



# Water Supply District of Acton

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

TELEPHONE (978) 263-9107

FAX (978) 264-0148

## Board of Water Commissioners & Finance Committee

### Meeting Agenda

Monday, November 19, 2018 @ 7:30 PM

- **Comments from Citizens**
- **Approve minutes of October 29<sup>th</sup> meeting**

#### **OLD BUSINESS:**

- Update on Powdermill Place 40B project

#### **NEW BUSINESS:**

- Review DRAFT Budget for Fiscal Year '20
- Accept and execute Municipal Note for purchase of 585 Main Street
- Summary from the first public forum on creating an Agricultural Commission related to the "Right to Farm" community designation
- Town of Concord's Land Court filing related to Nagog Pond water rights

# DRAFT

Board of Water Commissioners  
Meeting Minutes  
693 Massachusetts Avenue, Acton MA  
Monday, October 29, 2018

## AGENDA

### **A. Comments from Citizens**

### **B. Approve Minutes of October 15, 2018 Meeting**

### **C. OLD BUSINESS:**

1. Certification of Free Cash/Surplus Revenue from FY '18 Audit
2. Update from 1,4-Dioxane Forum Held on October 25, 2018
3. Follow-up Discussion of Land Acquisition Fee/Bond Debt Fee

### **D. 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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### **Present at Tonight's Meeting:**

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

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Commissioner's Secretary: Lynn Protasowicki

WLMAC: John Cipar

Green Acton: Lucy Kirshner

Acton Selectman: Janet Adachi

Citizens: Terra Friedrichs

The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, October 29, 2018 at the Acton Water District office by Mr. Parenti.

### **A. Comments from Citizens**

Lucy Kirshner thanked the District for the support of Matt Mostoller and his presentation at the 1,4-dioxane forum. She stated that all the presentations made at the forum are now on-line at [GreenActon.org](http://GreenActon.org)

Janet Adachi spoke and mentioned that one of the goals of the Acton Selectmen is to strengthen communications with District and other town Boards. She asked the Commissioners and Mr. Allen if they would come up with a statement of things that are lacking that the Board of Selectmen and other town boards can address and work together on. She wants to make sure that the District is getting in earlier on planning conversations with their input. Mr. Allen mentioned that the District was a participant in the 2020 town master plan, does comment on development applications, and attend preliminary site meetings, when invited.

Mr. Parenti suggested that the District Master Plan be shared with other town boards for their input. Janet asked if the District would share the District Master Plan with Town Managers office.

# DRAFT

## **B. Approve Minutes of October 15, 2018 Meeting**

Mr. Stuntz motioned to approve the minutes of October 15, 2018. Mr. Parenti seconded the motion and it was unanimously approved.

## **C. OLD BUSINESS:**

### 1. Certification of Free Cash/Surplus Revenue from FY '18 Audit.

Mr. Allen stated that the District received from Massachusetts Department of Revenue notification of free cash approval. The amount of available funds or “free cash” as of July 1, 2018 for the District is \$1,319,943. He mentioned that these funds are available for appropriations related to Capital projects and Operations & Maintenance at the 2019 Annual meeting in March.

### 2. Update from 1,4-Dioxane Forum Held on 10/25/2018.

Mr. Allen mentioned that all District Commissioners attended this forum. The forum went well, it was well organized, and there was good information from the panel, a good learning venue for public engagement. He stated that Kim Kastens did a great job of moderating. He agreed with Lucy Kirshner that Matt Mostoller did a fantastic job with his presentation. Ms. Amir-Lin stated that it was a good event with a good Q&A session.

Mr. Parenti asked for some clarification on the 1,4-dioxane treatment plant at 16 Knox Trail. Mr. Allen stated that the full scale treatment plant will go online by the end of this year; the structure is currently under construction and there are process tanks on-site awaiting eventual installation in said structure.

Ms. Friedrichs asked the District about what the District is doing to detect pharmaceuticals in drinking water. Mr. Allen stated that, with pre-treatment, our current membrane filtration technologies are capable of removing some of these contaminants of concern.

Ms. Kirshner of Green Acton stated that the group would like to plan future public forums and is happy to take on other topics that could help teach/inform the public.

### 3. Follow-up Discussion of Land Acquisition Fee/Bond Debt Fee.

Mr. Allen informed the Commissioners that at their meeting on Tuesday, October 23<sup>rd</sup>, the Finance Committee recommended establishing a Debt Fee that would replace the current “Bond Debt Fee”.

Ms. Bates stated that the Debt Fee would be anything the District borrows for and will be itemized on the back of the quarterly bill.

Ms. Amir-Lin agrees that it will be helpful for customers to see more thoroughly what they are paying for with a Debt Fee.

Mr. Stuntz motioned to approve a Debt Fee that will itemize what the long and short term debt is allocated for. Mr. Parenti seconded the motion and it was unanimously approved.

Ms. Friedrichs likes the idea of a Debt Fee that would be itemized on her bill. She likes the idea of a Land Acquisition Fee because it shows that she as a customer is supporting buying land, it's an investment in their future.

585 Main Street, Acton – Ms. Bates stated that she needs signatures from Commissioners on the letter to bond counsel which basically states that the parcel will be maintained “As is” until, at least, the debt is paid off. She informed the Commissioners that the District is not able to take a Conservation Restriction when it is still bonded, but could take a conservation restriction in the future after it is no longer bonded.

# DRAFT

Letter to Bond Counsel – Ms. Amir-Lin motioned to sign the letter. Mr. Stuntz seconded the motion and it was unanimously approved.

Ms. Bates will overnight the signed paperwork. She is now waiting on the green light letter from bond counsel. Once received/approved, she will schedule bids for bond. The District needs to accept bids, Commissioners sign bids, and then State approves.

## Other Business:

1. Mr. Allen gave an update on the solar arrays project at Lawsbrook and Knox Trail. He mentioned that Chris Smith is the new EPA site manager for the WR Grace and Nuclear Metals Superfund sites. ; *de Maximis* is still doing remediation; EDF Renewables (District's solar developer) requested in a stakeholder's conference call last Friday for EPA to issue a "Comfort letter" stating that there are no planned installations of additional wells at the sites that could potentially disrupt the Solar array layout.

2. Mr. Allen gave an update on the Microgrid Feasibility Study. He mentioned that there was a meeting last Friday and in attendance was Chris Allen, Margaret Campbell, Paul Campbell from Town of Acton, and Corey York Town of Acton (there was nobody present representing the Stop & Shop). They went through the "Lay of the land" of the property at 16 Knox Trail. He mentioned that the Powdermill plaza managers have been responsive but have not heard anything from owners of Stop & Shop.

3. Mr. Allen gave an update on the fall flushing in South Acton. He stated that this is almost complete; the last sequence to be finished on 10/30/18. There are some stray areas of North Acton that will be added on to the end of the program that may extend into November.

Ms. Friedrichs has some questions regarding future land acquisitions. She asked, can the District buy zone 4 land? Mr. Allen stated yes. She asked, can the District do a land bank? Mr. Allen stated he is unsure and would need to look into more deeply.

Mr. Stuntz stated that these are all good suggestions.

*Mr. Parenti moved to adjourn the meeting at 8:20 PM and it was unanimously approved.*

## Chris Allen

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**From:** Ronald Parenti <ronaldparenti@comcast.net>  
**Sent:** Monday, November 12, 2018 5:26 PM  
**To:** AWD Commissioners  
**Cc:** mary@marybassetlaw.com  
**Subject:** Concord Court Filing  
**Attachments:** Land Court Announcement.pdf; Concord vs Littleton.pdf

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

Chris,

I just read the read the documents related to the court filing that Jim Snyder-Grant alerted us to in his email of 10 November. In essence, it asks the Land Court to rescind all Water rights given to Littleton and Acton by the Act of 1884. This is a legal action that we should be aware of, and therefore I ask that a discussion of this action be placed on the agenda for our next meeting.

Thanks,  
Ron



# Town of Concord

22 Monument Square, PO Box 535  
Concord, Massachusetts 01742  
Phone: (978) 318-3000

FOR IMMEDIATE RELEASE  
November 9, 2018

Erin Stevens  
Public Information Officer  
estevens@concordma.gov  
978-318-3052

## Concord Asks Land Court to Clarify Rights in the Nagog Pond Watershed

CONCORD, MA— The towns of Concord and Littleton are in discussions about how the communities might address water resource interests in and around the Nagog Pond Watershed.

Littleton is experiencing economic growth that is causing the town to consider what water resources are available to meet its expected increase in demand due to commercial development. To address this need, Littleton is looking to establish three new groundwater wells near Cobbs Hill and located within approximately 1,500 feet of Nagog Pond.

Concord and Littleton have engaged in conversations to determine if the towns can agree on a plan to share waters from the Nagog Pond watershed to meet Littleton's expected new growth. During these discussions, Littleton indicated that in addition to its three proposed wells, it also has an interest in taking water directly from Nagog Pond potentially leaving Concord without an important water source. The discussions come at a critical time for Concord as it is set to begin construction on a federally required water treatment plant at Nagog Pond which will require significant investment.

Nagog Pond has been an important water supply for Concord for more than a century. Over the years the town has proven to be a wise steward of that resource by acquiring 100 acres of land surrounding the pond to protect its water quality and the ecosystem, developing a comprehensive resource protection plan, and establishing a water conservation plan.

Given the importance of Nagog Pond to Concord's public drinking water infrastructure, Concord has asked the court to determine which of two laws, the 1985 Water Management Act or Chapter 201 of the Acts of 1884, is superior. The answer to this question is important to both communities as they contemplate significant financial investments to provide quality drinking water to their respective customers. The Court's decision may provide a basis for determining the type of agreement the towns may secure going forward. A full copy of the Land Court filing can be [viewed here](#).

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## Chris Allen

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**From:** Ronald Parenti <ronaldparenti@comcast.net>  
**Sent:** Thursday, November 08, 2018 7:22 PM  
**To:** AWD Commissioners  
**Subject:** Powder Mill Place

**Follow Up Flag:** Follow up  
**Due By:** Thursday, November 15, 2018 7:30 AM  
**Flag Status:** Flagged

Chris,

Last weekend a neighbor asked me about the status of Powder Mill Place, but I was unsure how to answer since we have not discussed that development for several months. I would like to add an update of that project to our next agenda under old business.

Thanks,  
Ron

# Powdermill Place



July 9, 2018

Mark Mangiaratti  
Town Manager  
472 Main Street  
Acton, MA 01720

Andrew Scribner-MacLean  
Town Administrator  
195 Main Street  
Maynard, MA 01754

Sheryl Ball  
Town of Acton Board of Health  
472 Main Street  
Acton, MA 01720

Kelly Pawluczzonek  
Town of Maynard Board of Health  
195 Main Street  
Maynard, MA 01754

RE: Notice of Phase I Initial Site Investigation Report and Tier Classification  
2-4 Powder Mill Road Rear, Acton, MA  
RTN 2-20256

To Whom It May Concern:

REMSERV, Inc. has completed a Phase I Initial Site Investigation (ISI) and Tier Classification for the above-referenced site located at 2-4 Powder Mill Road Rear, Acton. Please find enclosed a copy of the legal notice that will be published in the Metro West Daily News newspaper on July 12, 2018. The legal notice concerns the Tier Classification filed with the Central Regional Office of the MA Department of Environmental Protection (MA DEP) for the above-referenced address on July 12, 2018. Please also find enclosed a copy of REMSERV, Inc.'s Figure 2 – Site Plan for the site.

Should you have any questions regarding the Phase I ISI or Tier Classification, or would like to obtain a copy of the Phase I ISI Report and Tier Classification, please contact Mr. Thomas P. Simmons, 35 Winthrop Street, Winchester, MA 01890 (781) 721-4455.

Sincerely,  
REMSERV, Inc.

A handwritten signature in black ink, appearing to read "Thomas P. Simmons", is written over a printed name.

Thomas P. Simmons

Enc.

Cc: MA DEP CERO



NOTICE OF TIER II CLASSIFICATION  
2-4 POWDER MILL ROAD REAR, ACTON  
RTN: 2-20256

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. The site has been classified as a TIER II pursuant to 310 CMR 40.0500. On July 12, 2018, Excav LLC filed a or TIER II Classification Submittal with the Department of Environmental Protection (MassDEP). To obtain more information on this disposal site, please contact Thomas P. Simmons, REMSERV, Inc., 35 Winthrop Street Winchester, MA 01890 at 781-721-4455. The Tier Classification Submittal and the disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) 2-20256 at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at MassDEP, Central Regional Office 8 New Bond Street, Worcester, MA, (508) 792-7650. Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

*Powdermill Place*

## Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
P.O. BOX 953  
ACTON, MASSACHUSETTS 01720-0953

TELEPHONE (978) 263-9107

FAX (978) 264-0148

October 1, 2018

Mr. Vincent Cuttone  
EXCAV, LLC  
205 Willow Street  
Waltham, MA 02453

Dear Mr. Cuttone:

I am writing with regard to the property known as 2-4 Powdermill Road in Acton currently being investigated under the Massachusetts Contingency Plan (MCP) Release Tracking Number 2-20256 for contaminants identified on the site. According to the report and documents submitted by REMSERVE, Inc. it indicates your business, EXCAV LLC, is the potentially responsible party (PRP) for this site.

As was noted in the Phase I Site Investigation Report, the Water Supply District of Acton (District) operates wells in the vicinity of your property. During the course of investigation, we think it is important for you and your Licensed Site Professional (LSP) to be aware of the sensitive nature of our Assabet Wellfield and recent revelations of the relationship of the pumping wells to water flowing under the Assabet River. As part of Remedial Investigation/Feasibility Study (RI/FS) for the Nuclear Metals, Inc. (NMI) Superfund site, it became evident that the Assabet River is not acting as a hydraulic boundary for the Assabet Wellfield. Based on previous concepts that were widely believed in the preparation of groundwater models and Zone 2 delineations in this area, we are concerned that similar investigations could reveal a poor hydraulic boundary to the west of the Assabet Wellfield. Given this new information arising from the RI/FS, the District has been awaiting a recalibrated groundwater model from the contractors working on the WR Grace and NMI Superfund sites. This will help us determine if the existing Zone 2 is reflective of current knowledge and understanding of the hydrogeology in this area.

Additionally, the District wants to make sure the LSP is aware of the existing MCP guidance on testing for 1,4-dioxane at hazardous waste sites. Given the history of chlorinated solvents at this site and the potential for water at this site to be drawn in by a public water supply well, thereby becoming subject to GW-1 standards, we believe the PRP should be specifically looking at impacts of 1,4-dioxane at this site. Appropriate reporting limits and methodology should be utilized to understand if it could be a contributing source to our Assabet Wellfield, which has been impacted by 1,4-dioxane. A copy of this guidance document is attached to this letter for your reference.

Finally, we would ask that one or more monitoring wells that are installed for this cleanup could be maintained as the site is redeveloped. An agreement could be negotiated to provide the District access to monitor both water levels and water quality. Ideally, this would consist of a multi-level well point to best understand the relationship of various subsurface conditions to the surrounding aquifer.

Depending on the outcome of the MCP work at the site, ongoing monitoring by the property owner could be reasonably requested as a condition of any future permits issued for redevelopment of the site.

Should you have additional questions about this letter, we would be happy to set up a time to discuss our concerns with all interested parties.

Thank you for your consideration of our concerns impacting the District's customers,



Chris Allen  
District Manager



Matthew Mostoller  
Environmental Manager

Cc:

Thomas P. Simmons, LSP, REMSERVE, Inc.

Marielle Stone, MassDEP

Mark Baldi, MassDEP

Sheryl Ball, Acton Board of Health

John Mangiaratti, Town of Acton

Attachment



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

August 8, 2017

EXCAV LLC  
205 Willow Street  
Waltham, MA 02453

RE: Property  
2-4 Powder Mill Road  
Acton

Attention: Vincent Cuttone, Manager

RTN 2-0020256

NOTICE OF RESPONSIBILITY  
M.G.L. C. 21E, 310 CMR 40.0000  
URGENT LEGAL MATTER: PROMPT ACTION NECESSARY

Dear Mr. Cuttone:

Thank you for submitting the Release Notification Form to the Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP) on July 12, 2017. Your submittal presents MassDEP with information that the property at 2-4 Powder Mill Road, Acton has been subject to a release to the environment indicated by the presence of hazardous materials in the soil at concentrations that exceed the applicable Reportable Concentrations. Based on this information, MassDEP has reason to believe that the property, or portions thereof, is a disposal site that requires a response action. MassDEP has assigned Release Tracking Number (RTN) 2-0020256 to the disposal site.

The Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, which is implemented through regulations promulgated by MassDEP, governs the cleanup of disposal sites. These regulations are referred to as the Massachusetts Contingency Plan, (the MCP), and are codified at 310 CMR 40.0000. MassDEP wishes to ensure that you are aware of your rights and responsibilities under M.G.L. c. 21E and the MCP.

In your submittal, you (as used in this notice, "you" refers to EXCAV LLC) identify yourself as a party with potential liability for response action costs and damages under M.G.L. c. 21E, §5. This liability is "strict", meaning it is not based on fault, but solely on your status as owner of the disposal site. This notice and the attached summary are intended to provide you with information about liability under Chapter 21E to assist you in deciding what actions to take in response to the conditions that are present at this disposal site.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

You should be aware that you might have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws that establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

### **SITE INFORMATION**

On July 12, 2017, MassDEP received a Release Notification Form (RNF) from you for a release of hazardous material to the property at 2-4 Powder Mill Road, Acton. The RNF reports the presence of polychlorinated biphenyls (PCBs) in the soil at concentration levels up to 7.53 parts per million (ppm). The reported concentration exceeds the applicable reportable concentration of 1.0 ppm for the reporting category RCS-1 identified in the RNF.

### **NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES**

**July 12, 2017 is the date of release notification for RTN 2-0020256. Unless otherwise stated, this date will be the baseline for calculating compliance of this disposal site with the deadlines contained in the MCP.**

No disposal site will be deemed to have had all the necessary and required response actions taken for it unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of no significant risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP. The MCP requires persons undertaking response actions at a disposal site to submit to MassDEP a Permanent Solution Statement prepared by a Licensed Site Professional (LSP) upon determining that a level of no significant risk exists or has been achieved at the disposal site.

Unless otherwise provided by MassDEP, responsible parties have one year from the initial date notice of a release or threat of release is provided to MassDEP pursuant to 310 CMR 40.0300 or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a Permanent Solution Statement; or if applicable, (3) a Downgradient Property Status Submittal. Unless otherwise specified by MassDEP, the deadline for these submittals for this disposal site is **July 12, 2018**.

The MCP requires responsible parties and any other person undertaking response actions to perform Immediate Response Actions in response to sudden releases, Imminent Hazards and Conditions of Substantial Release Migration. Such persons must continue to evaluate the need for Immediate Response Actions and notify MassDEP immediately if such a need exists.

PROCEDURES TO FOLLOW TO UNDERTAKE RESPONSE ACTIONS

MassDEP encourages parties having liability under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and hazardous materials. By taking prompt action, liable parties may significantly lower cleanup costs and avoid the imposition of, or reduce the amount of, certain permit and/or annual compliance assurance fees payable under 310 CMR 4.00.

You must continue to employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform all response actions that you intend to undertake at this disposal site. You may obtain a list of the names and addresses of LSPs by visiting <http://www.mass.gov/eea/agencies/lsp>, by contacting the Board of Registration of Hazardous Waste Site Cleanup Professionals by telephone at (617) 556-1091, or in person or by mail at One Winter Street, 3<sup>rd</sup> Floor, Boston, Massachusetts 02108.

All submittals for this Disposal Site that require an LSP Opinion must be submitted through eDEP, MassDEP's electronic document and form submittal repository. For more information on electronic submittal of forms and reports, please visit MassDEP's website, <http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>.

If you have any questions, please contact Hui Liang at the letterhead address or at 508-767-2762. MassDEP requests that you inform your LSP of this Notice. All future correspondence and communications regarding the disposal site should reference **RTN 2-0020256**.

Sincerely,



Kevin W. Daoust  
Section Chief  
Emergency Response  
Bureau of Waste Site Cleanup

KWD/PDV/hl

Enclosures: Summary of Liability Under Chapter 21E, Summary of Fees  
Communications Document

cc: Acton Public Health Department  
Database Entry [ NOR/ISSUED ]  
File

## SUMMARY OF LIABILITY UNDER CHAPTER 21E

As stated in the Notice of Responsibility accompanying this summary, MassDEP has reason to believe that you are a Potentially Responsible Party ("PRP") with potential liability under M.G.L. c. 21E, section 5, for response action costs and damages to natural resources caused by the release and/or threat of release. MassDEP has identified you as a PRP because it believes you fall within one or more of the following categories of persons made potentially liable by subsection 5(a):

- any current owner or operator of a site from or at which there is or has been a release or threat of release of oil and/or hazardous material;
- any person who owned or operated a site at the time hazardous material was stored or disposed of;
- any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site;
- any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release or threat of release of such material; and
- any person who otherwise caused or is legally responsible for a release or threat of release of oil or hazardous material at a site.

For purposes of the MCP, you are considered a Responsible Party ("RP") with actual liability under Chapter 21E if you fall within one of these categories unless you (1) are entitled to a defense under section 5 or other applicable law, and (2) have reasonably incurred cleanup costs in an amount equal to or greater than any applicable cap on liability under subsection 5(d).

This liability is "strict," meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that each person who falls within one of these categories may be held liable for all response action costs incurred at the site, regardless of the existence of any other liable parties.

Section 5 provides a few narrowly drawn defenses to liability, including a defense for releases and damages caused by an act of God, an act of war or an act by a third party other than an employee, agent or person with whom the party has a contractual relationship (*see* subsection 5(c)); a defense for certain owners of residential property at which the owner maintains a permanent residence (*see* subsection 5(h)); and a defense for certain public utilities and agencies of the Commonwealth which own a right-of-way that is a site (*see* subsection 5(j)).

You may voluntarily undertake response actions under the MCP without having your liability under Chapter 21E formally adjudicated by MassDEP. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, MassDEP is authorized by Chapter 21E to perform the necessary work.

By taking the necessary response actions, you can avoid liability for response action costs incurred by MassDEP in performing these actions. If you are an RP and you fail to perform necessary response actions at the site, you may be held liable for up to three (3) times all response action costs incurred by MassDEP and sanctions may be imposed on you for failure to perform response actions required by the MCP.

Response action costs include, without limitation, the cost of direct hours spent by Department employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors (for more detail on cost liability, *see* 310 CMR 40.1200: Cost Recovery). MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually.

Any liability to the Commonwealth under Chapter 21E constitutes a debt to the Commonwealth. To secure payment of this debt, MassDEP may place liens on all of your property in the Commonwealth under M.G.L. c. 21E, section 13. To recover this debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your potential liability for response action costs and damages to natural resources caused by the release, civil and criminal liability may also be imposed by a court of competent jurisdiction under M.G.L. c. 21E, section 11, and civil administrative penalties may be assessed by MassDEP under M.G.L. c. 21A, section 16, for each violation of Chapter 21E, the MCP or any order, permit or approval issued thereunder.

If you are an RP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify MassDEP in writing of your inability in accordance with Chapter 21E, subsection 5(e), and 310 CMR 40.0172. If you assert and demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times MassDEP's response action costs and 310 CMR 40.0172 provides you with a limited defense to MassDEP's assessment of civil administrative penalties.

## FY 2020 Budget and Estimated Revenue

	Actual FY 2018	Budget FY 2019	4 month actual	Budget FY 2020
<b>EXPENSES</b>				
Accounting	0	2,000		2,000
Audit	15,000	16,000	16,000	16,000
Auto Maint & Fuel	46,957	50,000	18,244	50,000
Backflow/Cross Conn	0	1,000	-	1,000
Short Term Debt		100,000	-	350,000
Long Term Debt	1,527,860	1,514,128	938,053	1,512,816
Chemicals	60,200	75,000	31,444	75,000
Computer Maintenance	13,080	16,000	4,463	16,000
DEP Withdrawal	598	6,500	-	6,500
Employee Education	13,683	17,500	3,956	17,500
Engineering	30,562	55,000	914	35,000
Health/Life Insurance	335,482	385,000	116,115	397,000
Hydrants	10,000	10,000	-	10,000
Information Reports	44,632	45,000	26,616	45,000
Insurance	77,221	82,000	82,000	86,000
Laboratory Analysis	40,907	50,000	14,025	50,000
Legal	37,483	40,000	10,600	40,000
Lights/Power/Fuel	350,000	375,000	120,520	375,000
Maintenance & Operations	456,381	325,500	116,992	325,500
Middlesex Retirement	203,213	222,170	218,063	247,600
Meters	39,912	60,000	48,934	75,000
Office Supplies	16,438	20,000	5,027	20,000
OPEB Expense	100,000	100,000	-	100,000
Paving	37,844	50,000	40,160	50,000
Petty Cash	600	1,000	300	1,000
Postage	16,948	20,000	3,917	20,000
Reserve Fund	0	100,000	60,000	100,000
Salaries & Wages	1,262,056	1,404,000	435,026	1,460,000
Telephone	16,000	20,000	5,326	20,000
<b>Total</b>	<b>4,753,057</b>	<b>5,162,798</b>	<b>2,316,695</b>	<b>5,503,916</b>
<b>REVENUE</b>				
Water Revenue	2,778,178	2,707,074	1,104,124	2,783,489
Service Fee	517,500	516,540	259,410	518,820
Debt Fee	1,552,500	1,515,184	760,936	1,833,164
Total Water Revenue	4,848,178	4,738,798	2,124,470	5,135,473
Fire Protection Sprinklers	40,140	40,000	38,259	40,000
Rent/Lease	121,449	102,000	35,914	120,000
Repairs/Installation	55,155	60,000	20,495	50,000
Cross Connection	23,560	22,000	13,076	22,000
Demand Fees	281,200	200,000	25,750	200,000
Total Other Revenue	521,504	424,000	133,494	432,000
<b>Total</b>	<b>5,369,682</b>	<b>5,162,798</b>	<b>2,257,964</b>	<b>5,567,473</b>
Mitigation Fee	127,430	0	60,790	


**DRAFT**



<b>FY 2020 Budget Total</b>	5,503,916			
<b>Warrant Articles</b>	<b>Free Cash</b>	<b>Mitigation</b>	<b>Grace</b>	<b>Bond</b>
Carbon Replacement	0			
Residuals Management	100,000			
Clean Rehab Wells	90,000			
Replace Old Mains	25,000			
Emergency Main Breaks	25,000			
Treatment M&O			100,000	
New Mains/Debt	500,000			
Filter Cartridge Replacement	100,000			
Leak Detection		15,000		
Tank Rehab	45,000			
Acton Center Treatment Plant				10,000,000
<b>Total</b>	<b>885,000</b>	<b>15,000</b>	<b>100,000</b>	<b>10,000,000</b>
		<b>Total all appropriations</b>	<b>6,503,916</b>	
	<b>Free Cash</b>	<b>Mitigation</b>	<b>Grace</b>	
<b>Current Balance</b>	1,319,943	197,810	2,134,664	MKT
<b>Balance after appropriations</b>	434,943	182,810	2,034,664	
Funding needed from Revenue			5,503,916	
<b>REVENUE:</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Projected</b>	<b>FY 2020 Projected</b>	
Water Rates	2,778,178	2,634,455	2,783,489	
Service Fee	517,500	518,820	518,820	
Debt Service Fee	1,552,500	1,677,518	1,833,164	
<b>Total Water Revenue</b>	<b>4,848,178</b>	<b>4,830,793</b>	<b>5,135,473</b>	
Fire Protection Sprinklers	40,140	40,000	40,000	
Rent/Lease	121,449	112,000	112,000	
Repairs/Installation	55,155	50,000	50,000	
Cross Connection	23,560	24,000	22,000	
Demand Fees	281,200	409,900	447,300	
<b>Total Revenue</b>	<b>5,369,682</b>	<b>5,466,693</b>	<b>5,806,773</b>	
Potential Surplus to add to Free Cash FY 19		303,895		
	Potential Surplus to add to Free Cash FY 20		302,857	



Services	6,721		
Units	8,647		
	per unit per quarter		
Debt Fee	53.00	1,833,164	
Service Fee	15.00	518,820	
			1,483,600
Revenue Projections FY 19	Through 12/31	2,849,471	1,260,200
	Jan	1,064,774	1,064,774
	Apr	1,022,219	1,022,219
	Cross Connect	10,600	4,830,793
	Repairs	30,000	
	Demands	409,900	Anthem & First Village & PO Crossing & 446 Ma
	Rent 9 months	81,045	
		5,468,009	
Revenue Projections FY 20	Demands	447,300	Avalon & Dover Heights
		901,700	Powdermill Place
	Solar Lease Revenue	325,000	SMART Block 1 ??
	Lights Power & Fuel	-175,000	
<b>Pending Projects</b>		Demand	Mitigation
Anthem Village	14 SF Units	103,600	
First Village	17 Units	125,800	
Post Office Crossing	6 SF Units	44,400	
Avalon Bay	86 Units	305,300	
446 Mass Ave	30 Units	106,500	
Dover Heights	40 Units	142,000	
Powdermill Place	254 Units	901,700	
34 Elm Street	3 SF units	22,200	
Genevieve Lane	8 SF units	59,200	
Piper Lane	40 Units	142,000	
		1,952,700	



Please come to a public forum  
to share thoughts and ideas about



creating an  
**ACTON AGRICULTURAL COMMISSION**  
and becoming a  
**RIGHT TO FARM COMMUNITY**



Thursday, November 15, 2018  
Acton Town Hall  
Faulkner Room 204  
7PM



The goal is to bring 2 motions to Acton Town Meeting  
in April 2019. Another public forum  
will be offered in January 2019.



Questions? Please contact Natural Resources  
NR@acton-ma.gov • 978-929-6634

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by Magdalen Abe



UNIBANK FISCAL ADVISORY SERVICES, INC.  
A SUBSIDIARY OF UNIBANK

# MUNICIPAL NOTE SALE INFORMATION

## Sale Information

Day: Thursday  
Date: November 15, 2018  
Time: 11:00 AM

Issuer: Acton Water District, MA  
Amount: \$1,095,000  
Dated: 11/28/2018  
Due: 9/27/2019  
Contact Name: Mary Jo Bates  
Title: Treasurer  
Phone: (978) 263-9107

Type:  
BAN

Bank Qualified:  
Yes 2018

New/Renewal:  
New

Tax Status:  
TAX-EXEMPT

Paying Agent:  
UniBank For Savings

Disclosure:  
No

Project Description:  
Land Acquisition

Certification:  
Bureau

Award Basis:  
Lowest NIC

Legal Opinion:  
No

Right to Prepay:  
No

Interest Basis:  
30/360  
No. Of Days: 299

CUSIP:  
Optional

Rating:  
Note: No  
Current Bond: AAA

Bid Basis:  
Par/Premium X  
Minimum Premium:

Bid Limits:  
All or none X Split       
Minimum Amount:

Bid Specifics:  
Registered or DTC Book-Entry

Additional Info:

## RESULTS

BIDDER	AMOUNT	RATE	DATE/TIME	PREMIUM	NIC	AWARD	REOFFER
Century Bank & Trust Company	ALL	2.500%	11/15/2018 10:50 AM		2.5000	\$1,095,000.00	
Eastern Bank*	ALL	2.600%	11/15/2018 08:40 AM		2.6000		
UniBank For Savings	ALL	2.750%	11/15/2018 10:20 AM		2.7500		

\*=Underwriter

UniBank Fiscal Advisory Services, Inc. (UFASI) is a subsidiary of UniBank for Savings (UniBank) and any bid submitted by UniBank is in keeping with its own investment goals and is not submitted by or on behalf of UFASI.

If a bidder on the Notes intends to reoffer the Notes to the public, such bidder agrees, by submitting a bid, to abide by the so-called "hold the price" rule under the United States Treasury Department's Issue Price Regulations that became effective on June 7, 2017.

To the best of the Issuer's knowledge and belief, interest on the Notes is excluded from gross income for Federal income tax purposes, and interest on the notes is also exempt from Massachusetts personal income taxes. The Issuer expects to designate the notes as "qualified tax-exempt obligations" for Federal income tax purposes. It should be noted, however, that the Issuer has not engaged the services of bond counsel or any other counsel to render a legal opinion with respect to the treatment for Federal or Massachusetts income tax purposes of interest on the Notes.