



Water Supply District of Acton

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Board of Water Commissioners

Meeting Agenda

Monday, October 29, 2018 @ 7:30 PM

- **Comments from Citizens**
- **Approve minutes of October 15th meeting**

OLD BUSINESS:

- Certification of Free Cash/Surplus Revenue from FY '18 Audit
- Update from 1,4-Dioxane forum held on 10/25/2018
- Follow up discussion of Land Acquisition Fee/Bond Debt Fee

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

 **DRAFT**

Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, October 15, 2018

 **DRAFT**

AGENDA

A. Comments from Citizens

B. Approve Minutes of September 24, 2018 Meeting

C. NEW BUSINESS:

1. Land Acquisition of 585 Main Street – Execute Purchase & Sale Agreement
2. Land Acquisition Fee

D. OLD BUSINESS:

1. Update on Solar at 62 Lawsbrook Road & 16 Knox Trail, Acton
2. 1,-4 Dioxane Forum on October 25, 2018

Present at Tonight's Meeting:

Commissioners: Ronald Parenti (Chair), Stephen Stuntz, Erika Amir-Lin

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

Environmental Manager: Matthew Mostoller

District Counsel: Mary Bassett

Commissioner's Secretary: Lynn Protasowicki

Finance Committee: David Butler (via phone)

WLMAC: Barry Rosen

Citizens: Susan Mitchell-Hardt and David Hardt, Pope Road

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, October 15, 2018 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

Mrs. Mitchell-Hardt would like to talk about conservation restrictions. She introduced Mr. Hardt as the Clerk of the Acton Conservation Trust. He asked the Commissioners to consider adding a perpetual conservation restriction onto the 585 Main Street. He wanted to raise the issue and have the Commissioners consider the benefits of it for this land and for future lands acquired. The real value of a conservation restriction is it's the strongest land preservation, stays with the property forever, and guarantees to use the land as intended.

Main reasons to consider a perpetual conservation restriction:

- Unlikely event the District went out of business the land could be sold but with restriction.
- It's a statement of conservation.

The Acton Conservation Trust would be the holder of the restriction. It could even be another water district.

There are expenses associated with creating the conservation restriction which includes creating the legal documents – engineering and legal expenses; recording fees; perpetual fees; monitoring; stewardship. There is an \$8,700 one-time payment.

Ms. Amir-Lin wanted to know if a conservation restriction was put on this property would grant funding be impacted. Mr. Mostoller stated that a conservation restriction can be done at a later date. It's usually done at during the selling process because it's part of the P&S agreement.

Mr. Rosen stated you could easily change the conservation restriction when the owner tries to put the property on the market. It's a perpetual deed restriction.

Counselor Bassett states that she is not sure we can put a conservation restriction on this property without a vote from the water takers.

The Commissioners thanked the Hardt's for their time and for the information.

Mr. Rosen suggested that the Commissioners look at the movement here in town to establish the Town of Acton to be a "Right to Farm" community. Massachusetts created this bylaw for the protection of the people in their right to the conservation, development and utilization of the agricultural...and other natural resources. As a Water District it limits any nuisance lawsuits, for instance the District can't go after them for run off on land; noise; move earth around any way they want, fertilizers, pesticides, can't go after them for over spray; they can de-forest land as much as they want as long as used as agriculture. He recommends that the District get involved in molding what the Right to Farm Community by-law will be for the Town as long as they don't adopt the State boiler plate bylaw. Set to be voted on April 19, 2019. The District should be concerned and be involved.

B. Approve Minutes of September 24, 2018 Meeting

Mr. Stuntz motioned to approve the minutes of September 24, 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. NEW BUSINESS:

1. Land Acquisition of 585 Main Street – Execute Purchase & Sale Agreement.

Enclosed in tonight's packets to the Commissioners is a copy of the Purchase & Sale Agreement for 585 Main Street, Acton. Mr. Allen stated that per the Special District Meeting held on Wednesday, October 10, 2018, the voters unanimously voted for the District to purchase 585 Main Street at a price of \$1,095,000. Counselor Bassett reviewed for the Commissioners the agreement that is with the Brewster Conant family and asked the Commissioners to execute the sales agreement.

Mr. Stuntz moved to accept the execution of the Purchase & Sale Agreement for the land acquisition of 585 Main Street. Ms. Amir-Lin seconded the motion and it was unanimously approved. The Commissioners signed the P&S Agreement.

Mr. Parenti asked Counselor Bassett about the rider that is enclosed in tonight's packets. Counselor Bassett stated that the rider is for the District's benefit and contains all the terms that aren't contained in the purchase & sale agreement.

Counselor Bassett mentioned that the closing will be held on, or about, November 28, 2018.

As for the Water Supply Protection Grant through the Commonwealth of Massachusetts which would, if granted, defray the debt related to the land purchase

Ms. Bates stated that once she receives the green light letter from bond counsel and is then received/approved, she will schedule bids for bond. The District needs to accept bids, Commissioners sign bids, and then State approves.

2. Land Acquisition Fee.

Mr. Allen stated that based on the acquisition of 585 Main Street, Acton and subsequent borrowing, the proposed fee of \$35 per year per metered unit will be added to the water takers bill quarterly at a rate of about \$9/quarter for approximately 4 years. Mr. Allen asked the Commissioners if the District should establish a "Land Acquisition Fee", and call out this specific item on the bill. This would also allow future land acquisitions to be added to this fee, and similar to the Bond Debt Fee currently on the water bill, it would rise and fall based on this specific type of debt impact. The Bond Debt Fee was adopted specifically for long-term, < 10 years, debt.

Mr. Stuntz stated that he doesn't like seeing all the fees broken down. Ms. Amir-Lin however stated that she likes more transparency than less. Ms. Bates stated that the District is trying to be transparent on the quarterly bill.

Ms. Bates stated that the Commissioners do not need to make a decision tonight about implementing a Land Acquisition Fee but by December she'd like to have a decision made. In the meantime, she will talk to the District Finance Committee and see what they recommend. They can discuss this topic at the next open meeting.

D. OLD BUSINESS:

1. Update on Solar at 62 Lawsbrook Road & 16 Knox Trail, Acton.

Mr. Allen mentioned that the solar arrays process was started one year ago and really hoped that by now we'd have had at least one array commissioned. The holdup has been with EverSource. By mid-November the interconnection study should begin for the Lawsbrook site; by late January, after the Lawsbrook study is completed, the interconnection study should begin for Knox Trail and that should be completed in March. The Smart program was delayed being rolled out by the state of MA, and will begin on November 26th. The developer is essentially done with survey work at Lawsbrook, and will commence the work at Knox Trail very soon.

As for the Micro-grid, Mr. Allen spoke with Margaret Campbell, the consultant, last Friday and provided her with an EverSource form that allows her to acquire incremental demand data for the South Acton Water Treatment Plant and included that the Town is a willing participant in the study. Ms. Campbell is having a hard time contacting the owners of the Stop & Shop to discuss if they'd like to participate in the micro-grid study. There is a kick off meeting currently scheduled for October 26th at the District's main office.

2. 1,4 Dioxane Forum on October 25, 2018.

Mr. Allen wanted to remind the Commissioners that the 1,4-Dioxane Forum sponsored by Green Acton is being held on Thursday, October 25th at the Public Safety Building from 7-9 PM. Mr. Mostoller is presenting at the forum. Because all the Commissioners are attending Mr. Allen will post an agenda for an open meeting.

Mr. Mostoller talked a bit about 1,4 dioxane here in Town. Stated that 1 parts per billion (ug/L) VOC on the current Action Level in the District's by law. The District could implement an action level for 1,4-Dioxane. The state has a guideline of 0.3- Parts per Billion (ppb) .

Other Old Business:

1. Sanitary Survey: MassDEP is coming to the District to conduct a Sanitary Survey, as they do every three years... There will be a written report provided to the District once the inspections have been completed. Mr. Mostoller will review that report and will give the DEP his feedback on it. Typically, there will be action items for the District to resolve.

Mr. Parenti moved to adjourn the meeting at 9:00 PM and it was unanimously approved.

Free Cash Certification FY'18

Chris Allen

From: dlssupport@dor.state.ma.us
Sent: Wednesday, October 24, 2018 8:59 AM
To: clerk@acton-ma.gov; treasurer@acton-ma.gov; MaryJo Bates; assessor@acton-ma.gov; AWD Commissioners; Chris Allen; manager@acton-ma.gov; bos@acton-ma.gov; accounting@acton-ma.gov; dlsitgroup@dor.state.ma.us
Cc: handfielda@dor.state.ma.us
Subject: Notification of free cash approval - Acton Water Supply
Attachments: Acton Water FY18.pdf

Massachusetts Department of Revenue Division of Local Services

Christopher C. Harding, Commissioner

Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/24/2018

Re: NOTIFICATION OF FREE CASH APPROVAL - Acton Water Supply

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2018 for the Utilities District of Acton Water Supply is:

General Fund \$1,319,943.00

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,

Mary Jane Handy

Mary Jane Handy
Director of Accounts
Massachusetts Department of Revenue

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.