



Water Supply District of Acton

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

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Board of Water Commissioners

Meeting Agenda

Monday, November 18, 2019 @ 7:30 PM

- **Comments from Citizens**
- **Approve minutes of November 4th meeting**

OLD BUSINESS:

- **Variance for 8 Post Office Square site for new Central Acton Water Treatment Plant**
 - Public hearing with the Zoning Board of Appeals scheduled for Monday, 12/9 @ 7 PM
- **Update on Article 97 legislation related to solar arrays at Lawsbrook Road & Knox Trail**
 - Email from project manager related to legislation submittal timing
 - Confirmation of proposed Lawsbrook Rd array enrollment in the state's SMART program

NEW BUSINESS:

- **Approve proprietary specifications for equipment for the Central Acton Water Treatment Plant**
- **Discuss Manager's contract and performance review**



Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
November 4, 2019

AGENDA

- A. Comments from Citizens
- B. Approve Minutes of September 23rd & October 7th Meetings
- C. OLD BUSINESS:
 - 1. Certification of Free Cash/Surplus Revenue for Fiscal Year (FY) '21
 - 2. Variance for 8 Post Office Square - Site for New Central Acton Water Treatment Plant
 - 3. Article 97 Legislation Related to Solar Arrays at Lawsbrook Road & Knox Trail
- D. NEW BUSINESS:
 - 1. Future of the Water & Land Management Advisory Committee (WLMAC)

Executive Session: To discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position off the District.

Present at Tonight's Meeting:

Commissioners: Stephen Stuntz (Chair), Erika Amir-Lin, Barry Rosen
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Commissioner's Secretary: Lynn Protasowicki
Green Acton: Kim Kastens
WLMAC: John Cipar

The Board of Water Commissioner's meeting was called to order at 7:30PM on Monday, November 4, 2019 at the Acton Water District by Mr. Stephen Stuntz.

A. Comments from Citizens:

Kim Kastens thanked the District for the letter of support for the meeting she recently attended with the EPA Administrator in Washington DC. She mentioned that EPA suggested reaching out to Brian Olson who oversees Superfund in EPA Region 1. She did that, and they are working on a date and time for a meeting. Matt Mostoller received a letter from the local EPA Superfund site manager, Chris Smith, regarding new samples for WR Grace. She met with Matt Mostoller and Cheryl Ball, Acton Health Director, to come up with some items for discussion with Brian Olson. They determined that there is a need for better mapping of 1,4 dioxane at WR Grace site. The Commissioners ask to please keep them posted.

B. Approve Minutes of September 23rd & October 7th Meetings:

Mr. Rosen motioned to approve the minutes of September 23, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

Mr. Rosen motioned to approve the minutes of October 7, 2019. Ms. Amir-Lin seconded the motion and it was unanimously approved.

C. OLD BUSINESS:

1. Certification of Free Cash/Surplus Revenue for Fiscal Year (FY) '21.

Mr. Allen informed the Commissioners that the District received approval from the Massachusetts Department of Revenue on the free cash certification. It was approved for \$870,376 for Fiscal Year 2021.

2. Variance for 8 Post Office Square - Site for New Central Acton Water Treatment Plant.

Enclosed in tonight's packets to the Commissioners is a copy of a letter that Mr. Allen sent to the Town of Acton Zoning Board of Appeals. The letter is a request for a variance at 8 Post Office Square which going to be the site for the new Central Acton Water Treatment Plant. The variance request is due to not having adequate frontage of 20-feet per the Zoning Bylaw. Mr. Allen further informed the Commissioners that he'd requested a waiver of the \$250 fee for the Variance application. The Acton Board of Selectmen are voting on this request tonight at their regular scheduled meeting.

3. Article 97 Legislation Related to Solar Arrays at Lawsbrook Road & Knox Trail.

Enclosed in tonight's packets to the Commissioners is a draft copy of the Article 97 legislation. Mr. Allen mentioned that Jen Sulla, Deputy Counsel for the Executive Office of Environmental Affairs (EEA) reviewed this legislation and it meets all EEA's criteria.

There was a question about what is considered a "disposition" which is written in the legislation. Counselor Bassett stated that a long-term lease would be considered a disposition. Mr. Allen stated that this is a requirement of the SMART program which is why it's called a disposition.

Mr. Rosen had questions that he emailed Mr. Allen asking for clarification on Article 97. Mr. Allen forwarded those questions to Spencer Holland, Associate for Mirick O'Connell and special counsel to the District, who responded. That email with questions and answers is enclosed in tonight's packets to the Commissioners.

Mr. Stuntz moved to authorize that the District proceed with the proposed Article 97. Mr. Rosen seconded the motion and it was unanimously approved.

D. NEW BUSINESS:

1. Future of the Water & Land Management Advisory Committee (WLMAC).

Mr. Rosen shared with the Commissioners a copy of the bylaws that defines what the WLMAC's role is. He mentioned that one of the charges of the WLMAC is to review land use of the District which has not been done very often and should be a consideration. From an email, Mr. Rosen received from Bill Guthlein, District Finance Committee, Bill thought that after reading the District's Master Plan that Wright-Pierce, the District's engineering consultant, suggests that the District should seek other potential water sources to meet future demand. Per Mr. Rosen, Bill Guthlein has recommended that the WLMAC examine other possible sources of supply.

Per Mr. Rosen, Bill Guthlein would like to help with the financial analysis on each of those sources identified and which ones would make sense and WLMAC would do the technical perspective and regulatory perspective (advantages and disadvantages).

Ms. Amir-Lin asked if we are charging a rate that our customers can bare comfortably? Or, are we charging a rate that is so low that's its comfortable for the customer, but we aren't meeting our financial obligations?

 DRAFT

In relationship to the town-wide water resources study, John Cipar stated that the WLMAC looked at both supply and demand in their water study in 2007; the District is the supplier and it makes sense to have WLMAC look at the different options; the WLMAC should have ongoing meetings with the town's Water Resource Advisory Committee (WRAC).

Mr. Stuntz suggest that the WLMAC meet and draft up what they want to work on so that the Commissioners can approve. WLMAC and WRAC could collaborate on the water study.

Mr. Allen mentioned that re-appointments of the WLMAC may need to be done, as some of the terms of members may be expired. Current membership consists of John Cipar, Commissioners' appointee, Charles (Chuck) Ohmstead, District Moderator appointee, and Paul Malchodi, Town of Acton Selectboard appointee. Typical membership is five, thus some additional members should be added. Mr. Rosen mentioned that there is some interest in serving among the Acton citizenry. He stated that he would "connect" Mr. Cipar with the person who expressed interest in learning about the WLMAC.

Mr. Stuntz moved to adjourn the open meeting at 8:22 PM and motioned to move into Executive Session at 8:22 PM to discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position off the District and to reconvene in open session. Ms. Amir-Lin seconded the motion and it was unanimously approved by a roll call vote.

Chris Allen

From: Chris Allen
Sent: Tuesday, November 12, 2019 12:17 PM
To: Chris Allen
Subject: FW: MA SMART Solar Incentive Program Application Received - SMAES_17776

From: Peter Bay <Peter.Bay@edf-re.com>
Sent: Thursday, November 7, 2019 11:27 AM
To: Chris Allen <Chris@actonwater.com>
Subject: RE: MA SMART Solar Incentive Program Application Received - SMAES_17776

Thanks, Chris.

At the moment, we're waiting on Jen Sulla's feedback from the EEA on the draft legislation after having submitted that last week. I did have a call with Jen Gorke yesterday afternoon and received the below (somewhat frustrating) feedback.

I just left you a voicemail re: timeline. The quick answer is that the Legislature breaks from formal session for the holidays on 11/20 and will likely not be back in formal until late January. Given that, you are most likely looking at passage in the spring of 2020. Give me a call when you get a minute and we can discuss further.

So, I'm not sure we would have been guaranteed to get the bill through if we submitted it in September to have a chance at receiving the approval this year, but it looks like there is no chance of that now. Jen seems to think that somewhere closer to April/May for that to come through is more accurate. So, we're very much hopeful that we get this enrollment in SMART now, but we will see what we get back from DOER. I'm following-up with Gail right now to get the proposal for the appraisal(s) on the parcel. I'll keep you updated as we go and let you know if there is anything that requires your review. Appreciate the support in getting the AWD team to position the bill for submission ASAP over the last few weeks.

Best,



Peter Bay
Senior Manager, Business Development

T: 802-359-6522
M: 802-272-6519
F: 802-295-4417



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From: Peter Bay <Peter.Bay@edf-re.com>
Sent: Tuesday, November 5, 2019 8:20 PM
To: Chris Allen <Chris@actonwater.com>
Subject: FW: MA SMART Solar Incentive Program Application Received - SMAES_17776

Chris,

FYI below. I'll keep you updated as I hear anything.

Any news from the meeting last night?

Thanks,



Peter Bay
Senior Manager, Business Development

T: 802-359-6522
M: 802-272-6519
F: 802-295-4417



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From: Massachusetts SMART Program <DoNotReply@PowerClerk.com>
Sent: Tuesday, November 5, 2019 8:16 PM
To: Peter Bay <Peter.Bay@edf-re.com>; Peter Bay <Peter.Bay@edf-re.com>; Peter Bay <Peter.Bay@edf-re.com>; Peter Bay <Peter.Bay@edf-re.com>
Subject: MA SMART Solar Incentive Program Application Received - SMAES_17776



Application Received - SMAES_17776



Current Status

11/5/2019

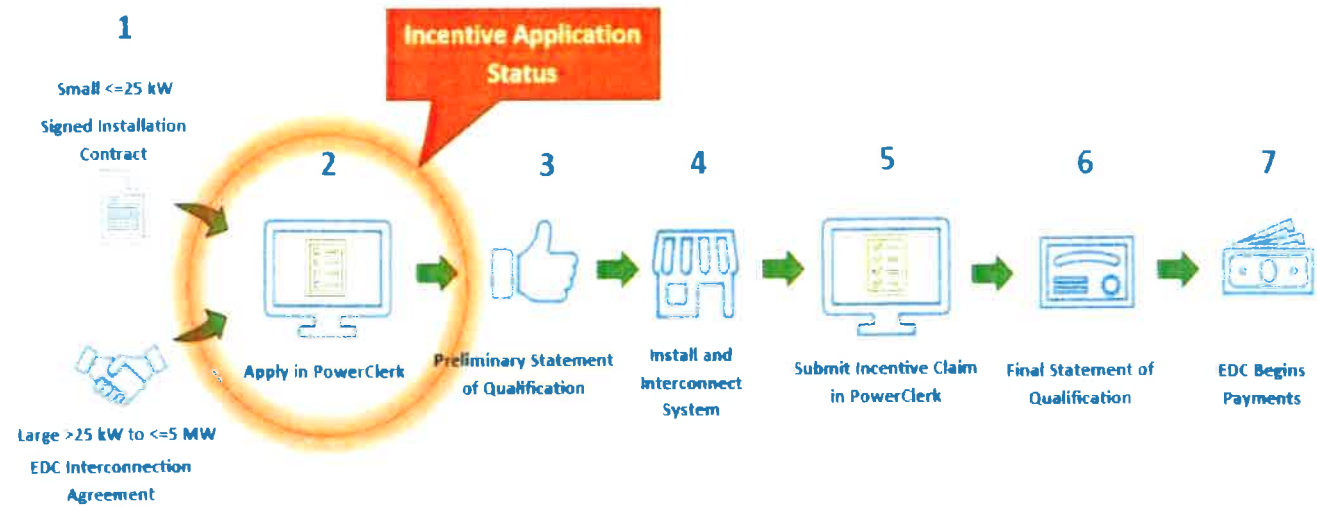
Thank you for submitting an application for the MA SMART Solar Incentive Program! Your application will now be reviewed and you will be notified regarding next steps.

Solar System Location	Solar System Size
28 Lawsbrook Road, Acton MA 01720	3,040 kW (AC)

All parties listed in the application will receive periodic updates and instructions as the application is reviewed and processed. The Applicant, **Peter Bay**, is responsible for managing the online application.

The following parties are listed in the application:

Applicant	<i>completes all forms in the online PowerClerk application</i>	Peter Bay
Customer of Record	<i>utility customer at the system location</i>	Peter Bay
Installer	<i>contractor responsible for installation of system</i>	EDF Renewables Distributed Solutions, Inc.
System Owner	<i>owns the generating system</i>	Peter Bay



Don't reply to this email.

The Applicant, **Peter Bay**, can view the status of the application at any time by logging in to [PowerClerk](#).

Questions or concerns? Please contact the MA SMART Solar Incentive Program by phone or email:

888-989-7752

[**ma.smart@clearResult.com**](mailto:ma.smart@clearResult.com)

This communication was sent to email addresses submitted in MA SMART Solar Incentive application **SMAES_17776**.

To opt-out of communications for this application, or for all communications from the MA SMART Solar Incentive Program, click here: [**UNSUBSCRIBE**](#)

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Chris Allen

From: Vivian Birchall <vbirchall@acton-ma.gov>
Sent: Tuesday, November 12, 2019 8:16 AM
To: Land Use Department; Engineering Department; Chris Allen; Police Department; Fire Department; Design Review Board; Historical Commission
Cc: Town Manager's Office; Planning Division
Subject: 8 Post Office Square Behind- Variance

Follow Up Flag: Follow up
Due By: Monday, December 2, 2019 7:30 AM
Flag Status: Flagged

Good morning all,

I am in receipt of an application for a Variance from the Acton Water District for **8 Post Office Square Behind**.

The **ZBA** has this scheduled on **December 9, 2019 at 7:00pm**.

You can find the application and its accompanying documents on DocuShare if you follow this link
<http://doc.acton-ma.gov/dsweb/View/Collection-11573>

Please review this application and its accompanying plans and return your comments to us no later than November 23, 2019

If you have any questions, comments, or concerns please do not hesitate to contact me.

Thank you

Vivian Birchall

Land Use and Economic Development Department
Town of Acton
472 Main Street
Acton, MA 01720
Planning (978)929 6631
Building (978)929 6633
vbirchall@actonma.gov



Chris Allen

Subject: FW: 13254D Acton - Additional Items
Attachments: 13254-Acton-Lab-Schematic-20190924.pdf; FW Piping.pdf; Easement Sketch.PDF

From: Christine Catalini <christine.johnson@wright-pierce.com>
Sent: Friday, November 1, 2019 4:54 PM
To: Chris Allen <Chris@actonwater.com>
Cc: James Cray <jim.cray@wright-pierce.com>
Subject: 13254D Acton - Additional Items

Hi Chris,

As we briefly discussed the other day, we'll need your feedback on some additional items for our final design of the Central Acton WTP.

1. Easement: For the easement with LMI, we'll need confirmation that other utilities like gas and fiber would be acceptable to install within the easement (the easement language currently just states water and electric) and there is also a concern with fitting all of the utilities within the 20' easement. Would it be possible to increase the size of the easement to 30 feet? We will have the following utilities within this easement, and I also attached a quick sketch of the easement with these utilities:
 - a. Existing underground electrical
 - b. Existing 8" water main
 - c. New underground electrical (20" wide and needs 36" separation from fiber)
 - d. New fiber conduit (16" wide and needs 36" separation from electrical)
 - e. New 12" water main
 - f. New gas main (needs 2 feet separation)

It would be a very tight squeeze with all of the utilities. If we increase the 20' easement to 30' then we can easily fit everything in and it would prevent future conflicts and delays during construction. If we go to 30', we will likely end up affecting the existing curbing/parking areas. So we will need to include curbing repair/replacement as part of the project. Does LMI have any specific paving requirements? We are assuming typical trench paving for the utility work.

2. Proprietary Items: As previously discussed, we are looking at the following items to be proprietary:
 - a. Tonka Filters
 - b. Bray Pneumatic Actuated Valves
 - c. ATI Analyzers (pH and Chlorine)
 - d. SWAN Turbidimeters
 - e. Mitsubishi HVAC
 - f. Allen Bradley PLC

Could you let us know when you think you'd be able to get these voted on and approved? We'll need this approval by mid-December for our 100% bid set.

3. Sequence: As we briefly discussed, we were looking at the feasibility of shutting down Conant II for an extended duration during construction. In regards to schedule, we anticipate bidding around February/March, contract award around April, and construction to last until summer 2021. We can keep Conant II online initially while they begin the work on the new WTP building, but eventually we will need to shut it down so the site piping and utility work can be completed. Would it be possible to shut down around August/September and stay shut