District some ongoing savings with the power purchase agreement and it would continue to make lease payments at the higher value that match the 20-year Solar Massachusetts Renewable Target (SMART) term. Not something that the District has to do but for Knox it ends up being \$500K in additional value.

Erika Amir-Lin: has a PPA question – regarding the net metering program could a sunset date be implemented during our lease putting us in a different situation than we are in now? Peter Bay – that could happen but what we have seen in the industry with a retroactive change there will be a grandfather clause no retroactively changed or subjected to these rules.

Barry Rosen: the lease payments on Knox to the District remain constant even during the extension, correct? Peter Bay: yes but the one difference is that if District did not want to extend the PPA beyond the year 25 out to year 30, if after that term our revenues to sell the power at wholesale are expected to be less than half under the SMART program. The lease rate has to reduce for project to be economically viable so that is where it would drop down to a lower level approximately half of what we are able to afford during the SMART period and PPA period.

Erika Amir-Lin: these extensions are just optional extensions – if voters opt to go this route we still maintain everything currently with what we have signed on for. Peter, yes that is correct. Counselor Mary Bassett informed the Commissioners that these lease extensions would have to be presented at the Annual District Meeting in March for the voters to approve.

Barry Rosen: asked Peter Bay to find out what the value of year 31-35 will be to your potential investors to sell this and what is the advantage to the District to extend another 5 years. Peter stated that he will follow up to get some more information from the investors but in terms of the value to the District not much is going to change from what has been presented.

Steve Stuntz: if in 20 years solar collectors have doubled in efficiency does the system get upgraded? Peter does not know the answer to that; too hard to predict.

-Mr. Bay expressed that the lease on Lawsbrook: through the due diligence process the lease date on Lawsbrook was executed a month too early. We finished the Phase 1 ESA project in May and it should have been completed at the same time that you execute the lease for the property that you are taking on in order to obtain a Bonafide Perspective Purchaser Protection (BFPPP) which provides lessor or lessee, is for a brownfield site, it's a protection if there was a new form of contamination or environmental problem associated with the superfund status of the site. It is certifying that the project at the time of executing the lease there were no issues, also assuming that the project did not cause any more contaminations, if that is the case it is provided a protection from the government that they are not going to be liable for some of this contamination. The owners of these projects want to have as an additional assurance.

The request from EDF is to do a page slip of the lease that shows a new effective date of May which is when we got the Phase 1 ESA project finished.

Chris Allen: the lease effective date was April 13, 2021. Change lease date one month later to May 5, 2021.

Mr. Rosen motioned to change the effective date from April 13, 2021 to May 5, 2021 on the Lawsbrook lease. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

2. Per- and Poly-Fluoroalkyl Substances (PFAS)

- Current sample data, if available
- Any updates or discussion from the PFAS Working Group

Mr. Allen provided current sample data through December 6th. Currently serving water in the system is North Acton Water Treatment Plant and South Acton Water Treatment Plant. The latest sample result for South Acton is 16.4 ppt (12/6 result). For Clapp Whitcomb, still awaiting media change which is to happen on January 6th. Central Acton is still pending commissioning and anticipate that to be mid-January. North Acton running intermittently (every 2 weeks) and South Acton picking up the slack. All stations have been in compliance for the fourth quarter of 2021.

Barry Rosen: mentioned that we were still obligated to send a non-compliance notice for the previous testing period. Is that still going with the bills? Matt Mostoller: not going with the bills. DEP took over a week to get back to him so we missed the window. At this point a stand-alone email and direct mail notifying people that third quarter out of compliance and fourth quarter we were back in compliance. The last message people will hear from us is that fourth quarter in compliance.

PFAS Working Group – Mr. Allen provided an update. He stated that the Group reviewed the technical memorandum from Wright-Pierce that we'd commissioned them to do a study related to permanent and rental systems in North Acton. Analyzing what is available and what the potential benefits could be for implementation of that system such as that. At that time there were two available: Calgon Carbon and Suez. Calgon changed their model to "For sale" only, no rentals available. Suez is the only one from whom you can rent.

We would need to install piping, an intermediate storage tank, and a couple of pumps to get water through the GAC system and back into the treatment plant for contact time disinfection and fluoridation before it enters the distribution system. The breakeven point based on the permanent cost is \$4.9 million in comparison to a temporary system is 14 ½ years. The temporary system could be taken away at any time, if deemed no longer needed, or warranted by a change in future regulations.

There are some differing opinions in the PFAS Working Group.

Mr. Allen had some preliminary discussions with Town Manager about possibility of using ARPA funds in installing this system. The Town had approved \$1million in aggregate for North Acton and the cost of the system for the first 12 months is around \$250,000. Not sure what the availability is to accessing these funds. Still need to discuss further with the Town Manager. Mr. Allen stated that we don't have any money appropriated for PFAS which is why he was trying to pursue ARPA funds.

Erika Amir-Lin: from her perspective of being in the PFAS Working Group discussions is she liked the temporary treatment. The options of temporary is that affords us to prioritize another source for treatment at a later date, it doesn't lock us in forever, and the cost compared to a permanent construction is more favorable.

Mr. Allen mentioned that we were denied the PFAS state grant for the last round. We were denied because we had two options instead of narrowing it into one. There is another round of grant applications coming. We applied for that. Matt suggested that we use this temporary system for North Acton as a point for an application for this grant. The water bottle rebate program doesn't seem to be overly burdensome at this time. We currently have 60 rebates at a cost of about \$2500.

Erika Amir-Lin: she is hesitant going into another annual meeting cycle without one solution for the voters regarding PFAS. We are just coping and haven't solved anything because all that takes money that we don't have. Going into another budget cycle and not having a monetary ask concerns her because there are not a lot of opportunities to ask for money. It would be good to be going into a solution phase even if it is just partial. With the meeting warrant just being drafted it is a good time to start thinking about how we want to be spending and asking for money for PFAS.

3. Review of Draft Budget for Fiscal Year 2023(FY'23)

No changes on draft budget, waiting for approval in January.

4. Summary of Proposed Articles for the 2022 Annual Meeting Warrant

Mr. Allen posted the proposed articles to review.

Ms. Amir-Lin: If we wanted to tackle just North Acton we have to cobble together money for treatment of PFAS. Getting ARPA funds from the Town is uncertain. If we want to do anything with spending money on PFAS where is that money going to come from. Are we ready to borrow more money but thinks it's worth talking more about. Barry Rosen: we have a yearly fee to pay for this temporary system, is there an upfront cost we need to pay to install on our site. Mr. Allen: that was the \$780K to get that up and running with the first year being more money. Steve moving the temporary plant around is less viable because of the natures of the different wells we would move them to. Matt Mostoller: to move them around we would have to pilot the media first. DEP would say that GAC is going to work anywhere but they aren't going to let us do that. They would expect piloting. And for North Acton we had a grant for but at a minimum we would need to have an equivalent amount to pilot at another site. Erika Amir-Lin: Should we be planning another pilot then?

Matt: there is a lot of talk of federal funding being available for PFAS – there is potential settlement in multidistrict litigation but the issue there is we need to have expended some funds and need a plan in place to cash in on these opportunities. If we want to access the federal funding we need a plan in place and execute it. Erika Amir-Lin: spending money does demonstrate a need. Barry Rosen: from he has read so far, the grants are mostly set up for wastewater, infrastructure and removal/replacement of lead pipes. The EPA's paper that they put out says "pending congressional approval". He doesn't have hopes of seeing a lot of federal money anytime soon.

Mr. Allen stated that if we are looking to spend money for PFAS then when looking at our budget we can borrow from Surplus Revenue or take an appropriation from the WR Grace Stabilization Fund. Barry Rosen: since it was for treatment, we could justify expenditures for treatment, but we have been questioned on it. The fund was used for treatment.

Steve Stuntz: we have 3 plants that each will need PFAS treatment. We should go to the voters and tell them that this is our five or ten year plan for how we will treat PFAS and this is what it will cost and how it will impact the rate payers. Erika Amir-Lin: and each location would have to have a pilot. Steve Stuntz: our long term plan is treatment.

Chris Allen: given that we have an approved pilot for North Acton should we could add an article for appropriating or borrowing funds for a pilot in Acton Center. Steve Stuntz: hesitant on getting ahead of pilots if the technology changes.

Barry Rosen: has there been any consideration to an outside water source like MWRA. Steve Stuntz: we looked at it before but it would be difficult to connect. Steve: provide our customers with an internal plan (our own water) and external plan (buying water). Erika Amir-Lin: we have to treat for PFAS in the short term because it takes a substantial amount of time to connect to MWRA, if we were to do that, and in the meantime the DEP is not going to let us do nothing indefinitely because at some point we won't be able to manage the way we have been managing it which is coping. Chris Allen: he can contact MWRA to come and present. Steve Stuntz: no not necessary to meet with them but is interested in know how soon can the infrastructure be put in place to deliver water. Chris Allen: we are due for a 5 year master plan update and we can task the Engineer with making that a focus of doing an in depth examination of MWRA and a connection to the AWD.

Matt Mostoller: in his discussions with customers, they don't want a plan but action. Customers have been looking at other towns who have been dealing with PFAS. Customers want concrete action to occur. Those towns have put in treatment or have made an alternative connection. Wayland went through their MWRA assessment and decided to not go forward even though it is a relatively easy connection and they will have treatment on all their active wells by end of January. Our customers want to know what we are going to do now not in 10 years.

Steve Stuntz: is interested in learning how those towns solved their PFAS issues. Mr. Allen stated that those systems have consolidated sources. There are towns who have one or two sources that they are dealing with whereas we are dealing with multiple sources, multiple systems, multiple pilots, multiple construction, etc. We made decisions on priorities that we deemed appropriate while still prioritizing PFAS.

Erika Amir-Lin: recommends that this needs to be an agenda item. We talked through things we know and now we need to talk about things we don't know and figure those out to make this into something more real. This warrants more discussion.

Steve Stuntz: we should ask Fin COMM to get involved in costs.

Matt Mostoller: Bill Guthlein who is on the Finance Committee and PFAS Working Group is that one thing he liked about the leasing options is that it can be rolled into the O&M costs and not debt related costs.

Erika Amir-Lin: if we want it to do any warrant articles related to this we need to continue to discuss.

Other Old Business:

Enclosed in tonight's packet to the Commissioners is a copy of the Bid Tabulation for the Assabet Well Number 3 connection project. Mr. Allen stated that N. Granese & Sons, Inc. came in as the lowest bidder at \$787,560. There will be a recommendation to award forthcoming.

E. NEW BUSINESS:

1. Acton's Open Space & Recreation Plan

Enclosed in tonight's packet to the Commissioners is a copy of a letter from Melissa Reir, Acton Recreation Department Director regarding Acton's Open Space & Recreation Plan and the request to have town Boards Committees participate in the updating and editing of the plan. Ms. Amir-Lin stated that she brought to Board for consideration. Ms. Amir-Lin stated that open space is something that we have a large stake in. She stated that Matt Mostoller is involved in the Open Space Committee and that the District should have a Board voice in the editing and updating of the plan. Ms. Amir-Lin doesn't want the Board to pass up a chance to provide feedback.

Mr. Allen asked the Board if there is any interest in pursuing. Mr. Stuntz suggested putting this on the agenda for next meeting. Ms. Amir-Lin will reach out to Melissa to find out what she is looking for and once she has that information she will send along to Board and Matt.

2. Request for a Drinking Fountain/Bottle Filling Station for Gardner Field

Mr. Mostoller stated that the Friends of Gardner Field are requesting that the District donate a drinking fountain/water bottle filling station at Gardner Field. He mentioned that the District donated one to Nara Park a few years ago.

Mr. Allen mentioned that there are about 20 seasonal services around Town. There is an existing service now at Gardner Field.

Mr. Mostoller stated that it may cost the District around \$7K if they were to donate and install the fountain/water bottle filling station. It would be the Town's responsibility to maintain it.

Mr. Mostoller stated that it is good PR for the District; good branding for the District with signage.

Mr. Stuntz is fine with it.

Mr. Rosen is against it.

Ms. Amir-Lin would like to get more information from the Friends but she is in the good PR camp. She is in favor of drinking fountains. She is not opposed to it.

Mr. Allen suggested that the Board look at specifications, pricing, and a photo of the one at Nara Park before making a decision. The District will continue to dialogue with the Friends.

Mr. Rosen motioned to adjourn the open meeting at 9:25 PM. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz. Mr. Rosen moved to enter into Executive Session at 9:25 PM to discuss the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.