

# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
P.O. BOX 953  
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

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## Board of Water Commissioners

### Meeting Agenda

Monday, June 27, 2022 @ 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/83749476174>

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Webinar ID: 837 4947 6174

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- **Comments from the public**
- **Approve minutes from meeting of 6/6**
- **Appoint one Commissioner to approve warrants while conducting meetings virtually**
- **Update from Jim Cray, Senior Project Manager for Wright-Pierce on projects in progress**

### **OLD BUSINESS:**

- Land lease with Baldco on District property at 104 Powdermill Road-Rear
- Per- and Poly-Fluoroalkyl Substances (PFAS)
  - Current sample data, if available
  - Environmental Protection Agency (EPA) health advisory for PFAS
- Update on search for Treasurer/Collector and Board Secretary
- Amendment to the Memorandum of Land lease for the Lawsbrook Solar Array

### **NEW BUSINESS:**

- Inter-Municipal Agreement (IMA) with the Town of Acton
- Current drought conditions in Massachusetts
- Consumer Confidence Report for Calendar Year 2021

**EXECUTIVE SESSION:** --To consider the purchase, exchange, lease of real property at 549 Main St as an open meeting may have a detrimental effect on the negotiating position of the District

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, June 6, 2022

**AGENDA**

- A. Comments from the Public
- B. Approve minutes from the meeting of 5/23/22
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

**D. OLD BUSINESS:**

- 1. Land Lease with Baldco on District Property at 104 Powdermill Road-Rear
- 2. Per- and Poly-Fluoroalkyl Substances (PFAS)
  - Current sample data, if available
  - Update on Town of Acton Rescue Plan (ARPA) Act Funds for Design of the PFAS System at the North Acton Plant
  - Review of Water Bottle Rebate Program
- 3. Discussion of the 2022 Master Plan Update

**E. NEW BUSINESS:**

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.

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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 7:00 PM on Monday, June 6, 2022, by Mr. Stephen Stuntz.

**Present at Tonight's Meeting:**

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

**Public Present:**

**A. Comments from the Public**

No comments tonight.

**B. Approve Minutes from the Meeting of 5/23/22**

Mr. Rosen motioned to approve the meeting minutes of May 23, 2022. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Rosen and Mr. Stuntz.

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

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

#### **D. OLD BUSINESS:**

##### 1. Land Lease with Baldco on District Property at 104 Powdermill Road-Rear

No updates tonight. The lease is currently extended through June 30, 2022. We expect a substantive update at the meeting on 6/27.

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

###### ➤ Current sample data, if available

Chris Allen stated that Central and South Acton Water treatment plants are serving water to customers. Assabet IA is back in service. North Acton was taken offline on May 31<sup>st</sup>. It is scheduled to go back into the system on June 16<sup>th</sup> or June 17<sup>th</sup>. We have it running half the month at half capacity to help manage the PFAS concentrations. We did a kickoff meeting with the Engineer, and the design process for the PFAS remediation system at the North Acton plant is underway. He received an email regarding the Suez containers and there are two available for drinking water treatment currently.

The Clapp Whitcomb wells are running to waste, and we will be evaluating water quality to determine if they can be used for supply. Barry Rosen: do we have any update on connecting Assabet 3 to help mitigate capacity restrictions? Chris Allen stated that we are trying to work through some of the supply chain disruptions. The well contractor was supposed to have mobilized in late May early June, but nothing has started yet. No timeframe yet because of the unanticipated delays.

###### ➤ Update on Town of Acton American Rescue Plan (ARPA) Act Funds for Design of the PFAS System at the North Acton Water Treatment Plant

Chris Allen stated that he has been working with Town of Acton's Treasurer's office to secure the \$450K for the design of the PFAS system at the North Acton Plant. He is meeting with Treasurer's office representatives and the town's consultant on Tuesday, June 7 at 2pm, as they have additional questions.

###### ➤ Review of Water Bottle Rebate Program

Chris Allen stated that the Board has committed to reviewing this program quarterly. The total rebate amount this quarter is \$4,050 and \$9,540 for fiscal year. Customers have until June 15<sup>th</sup> to apply for rebate on the July bill. There are 100 approved applicants utilizing the program. Steve Stuntz: what's the plan to continue with this program? Erika Amir-Lin: North Acton doesn't have a permanent solution implemented. Until we have some solutions in place that let us relax how controlling this from an operational perspective we can't say that this is behind us. Barry Rosen: our solutions are blending solutions right now. We are blending to try and mitigate some wells that are way over 20 Parts Per Trillion. Its working but we aren't pumping all that we can pump so causing some restrictions to the residents of the town. We still have a way to go. I think that withdrawing the program would do more harm than good to the District in the eyes of the customers. Chris Allen: agrees with Barry and Erika and recommends that we continue with this program. Steve Stuntz: agrees that it is too early to discontinue the program. We will review again at the third quarter (September).

Mary Jo Bates did confirm that the customers who are participating in the rebate program are required on the application to certify that they are in a sensitive sub-group; nursing mothers, infants ( $\leq$  one year old), pregnant women or physician diagnosed immune-compromised. Barry Rosen: Do we ask them to recertify that they are in the sensitive sub-group because it only covers one year. Steve Stuntz: We should put a reminder in the bill to re-certify. Matt Mostoller stated that we did discuss that when we adopted the program in our initial discussions - re-certification and asking them what subgroup they are a part of were two things that were removed. Erika Amir-Lin: We can't ask them to identify what subgroup they are in.

### 3. Discussion of the 2022 Master Plan Update

Steve Stuntz: Thank you Barry for creating a list for a Strategic and Tactical plan. He gave us a good cross section between strategy and tactics and now we have something to discuss and how to move forward. The traditional ways to do strategic planning is SWOT (strengths, weaknesses, opportunities and threats to the organization). As a public utility we have a short range of operation. We need to make sure that the mission statement is clear and that everyone buys into it. Go through the kinds of things that might affect us (the threats that can happen to us – population increase and regulations on those, water storage needs, etc.). What is the next step? The summer is coming up and we don't want to get into trouble with making decisions and not having public input.

Barry Rosen: he looked at the minutes from May 23<sup>rd</sup> and he isn't sure if the Commissioners agreed that it might be a good thing to break the master plan into two: strategic and tactical. Did we want to do that?  
Erika Amir-Lin: based upon her notes we did not come to a decision in that regard. Steve Stuntz: what we were thinking was how do we go about the process of deciding that. Since we didn't decide we talked about what are the issues which led to Barry writing up the draft to start the discussion.

Erika Amir-Lin: Steve you made a great point that summer is a challenging time. People are around less and are less engaged during the summertime. It doesn't look good to rush through this. Steve Stuntz: we should set a fall meeting to invite people to have their input on a strategic plan. Erika Amir-Lin: looking at Barry's list it might be good to have some broader categories for public discussion.

Barry Rosen: he doesn't want to have the Engineer at Wright-Pierce, waiting on the Master Plan. Should we tell them tactical items on which they should be working or do we want to have them stop completely.  
Erika Amir-Lin: as Wright-Pierce to present the asset management plan to the Board. Chris Allen: The Asset Management Plan was created for each individual system component, i.e., pump, valve, hydrant, etc. The tactical stuff is pretty well covered in that plan. Some of what is on the tactical plan and strategic plan are covered in the Master Plan. He informed the Engineer of the Board's discussions, so they are waiting on the direction from the District.

Engineer suggested that if the District would like to have a Senior Project Manager attend a monthly meeting to provide an update to the Board, they can do that. Steve Stuntz: yes let's do that. Let's have the Senior Project Manager attend on June 27<sup>th</sup> to give status of projects they are working including the Master Plan.

Chris Allen also mentioned that Rich Protasowicki of Wright Pierce suggested having a meeting with Chris, Mary Jo, Matt and a Commissioner to discuss the succession and if there are any issues to discuss and needs to be met during the next year's transition period.

Counselor Bassett suggests giving Wright-Pierce the list Barry wrote up to get their opinion on it and check off what is already covered in the Master Plan.

#### Other Old Business

- For next meeting agenda to discuss rebates.
- June 22<sup>nd</sup> is the ribbon cutting for the solar array at Lawsbrook.

#### **E. NEW BUSINESS:**

Chris Allen stated that he is creating the open meeting calendar for second half of the year. Do the Commissioners want to do two meetings in July and August? Typically, we have done one in each month. He will circulate the draft schedule to identify any conflicts. Erika Amir-Lin: Do we know the



Selectboard meetings for their second half of the year? It would be nice to have some meetings that don't overlap.

Barry Rosen stated that, after reorganization, the Chairman of the Selectboard is Dean Charter; the Vice-Chair is Jim Snyder-Grant; and they are now giving out the liaison assignments.

*Mr. Rosen motioned to adjourn the open meeting at 7:46 PM. Ms. Amir-Lin seconded the motion, and it was approved unanimously by a roll call vote: Ms. Amir-Lin, Mr. Rosen, and Mr. Stuntz. \*

**Next meeting: June 27, 2022**

DRAFT

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

EDF Renewables  
Attn: Scott Hesser  
5 Commerce Avenue  
West Lebanon, NH 03784

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The above space for Recorder's Use Only

**AMENDMENT TO MEMORANDUM OF SOLAR LAND LEASE**

THIS AMENDMENT TO MEMORANDUM OF SOLAR LAND LEASE (this "**Amendment**") is made and entered into as of June \_\_\_\_, 2022 (the "**Effective Date**"), by and between **Water Supply District of Acton**, a Massachusetts water district ("**Lessor**"), and **Acton Water Solar Partners, LLC**, a Delaware corporation ("**Lessee**"). Lessor and Lessee are also each hereinafter referred to individually as a "**Party**" or, collectively, the "**Parties**."

RECITALS

- A. Lessor and Lessee have entered into a certain Solar Land Lease dated May 5, 2021 (the "**Lease**");
- B. The Parties gave notice to said Lease by a certain Memorandum of Solar Land Lease dated May 5, 2021, and recorded in the Middlesex South District Registry of Deeds at Book 80142, Page 481 (the "**Memorandum of Lease**");
- C. At the Annual District Meeting held on April 13, 2022, Water Supply District of Acton voted to add an additional optional 5-Year Extension Term to the Lease, a copy of the Minutes of such meeting is attached as **Exhibit A**;
- D. The parties amended the Lease by First Amendment to Solar Land Lease dated May 25, 2022 (the "**First Amendment to Lease**") to add an additional optional 5-Year Extension Term to the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee, intending to be legally bound, do hereby agree to amend the Memorandum of Lease as follows:

1. This Amendment increases the number of allowable extension terms to three (3) additional 5-year Extension Terms. As amended by this Amendment, Section 2 of the Memorandum of Lease is hereby deleted and replaced with the following language:

Term. The term of the Lease (the "**Term**") begins on the Effective Date and terminates upon the earlier of: (a) twenty (20) years after the Commercial Operation Date or (b) the date this Lease is terminated as permitted in the Lease or by operation of law. The Lease shall not terminate solely because of abandonment or nonuse except as provided in the Lease. Lessee may extend the term of this Lease by up to three (3) additional consecutive five (5) year terms commencing on the last day of the initial twenty (20) year term or the then-current extended term, as the case may be.

2. To the extent there is any inconsistency between the Lease and the Memorandum of Lease, as amended hereby, the Lease shall govern. Except as modified herein, the Memorandum of Lease remains unchanged and is in full force and effect.

3. This Amendment may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

4 This Memorandum is executed and recorded for the purpose of providing record notice of the execution, delivery and existence of the Lease. This Memorandum shall not supersede or in any way modify the terms or conditions of the Lease. In the event of any conflict between any term or provision of the Lease and this Memorandum, the applicable term or provision of the Lease shall control.

[SIGNATURE PAGES FOLLOW]

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## Drinking Water Health Advisories for PFAS Fact Sheet for Communities

On June 15, 2022, EPA released four drinking water health advisories for per- and polyfluoroalkyl substances (PFAS). In releasing these drinking water health advisories, EPA is acting in accordance with its mission and responsibility to protect public health and keep communities informed when new science becomes available. EPA is committed to partnering with states, Tribes, territories, and water utilities, and the agency's new health advisories represent a key input that can be used to inform actions to address PFAS in drinking water, including water quality monitoring, changing sources of drinking water or modifying treatment to reduce exposure to these substances. EPA also announced that it is inviting states and territories to apply for \$1 billion – the first of \$5 billion in Bipartisan Infrastructure Law grant funding – to address PFAS and other emerging contaminants in drinking water, specifically in small or disadvantaged communities.

### What are PFAS?

PFAS are a group of manufactured chemicals that have been used in industry and consumer products since the 1940s. There are thousands of different PFAS, some of which have been more widely used and studied than others. One common concern is that PFAS generally break down very slowly, meaning that concentrations can accumulate in people, animals, and the environment over time.

Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group. PFOA and PFOS have been replaced in the United States with other PFAS in recent years. In chemical and product manufacturing, GenX chemicals are considered a replacement for PFOA, and perfluorobutane sulfonate (PFBS) is considered a replacement for PFOS.

### What Is a Health Advisory?

Drinking water health advisories provide information on contaminants that can cause human health effects and are known or anticipated to occur in drinking water. EPA's health advisories are non-enforceable and non-regulatory and provide technical information to states agencies and other public health officials on health effects, analytical methods, and treatment technologies associated with drinking water contamination.

EPA's lifetime health advisories identify levels to protect all people, including sensitive populations and life stages, from adverse health effects resulting from exposure throughout their lives to these PFAS in drinking water. The health advisory levels were calculated to offer a margin of protection against adverse health effects. EPA's lifetime health advisories also take into account other potential sources of exposure to these PFAS beyond drinking water (for example, food, air, consumer products, etc.), which provides an additional layer of protection.

### What Is the Basis for EPA's New Health Advisories?

The interim updated health advisories for PFOA and PFOS are based on human studies in populations exposed to these chemicals. Human studies have found associations between PFOA and/or PFOS



exposure and effects on the immune system, the cardiovascular system, human development (e.g., decreased birth weight), and cancer. The final health advisories for GenX chemicals and PFBS are based on animal studies following oral exposure to these chemicals. GenX chemicals have been linked to health effects on the liver, the kidney, the immune system, and developmental effects, as well as cancer. PFBS has been linked to health effects on the thyroid, reproductive system, development, and kidney.

### Why is EPA Issuing Interim Updated Health Advisories for PFOA and PFOS?

Consistent with EPA's mission and responsibility to protect public health and keep communities informed when new science becomes available, EPA is issuing interim updated health advisories for PFOA and PFOS in light of new scientific information on these chemicals' health effects. These interim health advisories will be in place until EPA's forthcoming PFAS National Primary Drinking Water Regulation is in effect.

### What are the Health Advisory Levels?

- Interim updated Health Advisory for PFOA = 0.004 parts per trillion (ppt)
- Interim updated Health Advisory for PFOS = 0.02 ppt
- Final Health Advisory for GenX chemicals = 10 ppt
- Final Health Advisory for PFBS = 2,000 ppt

### What Does this Mean for Communities?

The agency recognizes that these new health advisories may raise many questions. EPA encourages people who are concerned to learn about PFAS, including actions that may already be underway and opportunities to reduce exposure. EPA has created [answers to a list of important questions](#) related to this announcement to help members of the public learn more.

If you are concerned about PFAS in your drinking water, EPA recommends you contact your local water utility to learn more about your drinking water and to see whether they have monitoring data for PFAS or can provide any specific recommendations for your community. EPA recommends that public water systems that find PFOA or PFOS in their drinking water take steps to inform customers, undertake additional sampling to assess the level, scope, and source of contamination, and examine steps to limit exposure.

In many communities, public health officials have taken steps to reduce exposure to PFAS in drinking water. Current science indicates that **lower levels of PFAS exposure present less risk**, so those efforts help protect public health.

**Drinking water systems have reduced exposure to PFAS** by closing contaminated wells, changing the rates of blending of water sources, or installing technologies that remove PFAS from the water (such as granular activated carbon or reverse osmosis).

If you are **concerned about PFAS in your drinking water**:

- Learn about testing and actions your water system may have taken, or request testing.
- If you have a home drinking water well, ensure you are protecting and maintaining it: <https://www.epa.gov/ground-water-and-drinking-water>
- Consider any resources and recommendations from your state: <https://www.epa.gov/pfas/us-state-resources-about-pfas>

- Review EPA's Meaningful and Achievable Steps You Can Take to Reduce Your Risk:  
<https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk>
- Review EPA's questions and answers about these drinking water health advisories:  
<https://www.epa.gov/sdwa/questions-and-answers-drinking-water-health-advisories-pfoa-and-pfos>
- Follow EPA's progress in developing a PFAS National Drinking Water Regulation:  
<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>
- Learn about EPA funding through the Bipartisan Infrastructure Law to reduce PFAS in water:  
<https://www.epa.gov/dwcapacity/wiin-grant-emerging-contaminants>.
- Learn more about PFAS and review the agency's PFAS Strategic Roadmap:  
<https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

\* List of Acronyms: Per- and poly-fluoroalkyl substances (PFAS); Perfluorooctanoic Acid (PFOA); Perfluorooctane Sulfonic Acid (PFOS); Perfluorobutane Sulfonic Acid and its Potassium Salt (PFBS); Hexafluoropropylene Oxide (HFPO) Dimer Acid and its Ammonium Salt (GenX Chemicals)



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Bethany Card  
Secretary

Martin Subberg  
Commissioner

June 16, 2022

Subject: Massachusetts Drought Advisory Status

Dear Registered and Permitted Users Under the Water Management Act:

On June 13, 2022, Secretary of Energy and Environmental Affairs Bethany Card declared a Level 2-Significant Drought in both the Northeast and Southeast Regions of the Commonwealth. Additionally, along with the Islands Region, which was declared a Level 1-Mild Drought last month, the Connecticut River Valley and Central Regions of the state have been elevated to Level 1, as well. Currently, the Western and Cape Cod Regions of the Commonwealth will remain in Level 0-Normal conditions.

We are still early in the summer irrigation season, and all Water Management permittees and registrants should consider that now is the time to implement conservation and to manage water demands. Changes now will help conserve our resources and may help reduce larger problems later in the summer should dry conditions continue.

**If you hold a WMA permit, please review any conditions pertaining to outdoor water use to determine if you are required to implement more stringent restrictions when the Drought Management Task Force declares Level 1 - Mild Drought (formerly identified as Drought Advisory) or higher.**

- **Please note that Public Water Suppliers (PWS) that impose mandatory use restrictions are required to notify the MassDEP, 310 CMR 22.15(8).** MassDEP also requests that you provide notification when you impose voluntary water use restrictions. A MassDEP Notification of Water Use Restriction form can be found at <https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses>.
- **Please note that golf course operators are also asked to notify MassDEP when you put your Seasonal Demand Management Plan or other required restrictions in place.** The Notification of Water Use Restriction form for golf courses can be found at <https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses>.
  - **Please send a completed form to:** Jennifer D'Urso by email at [jen.durso@mass.gov](mailto:jen.durso@mass.gov), or by USmail at Water Management Program, MassDEP, One Winter Street, Boston, MA, 02108. This will assist MassDEP in responding to inquiries regarding use restrictions and answering questions from the public, as well as targeting public outreach and compliance assistance efforts.

This information is available in alternate format. Contact Glynis Bugg, Office of Diversity/Civil Rights at 617-348-4040.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

- **For permittees whose permits do not include outdoor water use restrictions** (generally older permits that have not been revised in recent years) **and WMA registrants**, MassDEP recommends instituting non-essential outdoor water use restrictions following the guidance provided below.

**Any PWS having difficulty meeting demands**, drought-related or not, may request a Declaration of Water Supply Emergency (“Emergency Declaration”) from MassDEP. The provisions of the Emergency Declaration process are outlined in regulations at 310 CMR 36.40. Suppliers should contact their MassDEP Regional Drinking Water Program Chief (see contact information below), or Duane LeVangie of the WMA Program at (617) 292-5706, to discuss concerns or begin the Emergency Declaration process.

The Emergency Declaration will require the public water suppliers to submit a plan for MassDEP review and approval that includes provisions to remedy the emergency. Such a plan could include measures to purchase water from another supplier, use emergency sources, implement aggressive conservation measures, and provide a mechanism to restrict outside water use for those PWSs that do not currently have enforcement capability to implement such measures.

MassDEP appreciates your efforts to conserve water to minimize the impacts of this drought.

Very truly yours,

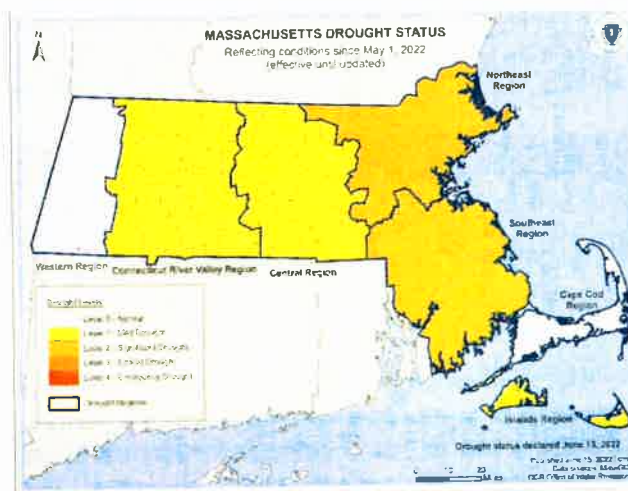


Kathleen Baskin  
Assistant Commissioner, Bureau of Water Resources

Cc: Duane LeVangie, WMA Program Chief, DEP Boston (617-292-5706)  
Kristin Divris, Drinking Water Chief, DEP NERO (617-694-3260)  
Robert Bostwick, Drinking Water Chief, DEP CERO (508-849-4036)  
Jim McLaughlin, Drinking Water Chief, DEP SERO (508-946-2805)  
Deirdre Doherty, Drinking Water Chief, DEP WERO (413-755-2148)  
Lealdon Langley, Director, BRP-DWM, DEP Boston  
Julia Blatt, Mass Rivers Alliance  
Jennifer Pedersen, MWWA  
Steve Estes-Smargiassi, MWRA



## Summary Guidance for Public Water Suppliers for Instituting Non-Essential Outdoor Water Use Restrictions During Declared Drought



### Level 1 (Mild Drought):

Limit outdoor watering to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.

### Level 2 (Significant Drought):

Limit outdoor watering to hand-held hoses or watering cans, to be used only after 5 p.m. or before 9 a.m. one day a week.

### At All Drought Levels

- Minimize overall water use
- Limit or prohibit:
  - installation of new sod, seeding, and/or landscaping;
  - watering during or within 48 hours after measurable rainfall;
  - washing of hard surfaces (sidewalks, patios, driveways, siding);
  - personal vehicle or boat washing;
  - operation of non-recirculating fountains;
  - filling of swimming pools.
- Implement drought surcharge or seasonal water rates.
- Establish water-use reduction targets for all water users, identify top water users and conduct targeted outreach to help curb their use.
- Establish a year-round water conservation program that includes public education and communication.
- Provide timely information to local residents and businesses.
- Check emergency inter-connections for water supply.
- Develop a local drought management plan using guidance outlined in the [Massachusetts Drought Management Plan](#).

For further information on water conservation and what residents and communities can do, visit the Massachusetts Drought Management webpage (<https://www.mass.gov/guides/drought-management-in-massachusetts>).

**MASSACHUSETTS INTERMUNICIPAL AGREEMENT**

**WATER RESOURCES USE AND PROTECTION  
ON BEHALF OF  
THE TOWN OF ACTON  
AND  
WATER SUPPLY DISTRICT OF ACTON**

**PREAMBLE**

THIS AGREEMENT, made and entered into this 27th day of June, 2022 and executed in duplicate (each executed copy constituting an original) among the Town of Acton (hereinafter referred to as "Acton"), a Massachusetts municipal corporation with a principal place of business at the Town Hall, 472 Main Street, Acton, MA 01720, acting by and through its Town Manager, and the Water Supply District of Acton (hereinafter referred to as "District") a Massachusetts municipal corporation with a principal place of business at the 693 Massachusetts Avenue, Acton, MA 01720, acting by and through its District Manager (Acton and District are together, referred to herein as the "Members").

**RECITALS**

WHEREAS, G.L. Ch. 40 section 4A allows the Chief Executive Officer of cities, towns, and boards to enter into agreements with one or more other governmental entities to perform jointly, activities or undertakings which any of the contracting governmental entity is authorized by law to perform; and

WHEREAS, said G.L. Ch. 40 section 4A sets for the requirements for and parameters of such "intermunicipal agreements;"

WHEREAS, the Members participating in this Agreement (hereafter referred to as the "Agreement") each has authorized participation in this Agreement by Acton's Select Board and the District's Board of Water Commissioners; and

WHEREAS, the Members lie in the same geographic area and share responsibility to serve the residents of the Town of Acton with general municipal services and water supply; and

WHEREAS, the Members have been offered the opportunity to purchase a certain parcel of land known as 549 Main Street (referred to herein as the "Property") within the Town of Acton for its diverse water supply, historic, and natural resource values; and

WHEREAS, the Members together have agreed to cooperate in the within described undertaking;

NOW, THEREFORE, the Members, in consideration of the above premises and the mutual benefits to be derived by the Members hereto, pursuant to the authority contained in G.L. Ch. 40 Section 4A, do hereby mutually agree as follows:

1. Protection and Development of Public Water Supply

The District, pursuant to its enabling act (Ch. 326 of the Acts of 1912), has operated and currently operates a municipal water supply system within the Town of Acton, supplying water to the residents and businesses thereof.

The District maintains public water supply wells in Acton and the Town of Acton, through its zoning powers and planning processes, protects those water sources.

Two of the District's well sites, known as the Conant 1 and Conant 2 wells, are located off of Main Street in Acton. These wells have Zone 1 and Zone 2 areas that extend onto the Property.

The District has installed three deep bedrock wells on and adjacent to the Property. Two of these wells (Wells D and E) are currently being permitted for public water supply use.

The Members agree to work cooperatively in the zoning and planning for the protection of existing well sites and currently identified future water source sites to meet or exceed the state requirements for water resource protection.

The Members agree that they will cooperate and work jointly in the protection of the existing and potential public water supply resources in the vicinity of the Property. If the District determines to develop new sources or well sites on the Property, then the District and Acton agree to work cooperatively to investigate, develop, permit, and construct in a manner that adheres to the joint protection and management of the Property.

2. Protection of Open Space

The Members recognize that the Property contributes to the rural character of the community. This is a community value that has been articulated in the Master Plan and the Open Space and Recreation Plan developed by Acton.

The Members agree that passive recreation is a compatible use with Water Supply interests. Active recreation, animal walking, equestrian use, and motorized vehicles (except for maintenance of the land and maintenance/installation of water and telecom infrastructure) are not compatible therewith and will not be allowed. Such passive recreation will be limited to daylight hours.

A network of trails exists on the Property that may be accessed by the public. **The Members** may agree to limit this access as necessary to protect public

safety, protect and restore natural and water resources, or for security of the public water supply wells. The potential for additional trails to be developed or improved will be allowed with agreement by the Members.

3. Protection of Natural Resources

The Members agree that the Property contains important natural resource values and should be managed in a manner that protects these resource values.

These resources include vernal pools, river front, bordering vegetated wetlands, flora and fauna, and a managed forestry stock that currently exist on the Property. The members agree to document, protect, and manage the Property to protect and enhance these natural resources.

The Members may agree to permit certain agricultural and forestry uses on the Property provided that such uses do not negatively impact the protection of the protected natural resources and water resources.

4. Protection of Historic Resources

The Isaac Davis Trail traverses the Property and has an existing grant of easement for the public to utilize the path during two times per year. The acquisition of the parcel would expand the access of this trail to year round public access. Any necessary trail maintenance would be the obligation of Acton, through its staff or volunteers.

The Members agree to maintain the trail in a natural state. In recognition of the importance of this historic corridor, above grade improvements after the execution of this Agreement, except for certain accessibility, educational, or wayfinding improvements for trail use, and any necessary improvements to satisfy the permitting of well A in the future, will be prohibited within 50 feet of the centerline of the Isaac Davis trail. A 50-foot corridor has been historically utilized to protect the trail while under private ownership. This included during well exploration activities and previous forestry management activities.

The Members agree that subsurface infrastructure may pass under the Isaac Davis trail corridor.

Stone structures and stone walls from varying historic periods exist on the Property. The Members agree to protect these features and other cultural resources that may be identified on the Property in accordance with the Town of Acton Archaeological Bylaw. Any such resources should be documented prior to destruction or modification.

5. Purchase and Interests in the Ownership and Management of the Property



The Members agree to make a good faith offer for purchasing the real property by July 1, 2022.

The Members agree that the District will own the fee interest and the Town will hold a Conservation Restriction.

The Members acknowledge that a third party could be a co-holder to the Conservation Restriction held by the Town.

The Members agree to develop a Conservation Restriction that meets the needs of each party and is in the spirit of the seller's requested intent of offering the Members an opportunity to acquire the Property.

The Members agree to bring appropriate votes forward to their respective Legislative bodies for approval to acquire interests in the Property and to appropriate funds to offset the purchase price.

Members agree to work cooperatively to raise funds for the purchase and/or maintenance of the Property and Conservation Restriction through grants, bonding, Community Preservation Act funds, third party contributions, or other means necessary.

The Members shall negotiate rights of the existing owner to be reserved in a certain 7-acre parcel after the sale of the Property. The Members agree to work towards amenable terms for these reserved rights in the interest of each Member. As part of negotiating those reserved rights, the Members shall negotiate a public easement for Acton within the reserved area of sufficient width along the Brook Street Right of Way for use as a public sidewalk, bike trail or public parking. A provision that allows for the Members to review and agree upon the layout, design, construction, and maintenance of such improvements in any easement to Acton shall be part of said negotiation.

Enforcement of the Conservation Restriction will be the responsibility of the Town and any co-holder of the Conservation Restriction. Enforcement of the reserved rights will be the joint responsibility of the Members as within their powers.

A management plan for the Property including limited agricultural and forestry management practices will be developed by the Members to meet the varied interests in acquiring public control of the parcel.

#### 6. Restoration of Groundwater and Soil Resources

The District identified groundwater contamination on the Property during the installation of the bedrock wells in 2019.

The Massachusetts Department of Environmental Protection has issued multiple Release Tracking Numbers (RTNs) for this condition, including RTN 2-0021031, 2-0021294, 2-0021372, and 2-0021558.

The District has filed a Downgradient Property Status (DPS) covering the Property and its abutting property located at 8 Post Office Square – Behind, arguing that the contaminants came from a neighboring source or sources.

The Members agree that the District has ongoing obligations to reasonably allow Potentially Responsible Parties associated with the above listed RTNs to access the Property for investigation and remedial activities. The District will remain the lead entity in interfacing on the response actions as they relate to the Property.

This agreement, Acton's interest in the Property through the Conservation Restriction, and contributions of funding in no way obligates the Acton to share in any ongoing costs or liabilities for the currently identified environmental issues. To the extent allowed by law, the District agrees to indemnify, defend and hold Acton harmless as a result of any claims, demands, actions or losses arising out of the existing environmental issues identified on the Property.

2. Term

The term of this Agreement shall be 3 (three) years from date hereof, unless sooner terminated, as herein provided. The Members intend that the Members entering into this Agreement are the sole and exclusive beneficiaries of the Agreement.

3. Amendments

No officer, official, agent, or employee of any Member shall have the power to amend, modify or alter this Agreement or waive any of its provisions or to bind any of the other Members by making any promise or representation not contained herein except by an authorized written amendment. Said amendment shall be executed in the same manner as this Agreement is executed. No Members may rely on any conduct, statements, action, inaction or course of conduct of the employees, agents or officers of any other Members as having changed, modified or amended this Agreement. No Members shall be construed as waiving any provision of the Agreement unless the waiver is executed in writing as an amendment to this Agreement.

4. Assignment

This Agreement shall not be assigned or transferred by any Member, without the express written consent of the other Member, given with the same formalities as are required for the execution of this Agreement.

5. Termination

Any Member may terminate this agreement on 30 days written notice to the other, after which, no further rights or obligations shall accrue or be due under this Agreement.

6. Entire Agreement

This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to the subject matter.

IN WITNESS WHEREOF, the Members have caused their proper representatives on the day and year first above written to execute this Agreement as sealed instrument as of the date first written above.

TOWN OF ACTON

By its Town Manager

\_\_\_\_\_  
John S. Mangiaratti, Duly Authorized

WATER SUPPLY DISTRICT OF ACTON

By its District Manager

\_\_\_\_\_  
Christopher D. Allen, Duly Authorized

Date & Time: **6/27/2022 7:00 PM**

Location: **Zoom**

Project: **Acton Water District – Commissioners Meeting**

Objective: **Status Update for On-Going Projects with Acton Water District**

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## Meeting Topic

1. **North Acton WTP – SUEZ PFAS Treatment System Design:**
  - a. Working on finalizing the 30% Technical Design Memo (TDM). This is anticipated to be submitted in the next couple weeks. A copy will also be sent to MassDEP for interim comments. Once AWD confirms which option they want to go with, we will move into the next phase of design.
2. **Assabet Well #3 Construction:**
  - a. Erosion Controls have been installed and Granese will be mobilizing in the next week or so.
  - b. FG Sullivan will be installing pitless adapter/well pump and Granese will be installing DI piping, meter vault, etc.
  - c. Directional drilling to begin Mid-July and electrical/instrumentation work to follow closely behind.
  - d. Granese expects to have the new well up and running by mid-August as long as delivery times hold and there are no unexpected delays.
  - e. We do have the option of re-using the existing VFD from Conant 1 if the new VFD delivery date ends up being the hold up with start-up.
3. **Clapp/Whitcomb Backwash Evaluation:**
  - a. The “Immediate/Emergency Backwash Management Plan” that MassDEP requested was prepared by Wright-Pierce and submitted by the District to MassDEP on 6/24/22.
  - b. Next deliverable is the “Interim Corrective Action Plan” that MassDEP requested. This is scheduled to be submitted in September.
4. **South Acton WTP – PFAS Pilot Study**
  - a. We received approval from MassDEP on the pilot study proposal on 6/16.
  - b. We anticipate Blueleaf mobilizing in July to start the pilot study at SAWTP. Erik from Blueleaf is going to contact the District this week to schedule a site visit to SAWTP before he finalizes his cost proposal.
  - c. Pilot Study duration is scheduled for 16 weeks.
5. **Central Acton WTP – PFAS Pilot Study**
  - a. Approval of the Pilot Study Proposal was received on 6/16 (same time as SAWTP).
  - b. This pilot study is not anticipated to start until after the SAWTP pilot study is completed. Sometime late fall/early winter.



**6. Master Plan Update:**

- a. This is currently on hold until we receive confirmation from AWD on whether we are going with a Strategic Plan or Tactical Plan format. The only report section sections that have been completed are related to the existing infrastructure.

**7. Central Acton WTP Construction:**

- a. Punchlist is essentially completed with the exception of the final Occupancy Permit.
- b. Record Drawings to be submitted to AWD first week in July.
- c. Waterline also needs to address the lab floor issues – the repairs are likely to be scheduled sometime after the 4<sup>th</sup> of July.
- d. Waterline also still needs to replace the level transducers in the day tanks. Waiting on Mike Leary to schedule this work.
- e. SRF Loan Close-Out documents and the final pay application to be submitted in July to MassDEP SRF which will close out Waterline's work and WP's work.

**8. Kelly's Corner Watermain Project – Construction**

- a. Based on discussion with GPI, the project is out to bid with the bid opening scheduled for July 6, 2022.
- b. WP to prepare proposal to AWD for CA services. This will including working with GPI during construction and coordination of shop drawings reviews, RFI's, etc.

**9. Misc Items:**

- a. WP is recommending that AWD submit a PEF on any project that needs to be constructed as it sounds like all the Infrastructure stimulus money will come through the DWSRF or they will want to know that it has been approved by a program like the DWSRF program.