



Water Supply District of Acton

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Board of Water Commissioners

Meeting Agenda

Monday, February 22, 2021 @ 7:00 PM

Due to the COVID-19 Pandemic, meetings are being held virtually via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81811598886>

Or iPhone one-tap :

US: +13017158592,,81811598886# or +13126266799,,81811598886#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or
+1 669 900 6833

Webinar ID: 818 1159 8886

International numbers available: <https://us02web.zoom.us/j/81811598886>

- **Comments from Citizens**
- **Approve minutes from meeting of 2/8**
- **Appoint one Commissioner to approve warrants while conducting meetings virtually**

OLD BUSINESS:

- Update on the land lease with Baldco at 104 Powdermill Road-Rear
- Update on Per- and Poly-Fluoroalkyl Substances (PFAS)
- Update on proposed solar projects
- Discussion of the District's Annual Meeting timeline
- Commissioners' Annual Report

NEW BUSINESS:

- Review and approve the land lease with EDF Renewables for the Ground-mount Solar array on District property off Lawsbrook Road
- Authorize easements for National Grid at 8 Post Office Square-Behind to install new gas service to the Central Acton Water Treatment Plant (CAWTP)

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, February 8, 2021

AGENDA

- A. Comments from Citizens
- B. Approve Minutes from Meeting of 1/25/2021
- C. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually
- D. OLD BUSINESS:
 - 1. Update on Per- and Poly-Fluoroalkyl Substances (PFAS)
 - 2. Update on proposed solar projects
 - 3. DRAFT Budget for Fiscal Year 2022 (FY '22)
- E. NEW BUSINESS:
 - 1. Review and approve Reserve Fund transfer requests:
 - 65,000 to Acct # 15290- Maintenance & Operations for GAC media exchange
 - \$20,000 to Acct # 15270- Legal for Special Environmental Counsel
 - 2. Review and discussion of Annual Report for Calendar Year 2020

Present at Tonight's Meeting:

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

Citizens:

Kim Kastens
Ron Parenti
Jim Snyder-Grant

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, February 8, 2021 by Ms. Erika Amir-Lin.

A. Comments from Citizens

Kim Kastens was wondering how the permitting is going for the bedrock well. Was there anything interesting or controversial that came up during the site walk? Mr. Mostoller stated that we applied to do the long duration pumping test. We are waiting for an approval letter from MassDEP. Once in place we can begin the long duration pumping test. Mr. Allen and Ms. Amir-Lin also agreed that there was nothing out of the ordinary that hadn't already been discussed and that there were no items of concern. Kim Kastens: How long is the long duration pump test? Mr. Mostoller stated that we are starting out on 10 days on one well and allow it to recover and then 10 days on the other well and then let it rest.

Ron Parenti: just heard this evening about a computer hack into a water supply in Florida. As a Commissioner we had spoken about this a couple years ago as a hypothetical problem. And now this is proof this can happen. With all the automated treatment plants at the District which are internet connected it is a potential problem. He stated that the hack was that someone increased the sodium hydroxide by hundred. It ran that way until operator was able to reverse the process. This is an issue with any internet connected system. Mr. Allen stated that we received an update today from Mass Water Works Association about this hack. Our Scada system is not public facing and is only accessible from an encrypted VPN tunnel connection. There is no direct connection to the internet. Ron: is that standard practice? Mr. Allen stated that we did it intentionally. We separated the system control and administrative networks to have no connection to reduce vulnerability.

Jim Snyder-Grant, who is the Acton Selectboard liaison, wanted to acknowledge that Barry Rosen, now District liaison to the Selectboard, came to our last Board meeting and it was great to have him there and present.

B. Approve Minutes from Meeting of 1/25/2021

Mr. Stuntz moved to approve the minutes of January 25, 2021. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, and Ms. Amir-Lin.

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

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

D. OLD BUSINESS:

1. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).

Mr. Mostoller provided the update. We have results from Assabet 3 well: we have applied for grant funds to bring this well into the South Acton Water Treatment Plant (SAWTP). We did an 8-hour pumping test on Assabet #3 where we were looking to get updated water quality data. PFAS levels at 3.1 parts per trillion (PPT) which is the lowest concentration well of any well here in Acton – this is good news. Back in April, it was at 3.5 PPT so not only low and but also stable. The monthly system compliance testing which began in January 2021, we have half of our samples back including the SAWTP which came back at 19.7 PPT and Clapp Whitcomb came back as non-detect and has been taken offline to replace the Activated Carbon media. We did take sample halfway through that treatment process and were we seeing 10 PPT after first carbon vessel so, replacement of the Carbon is necessary. We are still awaiting results for Conant I and North Acton Water Treatment Plant (NAWTP). Our hope is that we will be able to utilize North Acton under a modified pumping scheme and those samples will be collected the end of this week to confirm as viable solution for the short term.

Mr. Rosen asked about the carbon we use. He stated that Hans Keiler, manager from Hyannis, experimented with two types of Granular Activated Carbon (GAC), coconut and coal-based carbon filters because the PFAS was out of control in that town. He found that coal did a better job and was able to get his detect levels down to zero. Have we ever done that? Mr. Mostoller stated that no we have not, but our provider Calgon Carbon certainly has experience using both. He has attended multiple technical sessions that they have held and for the most part it comes down to the particular water quality parameters and what works better. Historically we have only used the coal based carbon.

Ron Parenti inquired as to how the remediation experiments were going and also how likely the water bans will be lifted in the coming year. Mr. Allen stated that it depends on how NAWTP can be used as a source again. Conant II is unavailable due to the new plant construction. Over time we need to determine what the PFAS impacts are on our different sources and degree of capacity we can provide which dictates

the necessity of an escalation in the summer outdoor water use program. He hesitates to answer now but assumes something more stringent in coming months. Mr. Mostoller stated that maybe a two-day outdoor use program and part of that is going to fit into our renewal of the water management act permit where we'll, most likely, be required to adopt a two-day outdoor water use program by regulation.

Ron Parenti asked: Which wells are the most impacted relative to PFAS right now? Mr. Mostoller stated that in the spring NAWTP was the most impacted; we have sampled through summer and fall we have seen the concentrations go down in NAWTP and seen them go up in the Acton Center wells. Conant II offline and that leaves South Acton, Conant I and Clapp Whitcomb currently available.

Mr. Mostoller stated that we are getting ready to do our February samples next week and should see results around March 1st. Every 2-3 weeks have new data to share. Working through our we will update the public relative to the website. Looking for a cleaner way to provide that data and send out using our email list.

2. Update on Proposed Solar Projects.

Mr. Allen provided an update on the meeting that happened on Friday January 29th with Town Counsel, the Acton Town Manager, John Mangiaratti, Mr. Allen, and Jim Snyder-Grant talking about the municipal water rate and the in kind benefit that provides to the Town of Acton. Initially, Mr. Allen had given them a years' worth of data which was in a Covid impacted timeframe (July 2019 to April 2020) so there was some time when schools and town offices were closed during this time so not an accurate snapshot in a year. Bob Murch provided a 5-year report and the average savings was \$11K higher than what we saw in the one-year snapshot. During the course of that discussion he spoke with Peter Bay of EDF and they have said that if that does come down that EDF will pay for entire Payment in Lieu of Taxes (PILOT) without any cost sharing. Minimum of \$31K deducted from taxes for PILOT. Currently, the PILOT is \$99K per year; \$42K is the average cost savings realized by the Town and Regional School District from the Municipal water rate. He has not heard any updates since the meeting.

Mr. Rosen asked if we explained to the Town that we also provide the billing data for the sewage treatment plant. Mr. Allen stated that yes, the Treasurer wrote up a summary of how we maintain the database and how we provided those numbers for them for their billing purposes. We did a comparison for them like Nagog Woods.

Mr. Rosen stated that it seems like the town should have more than sufficient information to provide a reduction in the PILOT. We are helping each other. The town should have enough data to move forward with DOR. Mr. Allen stated that they are trying to establish a model that will work for the future.

Kim Kastens: in preparing for WR Grace conversation regarding the re-use of Grace's land, we learned more about solar energy installations. We learned that some installations use vegetation plants beneath the panels that provides ecosystem services: either carbon sequestration through deep rooted perennial grasses or a pollinator habitat. What kind of vegetation did the District specify under the solar panels? Mr. Allen stated that nothing specific was specified it will be whatever grows naturally. He noted no herbicides will be used for vegetation control, only mechanical means.

Jim Snyder-Grant: reinforced Barry's comments that the meeting was a positive one and that all recognized that any extra expenses imposed upon the District really ends up in the hands of the Acton resident so no motivation to keep the pilot high (no extra expense).

Mr. Rosen mentioned that there is a Planning Board hearing on February 16th at 7:35 PM with two agenda items: 22 Elm Street (proposed PCRC) and 50 Independence Road (proposed PV Array). He knows that Chris has submitted the District's concerns to the Planning Board. He suggests that we have one Water

District representative at the meeting with a slide with the key bullets as our concerns may not be heard. Barry would like a Water District staff person to be present to explain our concerns.

Ms. Amir-Lin clarified that the 50 Independence Road is not a District project that is the proposed WR Grace reuse solar array.

Jim Snyder-Grant: to avoid a visit to the Planning Board, the Planning Dept will put a draft decision in to the packets a few days before the meeting which should include the Districts comments so you should be confident it will be heard and understood. And that the BOH does have staff comments and because there will be batteries on site there will be a separate BOH hazardous materials hearing after the planning board hearing which would be another option to add a condition about PFAS.

Ron Parenti: does recall the comment from WR Grace Representative that he knew no evidence that panels with PFAS would lead to any problem with contamination of the water supply. He wanted to ask Barry if he was aware of any studies that would indicate whether PFAS on the panels would introduce a problem. Barry said good question that there are studies that PFAS does leech but no studies that prove either way that PFAS leeching off solar panels either helps or hurts a water supply. That is a false premise that because there is no study that proves that they don't hurt the water supply, there is no study that proves that they are good for the water supply, there is no study that shows that they doing anything to water supply. There is proof that over time that the panels age that those that contain PFAS on the panel surfaces leech quantities of PFAS when it rains. There are fewer manufacturers using PFAS as a surface coating to make them slippery to liquids.

The Water District is required to have PFAS free collectors because we are operating within Zone 1 and 2. The proposed solar array by WR Grace is not in our Zone 1 or 2, however given the proximity of the proposed solar array field to our Zone 1 and 2 it would be prudent for them to have PFAS free collectors.

Barry will attend and would like to discuss the bullets with Matt to be certain he has a good understanding.

3. DRAFT Budget for Fiscal Year 2022 (FY '22).

Mr. Allen mentioned that there was one revision from the last version at January 25th meeting is that Mary Jo Bates did confirm that the loan with Trust will not enter permanent financing until October 2021 which is what we anticipated originally. That is a \$650K deduction in the Long-Term Debt line item.

Mr. Stuntz moved to accept the draft budget for Fiscal Year 2022. Mr. Rosen seconded the motion and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, and Ms. Amir-Lin

Kim Kastens: when will the WR Grace fund run out with its current use of draw? Mary Jo Bates stated, over the course of its existence, the Grace fund has had no principle pulled out of it just interest and growth.

Other Old Business:

Mr. Allen stated that the site walk at 104 Powdermill Road Rear with Baldco was postponed due to weather and is rescheduled to this Thursday, Feb 11th.

E. NEW BUSINESS:

1. Review and Approve Reserve Fund Transfer Requests

Enclosed in tonight's packet to the Commissioners is a letter to the Finance Committee from Mr. Allen requesting their approval of the following two transfers from funds from the Reserve Fund to the current FY 21 operating budget.

- \$65,000 to Acct # 15290- Maintenance & Operations for GAC media exchange

Mr. Rosen moved to approve the transfer of \$65,000 to Acct # 15290- Maintenance & Operations for GAC media exchange. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, Ms. Amir-Lin

- \$20,000 to Acct # 15270- Legal for Special Environmental Counsel

Mr. Rosen moved to approve the transfer of \$20,000 to Acct # 15270- Legal for Special Environmental Counsel. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, Ms. Amir-Lin

2. Review and Discussion of Annual Report for Calendar Year 2020

Mr. Rosen stated that the former Commissioners made it clear and viewed it as a positive that they separated out the fixed portion of the budget which is the debt of the District to show to customers what our debt is. They made it transparent to the public by showing them our debt fee structure. The current Commissioners would still like to continue with this debt fee structure which is still in line with the former Commissioners. He would like the annual report to convey that message.

Bill Guthlein: we are all in agreement that we would like to make it very visible to rate payers of what they are paying for debt service. Where we disagree (the Finance Committee and the Commissioners) is in how we charge our customers for the debt. The Finance Committee believes it's appropriate for us to comment on this topic in our annual report. The report discusses our recent consensus that debt service should be recovered based on water volume purchases instead of the current method which is a fixed charge per customer.

Ms. Amir-Lin: The Finance Committee is not coming here to disagree with the Commissioners and to say that we think that you are making incredibly poor decisions. There are two legitimate approaches here and it's not the disagreement that is the issue.

Mr. Rosen stated that his opinion is that he just wants to make sure that what goes out in the annual report is that the public sees a Water District that feels we are under control and we may be considering alternatives but there is no dissention within the District.

Ms. Amir-Lin stated that he had strong thoughts on this and it was good that it was discussed here tonight. She is ok with a variety of opinions on this annual report: She is good with the most recent draft of the letter.

Mr. Stuntz stated that we have never approved the Finance Committee's report. They have all just been written. We don't vote to accept them. They just get put into the report. Mr. Allen stated they just get voted on at the Annual District meeting.

Mr. Stuntz motioned to adjourn the open meeting at 8:32 PM. Mr. Rosen seconded the motion and it was unanimously approved by a roll call vote: Mr. Stuntz, Mr. Rosen, Ms. Amir-Lin

Property Address: 8 Post Office Square, Acton, MA (Middlesex South)

GRANT OF EASEMENT

THIS EASEMENT, made this _____ day of _____, 2021, by and between WATER SUPPLY DISTRICT OF ACTON, having a mailing address of P.O. Box 593, Acton, Massachusetts 01720 (hereinafter referred to as "Grantor"), under authority of Article 17 of the Official Warrant of the Annual District Meeting, as voted on June 8, 2020 and Chapter 326 of Special Acts of 1912, as amended, being the owner of certain land in Acton, Middlesex County, Massachusetts, more particularly described in a deed dated December 18, 1995, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 25911, Page 36, being also shown as Lot 2B on a Plan of Land recorded with the Registry as Plan No. 1168 of 1995, (the "Grantor's Land") and BOSTON GAS COMPANY, a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts, having its principal office at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as "Grantee").

WITNESSETH, that Grantor, in consideration of One (\$1.00) Dollar and other good and valuable consideration paid by Grantee, does hereby grant and release unto Grantee, their successors and assigns, forever, the right and easement for a corridor approximately ten (10) feet in width on, over, under, across, through and along certain portions of the Grantor's Land including, without limitation, those easements running with the Grantor's Land, described as follows:

1. an Easement dated March 5, 1998, recorded with the Registry in Book 28286, Page 458, and shown on the Plan as "Proposed 20' wide easement";
2. an Easement dated August 27, 2020, recorded with the Registry in Book 75563, Page 261, across and under three (3) strips of land shown as "Water Easement on Land of Peter Central, LLC" containing 2,667± sq. ft. of land, "Water Easement on Land of Peter Central, LLC" containing 2,200± sq. ft. of land, and "20' Wide Water and Electric Easement" on a Plan of Land attached thereto as Exhibit A, entitled "Easement Exhibit Plan of Land, Post Office Square, Acton, Massachusetts";

WR# 00277115-1

Address of Grantee:
BOSTON GAS COMPANY
40 Sylvan Road
Waltham, MA 02451

After recording return to:
Jessica White
National Grid USA
Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451-1120

00401 ACTOMA GEN

3. an Easement dated August 27, 2020, recorded with the Registry in Book 75606, Page 564, and shown as a private way named "TECHNOLOGY DRIVE" and "ACCESS & UTILITY EASEMENT" on a Plan of Land recorded with the Registry as Plan No. 1544 of 1984;
4. an Easement taken by Order of Taking dated December 11, 2020, recorded with the Registry in Book 76489, Page 271, being shown as "Water Easement on Land of Post Office Square, LLC" containing 856± sq. ft. of land attached thereto as Exhibit A and entitled "Easement Exhibit Plan of Land, Post Office Square, Acton, Massachusetts";
5. an Easement taken by Order of Taking dated December 11, 2020, recorded with the Registry in Book 76489, Page 276, shown as "Water Easement on Land of Post Office Square Acton, LLC" containing 699± sq. ft. of Land on a Plan of Land attached thereto as Exhibit A and entitled "Easement Exhibit Plan of Land, Post Office Square, Acton, Massachusetts.

The easement corridor shall become established by and upon the installation and erection thereof by the Grantee, with the gas cable being the centerline of said corridor (the "Easement Area"). Said easement herein granted includes the following rights and privileges:

FIRST: The permanent and perpetual easement, right, privilege and authority to construct, reconstruct, relocate, operate, repair, maintain and remove underground and/or grade level gas systems, including but not limited to gas mains, and gas service lines and pipes, together with all necessary appurtenances and accessories thereto (collectively, the "Gas Facilities") to serve the Grantor's Land and others, as Grantee may now and from time-to-time deem necessary, all within the Easement Area.

SECOND: The right to attach to the Gas Facilities installed or to be installed within the Easement Area other gas pipes and appurtenant facilities in the locations within the Easement Area for the purpose of providing gas to Grantor and Grantees' other customers.

THIRD: The privilege of such access from the street to the Easement Area as is necessary for the enjoyment of the easement herein granted.

FOURTH: Grantor agrees not to erect or maintain within the Easement Area where the Gas Facilities are located any building, permanent structure or physical obstruction of any kind or nature whatsoever, including trees and shrubbery or permit the same to be so erected or maintained, except such as Grantee may specifically consent to in writing, which consent shall not be unreasonably withheld or delayed.

FIFTH: The Gas Facilities and other appurtenances which are installed, constructed and maintained by Grantee in the Easement Area shall at all times be and remain the property of Grantee, and shall be maintained and serviced exclusively by Grantee.

SIXTH: Grantor agrees that it is seized of Grantor's Land, for itself, its successors and assigns, forever warrants its title thereto and will forever defend the easement and right-of-

way herein granted against all lawful claims and demands. If in the future, Grantee is notified to remove or relocate all or any portion of the Gas Facilities due to Grantor having inadequate rights or reservations in the Easement Area, then Grantee, its successors or assigns, shall have no further obligation to Grantor, its successors or assigns, to provide gas service to the Grantor's land until Grantor shall provide perpetual easements, satisfactory to Grantee's counsel, to Grantee, its successors or assigns, to all properties which Grantee will have to relocate all or any portion of the Gas Facilities and thereafter, Grantee, its successors and assigns, shall, within a reasonable time, at the sole cost and expense of the Grantor, its successors and assigns, relocate all or any portion of the Gas Facilities to such alternate locations that shall be reasonably agreed to by Grantor and Grantee. The newly agreed to locations of the Easement Area shall be indicated and shown on a plan by proper amendment or amendments to this grant of easement. Any relocation of all or a portion of the Gas Facilities shall be in accordance with Grantee's engineering design and location standards then in effect. Grantor further agrees to defend with counsel satisfactory to Grantee and to pay, protect, indemnify and save harmless Grantee, its employees, agents, directors, officers, and affiliates, from and against any and all liabilities, damages, costs, expenses (including all reasonable attorney's fees of Grantee), causes of action, suits, claims, demands or judgments of any nature whatsoever arising from or due to inadequate rights or reservations in the Easement Area to install, erect, maintain and operate the Gas Facilities.

SEVENTH: Grantee agrees that, in the event the surface of the Easement Area is disturbed at any time and from time-to-time by Grantee or any party acting on behalf of Grantee, then Grantee, at its sole cost and expense, within a reasonable time thereafter, shall repair and restore the surface of the Easement Area where the Gas Facilities are located to the condition which existed prior to any such disturbance.

EIGHTH: Grantor and Grantee mutually agree to comply with all applicable codes, rules, regulations and laws.

Grantor and Grantee mutually agree that the easement herein granted is non-exclusive and shall be binding upon and inure to the benefit of their successors and assigns.

[Signature page follows]

For Grantor's title, see deed dated December 18, 1995, recorded with the Registry in Book 25911, Page 36.

IN WITNESS WHEREOF, Water Supply District of Acton has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Erika Amir-Lin, Stephen C. Stuntz and Barry Rosen, its Commissioners, being thereto duly authorized this _____ day of _____, 2021.

WATER SUPPLY DISTRICT OF ACTON

By: Erika Amir-Lin

By: Stephen C. Stuntz

By: Barry Rosen

Commonwealth of Massachusetts

County of Middlesex } ss.

On this the _____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared Erika Amir-Lin, Stephen C. Stuntz, and Barry Rosen, proved to me through satisfactory evidence of identity, which was/were _____, to be the persons whose names are signed on the preceding Grant of Easement, and acknowledged to me that they signed it voluntarily for its stated purpose, as Commissioners of the Water Supply District of Acton.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above